

# **EXHIBIT A**

1 Joseph W. Cotchett (State Bar No. 36324)  
 Adam J. Zapala (State Bar No. 245748)  
 2 Elizabeth T. Castillo (State Bar No. 280502)  
**COTCHETT PITRE & McCARTHY LLP**  
 3 840 Malcolm Road  
 Burlingame, CA 94010  
 4 Telephone: (650) 697-6000  
 Facsimile: (650) 697-0577  
 5 jcotchett@cpmlegal.com  
 azapala@cpmlegal.com  
 6 ecastillo@cpmlegal.com

7 *Lead Counsel for the Indirect Purchaser Plaintiffs*

8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 11 **SAN FRANCISCO DIVISION**

12 **IN RE CAPACITORS ANTITRUST**  
13 **LITIGATION**

**MDL No. 3:17-md-02801-JD**  
**Case No. 3:14-cv-03264-JD**

14 **THIS DOCUMENT RELATES TO:**  
 15 **ALL INDIRECT PURCHASER**  
 16 **PLAINTIFF ACTIONS**

**DECLARATION OF ADAM J. ZAPALA IN**  
**SUPPORT OF INDIRECT PURCHASER**  
**PLAINTIFFS' MOTION FOR**  
**ATTORNEYS' FEES, EXPENSES, AND**  
**SERVICE AWARDS**

1 I, Adam J. Zapala, declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California and admitted  
3 to practice in this Court and the courts of the State of California. I am a partner at Cotchett, Pitre &  
4 McCarthy, LLP (“CPM”), which is Lead Class Counsel for the Indirect Purchaser Plaintiffs (“Lead  
5 Counsel”). I make this Declaration in support of the Indirect Purchaser Plaintiffs’ Motion for  
6 Attorneys’ Fees, Expenses, and Service Awards and pursuant to 28 U.S.C. § 1746. The matters  
7 described herein are based on my personal knowledge and, if called as a witness, I could and would  
8 testify competently thereto.

9 2. The purpose of this Declaration is to summarize (a) the factual and procedural history  
10 of the above-captioned action (“Action”), (b) the work performed by Class Counsel, (c) the time  
11 expended, (d) the expenses incurred, and (e) the steps undertaken by Lead Counsel to ensure the  
12 efficient management of this complex litigation.

13 3. This Court appointed CPM as Lead Counsel in the October 31, 2014 Order Appointing  
14 Interim Lead Class Counsel (Case No. 3:14-cv-03264, ECF No. 319).<sup>1</sup> Attached hereto as **Exhibit 1**  
15 is my firm’s resume. I have personally overseen the vast majority of the work performed in this Action  
16 on behalf of the Indirect Purchaser Plaintiffs (“IPPs”).

17 4. Class Counsel<sup>2</sup> have prosecuted this Action solely on a contingent fee basis and have  
18 been at risk that they would not receive any compensation for prosecuting the claims against  
19 Defendants. While Class Counsel have devoted their time and resources to this matter, they have  
20 foregone other legal work for which they would have been compensated.

21 **INTRODUCTION AND SUMMARY OF WORK PERFORMED**

22 5. During this hard-fought litigation, Lead Counsel have supervised and directed the  
23 work performed by Supporting Counsel to ensure that it has been accomplished effectively and  
24 efficiently.

25  
26 <sup>1</sup> All ECF references are to the MDL Docket, Case No. 3:17-md-02801, unless otherwise noted.

27 <sup>2</sup> “Class Counsel” collectively refers to Lead Counsel and Supporting Counsel. Supporting  
28 Counsel comprise of the law firms and attorneys that assisted Lead Counsel in the prosecution of this  
Action. Class Counsel’s declarations and exhibits attesting to the amount of time and expenses  
incurred are attached hereto as Exhibits 9-17.

1           6.       As this Court knows well from the nearly 2,500 docket entries in Case No. 3:14-cv-  
2 03264, every aspect of this Action has been vigorously contested by some of the most sophisticated  
3 defense counsel in the country.

4           7.       To date, Class Counsel have performed the following work:

- 5           • Conducted an initial investigation of the Action to develop the theories of liability and  
6 the facts that formed the basis of the allegations against Defendants. This research  
7 included a review of publicly available information regarding the capacitor industry  
8 and consultation with industry experts and economists;
- 9           • Organized and attended several proffer sessions with the leniency applicant pursuant  
10 to the Antitrust Criminal Penalty Enhancement and Reform Act (ACPERA) to obtain  
11 cooperation and learn additional liability, class certification, and damages information  
12 relevant to the Action and Defendants;
- 13           • Drafted and extensively researched five comprehensive consolidated amended  
14 complaints detailing Defendants’ violations of the antitrust laws, which were initially  
15 submitted under seal and later filed in the public record (Case No. 3:14-cv-03264, ECF  
16 Nos. 345-3 (400), 741 (1160), 1057, 1112 (1588), and 1466 (1589));
- 17           • Conducted exhaustive legal research and prevailed on Defendants’ multiple rounds of  
18 motions to dismiss and multiple rounds of motions for summary judgment based on the  
19 Foreign Trade Antitrust Improvements Act (“FTAIA”);
- 20           • Opposed and largely prevailed after extensive rounds of hard-fought motions to  
21 dismiss. In total, Defendants filed eight motions with arguments covering personal  
22 jurisdiction (which required jurisdictional discovery), the sufficiency of the conspiracy  
23 allegations under *Twombly* and *Iqbal*, the sufficiency of the complaint in light of the  
24 numerous state laws under which IPPs sued, among several other attacks on the  
25 pleadings;
- 26           • Propounded several sets of discovery that—after extensive meet and confers and  
27 negotiations with Defendants and significant motion practice before this Court—  
28 resulted in the identification of hundreds of document custodians and the production of  
more than 15 million documents in addition to approximately 500 gigabytes of  
electronic transactional data;
- Drafted, met and conferred, negotiated, and entered into agreements with Defendants  
over several case management documents, such as the Stipulation and Order  
Concerning the Discovery of Electronically Stored Information (ESI) (Case No. 3:14-  
cv-03264, ECF No. 782) the Protective Order (Case No. 3:14-cv-03264, ECF No. 563),  
the Expert Stipulation and Order (Case No. 3:14-cv-03264, ECF No. 540), the  
Discovery Limits Stipulation and Order (Case No. 3:14-cv-03264, ECF No. 725) and  
several other similar documents that contribute to the effective and efficient  
administration of this Action;
- Engaged in multiple, extended discovery meet and confers with Defendants concerning  
the appropriate document custodians for each corporate family, the appropriate English  
language search terms, the appropriate Japanese language search terms and other search  
mechanisms that would assist Defendants in identifying and producing responsive  
documents;

- 1 • Organized teams of lawyers that reviewed, searched, and extensively coded and analyzed these documents, most of which were in Japanese and required translations;
- 2 • Engaged in extensive nonparty discovery, including issuing comprehensive subpoenas for documents to nonparty distributors of capacitors to obtain their transactional data for both their purchases of capacitors from Defendants and their sales of capacitors to IPPs. After protracted meeting and conferring, IPPs succeeded in obtaining data regarding approximately 85% of the commerce sold from distributors to the IPPs;
- 3
- 4
- 5 • Propounded several sets of Interrogatories and Requests for Admission and issued Rule 30(b)(6) deposition notices;
- 6
- 7 • Answered several sets of discovery propounded by Defendants, including Requests for Production of Documents, Interrogatories, and Requests for Admission;
- 8 • Contended with near-constant discovery disputes and motions to compel;
- 9 • Prepared for and took the depositions of 144 fact and 30(b)(6) witnesses from Defendants and nonparties;
- 10
- 11 • Prepared for and defended the depositions of the 10 IPP Class Representatives;
- 12 • Engaged and consulted extensively with industry experts, economists, and statisticians on issues pertaining to electronic discovery, liability, summary judgment regarding FTAIA, class certification, and damages, throughout the course of the Action;
- 13
- 14 • Engaged in protracted settlement discussions and mediations with the Settling Defendants (*see, e.g.*, ECF No. 698-1) (Decl. of Adam J. Zapala in Supp. of IPPs' Mot. for Preliminary Approval of Settlements with Panasonic, Nichicon, Elna, and Matsuo Defendants and for Approval of the Plan of Allocation);
- 15
- 16 • Documented settlements with the Settling Defendants, briefed preliminary approval and final approval motions, and engaged class action notice experts to develop a robust notice program;
- 17
- 18 • Engaged in extensive preparations with experts regarding class certification, expert deposition preparation, and Defendants' *Daubert* motion;
- 19
- 20 • Drafted IPPs' Motion for Class Certification and a Reply in support thereof;
- 21 • Opposed Defendants' *Daubert* motion at the class certification stage;
- 22 • Engaged and consulted economists to prepare and exchange Dr. Russell L. Lamb's Expert Trial Declaration;
- 23 • Drafted IPPs' Motion for Default Judgment as to Defendant Nissei Electric and IPPs' Motion for Entry of Default Against Defendant Toshin Kogyo (ECF Nos. 336 and 337), as well as Notice of Non-Opposition to IPPs' Motion for Entry of Default Against Defendant Nissei Electric (ECF No. 352);
- 24
- 25
- 26 • Extensively reviewed and analyzed Dr. Frederick R. Warren-Boulton's merits expert report and deposition testimony to draft and submit IPPs' Motion to Exclude Certain Opinions of Dr. Frederick R. Warren-Boulton as well as Reply in support thereof (ECF Nos. 640, 875);
- 27
- 28

- 1 • Extensively reviewed and analyzed Spencer L. Simons’s merits expert report and  
2 deposition testimony to draft and submit the Direct Purchaser Class and IPPs’ Motion  
3 to Exclude, in Part, the Proposed Expert Testimony of Spencer L. Simons and Reply in  
4 support thereof (ECF No. 672, 892);
- 5 • Drafted and submitted IPPs’ Opposition to Certain Defendants’ Motion to Exclude  
6 Testimony of Dr. Russell L. Lamb, utilizing analyses of Dr. Lamb’s qualifications,  
7 methodologies, and complex market conditions (ECF No. 790); and
- 8 • Drafted and submitted IPPs’ Opposition to Film-Only Defendants’ Joint Motion for  
9 Summary Judgment (ECF No. 795), incorporating information regarding the  
10 Defendants, the capacitors market, and the conspiracy gleaned through extensive  
11 discovery, amongst many other tasks and work not outlined herein.

8. Throughout this arduous litigation, IPPs have faced substantial risks. IPPs have faced:

- 9 • The risk of litigating against some of the largest and most sophisticated law firms in  
10 the world with seemingly limitless resources;
- 11 • The risk that the consolidated complaints would not withstand the extensive individual  
12 and joint motions to dismiss;
- 13 • The risk that even if IPPs were able to obtain a favorable settlement or judgment, that  
14 the financial condition or bankruptcy of a Defendant would materially change or lessen  
15 the amount of the settlement;
- 16 • The risk that Defendants would and, in fact have, vehemently contested their  
17 participation in the alleged conspiracy;
- 18 • The risk that Defendants would prevail on their arguments at summary judgment or  
19 any other phase of this Action;
- 20 • The risk that each Defendant would successfully argue that despite the existence of an  
21 antitrust conspiracy, IPPs suffered no “antitrust impact” and no damages were caused  
22 as a result;
- 23 • The risk of not achieving class certification;
- 24 • The risk of trying this antitrust case when several courts have commented that such a  
25 task is “notoriously complex[.]” *Weseley v. Spear, Leeds & Kellogg*, 711 F. Supp. 713,  
26 719 (E.D.N.Y. 1989); and
- 27 • The changing landscape of the law with respect to civil antitrust actions, proving  
28 damages and class actions generally.

### **CONSOLIDATED COMPLAINTS AND MOTIONS TO DISMISS**

9. CPM filed its first indirect purchaser complaint on October 17, 2014 in the Northern District of California with its first client, Toy-Knowlogy, Inc. This complaint was the product of many hours of investigation and research by CPM.

1           10.     CPM filed its second indirect purchaser complaint on October 20, 2014 with its second  
2 client, CAE Sound.

3           11.     On October 31, 2014, this Court appointed CPM as Lead Counsel for the IPPs (Case  
4 No. 3:14-cv-03264, ECF No. 319).

5           12.     On November 11, 2014, IPPs filed under seal a 128-page, factually detailed First  
6 Consolidated Complaint (“FCC”) (Case No. 3:14-cv-03264, ECF No. 345-3). The FCC initially  
7 named 15 Defendant families and outlined price-fixing conspiracies with respect to some overlapping  
8 Defendants and some independent Defendants regarding electrolytic and film capacitors.

9           13.     This FCC was the result of considerable work. Lead Counsel spent significant time  
10 researching both legal and factual issues. The initial complaints were supplemented with information  
11 learned in proffer sessions with the ACPERA applicant. Class Counsel had to review Japanese  
12 documents and translate them to supplement factual allegations and to ensure that the classes’ claims  
13 survived any challenges under *Twombly*.

14           14.     On December 19, 2014, Defendants collectively and separately moved to dismiss the  
15 FCC (Case No. 3:14-cv-03264, ECF Nos. 474, 475, 478). On May 26, 2016, this Court largely denied  
16 Defendants’ motion, finding that IPPs had alleged plausible conspiracy claims (Case No. 3:14-cv-  
17 03264, ECF No. 710). The Court also rejected Defendants’ arguments regarding statutes of  
18 limitations, finding that IPPs had plausibly alleged fraudulent concealment. *Id.* The Court partially  
19 granted the motion, finding that IPPs had to further supplement their allegations concerning the  
20 involvement of Defendants’ U.S. subsidiaries. *Id.*

21           15.     In response to the Court’s guidance in the order on Defendants’ motions to dismiss,  
22 IPPs added substantial additional factual allegations. Those allegations were incorporated into IPPs’  
23 Second Consolidated Complaint (“SCC”) filed on June 16, 2015 (Case No. 3:14-cv-03264, ECF No.  
24 741).

25           16.     During this time, IPPs also responded to Defendant Nippon Chemi-Con’s (“NCC”)   
26 motion to dismiss based on a purported lack of personal jurisdiction (Case No. 3:14-cv-03264, ECF  
27 No. 478). NCC’s motion required jurisdictional discovery, additional factual investigation, and  
28 additional briefing (Case No. 3:14-cv-03264, ECF No. 635-4). The Court ultimately denied NCC’s

1 motion, finding that the exercise of personal jurisdiction over it was appropriate (Case No. 3:14-cv-  
2 03264, ECF No. 738).

3 17. After IPPs filed the SCC, Defendants again collectively and separately moved to  
4 dismiss on July 6, 2015 (ECF No. 791, 793). On December 30, 2015, the Court granted the motion  
5 as to non-California claims but denied it in other respects (Case No. 3:14-cv-03264, ECF No. 1003).

6 18. On January 27, 2016, IPPs filed their Third Consolidated Complaint (“TCC”), in  
7 which IPPs added additional Class Representatives from non-California states (Case No. 3:14-cv-  
8 03264, ECF No. 1057). Pursuant to stipulation, on March 22, 2016, IPPs filed a Fourth Consolidated  
9 Complaint (“FCC”) to clarify a factual allegation and avoid further motion to dismiss practice before  
10 the Court (Case No. 3:14-cv-03264, ECF No. 1111-4).

11 19. Additionally, on November 20, 2015, Defendant Nissei Electric Co., Ltd. (“Nissei”)  
12 also moved to dismiss, arguing that the successor Nissei entity lacked contacts with the United States  
13 sufficient for the exercise of personal jurisdiction (Case No. 3:14-cv-03264, ECF No. 963). The  
14 parties were forced to engage in intensive meet and confers regarding jurisdictional discovery, which  
15 the Court granted. IPPs conducted extensive factual research concerning Nissei’s contacts with the  
16 United States, and reviewed voluminous documents concerning jurisdictional discovery. On April  
17 15, 2016, IPPs opposed Nissei’s motion (Case No. 3:14-cv-03264, ECF No. 1179-5). On March 7,  
18 2017, this Court denied Nissei’s motion and found that the exercise of personal jurisdiction was  
19 appropriate (Case No. 3:14-cv-03264, ECF No. 1546).

20 20. On December 21, 2016, IPPs filed a motion for leave to file the Fifth Consolidated  
21 Complaint (“FCC”) (Case No. 3:14-cv-03264, ECF No. 1414). IPPs sought to add Holy Stone entities  
22 as Defendants to IPPs’ complaint. *Id.* Holy Stone opposed IPPs’ motion (Case No. 3:14-cv-03264,  
23 ECF No. 1416). The Court granted IPPs’ motion and thereafter IPPs filed the Fifth Consolidated  
24 Complaint, the operative complaint in this action.

### 25 **THE DISCOVERY PROCESS**

26 21. This Action is unquestionably complex. It has involved both substantial amounts of  
27 discovery, as well as a multitude of disputes with Defendants. As reflected in the Court’s docket, IPPs  
28 have been forced to fight for many categories of discovery.



1           **A.     Written Discovery**

2           22.     On January 27, 2015, IPPs and DPPs served a joint First Request for Production of  
3 Documents. This RFP included 32 requests and sought a comprehensive set of financial,  
4 organizational, conspiracy-related, and transactional documents.

5           23.     On February 25, 2015, IPPs served their First Set of Interrogatories on Defendants,  
6 requiring that Defendants identify information relevant to the FTAIA and product attributes.

7           24.     On September 15, 2015, IPPs served a Second Set of Interrogatories on Defendants,  
8 also requiring that Defendants identify additional information relevant to the FTAIA.

9           25.     IPPs assisted DPPs in drafting their Third Set of Interrogatories on Defendants,  
10 requiring them to identify conspiratorial meetings and communications.

11          26.     In addition to the foregoing, and as explained in more detail *infra*, IPPs engaged in  
12 substantial nonparty discovery in this litigation. IPPs propounded Rule 45 document subpoenas on  
13 over 30 nonparty capacitor distributors. These document subpoenas sought information concerning  
14 the third-party distributors' purchases of capacitors from Defendants and their sales of capacitors to  
15 the IPP class.

16           **B.     The Meet and Confer Process and Motion Practice Before the Court**

17          27.     After service of the aforementioned discovery and multiple rounds of objections from  
18 Defendants, the parties held extensive meet and confer negotiations over the scope of the requests,  
19 document custodians, a search term protocol, an ESI protocol, and a discovery limitations/plan  
20 protocol. In many cases, these negotiations required the intervention of the Court through motions to  
21 compel.

22          28.     IPPs reached agreement with the various Defendants for them to search and collect  
23 from hundreds of document custodians' files. IPPs also negotiated and reached agreement with  
24 Defendants after extensive discussions concerning English and Japanese ESI search terms. The  
25 parties also reached agreement concerning an ESI Stipulation and Order.

26          29.     As this Court knows, there has been extensive motion practice regarding a wide range  
27 of discovery issues. In most cases, IPPs have tried to coordinate to the extent practicable with DPPs  
28 regarding these disputes. The disputes ranged from whether IPPs were entitled to jurisdictional

1 discovery (Case No. 3:14-cv-03264, ECF No. 570, 572, 1179-5), to disputes about search terms (Case  
2 No. 3:14-cv-03264, ECF No. 850), to disputes concerning deposition locations and the witnesses’  
3 invocations of the 5<sup>th</sup> Amendment (Case No. 3:14-cv-03264, ECF No. 1068), to disputes with NCC  
4 concerning document custodians (Case No. 3:14-cv-03264, ECF No. 748), to disputes concerning  
5 English translations of documents produced to government investigative authorities (Case No. 3:14-  
6 cv-03264, ECF No.1108), to disputes about Class Representative discovery (Case No. 3:14-cv-03264,  
7 ECF No. 1641). The foregoing is only a sampling of the discovery disputes that have taken place  
8 before this Court.

9         30. IPPs also spent significant time and resources in discovery negotiations concerning  
10 Defendants’ production of transactional sales data. By any measure, the transactional data produced  
11 in this litigation is enormous. Defendants and nonparties have produced over 500 gigabytes of sales  
12 data, reflecting many millions of transactions. IPPs and their experts spent significant time attempting  
13 to understand the data and make use of it. This process often required close consultation between  
14 IPPs and their experts for purposes of clarifying the data and normalizing it for use by the experts in  
15 support of class certification. IPPs propounded multiple sets of questions seeking clarification from  
16 Defendants regarding their data. In some cases, this required multiple sets of questions to a single  
17 Defendant family. Often answers to IPPs’ questions required follow up questions as answers required  
18 yet more questions.

19         31. In addition to the foregoing, IPPs were forced to file a miscellaneous action in the  
20 Northern District of Texas to compel documents from a nonparty capacitor distributor. That effort  
21 was successful as the nonparty ultimately produced the needed information. IPPs efforts with respect  
22 to nonparty discovery are explained more fully, *infra*.

### 23         **C. ESI, Expert Discovery, and Protective Orders**

24         32. The parties also spent significant time and effort setting forth the ground rules for this  
25 complex litigation. The parties negotiated, and the Court entered, a Stipulation and Order Regarding  
26 the Production of Electronically Stored Information (“ESI”) (Case No. 3:14-cv-03264, ECF No. 782),  
27 a Stipulation and Order Regarding Expert Discovery (Case No. 3:14-cv-03264, ECF No. 725), and a  
28 Protective Order (Case No. 3:14-cv-03264, ECF No. 563).

1           33. In addition to the foregoing, the parties also negotiated several case management  
2 agreements, such as the Stipulation and Order Concerning Discovery Limits (Case No. 3:14-cv-  
3 03264, ECF No. 687).

4           34. In some instances, IPPs were forced to return to the Court to seek modifications to the  
5 foregoing documents due to changed circumstances.

6           **D. Defendants' Document Productions and IPPs' Review Efforts**

7           35. The document productions in this Action have been large, even when compared to  
8 similar complex antitrust cases. Defendants have produced to IPPs several hundred separate  
9 document productions. All of these productions have required indexing, logging, processing and  
10 uploading to IPPs/DPPs' document review platform.

11           36. To date, IPPs have received over 15 million documents produced by the Defendants,  
12 many of which span multiple Bates-numbered pages. This is an enormous amount of document  
13 discovery. To make matters more complex, most of these documents were only produced in Japanese.

14           37. To effectively manage and review this colossal amount of material, IPPs and DPPs  
15 have coordinated their document review efforts. This process is ongoing and started with production  
16 of the ACPERA applicant's documents back in 2014. IPPs have had to establish teams of reviewing  
17 attorneys to attack the document review. In doing so, IPP counsel drafted, edited, and circulated for  
18 review a document review manual. This manual informed the reviewers about the facts of the Action,  
19 the review platform and the workflow procedures for the review itself. Given the iterative nature of  
20 any document review, these protocols and workflows have had to be altered over time because of  
21 lessons learned or the status of the review at any point in time.

22           38. Due to the large number of depositions in the Action, IPPs and DPPs have had to work  
23 together to organize teams of reviewers responsible for prepping counsel for depositions on the  
24 horizon. These tasks included identifying custodial files, creating "proof charts" and other work  
25 product aimed as summarizing the deposition target's best documents. Once this process was  
26 complete, IPPs identified those documents that were worthy of obtaining a certified translation for  
27 purposes of a deposition exhibit. Those documents were then identified, culled and sent to outside  
28 vendors for a certified translation at significant cost.

1           39.     The aforementioned processes identified the important evidence in this Action. The  
2 processes were made even more complex because, as discussed, many of the documents were  
3 produced in a foreign language. These documents required review by attorneys fluent in those foreign  
4 languages, who then had to determine which documents were sufficiently relevant to the Action to  
5 require full English translations and, in certain cases, certified English translations for use in  
6 depositions. Though expensive and time consuming, the online database and process developed  
7 permitted IPPs to efficiently prioritize documents and custodians.

8           40.     To contain costs and maintain resources for the benefit of the classes, IPPs made the  
9 decision that no English language document reviewer could bill at more than \$300 per hour for initial  
10 document review and no foreign language document reviewer could bill more than \$350 per hour.

11          41.     During the initial discovery phase and particularly in the deposition phase, the document  
12 review required daily commitment. The process involved significant communications with IT  
13 specialists to manage, load, and assist in the rolling document productions. Although the ESI  
14 protocols were negotiated and agreed to by all parties, IPPs experienced numerous issues related to  
15 the loading of data onto the database. While these issues were technical in nature, they required meet  
16 and confers with the Defendants.

17           **E.     IPP's Document Collection and Productions**

18          42.     In addition to the offensive discovery outlined above, IPPs were required to respond  
19 to discovery and to produce relevant documents to Defendants from the 10 Class Representatives.  
20 IPPs made their first production of documents on June 1, 2015 and made subsequent productions on  
21 July 16, 2015, August 10, 2015, October 9, 2015, August 22, 2016, September 7, 2016, February 9,  
22 2017, and February 25, 2017. Class Counsel spent significant time responding to Defendants'  
23 discovery requests aimed at each of the 10 Class Representatives and in assisting Class  
24 Representatives in the search for, collection, and production of relevant document and transactional  
25 data regarding their purchases of capacitors.

26          43.     In addition to responding to Requests for Production of Documents, Defendants also  
27 served a total of four sets of interrogatories on the 10 Class Representatives. Class Counsel spent time  
28 and resources with their clients researching and responding to these inquiries. Additionally, Class

1 Counsel also spent substantial time research and responding to Defendants' contention interrogatories  
2 concerning the FTAIA and supplementing the same.

3 **F. Depositions**

4 44. Class Counsel spent significant time preparing for and taking the depositions of  
5 Defendants' employees and former employees. Conspiracy cases are document heavy and require  
6 many depositions.

7 45. To date, IPPs have taken approximately 144 depositions of Defendants' employees,  
8 former employees, or experts in either their Rule 30(b)(1) or 30(b)(6) capacity. Of these 144  
9 depositions, most have required an interpreter, thus substantially prolonging the length of the  
10 deposition. IPPs also took nonparty depositions.

11 46. In many cases, Defendants or their employees refused to appear for deposition in the  
12 United States, thus requiring several trips to foreign locations, including Japan and Hong Kong.  
13 Adding to the complexity, deponents in Japan are precluded from appearing voluntarily. IPPs were  
14 therefore required to file motions with the Court, obtain deposition rooms at the U.S. Embassy or  
15 Consulate, and procure a deposition visa after a diplomatic exchange between the United States and  
16 Japan. Additionally, some former employees refused to appear voluntarily, thus requiring IPPs to file  
17 successive motions concerning deposition attendance.

18 47. In connection with Defendants' summary judgment motions regarding the FTAIA,  
19 IPPs propounded additional discovery and took the depositions of the Defendants' fact declarants (or  
20 a designated 30(b)(6) deponent). IPPs, in coordination with DPPs, took 17 such depositions for  
21 purposes of the FTAIA motion.

22 48. The above figures only apply to the taking of depositions. IPPs were also required to  
23 defend 10 Class Representative depositions. Defendants deposed all Class Representatives. This  
24 process required IPPs to prepare their Class Representatives for deposition, often necessitating  
25 substantial travel and preparation over several days.

26 **G. Nonparty Discovery**

27 49. IPPs have also engaged in extensive and protracted nonparty discovery. On June 30,  
28 2015, IPPs served an initial tranche of Rule 45 subpoenas seeking documents and transactional data

1 from nonparty capacitor distributors. Obtaining this discovery was critical to IPPs' case for purposes  
2 of demonstrating pass-through of the overcharge. On June 29, 2016, July 1, 2016, July 8, 2016, and  
3 July 19, 2016, IPPs served Rule 45 subpoenas to additional nonparty capacitor distributors seeking  
4 the same information.

5 50. Class Counsel spent significant time meeting and conferring with representatives of  
6 the nonparty distributors. In some cases, IPPs were forced to resort to filing miscellaneous actions in  
7 courts across the country to enforce the subpoenas and obtain the needed transactional data.

8 51. Over the course of two years, IPPs were successful in obtaining useable transactional  
9 data from the vast majority of the subpoena recipients. As reflected in the IPPs' Expert Report of Dr.  
10 Russell Lamb in Support of Class Certification, IPPs obtained approximately 85% of the *entire*  
11 *market* for distributor data. In Class Counsel's experience, this is a remarkable amount of data  
12 obtained from nonparty sources for purposes of an indirect purchaser case.

13 **SUMMARY JUDGMENT PROCEEDINGS REGARDING THE FOREIGN TRADE**  
14 **ANTITRUST IMPROVEMENT ACT (FTAIA)**

15 52. Early in the litigation, to streamline the claims and class certification, the Court stated  
16 its desire to address issues involving the FTAIA. IPPs (and the other parties) devoted substantial time  
17 and resources to this effort.

18 53. IPPs and Defendants met on several occasions to informally discuss their views on  
19 what types of commerce were included in IPPs' claims. In addition to this informal discovery, the  
20 parties engaged in significant formal discovery, including propounding Interrogatories and Requests  
21 for Production of Documents and taking depositions of witnesses pursuant to Rule 30(b)(1) and Rule  
22 30(b)(6).

23 54. On October 1, 2015, Defendants moved for summary judgment on a category of  
24 commerce that IPPs contend is not barred by the FTAIA (Case No. 3:14-cv-03264, ECF No. 911). In  
25 support of their motion, Defendants submitted fact declarations from 19 declarants.

26 55. Thereafter, IPPs took 17 depositions of Defendants' declarants or persons most  
27 qualified to provide testimony in a compressed timeframe.  
28

1           56. On November 23, 2015, IPPs filed their Opposition to Defendants' summary judgment  
2 motion. In the Opposition, IPPs argued that the FTAIA did not bar claims based on purchases from  
3 foreign distributors (Case No. 3:14-cv-03264, ECF No. 965).

4           57. On January 13, 2016, the Court heard oral argument on Defendants' motions. On  
5 September 30, 2016, the Court issued an order regarding the summary judgment motions (Case No.  
6 3:14-cv-03264, ECF No. 1302). In it, the Court expressed its desire for additional briefing as to  
7 whether any of IPPs' state law claims had a narrower reach than the FTAIA. IPPs ultimately prevailed  
8 on these motions (ECF No. 329).

9                           **PREPARATION FOR CLASS CERTIFICATION AND EXPERT REPORTS AND**  
10   **DEPOSITIONS**

11           58. IPPs spent substantial time in connection with their class certification motion,  
12 including preparing their expert's report, analyzing Defendants' experts' reports, and preparing a  
13 rebuttal report. IPPs also spent significant time preparing to depose Defendants' experts and preparing  
14 their own expert for deposition. Lead Counsel also spent significant time consulting with their  
15 economists and industry experts concerning: (a) Defendants' transactional data, (b) Defendants'  
16 FTAIA motions, (c) nonparty discovery, (d) Defendants' pricing, and (e) other class certification and  
17 merits-related issues.

18           59. IPPs also spent considerable time working on their Motion for Class Certification,  
19 filed on June 15, 2017, and their Reply in support thereof, filed on August 3, 2017 (Case No. 3:14-  
20 cv-03264, ECF Nos. 1681, 1778).

21           60. Lead Counsel spent significant time and resources consulting with their experts and  
22 economists in support of class certification and merits related issues. Lead Counsel worked with  
23 experts in creating econometric models to demonstrate overcharge, pass-through, and damages. These  
24 models formed the basis of IPPs' class certification motion. Lead Counsel prepared IPPs' expert for  
25 deposition and defended IPPs' expert's deposition. On June 15, 2017, Lead Counsel moved to certify  
26 the IPP classes, with the issue now fully briefed and under submission (Case No. 3:14-cv-03264, ECF  
27 Nos. 1681, 1749, 1778). Counsel worked extensively with IPPs' experts in opposing Defendants'  
28 Daubert motion.

1 **PREPARATION FOR MERITS EXPERT REPORTS AND DEPOSITIONS**

2 61. IPPs spent significant time preparing their merits expert reports and reply in support  
3 thereof as well as reviewing and analyzing Defendants' experts' merits reports. IPPs also spent  
4 substantial time preparing to depose Defendants' experts and preparing their own expert for  
5 deposition. Lead Counsel consulted with their economists and industry experts extensively regarding  
6 (1) the background of the capacitors industry, (2) the common economic evidence and whether it  
7 supports the existence of a conspiracy, (3) the injuries that class members suffered, and (4) the  
8 measurement of class-wide overcharges. Lead Counsel spent significant time and resources  
9 consulting with their experts and economists regarding the merits of the Action.

10 62. Lead Counsel also prepared IPPs' expert for deposition and defended IPPs' expert's  
11 deposition. Lead Counsel also took the depositions of Defendants' experts, including Dr. Frederick  
12 R. Warren-Boulton and Mr. Spencer L. Simons.

13 63. Additionally, Lead Counsel opposed Defendants' motion to exclude the expert  
14 testimony of IPPs' expert, Dr. Russell Lamb, and moved to exclude certain opinions of Dr. Warren-  
15 Boulton and the proposed expert testimony, in part, of Mr. Simons.

16 **SUMMARY JUDGMENT PROCEEDINGS REGARDING THE MERITS**

17 64. IPPs spent considerable time opposing the Film-Only Defendants' Joint Motion and  
18 Notice of Joint Motion for Summary Judgment (ECF No. 685). In response to Shinyei Technology  
19 Co., Ltd., Shinyei Capacitor Co., Ltd., and Taitso Corporation's ("Film Defendants") argument that  
20 there is neither direct nor circumstantial evidence relating to the film capacitor conspiracy, IPPs culled  
21 and synthesized the extensive evidence regarding their participation in the alleged film cartel. In  
22 response to the Film Defendants' argument that IPPs cannot establish antitrust injury on a class-wide  
23 basis, IPPs argue they established, through rigorous empirical testing, that supracompetitive film  
24 capacitor overcharges were passed through to the indirect purchasers.

25 65. IPPs also collaborated with the Film Defendants to jointly draft and submit to the  
26 Court a factual statement chart relating to the summary judgment motion (ECF No. 944).

27 //

28 //



**SETTLEMENT PROCESS**

1  
2 66. Although the instant attorneys’ fees motion is set for hearing along with final approval  
3 of four settlements, Lead Counsel have also engaged in settlement discussions with many other  
4 Defendants.

5 67. On March 29, 2016, IPPs settled with Nitsuko. This settlement required Nitsuko to  
6 pay \$800,000 for the benefit of the IPP Film Class. In addition to the cash component, Nitsuko would  
7 provide certain cooperation to IPPs to assist them in further prosecution of the Action.

8 68. On April 15, 2016, IPPs settled with Okaya. This settlement required Okaya to pay  
9 \$900,000 for the benefit of the IPP Film Class. In addition to the cash component, Okaya would  
10 provide certain cooperation to IPPs to assist them in further prosecution of the Action.

11 69. On July 15, 2016, IPPs settled with NEC TOKIN. The NEC TOKIN settlement  
12 provides \$13,250,000 to the IPP Electrolytic Class. This settlement was reached after protracted  
13 negotiations and an in-person, all-day mediation with former federal district court judge, Hon. Layn  
14 Phillips (Ret.). Through efforts made at and after the mediation, the parties were able to fully settle  
15 the Action against NEC TOKIN. In addition to the cash component, NEC TOKIN must provide  
16 certain cooperation to IPPs to assist them in further prosecution of the Action.

17 70. On October 30, 2017, the Court granted final approval of the foregoing settlements  
18 (Case No. 3:14-cv-03264, ECF No. 1934).

19 71. On June 30, 2017, IPPs settled with Soshin. This settlement requires Soshin to pay  
20 \$590,000 for the benefit of the IPP Film Class. In addition to the cash component, Soshin must  
21 provide certain cooperation to IPPs to assist them in further prosecution of the Action.

22 72. On July 21, 2017, IPPs settled with Hitachi Chemical. This settlement requires Hitachi  
23 Chemical to pay \$14,000,000 for the benefit of the Settlement Classes. In addition to the cash  
24 component, Hitachi Chemical must provide certain cooperation to IPPs to assist them in further  
25 prosecution of the Action.

26 73. On February 12, 2018, IPPs settled with Nippon Chemi-Con Corp. and United Chemi-  
27 Con Inc. (together, “NCC”). This settlement requires NCC to pay \$13,500,000 for the benefit of the  
28

1 Settlement Classes. In addition to the cash component, NCC must provide certain cooperation to IPPs  
2 to assist them in further prosecution of the Action.

3 74. On April 12, 2018, IPPs settled with Holy Stone. This settlement requires Holy Stone  
4 to pay \$2,000,000 for the benefit of the Electrolytic Class. In addition to the cash component, Holy  
5 Stone must provide certain cooperation to IPPs to assist them in further prosecution of the Action.

6 75. On March 7, 2018, IPPs settled with Rubycon. This settlement requires Rubycon to  
7 pay \$4,500,000 for the benefit of the Settlement Classes. In addition to the cash component, Rubycon  
8 must provide certain cooperation to IPPs to assist them in further prosecution of the Action.

9 76. On June 14, 2019, the Court granted final approval of the foregoing settlements (ECF  
10 No. 628).

11 77. On September 27, 2018, IPPs settled with Nichicon Corporation and Nichicon  
12 (America) Corporation (together, "Nichicon"). The Nichicon settlement provides \$21,500,000 for the  
13 benefit of the Electrolytic Class. This settlement was reached after protracted negotiations and an in-  
14 person, all-day mediation with the Hon. Daniel Weinstein (Ret.). Through efforts made at the  
15 mediation, the parties were able to fully settle the Action against Nichicon. In addition to the cash  
16 component, Nichicon must provide certain cooperation to IPPs to assist them in further prosecution  
17 of the Action.

18 78. Though talks had proceeded for many years with Panasonic Corporation  
19 ("Panasonic"), on October 4, 2018, IPPs finally executed a formal settlement agreement with  
20 Panasonic. This settlement requires it to pay \$4,700,000 for the benefit of the Settlement Classes. In  
21 addition to the cash component, Panasonic must provide certain cooperation to IPPs to assist them in  
22 further prosecution of the Action.

23 79. On October 30, 2018, IPPs settled with ELNA Co., Ltd. and ELNA America, Inc.  
24 (together, "ELNA"). This settlement requires ELNA to pay \$2,250,000 for the benefit of the  
25 Electrolytic Class. In addition to the cash component, ELNA must provide certain cooperation to  
26 IPPs to assist them in further prosecution of the Action.

1           80.     On March 5, 2019, IPPs settled with Matsuo. This settlement requires Matsuo to pay  
2 \$2,500,000 for the benefit of the Electrolytic Class. In addition to the cash component, Matsuo must  
3 provide certain cooperation to IPPs to assist them in further prosecution of the Action.

4           81.     On August 12, 2019, the Court granted preliminary approval of the foregoing  
5 settlements (ECF No. 835).

6           82.     On January 23, 2020, the Court will conduct a final approval hearing for the foregoing  
7 settlements (ECF No. 836).

8                   **NOTICE TO CLASS MEMBERS AND CLASS MEMBER RESPONSES**

9           83.     Class Counsel consulted with and engaged recognized experts in the class action  
10 notice field, AB Data, for the purpose of providing the class with notice of the proposed settlements.

11           84.     The Notice Program, developed in consultation with AB Data, provided for (1)  
12 individual mailed notice to Class Members who could be identified through reasonable efforts (*i.e.*,  
13 individual notice); (2) multiple and targeted publications of the class notice in those paid media outlets  
14 most likely to inform potential class members about the settlements (*i.e.*, publication notice); (3) press  
15 releases (*i.e.*, earned media) that were uniquely targeted to potential Class Members; (4) the  
16 placement of the class notice on internet banner advertisements, including through social media  
17 outlets; (4) the establishment of a settlement website that provided notice of the settlements; and (5)  
18 a toll free telephone support line to service class members' inquiries regarding the notice, which in  
19 turn, permitted them to request a copy of the notice delivered via direct mail. *See, e.g.*, June 17, 2019  
20 Declaration of Eric Schachter in Support of Motion for Approval of Class Notice Program (ECF No.  
21 699-1).

22           85.     On August 12, 2019, this Court approved IPPs' Notice Program (ECF No. 836).

23           86.     Thus far, IPPs have not received any objections to the Notice Program, the proposed  
24 settlements, the request for attorneys' fees, the plan of allocation, or the request for reimbursement  
25 of litigation expenses, all of which were all outlined in the notices. The objection deadline is  
26 December 23, 2019.

1 87. Thus far, IPPs have received 25 exclusion requests. The exclusion deadline is  
2 December 23, 2019. IPPs will further apprise the Court of their extensive notice efforts in the final  
3 approval brief due to the filed with the Court on January 2, 2020.

#### 4 ATTORNEYS' FEES AND EXPENSES

##### 5 **A. Attorneys' Fees**

6 88. Lead Counsel have employed various measures to ensure that the lodestar figure  
7 presented herein is not improperly inflated. Lead Counsel required regular reporting of detailed time  
8 records from Supporting Counsel. In doing so, Lead Counsel required detailed backup time to ensure  
9 that Supporting Counsel were not duplicating efforts or billing for time that was not directed by Lead  
10 Counsel.

11 89. In addition to the requirements set forth in this Court's order appointing lead counsel  
12 (Case No. 3:14-cv-03264, ECF No. 319), Lead Counsel also employed other efforts and safeguards  
13 to ensure that billings were reasonable and not duplicative. For example, Lead Counsel have (1)  
14 capped the hourly rate for attorney document review to \$300 per hour and \$350 per hour for attorney  
15 foreign language document review regardless of years of experience; (2) provided strict guidelines to  
16 Supporting Counsel that they were only to work on the Action at the direction Lead Counsel and that  
17 only time authorized would be included in an application to the Court to avoid duplication of effort  
18 and achieve other efficiencies; and (3) as noted, required Supporting Counsel to at regular periodic  
19 intervals submit contemporaneous time records to ensure compliance with Lead Counsel's rules.

20 90. Attached hereto as **Exhibit 2** is a summary of my firm's hours and rates from April 1,  
21 2018 through August 12, 2019—attorneys' fees incurred since the previous final approval motion.  
22 CPM's total hours during this period was 3,156.7 hours with a corresponding historical lodestar of  
23 \$1,441,135. The hourly rates for the attorneys, paralegals, and law clerks at my firm are the usual and  
24 customary hourly rates charged by CPM on a historical rate basis. This summary was prepared from  
25 contemporaneous, daily time records regularly prepared and maintained by CPM.

26 91. Attached hereto as **Exhibit 3**, and as further set forth in Supporting Counsel's  
27 individual firm declarations and exhibits, is summary of the hours and rates of Class Counsel, which  
28 includes Lead Counsel and Supporting Counsel, from April 1, 2018 through August 12, 2019. Class

1 Counsel's total hours during this time period was 6,596 hours with a corresponding historical lodestar  
2 of \$2,943,610.50.

3 92. Attached hereto as **Exhibit 4** is a summary of Class Counsel's cumulative hours and  
4 lodestar that participated in this Action from appointment of leadership through August 12, 2019.  
5 Class Counsel's total hours during this time period was 70,603.5 hours with a corresponding historical  
6 lodestar of \$28,872,571.

7 93. The May 17, 2017 Declaration of Steven N. Williams (Case No. 3:14-cv-03264, ECF  
8 No. 1649-2) ("Williams Decl."), summarized and documented the lodestar for Class Counsel from  
9 November 1, 2014 through September 30, 2016. As set forth in Paragraph 76 of the Williams  
10 Declaration, Class Counsel had spent 32,788.9 hours on the Action through September 30, 2016, with  
11 a corresponding lodestar of \$13,139,375 based on historical rates.

12 94. The August 13, 2018 Declaration of Adam J. Zapala (ECF No. 307-2) ("Zapala  
13 Decl."), summarized and documented the lodestar for Class Counsel from November 1, 2014 through  
14 March 31, 2018. As set forth in Paragraph 85 of the Zapala Declaration, Class Counsel had spent  
15 64,007.5 on the Action through March 30, 2018, with a corresponding lodestar of \$25,928,960.50  
16 based on historical rates.

17 95. The Court has previously granted attorneys' fees totaling \$12,385,000 in connection  
18 with the Rounds 1 and 2 Settlements, or 25% of the settlement fund totaling \$49,540,000 (ECF No.  
19 628; Case No. 3:14-cv-03264, ECF No. 1934).

20 96. Class Counsel's attorneys' fees request of \$7,737,500, or 25% of the Round 3  
21 Settlements of \$30,950,000, amounts to 46.93% of Class Counsel's unreimbursed lodestar of  
22 \$16,487,571.

23 97. If the Court were to grant IPPs' attorneys' fees request on the Round 3 Settlements,  
24 the awards in the Action would total \$20,122,500, or 25% of the cumulative settlement fund totaling  
25 \$80,490,000. This amounts to only 69.69% of Class Counsel's cumulative lodestar of \$28,872,571  
26 and a substantial negative multiplier of 0.6969.

1 **B. Expenses**

2 98. Attached hereto as **Exhibit 5** is a summary of my firm's incurred expenses from April  
3 1, 2018 through August 12, 2019. CPM expended \$24,814.74 in out-of-pocket, unreimbursed  
4 expenses in connection with the prosecution of this Action during this period. These expenses were  
5 incurred on behalf of the classes on a contingent basis. The expenses incurred in this Action are  
6 reflected in the books and records of CPM. No outside litigation funders have been used in this  
7 Action. All expenses have been advanced by Class Counsel. These expenses exclude assessments  
8 made for purposes of the Capacitors Litigation Fund ("Litigation Fund").

9 99. Attached hereto as **Exhibit 6** is a compilation of Class Counsel's unreimbursed  
10 expenses totaling \$51,759.81 from April 1, 2018 through August 12, 2019. These expenses are  
11 supported by each firm's separate declaration (*see, infra, at Exhibits 9-17*). These expenses exclude  
12 assessments made for purposes of the Litigation Fund.

13 100. Attached hereto as **Exhibit 7** is an accounting of unreimbursed expenses incurred by  
14 the Litigation Fund. The Litigation Fund reasonably and necessarily incurred \$1,044,152.27 in  
15 expenses that remain unreimbursed. This amount assumes that the Round 2 Litigation Fund expenses  
16 will be granted in full and therefore excludes unreimbursed Litigation Fund expenses that were  
17 submitted in connection with the Round 2 settlements. None of these expenditures have been included  
18 for reimbursement in any of the individual declarations by Supporting Counsel. As noted above, Lead  
19 Counsel established a Litigation Fund to finance the joint prosecution of this litigation.

20 101. In total, unreimbursed expenses incurred by Class Counsel and by the Litigation Fund  
21 in connection with the Round 3 Settlements are \$1,095,912.08. The chart attached hereto as **Exhibit**  
22 **8** summarizes this total. As the class notice provides that Class Counsel would only seek  
23 reimbursement of expenses up to \$905,071.23 in connection with the Round 3 Settlements, Class  
24 Counsel are limiting their expense request to \$905,071.23 (ECF No. 836-2).

25 102. Attached hereto as **Exhibits 9-17** are detailed declarations with attached exhibits from  
26 all Supporting Counsel submitting time and expenses in the Action, setting forth their hours, lodestar,  
27 and unreimbursed expenses they have incurred in this litigation.

1 103. The expense summaries attached to Supporting Counsel's declarations are derived  
2 from each of the respective firms' accounting records as they are kept in the ordinary course of  
3 business.

4 104. As noted, Class Counsel's expense request in connection with the previous round of  
5 settlements—the Round 2 Settlements—remains pending before the Court (Case No. 3:14-cv-03264,  
6 ECF No. 2146).

7 **C. Service Awards**

8 105. There has never been collusion or conflict between Class Counsel and the Class  
9 Representatives. Class Counsel have never represented to the Class Representatives that Class  
10 Counsel would request, or that the Class Representatives would receive, service awards for bringing  
11 a lawsuit or for approving the proposed settlements.

12 106. During settlement negotiations with the Round 3 Settling Defendants, the issue of  
13 class representative incentive awards never came up and was never discussed between the negotiating  
14 parties.

15 107. The 10 service awards only total \$50,000 or 0.00062% of the total settlement fund of  
16 \$80,490,000.

17 108. There is nothing in the settlements themselves that expressly treat the Class  
18 Representatives any differently than the absent class members. The settlements are silent as to  
19 incentive awards. The settlements therefore reflect no favoritism to the Class Representatives or to  
20 any other members or subsets of the class for that matter.

21 109. Many Class Representatives are small businesses that had to expend time and  
22 resources to search for, collect, and produce data and documents; respond to discovery relating to  
23 their businesses and purchases; and prepare and sit for a deposition. Likewise, Class Representatives  
24 that are individuals had to search for, collect, and produce documents; respond to discovery relating  
25 to their purchases; and take time off to prepare and sit for a deposition.

26 110. While the Class Representatives may receive more than some class members, IPPs'  
27 class also includes many large businesses that purchase their capacitors through distributors rather  
28

1 than the Defendants themselves. These larger businesses stand to gain large recoveries through the  
2 settlements achieved as a result of the Class Representatives' work and courage in this action.

3 I declare that the foregoing is true and correct to the best of my knowledge. Executed on  
4 November 15, 2019 in Burlingame, California.

5  
6 /s/ Adam J. Zapala  
Adam J. Zapala



# **EXHIBIT 1**

# COTCHETT, PITRE & McCARTHY, LLP

ATTORNEYS AT LAW

SAN FRANCISCO BAY AREA | LOS ANGELES | NEW YORK

WWW.CPMLEGAL.COM

ADVOCATES FOR JUSTICE

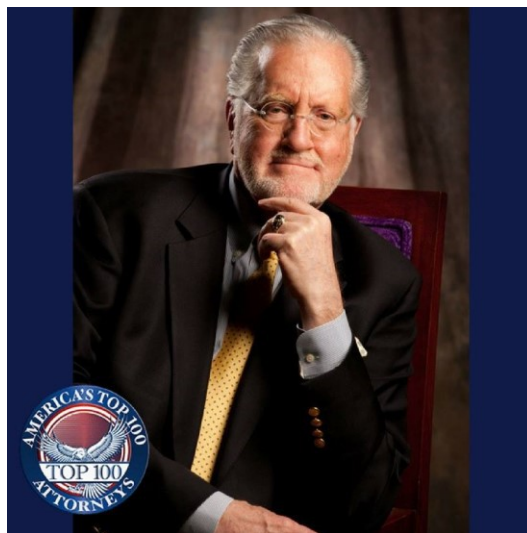


*"The attorneys ... displayed truly exceptional levels of skill and tenacity."  
- Judge of the U.S. District Court*

## OUR FIRM

Cotchett, Pitre & McCarthy, LLP based on the San Francisco Peninsula for over 45 years, engages exclusively in litigation and trials. The firm's dedication to prosecuting or defending socially just actions has earned it a national reputation. With offices in Burlingame, Los Angeles and New York, the core of the firm is its people and their dedication to principles of law, their work ethic and commitment to justice.

Most clients are referred by other lawyers, who know of the firm's abilities and reputation in the legal community. We are trial lawyers dedicated to achieving justice.



*“The Cotchett firm has few peers that equal their ability in litigation. Their commitment to the cause of justice and their ethical standards stand apart. They are people who give back to the community and give lawyers a good name.”*  
— Judge of the Superior Court (Retired)

## **PRACTICE AREAS**

CPM represents Plaintiffs and Defendants in a wide range of areas, including:

- Antitrust & Global Competition
- Aviation / Helicopter Accidents
- Commercial Litigation
- Consumer Protection Litigation
- Defective Products / Mass Torts
- Elder Abuse
- Employment Law
- Environmental Litigation
- False Claims / Whistleblower Law
- First Amendment Defense
- Intellectual Property
- Municipal & Public Entity Litigation
- Personal Injury & Wrongful Death
- Pharmaceutical Litigation
- Securities / Financial Fraud
- Shareholder Rights / Corporate Governance

***“This court has had the distinct pleasure of having the parties in this case represented by some of the finest attorneys not only in this state but in the country.” Cotchett, Pitre & McCarthy has “well reputed experience in [consumer fraud] litigation.”***  
***- Judge of the U.S. District Court***

## LOCATIONS

### **SAN FRANCISCO BAY AREA**

San Francisco Airport Office  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010

T: 650.697.6000

F: 650.697.0577

---

### **LOS ANGELES**

2716 Ocean Park Blvd.  
Suite 3088  
Santa Monica, CA 90405

T: 310.392.2008

F: 310.392.0111

---

### **NEW YORK**

40 Worth Street  
10th Floor  
New York, NY 10013

T: 212.201.6820

F: 646.219-6678

---



## **CASES INVOLVING CLASS COUNSEL**

### ***In re Auto Parts Antitrust Litigation***

#### **USDC, Eastern District of Michigan**

CPM is co-lead counsel on behalf of consumers against suppliers of automotive parts, alleging that defendants engaged in a conspiracy that lasted over a decade to fix the prices of various automotive parts sold to automobile manufacturers, such as Toyota, Honda, and Nissan. The case involves one of the largest conspiracies in history.

CPM has heavily litigated and prevailed on many motions filed by Defendants. CPM manages discovery and document review which entails millions of pages of documents. CPM has also dedicated a significant amount of time and resources to depositions, interviews, proffers, negotiations, and mediations which has led to settlements with several Defendants.

***To date, CPM and its two co-lead counsel have secured settlements on behalf of the class in excess of \$1.2 billion.***

### ***In re Domestic Airline Travel Antitrust Litigation***

#### **USDC, District of Columbia**

CPM and Adam J. Zapala have been appointed Co-Lead Counsel on behalf of Plaintiffs against Defendants American Airlines, Inc., Delta Airlines, Inc., Southwest Airlines Co., and United Airlines, Inc., who are alleged to have conspired to fix, raise, maintain, and/or stabilize prices for air passenger transportation services within the United States, its territories and the District of Columbia in violation of Sections 1 and 3 of the Sherman Antitrust Act (15 U.S.C. §§ 1, 3), by, inter alia, colluding to limit capacity on their respective airlines.

***To date, CPM and its co-counsel have secured settlements on behalf of the class of \$60 million.***

### ***In re Capacitors Antitrust Litigation***

#### **USDC, Northern District of California**

CPM is Lead Counsel and represents indirect purchasers of capacitors against Defendants, the leading manufacturers of capacitors sold in the United States, for allegedly engaging in two massive and separate conspiracies to unlawfully inflate, fix, raise, maintain or artificially stabilize the prices of electrolytic and film capacitors, respectively.

CPM has extensively engaged in discovery, propounding and responding to numerous written discovery requests. CPM has also developed and implemented intricate document review procedures for purposes of defeating motions to dismiss and contesting summary judgment motions on limited time.

***To date, CPM has secured settlements with several Defendants on behalf of the class totaling over \$80 million.***

***In re Resistors Antitrust Litigation***  
**USDC, Northern District of California**

The Court appointed CPM as sole Lead Counsel on behalf of a class of indirect purchaser plaintiffs of resistors purchased from defendants who allegedly conspired to unlawfully inflate, fix, raise, maintain or artificially stabilize prices.

*CPM secured \$33.4 million in settlements for the classes.*

***In re Lithium Batteries Antitrust Litigation***  
**USDC, Northern District of California**

The Court appointed CPM as Co-Lead Counsel on behalf of indirect purchasers of lithium-ion rechargeable batteries who allege that defendants conspired to fix the price of those products. CPM has been extensively involved in the review of millions of pages of documents, the production of Plaintiffs' documents, propounding and responding to discovery, and depositions.

*CPM recovered \$113,450,000 on behalf of the classes.*

***In re Generic Pharmaceuticals Pricing Antitrust Litigation***  
**USDC, Eastern District of Pennsylvania**

CPM and Adam J. Zapala have been appointed as a steering committee member in a case brought by indirect purchasers of generic drugs to recoup overcharges that resulted from Defendants' alleged price-fixing conspiracy. On January 9, 2017, two executives of a manufacturer of generic doxycycline pled guilty in federal court in the Eastern District of Pennsylvania to criminal price-fixing, thereby confirming the existence of a conspiracy among manufacturers to fix prices.

***In re Broiler Chicken Antitrust Litigation***  
**USDC, Northern District of Illinois**

CPM is Co-Lead Counsel and represents commercial and institutional indirect purchasers who allege Defendants implemented and executed a conspiracy to fix, raise, maintain, and stabilize the price of Broilers by coordinating their output and limiting production with the intent and expected result of increasing prices of Broilers in the United States. In furtherance of their conspiracy, Defendants exchanged detailed, competitively sensitive, and closely guarded non-public information about prices, capacity, sales volume, and demand, including through third party co-conspirator Agri Stats.

***In re Transpacific Passenger Air Transportation Antitrust Litigation***  
**USDC, Northern District of California**

CPM is Co-Lead counsel for a proposed class of purchasers who allege that they paid fuel surcharges illegally charged by Defendants on long-haul passenger flights for transpacific routes. Throughout the course of this heavily litigated case, Plaintiffs filed a comprehensive consolidated amended complaint detailing Defendants' alleged violations. CPM defended and, on the whole, prevailed after extensive rounds of hard-fought motions to dismiss and for summary judgment, with arguments covering such complex regulatory areas as the filed-rate doctrine, the act of state doctrine, the state action doctrine, implied preclusion, federal preemption and the sufficiency of the conspiracy allegations under *Twombly* and *Iqbal*, amongst several other attacks on the pleadings. Class certification.

*CPM recovered \$148,152,000 on behalf of the classes.*

***In re Cathode Ray Tube (CRT) Antitrust Litigation***  
**USDC, Northern District of California**

CPM is an Executive Committee Member and represents a class of direct purchaser plaintiffs against manufacturers of cathode ray terminals ("CRT") who allege that the prices were artificially raised, maintained or stabilized at a supra-competitive level by Defendants and their co-conspirators.

***In re Optical Disk Drive (ODD) Antitrust Litigation***  
**USDC, Northern District of California**

CPM is an Executive Committee Member in this multidistrict litigation alleging a conspiracy that manufacturers of optical disk drives ("ODD") fixed prices of ODDs sold directly to Plaintiffs in the United States.

*Plaintiffs reached \$74,750,000 in settlements.*

***In re Static Random Access Memory (SRAM) Antitrust Litigation***  
**USDC, Northern District of California**

The Court appointed CPM as sole Lead Counsel for direct purchaser plaintiffs of Static Random Access Memory ("SRAM") chips. Important legal rulings were reached on cutting edge issues such as standing of class representatives and the proper showing for class certification. (Settled, 2011).

*CPM successfully secured a \$77 million settlement on behalf of plaintiffs.*



***In re Dynamic Random Access Memory (DRAM) Antitrust Litigation***  
**USDC, Northern District of California**

CPM served as chair of the Discovery Committee in a multidistrict litigation arising from the alleged price-fixing of DRAM, a form of computer memory. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the *class settlements to over \$325 million*.

***In re Dynamic Random Access Memory (DRAM II) Direct Purchaser Antitrust Litigation***  
**USDC, Northern District of California**

The Court appointed CPM as Co-Lead Counsel on behalf of direct purchasers of Dynamic Random Access Memory who allege that defendants conspired, combined, and contracted to fix, raise, maintain, and stabilize the prices at which DRAM was sold in the United States.

***In re Parking Heaters Antitrust Litigation***  
**USDC, Eastern District of New York**

CPM serves as Liaison Counsel for indirect purchaser plaintiffs who purchased air and coolant parking heaters aftermarket for commercial vehicles from Defendants.

***Freight Forwarders Antitrust Litigation***  
**USDC, Eastern District of New York**

CPM is Co-Lead Counsel for purchasers of Freight Forwarding services in the United States and filed a complaint alleging that the major providers of Freight Forwarding conspired to fix the prices of such services in violation of U.S. federal antitrust law (15 U.S.C. § 1).

*CPM was instrumental in securing approximately \$450 million in settlements with defendants for the benefit of the class.*

***In re International Air Transportation Surcharge Antitrust Litigation***  
**USDC, Northern District of California**

CPM served as Co-Lead Counsel for a class of purchasers who alleged that they paid fuel surcharges illegally charged by Defendants on long-haul passenger flights for transatlantic routes. (Settled, 2009).

*Plaintiffs secured settlements on behalf of the class with Defendants Virgin Atlantic Airways, LTD and British Airways Plc worth approximately \$204 million.*

***Air Cargo Shipping Services Antitrust Litigation***

**USDC, Eastern District of New York**

CPM, along with co-counsel, was the court-appointed lead counsel for a proposed class of U.S. indirect purchasers of international air freight services. The case alleged that the providers of international air freight services conspired to fix the prices of such services, including fuel surcharges. The case named almost forty international air freight carriers as Defendants. The claims of the United States indirect purchasers were brought under the antitrust laws and consumer protection laws of various U.S. states. The Court granted approval to a settlement with Defendants Deutsche Lufthansa AG, Lufthansa Cargo AG, and Swiss International Air Lines, Ltd. (Settled, 2009).

***In re: Plasma Derivative Protein Therapies Antitrust Litigation***

**USDC, Northern District of California**

CPM was lead counsel for indirect purchasers in this antitrust class action alleging price-fixing in the market for the life-saving blood products albumin and immunoglobulin.

***Webkinz Litigation, Nuts for Candy v. Ganz Inc., et al.***

**USDC, Northern District of California**

CPM was lead counsel representing a proposed class of persons or entities in the United States who ordered Webkinz from Ganz Inc. on the condition that they also order products from Ganz's "core line" of products. The complaint alleged that Ganz conditioned the purchase of its popular Webkinz plush line toy with a minimum \$1,000 purchase of non-Webkinz "core" line products in violation of federal antitrust laws. On September 17, 2012, Hon. Richard Seeborg of the Northern District of California approved a class action settlement on behalf of a class of small business retailers against Ganz Inc. for alleged antitrust violations where customers were required to purchase unwanted products as a condition to purchasing Ganz's popular Webkinz Toy. (Settled, 2012).

***Municipal Derivative Investment Antitrust Litigation***

**USDC, Southern District of New York**

Along with co-counsel, CPM represents Los Angeles and numerous public entities who purchased Guaranteed Investment Contracts ("GICs") and other derivative investments. GICs and derivative investments are purchased from financial institutions, insurance companies, and others through a competitive bidding process overseen by brokers. They are purchased when public entities issue tax-exempt municipal bonds to raise funds to finance public works projects and have funds that are not immediately needed for the project. CPM's investigation has uncovered, and the complaints allege, that the competitive bidding process is a sham as securities sellers and brokers in the derivative investment market have engaged in a conspiracy to allocate the market and rig the bidding process in violation of antitrust law and common law.

***Toyota Motor Sales USA, Inc.  
Livingston v. Toyota Motor Sales USA, Inc.  
USDC, Northern District of California***

CPM filed an antitrust class action under Sherman Act by purchasers of Toyota vehicles for secret rebates. (Settled, 1997).

***Hip and Knee Implant Marketing Litigation  
USDC, Northern District of California***

CPM, with co-counsel, filed two complaints on behalf of a proposed classes of persons who underwent hip or knee implant surgery. The complaints allege that the major manufacturers of hip and knee implants have engaged in a pervasive kickback scheme, using phony consulting agreements with orthopedic surgeons, to improperly funnel money to doctors and hospitals in return for choosing the manufacturer's device during surgeries. This scheme artificially raised the costs of hip or knee implants paid for by members of the proposed class in violation of state antitrust and consumer protection laws.

***In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation  
County of San Mateo v. Kimberly-Clark Corp.  
San Francisco County Superior Court***

CPM filed an antitrust class action on behalf of a class of public entity consumers of commercial sanitary paper products against alleged price-fixing conspiracy among producers. (Appointed co-lead counsel for public entity class, 1998).

***Dry Creek Corporation v. El Paso Corporation  
San Diego County Superior Court***

CPM filed an antitrust action against El Paso for allegedly withholding natural gas from California in order to drive up prices, which was successfully resolved on behalf of the Plaintiff.

***In re Hydrogen Peroxide Antitrust Litigation  
USDC, Eastern District of Pennsylvania***

CPM filed an antitrust class action for a conspiracy to fix prices of hydrogen peroxide manufactured and sold by Defendants who were engaged in an alleged price-fixing conspiracy.

***Kopies, Inc., et al. v. Eastman Kodak Co.  
USDC, Northern District of California***

CPM was appointed Co-Lead counsel, and successfully prosecuted an antitrust class action on behalf of copier service firms against parts manufacturers for alleged illegal tying of products and services.

***CPM successfully reached a \$45 million settlement with Kodak on behalf of plaintiffs.***

***E&J Gallo Winery v. EnCana Energy Services, et al.***

**USDC, Eastern District of California**

CPM successfully represented E. & J. Gallo Winery in an antitrust action against natural gas companies for allegedly manipulating energy prices, which led to the 2000-2001 California energy crisis, in which energy companies not only gouged the State of California and its residents of billions of dollars but caused rolling blackouts throughout California. E. & J. Gallo Winery is one of the largest natural gas users in the State of California and it suffered millions of dollars in losses. CPM's aggressive prosecution of this case resulted in the case settling on the eve of trial. CPM's efforts led to the landmark Ninth Circuit opinion on the filed rate doctrine. *E. & J. Gallo Winery v. EnCana Corporation*, 503 F.3d 1027 (9th Cir. 2007).

***National Gas Anti-Trust Cases I, II, III, & IV***

**San Diego Superior Court**

CPM represented eleven public entities and others for the alleged reporting of false information by non-core natural gas retailers to published price indices to manipulate the natural gas market during the California energy crisis.

***CPM successfully prosecuted this case, concluding in approximately \$124 Million in settlements.***

***Bathroom Fittings Cases***

**USDC, Northern District of California**

CPM was a member of the Executive Committee in an antitrust class action alleging a conspiracy to fix prices of Bathroom Fittings manufactured by Defendants participating in an alleged price-fixing conspiracy.

***Magazine Paper***

**San Francisco County Superior Court**

CPM filed an antitrust class action alleging a price-fixing conspiracy against magazine paper products International Paper Co., MeadWestvaco Corporation, Norse Skog, Stora Enso, Sappi Limited, S.D. Warren Company and others.

***Foundry Resins***

**USDC, Southern District of Ohio**

CPM filed an antitrust class action alleging a conspiracy to fix prices of resins manufactured by Ashland Inc., Ashland Specialty Chemical Company, Borden Chemical Inc., Delta HA, Inc., HA International LLC.

***In re Automotive Refinishing Paint Cases***  
**Alameda County Superior Court**

CPM was appointed Co-Liaison Counsel in an antitrust class action for conspiracy to fix the price of auto paint by manufacturers engaged in an alleged price-fixing conspiracy. The class was certified in 2004.

***In re Methionine Antitrust Litigation***  
**USDC, Northern District of California**

CPM was appointed Co-Lead Counsel in this antitrust class action against several methionine manufacturers involved in an alleged conspiracy to fix the prices of and allocate the markets for methionine.

*This case settled for \$107 million.*

***In re Citric Acid Antitrust Litigation***  
**USDC, Northern District of California**

CPM served as Co-Lead Counsel in an antitrust class action against the five largest sellers of citric acid in the United States, who are alleged to have conspired to raise and fix the price of citric acid at artificially high levels. Co -Lead counsel successfully certified the class in October 1996. *Co-Lead Counsel also reached approximately \$86.5 million in combined settlements with defendants* Archer Daniels Midland Co., Hoffmann-La Roche Inc., Jungbunzlauer, Inc., Haarmann & Reimer Corp., and Cerestar Bioproducts B.V.

***In re Beer Antitrust Litigation***  
**USDC, Northern District of California**

CPM was appointed Co-Lead counsel in an antitrust class action on behalf of specialty beer brewers against Anheuser-Busch, Inc. for allegedly attempting to monopolize the U.S. beer industry by denying access to distribution channels.

***In re Sodium Gluconate Antitrust Litigation***  
**USDC, Northern District of California**

CPM served as Lead Counsel in an antitrust class action against Defendants who allegedly price fixed sodium gluconate, and industrial cleaning agent.

*CPM successfully certified the class, and reached a settlement on behalf class plaintiffs in the amount of \$4,801,600.*

# OUR PEOPLE

## ANTITRUST ATTORNEYS AT CPM

### JOSEPH W. COTCHETT



#### ADMISSIONS

- California
- New York
- District of Columbia
- United States Supreme Court
- California Court of Appeals
- 9<sup>th</sup> Circuit Court of Appeals
- 3<sup>rd</sup> Circuit Court of Appeals
- 5<sup>th</sup> Circuit Court of Appeals

#### EDUCATION

- Hastings College of Law at the University of California, J.D.
- California State Polytechnic University, B.S. in Engineering

As stated by the National Law Journal, Joseph W. Cotchett is considered by plaintiffs and defense attorneys alike to be one of the foremost trial lawyers in the country. He has been named one of the 100 most influential lawyers in the nation for the past 15 years.

As reported in the *San Francisco / Los Angeles Daily Journal*, he is “considered one of the best trial strategists in the state” who built a career out of representing the underdog against powerful interests. He is a fearless litigator and once tried two cases at the same time (one in the morning and one in the afternoon) and won them both in San Diego Superior Court in 1984. His clients range from corporate giants to groups like Consumers Union of United States, Inc. In 2003, the *San Francisco Chronicle* said “[t]he *Burlingame attorney has had a star career that’s not only talked about in legal circles but has made headlines around the country. Known mostly as a plaintiffs’ lawyer, many of his cases are filed on behalf of fraud victims, and have a widows-and-orphan flavor to them.*” Cotchett consistently has been named one of the most influential lawyers in California, and has been named by the legal press as one of the top 10 trial attorneys in the state and has been listed in every edition of Best Lawyers in America since its inception.

During his 45-plus year legal career, he has tried more than 100 cases to verdict, and settled hundreds more, winning numerous jury verdicts, ranging from multi-million dollar

malicious prosecution jury verdicts to several defense verdicts in complex civil cases. He successfully negotiated a multi-million dollar settlement in a qui tam suit on behalf of the University of California and hundreds of millions of dollars in antitrust, securities and major fraud cases.

In the 1980s, Cotchett won mammoth judgments and settlements for investors in white-collar fraud cases, with jury verdicts of more than \$200 million arising out of the collapse of the Technical Equities Corp. in San Jose. He is known nationally as the lead trial lawyer for 23,000 plaintiffs in the Lincoln Savings & Loan Association/American Continental Corp. downfall in 1990 involving Charles Keating and others. He won one of the then largest jury verdicts, \$3.3 billion. He obtained nearly \$300 million in settlements from lawyers, accountants and other professionals caught up in the scandal in a jury trial in Tucson, Arizona.

He has represented both the National Football League and teams since the early 1980s in various legal actions. As counsel for E. & J. Gallo Winery, he won a defense jury verdict in a celebrated trade dress infringement case involving a wine produced by Gallo and the firm regularly represents Gallo in numerous matters.

In recent years, Cotchett has taken on major corporate entities and Wall Street. He and the firm were involved in litigation resulting from nearly every major corporate scandal including Enron, Worldcom, Global Crossing, Homestore.com, Qwest, Montana Power Company, Lehman, Bank of America, Goldman Sachs, Lehman Brothers and numerous others on behalf of private investors and public pensions. The firm has represented the California Public Employees' Retirement System, California State Teachers' Retirement System, and the University Of California Board Of Regents, along with numerous political subdivisions of the state, such as counties, cities and districts.

In 2000, he served as trial counsel for Consumers Union, successfully defending the watchdog consumer group in a product disparagement and defamation suit. Isuzu Motors of Japan had sued Consumers Union for disparagement of the 1995-96 Trooper, claiming millions in damages. Following an eight-week trial, a jury ruled in favor of Consumers Union. Trial Lawyers for Public Justice honored Cotchett as "Trial Lawyer of the Year Finalist" in 2000 in honor of his "outstanding contribution to the public interest" through his work for Consumers Union. Also in 2000, Consumer Attorneys of California gave Cotchett its "Presidential Award of Merit"

In 2002, Cotchett successfully represented the Chief Justice of the California Supreme Court and the individual judges and members of the Judicial Council, in litigation brought against them by the New York Stock Exchange and the National Association of Securities Dealers. The two Wall Street forces had filed suit against the Judicial Council challenging the State of California for establishing guidelines for arbitrators who hear complaints from investors in the state.

Cotchett received his B.S. in Engineering from California State Polytechnic University, San Luis Obispo in June 1960, being named an Outstanding Graduate, and his J.D. from Hastings College of Law at the University of California in June 1964. In June 2002, Cotchett received an Honorary Doctor of Laws from Cal Poly and The California State University Board of Trustees. In May 2006, Cotchett received an Honorary Doctor of Letters from Notre Dame de Namur University. In May 2011, Cotchett received an Honorary Doctor of Letters from the University of San Francisco. In each case, he was the graduation speaker honored by the universities.

Following California Polytech, he served in the U.S. Army Intelligence Corps, followed by years as a Special Forces paratrooper and JAG Corps officer, in the active reserves, and retired in 1991 with the rank of Colonel. He is a member of many veteran and airborne associations having served on active duty 1960-1961. From 2001 to 2005, he served on the board of the Army War College Foundation in Carlisle, Pennsylvania. The Foundation supports the prestigious Army War College at Carlisle Barracks, the graduate school for the senior commanders of all branches of the service, including officers from foreign allies.

He has been an active member of national, state and local bar associations, including the California, New York and District of Columbia bars. He is a Fellow of the prestigious American College of Trial Lawyers and The International Society of Barristers and an Advocate in the American Board of Trial Advocates. He also is a Fellow and former board member of The International Academy of Trial Lawyers. A former Master of the American Inns of Court, he serves on various advisory boards for professional organizations.

He also has served on the Advisory Board of the Witkin Institute, the mission of which is to further B.E. Witkin's commitment to advancing the understanding of California law and improving the administration of justice.

He is the author of numerous articles and a contributing author to numerous magazines. His books include California Products Liability Actions, Matthew Bender; California Courtroom Evidence, LexisNexis; Federal Courtroom Evidence, LexisNexis; Persuasive Opening Statements and Closing Arguments, California Continuing Education of the Bar (1988); The Ethics Gap, Parker & Son Publications (1991); California Courtroom Evidence Foundations, Parker Publications (1993); and numerous law review articles. He is a prolific author of op-ed pieces and articles on public policy, environmental issues and public integrity. In 2002, he co-authored and published the book The Coast Time Forgot, a historic guide to the San Mateo County coast.

Cotchett serves on the Federal Judicial Advisory Committee that submits and reviews federal judicial nominations in California to President Obama. The committee was authorized by the Obama Administration and California's two Democratic senators, Dianne Feinstein and Barbara Boxer. Cotchett is Chair of the Boxer Committee for the Central District of California (Los Angeles) and advises statewide. Cotchett also serves on a Judicial Advisory Committee to Governor Jerry Brown on state judicial appointments.



Cotchett has lectured at numerous law schools including Harvard Law School, the University of Southern California, Georgetown Law Center, Stanford, Boalt, and his alma mater U.C. Hastings. His subjects include complex cases, evidence, trial practice and professional ethics. He also is a keynote public speaker and lecturer on contemporary subjects of law.

He has been honored by the State Bar of California by serving on the Board of Governors from 1972 to 1975. Cotchett served on the California Judicial Council from 1976 to 1980; the Board of Directors, Hastings College of Law, University of California for twelve years; California Commission on the Future of the Courts; the California Select Committee on Judicial Retirement, the California Blue Ribbon Commission on Children in Foster Care, the latter three appointed by the Chief Justice of California.

His civic work includes past memberships on the board of directors of the San Mateo County Heart Association; San Mateo Boys & Girls Club (Past President); Peninsula Association of Retarded Children and Adults; Bay Meadows Foundation; Disability Rights Advocates; and numerous Bay Area organizations. He formerly served as a member of the board of Public Citizen in Washington, D.C. and served on the board of Earth Justice.

In 1996, he was awarded the Anti-Defamation League's Distinguished Jurisprudence Award. The award was established to recognize individuals in the legal community who have exhibited humanitarian concerns, and whose everyday actions exemplify the principals on which the Anti-Defamation League was founded.

In 1999, Cotchett was inducted by the State Bar of California to the Litigation Trial Lawyers Hall of Fame. This award is given to professionals who have excelled as trial lawyers and whose careers exemplify the highest values and professional accomplishment.

In 2000, the University of California Hastings College of Law opened the Cotchett Center for Advocacy recognizing Cotchett as one of its outstanding graduates. Chief Justice Ronald M. George of the California Supreme Court and Associate Justice Anthony Kennedy of the U.S. Supreme Court honored Cotchett as speakers at the Founder's Day dedication of the center. In November of 2006, Notre Dame de Namur University in Belmont, California dedicated the Joseph W. Cotchett Business Lab for students.

In March of 2000, Cotchett was named to the California State Parks Commission by Governor Gray Davis. The commission establishes general policies for the guidance of the Parks Department in the administration, protection and development of the 260 state parks in the system. He served as Chairperson in 2002-2003.

In 2003, Cotchett was honored by Disability Rights Advocates for his nearly 40 years of civil rights work. At a San Francisco dinner in October attended by lawyers, judges and community leaders, this was how Cotchett was described:

*Joe Cotchett has been a champion for justice since his college days. As an engineering student in North Carolina, Joe challenged segregation by drinking from segregated water fountains and riding in the back of buses. Later, as a student at Cal Poly, in 1958 Joe successfully established the first integrated fraternity, which prompted the other fraternities on campus to follow suit. Joe's legal career has involved representing the underdog and doing extensive pro bono work. His civil rights commitment has been leveraged over and over by his financial support of legal fellowships. He has given a 'kick-start' to the public interest careers of the new law graduates at Trial Lawyers for Public Justice, Public Citizen, Southern Poverty Law Center and Disability Rights Advocates. Through these fellowships, Joe has helped to ensure social change through law. Joe guided DRA as a board and litigation committee member from its infancy years into the defender of disability rights it has become today.*

In 2004, continuing a distinguished history of community and civic involvement, Cotchett endowed a \$7 million fund to support science and mathematics teacher education at California State Polytechnic University to serve inner city and rural minority children. To honor Cotchett, the university renamed its landmark Clock Tower building the "Cotchett Education Building." The gift supports science and mathematics teacher education initiatives at Cal Poly through the University Center of Teacher Education and the College of Science and Mathematics.

In 2011, Cotchett was inducted into the prestigious American Trial Lawyer Hall of Fame for his work nationwide in civil rights, and litigation on behalf of the under-privileged in our society. In 2011, he received the Distinguished Service Award from the Judicial Council of California and was named the Antitrust Lawyer of the Year by the State Bar. In April of 2011, he was honored by the California League of Conservation Voters with the Environmental Leadership Award and honored by the Consumer Watchdog with the Lifetime Achievement Award.

Cotchett and his family members are active in numerous Bay Area charitable organizations involving animals, children, women and minorities. They established the Cotchett Family Foundation that aids individuals and groups in need of assistance.

## **ADAM J. ZAPALA**



### **ADMISSIONS**

- California
- Michigan
- United States Supreme Court
- 9<sup>th</sup> Circuit Court of Appeals

### **EDUCATION**

- University of California, Hastings College of the Law, J.D.
- Stanford University, B.A.

### **HONORS & AWARDS**

- Northern California Super Lawyer (2017-2018)
- Northern California Super Lawyers, Rising Stars List (2014 – 2016)

Partner Adam J. Zapala focuses his practice on antitrust, employment, false claims act litigation, consumer protection and class actions. Mr. Zapala received a B.A. from Stanford University and his J.D. from University of California, Hastings College of the Law.

While at CPM, Mr. Zapala has served in leadership positions on the following major complex matters, among many others:

- *Precision Associates et al. v. Panalpina World Transport et. al.*, No. 08-CV-00042-JG-VVP (E.D. N.Y.) (recovering over \$400 million on behalf of plaintiffs' class);
- *In re Automotive Parts Antitrust Litigation*, No. 12-md-02311 (E.D. Mich.) (to date, recovering over \$600 million on behalf of indirect purchasers);
- *In re Transpacific Air Passenger Transportation Antitrust Litigation*, No. 07-CV-5634-CRB, MDL 1913 (N.D. Cal.) (ongoing case recovering over \$40 million on behalf of plaintiffs' class);
- *In re Capacitors Antitrust Litigation*, Case No. 3:14-cv-03264 (N.D. Cal.) (ongoing case where indirect purchasers have recovered over \$30 million to date);
- *In re Resistors Antitrust Litigation*, No. 15-cv-03820-JD (N.D. Cal.) (ongoing case);

- *In re Vizio, Inc. Consumer Privacy Litigation*, No. 16-md-02693-JLS (C.D. Cal.) (cutting edge privacy litigation on behalf of plaintiffs' class).

While at Hastings, Mr. Zapala received awards for best moot court brief, the Pro Bono Publico award, most outstanding student in Group Advocacy and Systemic Reform, and Excellence for the Future Award in Pre-trial Practice.

Previously, Mr. Zapala worked at a prominent San Francisco firm, where he represented labor unions, Taft-Hartley Pension and Health & Welfare funds, employees and consumers in complex litigation, arbitration and NLRB proceedings. While at this firm, Mr. Zapala served as trial counsel in countless matters on behalf of labor unions and employee benefit funds. He has argued cases before the California First, Third, and Sixth District Court of Appeal. Mr. Zapala also previously served as a staff attorney with Bay Area Legal Aid, where he focused on representing indigent clients in a wide variety of civil litigation matters. While there, Mr. Zapala developed expertise in Medi-Cal, Medicare and other publicly-financed healthcare systems. While in law school, Mr. Zapala also worked for the public interest law firms of Public Advocates, Inc. and Public Justice, focusing on civil rights class action litigation.

Mr. Zapala also has legislative and policy experience, working on Capitol Hill as a policy aide for Senator Ron Wyden (D-Oregon) in Washington D.C. Mr. Zapala has deep ties to the Bay Area. He grew up in San Jose, California and attended Bellarmine College Preparatory. While at Stanford University, Mr. Zapala became a four-time Academic All-American, a four-time All-American, and Captain of the Stanford Men's Soccer Team. In 2001, he was drafted in the Major League Soccer ("MLS") Super Draft by the Dallas Burn (now FC Dallas).

## **ELIZABETH T. CASTILLO**



### **ADMISSIONS**

- California
- Michigan
- 9<sup>th</sup> Circuit Court of Appeals
- 6<sup>th</sup> Circuit Court of Appeals

### **EDUCATION**

- University of California Hastings College of the Law, J.D.
- Boston University, B.A., Economics and Political Science

### **HONORS & AWARDS**

- American Antitrust Institute 2016 Outstanding Antitrust Litigation Achievement by a Young Lawyer Award
- Super Lawyers Northern California Rising Stars List (2015 - 2018)

Elizabeth (Tran) Castillo is a Partner on the Antitrust & Global Competition Team. Her practice focuses on complex litigation—specifically, antitrust class actions against international cartels. Ms. Castillo is the lead associate at CPM on *In re Automotive Parts Antitrust Litigation (Auto Parts)*, which has become the largest indirect purchaser class action in terms of settlement value in history. Ms. Castillo received the American Antitrust Institute’s 2016 Outstanding Antitrust Litigation Achievement by a Young Lawyer Award for her work in Auto Parts.

Ms. Castillo earned her J.D. from the University of California, Hastings College of the Law (UC Hastings) in 2011. At UC Hastings, she was a Super Regional Semifinalist in the Jessup International Law Moot Court Competition. She also received Honorable Mentions for both Best Brief and Best Oral Argument in Moot Court. Additionally, she served as a Judicial Extern to the Honorable A. James Robertson II in the Superior County of California, County of San Francisco, and as a Teaching Assistant for both Legal Writing & Research and Moot Court. Throughout law school, Ms. Castillo mentored underserved high school students on preparing for college. Ms. Castillo received her B.A. in Economics and Political Science, with a concentration in Public Policy, from Boston University (BU) in 2008. At BU, she interned at an international law firm and business advocacy organization in London and Sydney, respectively, during her junior year. Ms. Castillo has national and state legislative experience. She interned for then-U.S. Representative Neil Abercrombie (D-Hawaii, 1991-2010; Governor of Hawaii, 2010-2014) in Washington, D.C. and State Representative Scott Nishimoto (D-Hawaii, 2003-present) in Honolulu.

## **JOSEPH M. ALIOTO**



### **ADMISSIONS**

- U.S. Supreme Court
- Ninth Circuit Court of Appeals
- Eighth Circuit Court of Appeals
- Sixth Circuit Court of Appeals
- California Bar

### **EDUCATION**

- University of California, Berkeley (Boalt Hall), JD (2001)
- University of California, Berkeley (Haas School of Business), MBA (2001)
- Georgetown University, Bachelor of Science (1994), cum laude

### **HONORS & AWARDS**

- Attorney of the Year (Antitrust), California Lawyer (2010)
- Department of Justice Director's Award, Superior Performance by an Assistant U.S. Attorney (2018)
- Appellate Excellence (U.S. Attorney's Office, District of Arizona) (2013)
- Federal Bureau of Investigation, Prosecutorial Excellence (2015, 2016)

Joseph Alioto is a partner at Cotchett, Pitre & McCarthy where he focuses on antitrust, securities, False Claims Act, and contract cases. For almost ten years before he was a federal prosecutor, Joe litigated antitrust cases on behalf of private plaintiffs. In 2010, he briefed, argued and won a unanimous reversal before the Supreme Court of California in *Clayworth v. Pfizer*, 49 Cal.4th 758 (2010). Joe has argued and/or briefed antitrust appeals before the Sixth, Eighth, and Ninth Circuits. In 2011, California Lawyer magazine named him Attorney of the Year in antitrust law. Representing the interests of independent businesses and consumers, Joe has fought major pharmaceutical companies, foreign and domestic airlines, major freight railroads, and beverage giants like InBev and Anheuser Busch.

Before coming to CPM, Joe served as an Assistant U.S. Attorney for seven years, prosecuting complex racketeering conspiracies, murder, public corruption, fraud, firearms and drug cases. He has represented the United States in 8 federal jury trials, worked on over 250 cases, appeared in federal court 500+ times, and has examined hundreds of witnesses at trial, in grand jury, or in evidentiary hearings before

the Court. As a member of the Organized Crime Strike Force, Joe was the lead prosecutor in a 4-month jury trial against the top-ranking leadership of a nationwide prison gang in 2016, convicting them of racketeering conspiracy, murder, attempted murder, arson, and other crimes. The following year, Joe secured substantial prison sentences for 4 members of an Oakland street gang that shot and beat a police officer. As part of an ongoing Asian organized crime probe in 2018, Joe investigated, charged and convicted a corrupt police officer. (A Police Legend Falls: Oakland Chinatown Gang Expert Admits Taking Bribes, San Jose Mercury News (Oct. 11, 2018).) In 2018, the U.S. Department of Justice recognized Joe with one of its most prestigious honors, the Director's Award for Superior Performance by a Criminal AUSA.

Joe received his law degree in 2001 from U.C. Berkeley (Boalt Hall) while also earning his MBA from U.C Berkeley's Haas School of Business. He earned his bachelor's degree cum laude from Georgetown University in 1994. In addition to his other awards, Joe has been recognized by the Federal Bureau of Investigation for his "prosecutorial excellence" and by the Arizona U.S. Attorney's Office for his excellence in appellate advocacy. In 2010 and 2011, Super Lawyer named Joe a "Rising Star" (top 2.5% of Northern California antitrust lawyers under the age of 40).

## **ALEXANDER E. BARNETT**



### **ADMISSIONS**

- New York
- District of Columbia
- Southern District Illinois
- 2<sup>nd</sup> Circuit Court of Appeals

### **EDUCATION**

- St. John's University School of Law, J.D.
- University of Pennsylvania, B.A.

Alex Barnett specializes in class actions involving antitrust law violations, securities law violations, consumer fraud, negligent product design and manufacture, wage and overtime disputes, civil rights violations, and violation of environmental laws. He also handles mass tort litigation.

Mr. Barnett has represented individuals injured by pharmaceutical products such as Redux and Pondimin, Baycol, Serzone, and Vioxx. In addition, Mr. Barnett served as counsel for the cities of Boston, Los Angeles, Philadelphia and San Francisco against the handgun industry and as counsel for the City of Milwaukee in a case against the lead pigment industry.

Mr. Barnett has served as a lecturer on class actions, serving as a Panel speaker at the First Annual National Class Actions Symposium (Osgoode Hall Law School, Toronto, Canada) and the Third Annual Class Actions for Non-Class-Action Lawyers - Growing Your Business by Understanding the Basics and Recognizing Opportunities.

Prior to entering private practice, Mr. Barnett served as the Executive Director of the International Association of Jewish Lawyers and Jurists ("IAJLJ"), American Section, an organization dedicated to promoting human rights and the rule of law. Before his tenure at the IAJLJ, Mr. Barnett served as the Democratic Party nominee for the New York State Assembly in New York's 17th Assembly District.



## **TAMARAH P. PREVOST**



### **ADMISSIONS**

- California

### **EDUCATION**

- Santa Clara University School of Law, J.D.
- Simon Fraser University, B.A.

Tamarah Prevost is an Associate at Cotchett, Pitre & McCarthy, LLP, practicing in a wide range of civil litigation areas including antitrust, consumer protection, employment law, elder abuse, false claims act litigation, and other complex civil matters.

Ms. Prevost received her J.D. from Santa Clara University School of Law. While at Santa Clara, Ms. Prevost was involved in a variety of extracurricular activities. She was named the Best Oral Advocate in the Semi Final Round of Santa Clara Law's Honors Moot Court Competition, and was published in the Santa Clara Journal of International Law. She received the CALI Award for her "Leadership for Lawyers" class and maintained a heavy involvement in the Women and Law Association, which included her planning a fundraiser to benefit victims of domestic violence. Ms. Prevost also served as a Judicial Extern for the Honorable Justice Nathan Mihara of the Sixth District Court of Appeal, California.

Prior to law school, Ms. Prevost lived in Vancouver, British Columbia, and while there, obtained her Bachelor of Arts degree with First Class Honors from Simon Fraser University. She took a semester off during this time to live in Puerto Viejo, Costa Rica and volunteer at a non-profit organization committed to alleviating poverty for the indigenous population. While living in Vancouver, Ms. Prevost was also actively involved in the Rotary Club of New Westminster.

Ms. Prevost is also involved in community activities, where she is Board of Directors – Director of Governance: Digital Moose Lounge, a non-profit organization that serves as the first point of contact for Canadians new to the Bay Area.

## **ADAM J. TROTT**



### **ADMISSIONS**

- California

### **EDUCATION**

- U.C. Berkeley School of Law (Boalt Hall), J.D.
- University of California, Los Angeles, B.A

Mr. Trott received his J.D. from the U.C. Berkeley School of Law (Boalt Hall). While at Berkeley, he served as managing editor of the Berkeley Journal of International Law and published an article in Berkeley's legal journal dedicated to environmental law, Ecology Law Quarterly. During his final year, Mr. Trott interned at the U.S. Department of the Treasury's general counsel's office in Washington, D.C., where he provided advice on CFIUS enforcement and various international monetary and fiscal matters.

After receiving his J.D., Mr. Trott served as Legal and Policy Consultant for the United Nations Global Compact, the world's largest corporate social responsibility initiative, in New York City. While there, Mr. Trott spearheaded the creation of a new reporting framework encouraging businesses around the world to improve their own human and labor rights practices, and those of their supply chains, and worked directly with businesses in Eastern Europe, Africa and Central Asia facing local and cross-border corruption issues. Mr. Trott was a panelist at multiple seminars centered on these issues with business and political leaders and spoke at several related conferences in Europe and North America.

Mr. Trott then moved to San Francisco to join a large law firm, representing clients in antitrust, data privacy, and securities litigation, and Foreign Corrupt Practices Act matters. He also represented several pro bono clients seeking asylum in the United States. Prior to joining Cotchett, Pitre & McCarthy, Mr. Trott volunteered at and worked as an attorney for Disability Rights California, where he represented and provided advocacy services for its clients.

Mr. Trott received his B.A., summa cum laude with College Honors, in Classical Studies and History from the University of California, Los Angeles. While at UCLA, Mr. Trott was heavily involved with the school's music department and marching band, focusing on clarinet performance, and interned for then- and current U.S. Representative Brad Sherman.

# **EXHIBIT 2**

**IN RE CAPACITORS ANTITRUST LITIGATION**  
**Case No. 3:14-cv-03264-JD; MDL No. 3:17-md-02801-JD**

**EXHIBIT 2**  
**COTCHETT, PITRE, & McCARTHY, LLP**

**Hours and Lodestar on a Historical Basis**  
**April 1, 2018 through August 12, 2019**

<b>Categories:</b>	<b>1) Legal Research</b>	<b>6) Class Certification</b>	<b>11) Settlements &amp; Mediation</b>	<b><u>TITLE</u></b>	<b>(P) Partner</b>
	<b>2) Investigation / Factual Research</b>	<b>7) Summary Judgment</b>	<b>12) Case Management</b>	<b><u>ABBRV:</u></b>	<b>(A) Associate</b>
	<b>3) Discovery</b>	<b>8) Appeals</b>	<b>13) Class Notice</b>		<b>(FLR) Foreign Language Reviewer</b>
	<b>4) Document Review</b>	<b>9) Court Appearance and Prep</b>	<b>14) Trial Prep</b>		<b>(DR) Document Reviewer</b>
	<b>5) Pleadings, Briefs &amp; Motions</b>	<b>10) Experts</b>	<b>15) Trial</b>		<b>(SPL) Senior Paralegal</b>
					<b>(PL) Paralegal</b>
					<b>(LC) Law Clerk</b>

ATTORNEYS (P, A, CA, CFL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	CUMULATIVE LODESTAR
Cotchett, Joseph (P)		1.50														1.50	\$950.00	\$1,425.00
Zapala, Adam (P)			65.60		242.90				59.30	27.60	116.40					511.80	\$750.00	\$383,850.00
Castillo, Elizabeth (P)	2.40		19.40		163.40				0.50		2.70	13.30				201.70	\$650.00	\$131,105.00
Castillo, Elizabeth (A)	0.40		52.80		19.80		0.40		2.70		30.10	3.20				109.40	\$600.00	\$65,640.00
Gardea, Ana (A)			0.20									1.20				1.40	\$600.00	\$840.00
Trott, Adam (A)	1.80		185.10		135.60				4.20							326.70	\$600.00	\$196,020.00
Montano, Michael (A)			10.70													10.70	\$425.00	\$4,547.50
Prevost, Tamarah (A)			121.10													121.10	\$425.00	\$51,467.50
Ram, Mark (A)			171.10		25.90		33.00	3.30	27.60	169.00	73.90	0.90				504.70	\$425.00	\$214,497.50
Nishimura, Chikako (FLR)				15.70												15.70	\$350.00	\$5,495.00
Nazaki, Shinichi (FLR)				91.30												91.30	\$350.00	\$31,955.00
<b>SUB-TOTAL</b>	<b>4.60</b>	<b>1.50</b>	<b>626.00</b>	<b>107.00</b>	<b>587.60</b>	<b>0.00</b>	<b>33.40</b>	<b>3.30</b>	<b>94.30</b>	<b>196.60</b>	<b>223.10</b>	<b>18.60</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,896.00</b>		<b>\$1,086,842.50</b>

**IN RE CAPACITORS ANTITRUST LITIGATION**  
**Case No. 3:14-cv-03264-JD; MDL No. 3:17-md-02801-JD**

**EXHIBIT 2**  
**COTCHETT, PITRE, & McCARTHY, LLP**

**Hours and Lodestar on a Historical Basis**  
**April 1, 2018 through August 12, 2019**

<b>Categories:</b>	<b>1) Legal Research</b>	<b>6) Class Certification</b>	<b>11) Settlements &amp; Mediation</b>	<b><u>TITLE</u></b>	<b>(P) Partner</b>
	<b>2) Investigation / Factual Research</b>	<b>7) Summary Judgment</b>	<b>12) Case Management</b>	<b><u>ABBRV:</u></b>	<b>(A) Associate</b>
	<b>3) Discovery</b>	<b>8) Appeals</b>	<b>13) Class Notice</b>		<b>(FLR) Foreign Language Reviewer</b>
	<b>4) Document Review</b>	<b>9) Court Appearance and Prep</b>	<b>14) Trial Prep</b>		<b>(DR) Document Reviewer</b>
	<b>5) Pleadings, Briefs &amp; Motions</b>	<b>10) Experts</b>	<b>15) Trial</b>		<b>(SPL) Senior Paralegal</b>
					<b>(PL) Paralegal</b>
					<b>(LC) Law Clerk</b>

NON-ATTORNEYS (LC, SPL, PL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	PREVIOUS LODESTAR
Verducci, Jaclyn (SPL)		12.10	74.50		43.40	1.10	25.30		1.60	27.10	6.30	4.60	45.40			241.40	\$325.00	\$78,455.00
Shimamura, Yuka (SPL)			16.00	320.00												336.00	\$325.00	\$109,200.00
Caylao, Michael (PL)	18.90	13.60	198.20		94.60			1.10	14.20	5.30	7.50	33.70	0.10			387.20	\$275.00	\$106,480.00
Cox, Allison (PL)			47.20								5.30	1.70	0.50			54.70	\$275.00	\$15,042.50
Lin, Virginia (PL)			0.20		8.80											9.00	\$275.00	\$2,475.00
Lipson, Carlo (PL)												18.70				18.70	\$275.00	\$5,142.50
Rashid, Rowyda (PL)			1.00													1.00	\$275.00	\$275.00
Gaa, Reid (LC)	14.40		15.20													29.60	\$175.00	\$5,180.00
Scott, Brittany (LC)			17.30													17.30	\$175.00	\$3,027.50
Szabados, Linda (LC)	125.70				37.10				3.00							165.80	\$175.00	\$29,015.00
<b>SUB-TOTAL</b>	<b>159.00</b>	<b>25.70</b>	<b>369.60</b>	<b>320.00</b>	<b>183.90</b>	<b>1.10</b>	<b>25.30</b>	<b>1.10</b>	<b>18.80</b>	<b>32.40</b>	<b>19.10</b>	<b>58.70</b>	<b>46.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,260.70</b>		<b>\$354,292.50</b>
<b>GRAND TOTAL:</b>	<b>163.60</b>	<b>27.20</b>	<b>995.60</b>	<b>427.00</b>	<b>771.50</b>	<b>1.10</b>	<b>58.70</b>	<b>4.40</b>	<b>113.10</b>	<b>229.00</b>	<b>242.20</b>	<b>77.30</b>	<b>46.00</b>	<b>0.00</b>	<b>0.00</b>	<b>3,156.70</b>		<b>\$1,441,135.00</b>

# **EXHIBIT 3**

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT 3****Summary of All Firm Hours and Lodestars**

April 1, 2018 through August 12, 2019

<b>Firm Name</b>	<b>Hours</b>	<b>Lodestar</b>
Cotchett, Pitre & McCarthy, LLP	3,156.7	\$1,441,135.00
Glancy Prongay & Murray, LLP	807.5	\$282,862.50
Gustafson Gluek PLLC	915.3	\$376,285.50
Lieff Cabraser Heimann & Bernstein, LLP	425.9	\$184,813.00
Lockridge Grindal Nauen PLLP	0.0	\$0.00
Meredith & Associates	49.0	\$38,465.00
Minami Tamaki, LLP	2.6	\$1,235.00
Robins Kaplan LLP	650.4	\$243,331.00
Saveri & Saveri, Inc.	528.3	\$342,607.50
Susman Godfrey LLP	13.2	\$4,555.00
The Miller Law Firm, P.C.	47.1	\$28,321.00
<b>TOTAL:</b>	<b>6,596.0</b>	<b>\$2,943,610.50</b>

# **EXHIBIT 4**



*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT 4****Summary of All Firm Hours and Lodestars**

November 1, 2014 through August 12, 2019

<b>Firm Name</b>	<b>Cumulative Hours</b>	<b>Cumulative Lodestar</b>	<b>Previous Submissions ECF Nos.</b>
Cotchett, Pitre & McCarthy, LLP	29,552.6	\$11,846,078.50	1649-3 2176-3
Law Offices of Alexander M. Schack	111.7	\$51,729.50	1649-8
Duncan Firm, P.A.	28.5	\$14,682.50	1649-9
Glancy Prongay & Murray, LLP	5,604.0	\$2,099,668.50	1679-10 2176-9
Goldman Scarlato & Penny, P.C.	3.1	\$1,928.50	1649-11
Gray, Plant, Mooty, Mooty & Bennett, P.A.	8.9	\$3,473.00	1649-12
Gustafson Gluek PLLC	5,047.7	\$2,189,401.50	1649-13 2176-10
Heaton & Moore, P.C.	36.7	\$5,910.00	1649-14
Langdon & Emison LLC	34.0	\$7,270.00	1649-15
Lieff Cabraser Heimann & Bernstein, LLP	8,771.9	\$3,271,820.00	1649-16 2176-11
Lockridge Grindal Nauen PLLP	1,122.7	\$472,141.00	1649-17 2176-12
Meredith & Associates	1,250.8	\$653,673.50	1649-18 2176-13
Minami Tamaki, LLP	4,966.3	\$1,783,332.50	1649-20 2176-14
Robins Kaplan LLP	4,213.5	\$1,590,913.00	1649-21 2176-15
Robinson Calcagnie, Inc.	82.5	\$37,150.00	1649-22
Saveri & Saveri, Inc.	6,683.4	\$3,410,995.00	1649-23 2176-16

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

<b>Firm Name</b>	<b>Cumulative Hours</b>	<b>Cumulative Lodestar</b>	<b>Previous Submissions ECF Nos.</b>
Shaffer Lombardo Shurin	114.1	\$42,832.00	1649-24
Susman Godfrey LLP	1,649.5	\$642,537.00	1649-26 2176-17
The Miller Law Firm, P.C.	1,321.6	\$747,035.00	1649-19 2176-18
<b>TOTAL:</b>	<b>70,603.5</b>	<b>\$28,872,571.00</b>	

# **EXHIBIT 5**

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT 5**

COTCHETT, PITRE, &amp; McCARTHY, LLP

Expenses Incurred

April 1, 2018 through August 12, 2019

<b>EXPENSE CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Costs / Filing Fees	\$0
Experts / Consultants	\$0
Shipping Costs / Federal Express / UPS	\$912.33
Postage / U.S. Mail	\$13.46
Service of Process	\$0
Messenger / Delivery	\$0
Hearing Transcripts	\$0
Investigation	\$59.49
Lexis / Westlaw / PACER	\$1,131.09
Photocopies – In House	\$5,682.60
Photocopies – Outside	\$0
Telephone / Telecopier	\$191.76
Travel – Transportation	\$9,165.46
Travel - Hotels	\$6,537.16
Travel – Meals	\$1,121.39
<b>TOTAL:</b>	<b>\$24,814.74</b>

,

BACKUP  
MATERIAL  
SUBMITTED  
FOR IN  
CAMERA  
REVIEW

# **EXHIBIT 6**

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT 6****Summary of Unreimbursed Individual Firm Expenses**

April 1, 2018 through August 12, 2019

<b>FIRM</b>	<b>ROUND 3 EXPENSES</b>
Cotchett, Pitre & McCarthy, LLP	\$24,814.74
Glancy Prongay & Murray, LLP	\$16.02
Gustafson Gluek PLLC	\$9,370.52
Lieff, Cabraser Heimann & Bernstein, LLP	\$1,527.06
Lockridge Grindal Nauen PLLP	\$0.00
Meredith & Associates	\$470.70
Minami Tamaki, LLP	\$24.05
Robins Kaplan LLP	\$1,533.96
Saveri & Saveri, Inc.	\$13,495.11
Susman Godfrey LLP	\$1.90
The Miller Law Firm, P.C.	\$505.75
<b>TOTAL:</b>	<b>\$51,759.81</b>

# **EXHIBIT 7**



*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT 7****Summary of Unreimbursed Litigation Fund Expenses**

<b>VENDOR</b>	<b>TOTAL AMOUNT INCURRED</b>
<b>Court Reporters</b>	
Belle Ball	\$207.00
Jo Ann Bryce	\$10.80
Vicki Eastvold	\$31.50
Debra Pas	\$33.90
Katherine Sullivan	\$27.00
<b>Delivery / Service of Process / Court Filings</b>	
A&A Legal Service, Inc.	\$2,092.05
<b>Experts / Consultants</b>	
Monument Economics Group	\$619,174.49
Nathan	\$38,561.20
Paumanok Publications, Inc.	\$330.00
<b>Document Review / Document Discovery</b>	
Casepoint	\$327,548.76
<b>Depositions</b>	
US Legal	\$39,250.23
Veritext	\$3,398.75
<b>Translations / Interpreting / Foreign Proceedings</b>	
Translation by Design	\$13,240.92
<b>Bank and Miscellaneous Fees</b>	
Harland Clarke Checks	\$185.67
Bank Service Charge	\$60.00
<b>TOTAL</b>	<b>\$1,044,152.27</b>

BACKUP  
MATERIAL  
SUBMITTED  
FOR IN  
CAMERA  
REVIEW

# **EXHIBIT 8**

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT 8**

**Summary of All Unreimbursed Expenses**

CATEGORY	TOTAL AMOUNT INCURRED
Unreimbursed Individual Firm Expenses	\$51,759.81
Unreimbursed Litigation Fund Expenses	\$1,044,152.27
<b>TOTAL:</b>	<b>\$1,095,912.08</b>

# **EXHIBIT 9**

**GUSTAFSON GLUEK PLLC**

Daniel E. Gustafson (Admitted Pro Hac Vice)

Daniel C. Hedlund (Admitted Pro Hac Vice)

Canadian Pacific Plaza

120 South Sixth Street, Suite 2600

Minneapolis, MN 55402

Telephone: (612) 333-8844

Facsimile: (612) 339-6622

dgustafson@gustafsongluek.com

dhedlund@gustafsongluek.com

*Class Counsel for Indirect Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE CAPACITORS ANTITRUST  
LITIGATION**

**THIS DOCUMENT RELATES TO:**

**All Indirect Purchaser Actions**

**Case No. 3:14-cv-03264-JD  
MDL No. 3:17-md-02801-JD**

**DECLARATION OF DANIEL C.  
HEDLUND IN SUPPORT OF CLASS  
COUNSEL'S APPLICATION FOR  
ATTORNEYS' FEES AND  
REIMBURSEMENT OF COSTS  
SUBMITTED ON BEHALF OF  
GUSTAFSON GLUEK PLLC**

**Date: January 23, 2020**

**Time: 10:00 a.m.**

**Place: Courtroom 11, 19<sup>th</sup> Floor**

**Judge: Hon. James Donato**

1 I, Daniel C. Hedlund, declare and state as follows:

2 1. I am a member of Gustafson Gluek PLLC, Counsel for Indirect Purchaser Plaintiffs  
3 (“IPPs” or “Plaintiffs”) in this action. I submit this declaration in support of Class Counsel’s  
4 application for attorneys’ fees and reimbursement of expenses reasonably incurred in connection  
5 with the services rendered in this litigation on behalf of the class. I make this declaration based on  
6 my personal knowledge and if called as a witness, I could and would competently testify to the  
7 matters stated herein. The time expended preparing this Declaration is not included.

8 2. During the pendency of the litigation, Gustafson Gluek PLLC, acted as supporting  
9 class counsel to IPPs. Gustafson Gluek PLLC has prosecuted this litigation solely on a contingent-  
10 fee basis, and has been at risk that it would not receive any compensation for prosecuting claims  
11 against the defendants. While Gustafson Gluek PLLC devoted its time and resources to this  
12 matter, it has foregone other legal work for which it would have been compensated. Attached  
13 hereto as **Exhibit A** is a copy of Gustafson Gluek PLLC’s curriculum vitae.

14 3. During the course of this litigation, Gustafson Gluek PLLC has been involved in the  
15 following activities on behalf of IPPs at the request of and under the direction of Interim Lead  
16 Counsel: prepared for and took numerous depositions in the U.S. and Asia; met and conferred with  
17 numerous third parties regarding responses and objections to subpoenas and productions of data  
18 and documents for expert analysis; conferred with experts and co-counsel regarding economic  
19 analysis of third party data; prepared for and assisted with defense of class representative at  
20 deposition; prepared for, attended and participated in third party depositions; assisted and prepared  
21 expert for deposition; assisted expert with materials for expert report; conferred with client (a  
22 named plaintiff and proposed class representative) to keep apprised of case status; and reviewed,  
23 analyzed and coded foreign language documents.

24 4. Attached hereto as **Exhibit B** is my firm’s total hours and lodestar, computed at  
25 historical rates, from April 1, 2018 through August 12, 2019. The total number of hours spent by  
26 Gustafson Gluek PLLC during this period of time was 915.30, with a corresponding historical  
27 lodestar of \$376,285.50. This summary was prepared from contemporaneous, daily time records  
28 regularly prepared and maintained by Gustafson Gluek PLLC. The lodestar amount reflected in

1 Exhibit A is for work assigned by Lead Counsel, and was performed by professional staff at my  
2 law firm for the benefit of the IPP Class.

3 5. All of the services performed by Gustafson Gluek PLLC in connection with this  
4 litigation were reasonably necessary in the prosecution of this case. There has been no unnecessary  
5 duplication of services for which Gustafson Gluek PLLC now seeks compensation. The hourly  
6 rates for the attorneys and professional support staff in my firm included in Exhibit A are the usual  
7 and customary hourly rates charged by Gustafson Gluek PLLC.

8 6. Gustafson Gluek PLLC has expended a total of \$9,370.52 in unreimbursed costs in  
9 connection with the prosecution of this litigation from April 1, 2018 through August 12, 2019.  
10 These costs are itemized in the chart attached hereto as **Exhibit C**. These costs were incurred on  
11 behalf of IPPs by Gustafson Gluek PLLC on a contingent basis and have not been reimbursed. The  
12 costs incurred in this action are reflected on the books and records of my firm. These books and  
13 records are prepared from expense vouchers, check records and other source materials and  
14 represent an accurate recordation of the costs incurred. These firm costs are separate and apart  
15 from any costs incurred through the litigation fund.

16 7. I have reviewed the time and costs reported by my firm in this case which are  
17 included in this declaration, and I affirm that they are true and accurate to the best of my  
18 knowledge.

19 I declare under penalty of perjury under the laws of the United States of America that the  
20 foregoing is true and correct.

21  
22 Executed on October 14, 2019 at Minneapolis, Minnesota

23  
24 /s/ Daniel C. Hedlund  
Daniel C. Hedlund



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

I, Adam J. Zapala, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/ Adam J. Zapala  
Adam J. Zapala

# **EXHIBIT A**



## **GUSTAFSON GLUEK PLLC**

### ***Firm Résumé***

***October 2019***

Gustafson Gluek PLLC is a national law firm with offices in Minneapolis and San Diego. The firm focuses its practice on antitrust, consumer protection, and class action litigation. Its thirteen members have over one-hundred and fifty years of experience in these areas, as well as in intellectual property litigation involving patents, trademarks, and trade dress, complex business litigation, and securities fraud litigation. Gustafson Gluek PLLC practices before state and federal courts throughout the country. Since its founding, in May 2003, its attorneys have worked with and opposed some of the nation's largest companies and law firms.

### **Amanda M. Williams**

Amanda M. Williams is a member of Gustafson Gluek PLLC. She is a *magna cum laude* graduate of Gustavus Adolphus College (B.A. 2001) with a major in Psychology and a graduate of the University of Minnesota Law School (J.D. 2004). Ms. Williams is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

During law school, Ms. Williams studied comparative international law abroad in Greece and served as a judicial extern for the Honorable George W. Perez, Minnesota Tax Court. Ms. Williams also participated in the Jessup International Law Moot Court.



After graduating from law school Ms. Williams served as law clerk to the Honorable Gordon W. Shumaker, Minnesota Court of Appeals. She then joined Gustafson Gluek PLLC in 2005. Ms. Williams is an active member of Minnesota Women Lawyers and is former chair of the Law School Scholarship Committee. She serves as a volunteer attorney for the Minnesota Federal Bar Association's Federal *Pro Se* Project and is a recipient of the Minnesota chapter of the Federal Bar Association's 2011 Distinguished *Pro Bono* Service award. In 2015, the Minnesota State Bar Association (MSBA) gave special recognition to Ms. Williams as North Star Lawyer for the year. She was recognized as a member who provided at least 50 hours of pro bono legal services in a calendar year to low income individuals.

In 2013-2018, Ms. Williams was designated a "Rising Star" in the field of antitrust litigation by *Law & Politics* magazine.

Ms. Williams is currently or has been actively involved in the representation of plaintiffs and plaintiff classes in numerous cases including: *In re Syngenta Litig.* (Minn.); *In re Asacol Antitrust Litig.* (D. Mass.); *Fleischman v. Albany Medical Center* (N.D.N.Y.); *Reed, et al. v. Advocate Health Care, et al.* (N.D. Ill.); *Clarke et al v. Baptist Memorial Healthcare Corp. et al* (W.D. Tenn.); *Maderazo et al. v. VHS San Antonio Partners D.B.A. Methodist Hospitals et al.* (W.D. Tex.); *Cason-Merenda, et al v. Detroit Medical Center* (E.D. Mich.); *In re Containerboard Antitrust Litig.* (N.D. Ill.); *Pinsonneault v. St. Jude Medical et al* (D. Minn.); *The Shane Group, Inc., et al. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.); *In re Urethane Antitrust Litig.* (D. Kan.); *In re Funeral Consumers Antitrust Litig.* (S.D. Texas); *In re Foundry Resins Antitrust Litig.* (S.D. Ohio); *In re Wellbutrin SR Antitrust Litig.* (E.D. Pa.); *In re Medtronic, Inc. Implantable Defibrillators Products Liability Litig.* (D. Minn); *In re Medtronic,*



*Inc. Sprint Fidelis Leads Products Liab. Litig.* (D. Minn); *Kleen Products LLC, et al. v. Packaging Corp. of America, et al.* (N.D. Ill.); *In re: American Medical Systems, Inc. Litig.* (Henn. Co.); and *Karsjens, et. al v. Jesson, et. al* (D. Minn.).

Ms. Williams also is or has been involved in other non-class complex cases involving antitrust, consumer protection, contract, unfair competition trademark and patent infringement claims including: *Regional Multiple Listing Services of MN, Inc. d/b/a NorthstarMLS v. American Home Realty Network, Inc. v. Edina Realty, Inc., et.al.* (D. Minn.); *Metropolitan Regional Information Systems, Inc. v. Am. Home Realty Network, Inc., et al.* (D. Md.); *Preferred Carolinas Realty, Inc. v. Am. Home Realty Network, Inc.* (M.D.N.C.); *In re Medtronic Infusion Sets and Insulin Pumps Litigation*; and *In re American Medical Systems, Inc. Pelvic Repair System Product Liability Litigation* (S.D. W.Va.).

**Brittany N. Resch**

Brittany N. Resch is an associate of Gustafson Gluek PLLC. She is a *magna cum laude* graduate of the University of Minnesota – Twin Cities (B.A., 2012) with a Global Studies major and Finnish and Social Justice minors, and a graduate of the University of Minnesota Law School (J.D., 2015). Ms. Resch is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

During law school, Ms. Resch was a member of the Phillip C. Jessup International Moot Court Competition Team, served on the board of NOLA MN and the Federal Bar Association’s University of Minnesota Law School chapter, and worked as a law clerk for the United States Attorney’s Office, Goldstein & Sutor, PLLC, and Hennepin County Attorney’s Office. Ms.



Resch also provided representation to low-income persons with consumer protection issues as a certified student attorney and served as a judicial extern for the Honorable Steven E. Rau, Magistrate Judge, District of Minnesota.

After graduating from law school, Ms. Resch served as a law clerk to the Honorable Richard H. Kyle, Senior United States District Judge, District of Minnesota. She then joined Gustafson Gluek PLLC in 2016. She is a member of the Federal Bar Association and has served as a volunteer attorney for the Minnesota Federal Bar Association's Federal Pro Se Project. She is also a member of the Partner Leadership Council for Minnesota Women Lawyers, a group aimed at engaging influential law firms in the Twin Cities in developing policies and practices to ensure the success of women attorneys and a just society.

Ms. Resch is currently or has been actively involved in the representation of plaintiffs and classes in numerous cases, including: *In re Pork Antitrust Litig.* (Minn.); *In re Automotive Parts Antitrust Litig.* (E.D. Mich.); *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.); *In re Asacol Antitrust Litig.* (D. Mass.); *In re Disposable Contact Lens Antitrust Litig.* (M.D. Fla.); *State of Illinois, ex rel. Hayes and Heppenstall v. Bank of America Corp., et al.* (Ill. Cir. Ct.); *State of California, ex rel. [under seal] v. [under seal]* (Super. Ct. Cal.); and *State of New Jersey, ex rel. Hayes and Heppenstall v. Bank of America Corp., et al.* (N.J. Super. Ct.).

**Catherine Sung-Yun K. Smith**

Catherine Sung- Yun K. Smith is a member of Gustafson Gluek PLLC. She is a graduate of Korea University (B.A. 2000) and a graduate of University of Minnesota Law School (J.D.



2005). Ms. Smith is admitted to the New York Bar, Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

During law school, Ms. Smith served as a director of the Civil Practice Clinic, and also as a director of the William E. McGee National Civil Rights Moot Court Competition. Ms. Smith served as a judicial extern for the Honorable Regina Chu, District Judge, Fourth Judicial District of Minnesota. In addition, Ms. Smith also participated in the Maynard Pirsig Moot Court. She joined Gustafson Gluek PLLC in 2007.

Ms. Smith has been named as a Minnesota “Super Lawyer Rising Star” in 2013-2016 by *Law & Politics* magazine.

Ms. Smith is fluent in Korean and English and also has basic language skills in German, Japanese, and Chinese.

Ms. Smith is currently or has been actively involved in the representation of plaintiffs and classes in numerous cases including: *In re TFT LCD (Flat Panel) Antitrust Litig.* (N.D. Ca.); *In re Cathode Ray Tube Antitrust Litig.* (N.D. Ca.); *In re Optical Disk Drive Antitrust Litig.* (N.D. Cal.); *In re Air Cargo Shipping Services Antitrust Litig.* (E.D.N.Y.); *Hyun Park et al v. Korean Air Lines Co., Ltd.* (C.D. Ca.); *In re Online DVD Rental Antitrust Litig.* (N.D. Ca.); *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.* (E.D.N.Y.); *In re Flash Memory Antitrust Litigation* (N.D. Cal.); *In re American Express Anti-Steering Rules Antitrust Litig.* (E.D.N.Y.); *In re Automotive Parts Antitrust Litig.* (E.D. Mich.); and *In re Lithium Ion Batteries Antitrust Litig.* (N.D. Cal.).



**Daniel E. Gustafson**

Daniel E. Gustafson is a founding member of Gustafson Gluek PLLC. He is a *magna cum laude* graduate of the University of North Dakota, with majors in Economics and Sociology (B.A. 1986), and a *cum laude* graduate of the University of Minnesota Law School (J.D. 1989). He was a member of the Minnesota Law Review from 1987 to 1989, serving as an Associate Research Editor in 1988-1989.

During law school, he clerked for Opperman & Paquin (1987-1989), a firm that also practiced in the areas of antitrust, consumer protection and class action litigation.

After law school, Mr. Gustafson served as a law clerk to the Honorable Diana E. Murphy, United States District Judge for the District of Minnesota (1989-91).

Following his judicial clerkship, Mr. Gustafson returned to his former firm (then known as Opperman Heins & Paquin) and continued his work in the fields of antitrust and consumer protection class action litigation.

In April 1994, Mr. Gustafson became a founding member and partner in the law firm of Heins Mills & Olson, P.L.C. Between April 1994 and May 2003, Mr. Gustafson continued his work in antitrust and consumer protection class action litigation and also developed a boutique practice of assisting national patent and intellectual property firms in litigation matters. In May 2003, Mr. Gustafson formed Gustafson Gluek PLLC where he continues to practice antitrust and consumer protection class action law.

Mr. Gustafson is admitted to practice in the United States District Court for the District of Minnesota, the United States District Court for the District of North Dakota, the United States District Court for the Eastern District of Michigan, the United States District Court for the





Western District of Michigan, the United States District Court for the Eastern District of Wisconsin, the United States Courts of Appeals for the First, Third, Fifth, Sixth, Eighth and Eleventh Circuits, the Minnesota Supreme Court and in the United States Supreme Court.

Mr. Gustafson taught as an adjunct professor at the University of Minnesota Law School teaching a seminar on the “Fundamentals of Pretrial Litigation.”

Mr. Gustafson is a past president of the Federal Bar Association, Minnesota Chapter (2002-2003) and served in various capacities in the Federal Bar Association over the last several years. In 2009, he was involved in developing the Federal Bar Association’s *Pro Se* Project, which coordinates volunteer representation for *pro se* litigants. He was the Vice-Chair of the 2003 Eighth Circuit Judicial Conference held during July 2003 in Minneapolis (Judge Diana E. Murphy was the Chair of the Conference). He is a member of the Hennepin County, Minnesota, Federal, and American Bar Associations.

In 2001-2018, Mr. Gustafson was designated by *Law & Politics* magazine as a Minnesota “Super Lawyer,” in the fields of business litigation, class actions and antitrust. “Super Lawyer” selection results from peer nominations, a “blue ribbon” panel review process and independent research on the candidates; no more than 5% of lawyers in Minnesota are selected as “Super Lawyers.” He was also ranked in the Top 100 MN Super Lawyers in 2012 – 2018. In 2005, Mr. Gustafson was one of only eleven Minnesota attorneys selected as a “Super Lawyer” in the field of antitrust litigation. Mr. Gustafson was also selected as one of *Minnesota Lawyer’s* Attorneys of the Year for 2010, 2013 and 2017. He was selected based on nominations from across the state.



In 2015, the Minnesota State Bar Association (MSBA) gave special recognition to Mr. Gustafson as North Star Lawyer for the year. He was recognized as a member who provided at least 50 hours of pro bono legal services in a calendar year to low income individuals.

In 2014, Mr. Gustafson received the American Antitrust Institute (AAI) Meritorious Service Award for the support he had provided AAI.

In September 2011, Mr. Gustafson testified before the House Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet regarding the proposed merger between Express Scripts and Medco. Mr. Gustafson also testified before the United States Congressional Commission on Antitrust Modernization in June 2005. In addition to congressional testimonies, Mr. Gustafson has authored or presented numerous seminars and continuing legal education pieces on various topics related to class action litigation, antitrust, consumer protection or legal advocacy. He has also co-authored chapters including “Pretrial Discovery in Civil Litigation” in *Private Enforcement of Antitrust Law in the United States* and “Obtaining Evidence” in *The International Handbook on Private Enforcement of Competition*.

Mr. Gustafson is currently or has previously been named as Lead Counsel, Co-Lead Counsel or a member of the Executive Committee in the following cases, among others: *In re Pork Antitrust Litig.* (Minn.); *In re Syngenta Litig.* (Minn.); *In re Broiler Chicken Antitrust Litig.* (N.D. Ill); *In re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litig.* (D. Minn.); *In re DRAM Antitrust Litig.* (N.D. Cal. and multiple state court actions); *In re Medtronic, Inc. Implantable Defibrillators Products Liability Litig.* (D. Minn.); *In re Vitamin C Antitrust Litig.* (E.D.N.Y.) (indirect purchaser class); *In re Flash Memory Antitrust Litig.* (N.D. Cal.); *Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.); *Aspartame Antitrust*



*Litig.* (E.D. Pa.) (direct purchaser class); *In re Comcast Corp. Set-Top Cable Television Box Antitrust Litig.* (E.D. Pa.).

Mr. Gustafson is involved in the representation of plaintiffs and plaintiff classes in numerous cases, including: *In re Asacol Antitrust Litig.* (D. Mass.); *Trabakoolas v. Watts Water Technologies, Inc.* (N.D. Cal.) (“*Toilet Products*”); *In re Aluminum Warehousing Antitrust Litig.* (S.D.N.Y.); *In re Automotive Parts Antitrust Litig.* (E.D. Mich.); *In re Plasma – Derivative Protein Therapies Antitrust Litig.* (N.D. IL); *In re Blue Cross Blue Shield Antitrust Litig.* (N.D. Ala.); *The Shane Group, Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.) (“*BCBS MI*”); *In re Vehicle Carrier Services Antitrust Litig.* (D.N.J.) (“*Car Carrier*”); *Kleen Products, LLC v. Packaging Corporation of America* (N.D. IL) (“*Containerboard*”); *In re Lithium Ion Batteries Antitrust Litig.* (N.D. Cal.); *Karsjens et al v. Jesson* (D. Minn.); *In re Pool Products Distribution Market Antitrust Litig.* (E.D.L.A.); and *In re Cathode Ray Tube Antitrust Litig.* (N.D. Cal.).

He also has also previously participated in the representation of plaintiff classes in other cases, including: *Dryer et al. v. Nat’l Football League* (D. Minn.); *In re BP Propane Indirect Purchaser Antitrust Litig.* (N.D. Ill.); *In re Wellbutrin XL Antitrust Litig.* (E.D. Pa.); *In re Wellbutrin SR/Zyban Direct Purchaser Antitrust Litig.* (E.D. Pa.); *In re Ready-Mixed Concrete Antitrust Litig.* (S.D. Ind.); *In re Urethane Antitrust Litig.* (D. Kan.); *SAJ Distributors, Inc. et al. v. SmithKline Beecham Corp. et al.* (E.D. Va.) (“*Augmentin*”); *Iverson et al. v. Pfizer, Inc. et al.* (D. Minn.) (“*Canadian Prescription Drugs*”); *In re Flat Glass Antitrust Litig. (II)*, (W.D. Pa.); *In re Intel Corp Microprocessor Antitrust Litig.* (D. Del.); *In re TFT-LCD (Flat Panel) Antitrust Litig.* (N.D. Cal.); *In re Air Cargo Shipping Services Antitrust Litig.* (E.D.N.Y.); *Cason-Merenda et al., v. VHS of Michigan, Inc., d/b/a/ Detroit Medical Center et al.* (E.D. Mich); *Lief et al. v.*



*Archer Daniels Midland Co., et al.* (D. Minn) (“*Indirect MSG*”); *In re Premarin Antitrust Litig.* (S.D. Ohio); *Blevins v. Wyeth-Ayerst Labs., Inc.* (Cal. Super. Ct.); *Ellerbrake v. Campbell Hausfeld* (20th Jud. Ct. Ill.) (“*Air Compressors*”); *Nichols et al. v. Smithkline Beecham Corp.* (E.D. Pa.) (“*Paxil*”); *Heerwagen v. Clear Channel Communications, Inc.* (S.D.N.Y.); *Wiginton v. CB Richard Ellis* (N.D. Ill.); *Samples v. Monsanto Co.* (E.D. Mo.) (“*Bio Seeds*”); *In re Magnetic Audiotape Antitrust Litig.* (S.D.N.Y.); *In re Terazosin Hydrochloride Antitrust Litig.* (S.D. Fla.) (“*Hytrin*”); *In re High Pressure Laminates Antitrust Litig.* (S.D.N.Y.); *High Pressure Laminates Antitrust Litig.* (multiple state court indirect purchaser actions); *In re Vitamins Antitrust Litig.* (D.D.C.); *Minnesota Vitamins Antitrust Litig.* (Minn. 2nd Jud. Dist.); *Infant Formula Antitrust Litig.* (multiple state court actions; lead trial counsel for Wisconsin action); *Shaw v. Dallas Cowboys Football Club* (E.D. Pa.) (“*NFL*”); *Thermal Fax Paper Antitrust Litig.* (state court actions in Minnesota, Wisconsin and Florida) (“*Fax Paper*”); *Lazy Oil, Inc. v. Witco Corp.* (W.D. Pa.) (“*Penn Grade*”); *In re Molybdenum Antitrust Litig.* (W.D. Pa.); *In re Motorsports Merchandise Antitrust Litig.* (N.D. Ga.); *In re Commercial Explosives Antitrust Litig.* (D. Utah); *In re Diamonds Antitrust Litig.* (S.D.N.Y.); *In re Drill Bits Antitrust Litig.* (S.D. Tex.); *In re Catfish Antitrust Litig.* (D. Miss.); *In re Steel Drums Antitrust Litig.* (S.D. Ohio); *In re Steel Pails Antitrust Litig.* (S.D. Ohio); *In re Bulk Popcorn Antitrust Litig.* (D. Minn.); *In re Workers’ Compensation Ins. Antitrust Litig.* (D. Minn.); *Cimarron Pipeline Constr., Inc. v. National Council on Compensation Ins.* (W.D. Okla.); *Schmulbach v. Pittway Corp.* (Ill., 11th Jud. Dist.) (“*Smoke Detectors*”); *In re Commercial Tissue Antitrust Litig.* (N.D. Fla.); *In re Sodium Gluconate Antitrust Litig.* (N.D. Cal.); and *AL Tech Specialty Steel Corp. v. UCAR Int’l.* (E.D. Pa.) (“*Specialty Steel*”).



Mr. Gustafson is also currently or has recently been involved in other non-class complex litigation concerning antitrust, consumer protection, contract, unfair competition, trademark and patent infringement claims, including: *United States ex rel., Gerry Phalp & Matt Peoples v. Lincare Holding Inc.* (D. Fla.); *Regional Multiple Listing Services of MN, Inc. d/b/a NorthstarMLS v. American Home Realty Network, Inc. v. Edina Realty, Inc., et al.* (D. Minn.); *Metropolitan Regional Information Systems, Inc. v. Am. Home Realty Network, Inc., et al.* (D. Md.); *Preferred Carolinas Realty, Inc. v. Am. Home Realty Network, Inc.* (M.D.N.C.); *Synthes USA, LLC v. Spinal Kinetics* (N.D. Cal.); *KBA- Giori, North America, Inc., v. Muhlbauer, Inc.* (E.D. Va.) (“KBA II”); *KBA-Giori, North America, Inc. v. Muhlbauer, Inc.* (E.D. Va.) (“KBA I”); *Spine Solutions, Inc., v. Medtronic Sofamor Danek, Inc.* (W.D. Tenn.); *Harmon v. Innomed Technologies, Inc.* (S.D. Ga); *J.D. Edwards World Solutions Company Arbitrations* (AAA) (trial counsel for Quantegy and Amherst); *INO Therapeutics, Inc. v. SensorMedics Corp.* (D.N.J.); and *In re National Metal Technologies, Inc.* (S.D. Cal.).

He also has represented parties in other unfair competition, trademark, and patent infringement cases, including: *Transclean Corp. v. MotorVac Technologies, Inc.* (D. Minn.); *Ryobi Ltd. v. Truth Hardware Corp.* (D. Minn.); *Minnesota Mining & Mfg. Co. v. Fellowes Mfg. Co.* (D. Minn.); *Eastman Kodak Co. v. Minnesota Mining & Mfg. Co.* (W.D.N.Y.); *On Assignment, Inc. v. Callander* (Minn., 4th Jud. Dist.); *Rainforest Cafe, Inc., v. Amazon, Inc.* (D. Minn.); *Medical Graphics Corp. v. SensorMedics Corp.* (D. Minn.); *Medtronic, Inc., v. Intermedics Inc.* (D. Minn.); *Cardiac Pacemakers, Inc. v. Robert Warner* (D. Minn.); *Cardiac Pacemakers, Inc. v. Intermedics Inc.* (D. Minn.); *Birchwood Laboratories v. Citmed Corp.* (D.



Minn.); *Hammond v. Hitachi Power Tools, Inc.* (D. Minn.); *McCarthy v. Welshman* (D. Minn.); and *UFE, Inc., v. Alpha Enters., Inc.* (D. Minn.).

**Daniel C. Hedlund**

Daniel C. Hedlund is a member of Gustafson Gluek PLLC. He is a graduate of Carleton College (B.A. 1989) and is a *cum laude* graduate of the University of Minnesota Law School (J.D. 1995). He was a Note and Comment Editor and member of the Minnesota Journal of Global Trade from 1993-1995 and a recipient of the Federal Bar Association's John T. Stewart, Jr. Memorial Fund Writing Award (1994).

Mr. Hedlund served as a law clerk to the Honorable Gary L. Crippen, Minnesota Court of Appeals (1997) and to the Honorable Dolores C. Orey, Fourth Judicial District of Minnesota (1995-1996).

Mr. Hedlund has practiced in the areas of antitrust, consumer protection, and securities fraud since 1997. He is admitted to practice in the United States District Court for the District of Minnesota, the Eighth Circuit Court of Appeals, and in Minnesota State Court. Mr. Hedlund is a member of the Federal, American, Minnesota, and Hennepin County Bar associations. Mr. Hedlund has been an active member of the Federal Bar Association (FBA) at both the national and state level. He recently served as Co-Vice President for the Eighth Circuit and prior to that served in several roles for the Minnesota Chapter including: Co-Vice President, Legal Education; Co-Vice President, Special Events; Co-Vice President, Monthly Meetings; Secretary; and Liaison between the FBA and the Minnesota State Bar Association. He recently served as Chairman for the Antitrust Section of the Minnesota State Bar Association (MSBA), Secretary



for the MSBA Consumer Litigation Section, and is past President of the Committee to Support Antitrust Laws. In addition, Dan was recently appointed to the Advisory Board of the American Antitrust Institute.

In addition to presenting at CLEs, Dan has testified multiple times before the Minnesota legislature on competition law, and before the Federal Rules Committee. He is a co-author of the “Plaintiff Overview” in *Private Antitrust Litigation 2015 – Getting the Deal Through*, and a contributor to *Concurrent Antitrust Criminal and Civil Procedure 2013 – American Bar Association*.

In 2013-2019, he was designated by *Law & Politics* magazine as a Minnesota “Super Lawyer,” in the field of antitrust law. “Super Lawyer” selection results from peer nominations, a “blue ribbon” panel review process and independent research on the candidates; no more than 5% of lawyers in Minnesota are selected as “Super Lawyers.” He was also ranked in the Top 100 MN Super Lawyers in 2015, 2017, 2018 and 2019. Mr. Hedlund has served as a volunteer attorney for the Minnesota Federal Bar Association’s Federal *Pro Se* Project and is the recipient of the Minnesota District Court’s Distinguished Pro Bono Service Award in 2011.

Mr. Hedlund is currently or has been actively involved in the representation of plaintiffs and classes in numerous cases, including: *In re Pork Antitrust Litig.* (Minn.) (Consumer Indirect Plaintiffs’ Interim Co-Lead Counsel); *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.) (Member-Plaintiffs’ Steering Committee); *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.) (Co-Lead Counsel—Commercial and Institutional Indirect Purchaser Class); *Kleen Prods. v. Intl. Paper (Containerboard Antitrust Litig.)* (N.D. Ill.) (Discovery Team Co-Leader); *Bhatia v. 3M Co.* (D. Minn.) (Co-Lead Counsel); *In re CenturyLink Sales Practices and Securities Litig.* (D.



Minn.) (Executive Committee Chair); *Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.) (Co-Lead Counsel); *The Shane Group, Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.) (Co-Lead Counsel); *In re Capacitors Antitrust Litig.* (N.D. Cal.); *In re Resistors Antitrust Litig.* (N.D. Cal.); *In re Vitamin C Antitrust Litig.* (E.D.N.Y.) (Co-Lead Counsel-Indirect Purchaser Classes); *In re Blue Cross Blue Shield Antitrust Litig.* (N.D. Ala.) (Member-Damages Committee); *In re Packaged Seafood Antitrust Litig.* (S.D. Cal.); *In re DRAM Antitrust Litig.* (Co-Lead Counsel--multiple federal and state court indirect purchaser class actions); *In re Flash Memory Antitrust Litig.* (N.D. Cal.); *In re Processed Egg Products Antitrust Litig.* (E.D. Pa.); *In re TFT-LCD (Flat Panel) Antitrust Litig.* (N.D. Cal.); *In re Refrigerant Compressors Antitrust Litig.* (E.D. Mi.); *In re SIGG Switzerland (USA), Inc. Aluminum Bottles Marketing and Sales Practices Litig.* (W.D. Ky.); *In re Air Cargo Shipping Services Antitrust Litig.* (E.D.N.Y.); *In re St. Paul Travelers Securities Litig. II* (D. Minn.); *In re Digital Music Antitrust* (S.D.N.Y.); *In re OSB Antitrust Litig.* (E.D. Pa.); *In re Funeral Consumers Antitrust Litig.* (S.D. Tex.); *McIntosh v. Monsanto Co.* (E.D. Mo.); *In re AOL Time Warner Securities Litig.* (S.D.N.Y.) (Prior Firm Co-Lead Counsel); *In re Commercial Tissue Antitrust Litig.* (N.D. Fla.); *In re Universal Service Fund Telephone Billing Practices Litig.* (D. Kan.); *In re Green Tree Financial Stock Litig.* (D. Minn.) (Prior Firm Co-lead Counsel); *In re NASDAQ Market-Makers Antitrust Litig.* (S.D.N.Y.); *In re Polypropylene Carpet Antitrust Litig.* (N.D. Ga.); *In re Buffets, Inc. Securities Litig.* (D. Minn.); *In re Mercedes Benz Antitrust Litig.* (D.N.J.); *In re Xcel Energy, Inc. Securities Litig.* (D. Minn.); *In re Blue Cross Subscriber Litig.* (D. Minn.); *In re MSG Antitrust Litig.* (D. Minn.); *In re Mercury Finance Co. Securities Litig.*





(N.D. Ill.); *In re Olympic Financial Securities Litig.* (D. Minn.); and *In re Flat Glass Antitrust Litig.* (W.D. Pa.).

**Daniel J. Nordin**

Daniel J. Nordin is a member of Gustafson Gluek PLLC. He graduated from the University of Minnesota *with high distinction* (B.A. 2007) and is a *magna cum laude* graduate of the University of Minnesota Law School (J.D. 2011). Mr. Nordin is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

In law school, Mr. Nordin was a Managing Editor on the *Minnesota Journal of Law, Science & Technology*. He also volunteered as a Tenant Advocate with HOME Line, a nonprofit tenant advocacy organization, through the University of Minnesota Law School's Public Interest Clinic. Mr. Nordin joined Gustafson Gluek PLLC in October 2011.

In 2018, Mr. Nordin was designated by *Law & Politics* magazine as a Minnesota "Super Lawyer Rising Star." "Super Lawyer" selection results from peer nominations, a "blue ribbon" panel review process and independent research on the candidates; no more than 2.5% of lawyers in Minnesota are selected as "Rising Stars."

Mr. Nordin is currently involved in the representation of plaintiffs and classes in antitrust litigation, including: *In re Packaged Seafood Products Antitrust Litig.* (S.D. Cal.); *In re Blue Cross Blue Shield Antitrust Litig.* (N.D. Ala.); *The Shane Group, Inc., et al. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.); and *In re Vitamin C Antitrust Litig.* (E.D.N.Y.).



**David A. Goodwin**

David A. Goodwin is a member of Gustafson Gluek PLLC. He is a graduate of the University of Wisconsin (B.A. 2001) and a graduate of DePaul University College of Law (J.D. 2006). Mr. Goodwin is admitted to practice in the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

During law school, Mr. Goodwin worked for Grotefeld & Denenberg LLC, a Chicago law firm specializing in insurance subrogation litigation. In 2005, Mr. Goodwin was selected to serve as the law clerk for the Office of the General Counsel of TCF Bank. Mr. Goodwin worked at TCF while attending the University of Minnesota Law School as a visiting student.

Mr. Goodwin serves on the national Board of Directors for the Federal Bar Association and the Minnesota Chapter of the Federal Bar Association. He is the past Chair for the Federal Bar Association Younger Lawyers Division and Treasurer for the Minnesota State Bar Association Consumer Litigation Section. Mr. Goodwin has been named as a Super Lawyer Rising Star from 2013-2018. In 2015, the Minnesota State Bar Association (MSBA) gave special recognition to Mr. Goodwin as North Star Lawyer for the year. He was recognized as a member who provided at least 50 hours of pro bono legal services in a calendar year to low income individuals.

Mr. Goodwin is currently or has been actively involved in the representation of plaintiffs and classes in numerous cases including: *In re Aluminum Warehousing Antitrust Litig.* (S.D.N.Y.); *In re National Football League Players' Concussion Injury Litig.* (E.D. Pa.); *In re TFT-LCD (Flat Panel) Antitrust Litig.* (N.D. Cal.); *In re Pre-Filled Propane Tank Marketing and Sales Practices Litig.* (W.D. Mo.); *In re NCAA Student- Athlete Name and Likeness*



*Licensing Litig.* (N.D. Cal.); *In re Plasma-Derivative Protein Therapies Antitrust Litig.* (N.D. Ill.); *Dryer v. NFL* (D. Minn.); *In re Aluminum Warehousing Antitrust Litig.* (S.D.N.Y.); *Smith v. Questar Capital Corp.* (D. Minn.); *In re: National Hockey League Players' Concussion Injury Litig.* (D. Minn.); *In re Packaged Ice Antitrust Litig.* (E.D. Mi.); *Luis, et al. v. RBC Capital Markets* (D. Minn.); *In re FCA US LLC Monostable Electronic Gearshift Litigation* (E.D. Mi.); *Bhatia, et al. v. 3M Company* (D. Minn.); *Karsjens, et. al v. Jesson, et. al* (D. Minn.); *In re CenturyLink Sales Practices and Securities Litig.* (D. Minn.); and *Ochoa, et al. v. Pershing, LLC* (N.D. Tex.).

### **Dennis Stewart**

Dennis Stewart is a member in Gustafson Gluek's San Diego office. He is a graduate of the College of the Holy Cross (B.A. 1976) and a graduate *with distinction* from Hofstra University (J.D. 1981), where he was also a member of the Law Review.

He is a member of the California and New York (inactive) bars and the bars of United States District Courts. His antitrust and consumer litigation experience spans a wide variety of industries including carbon fiber, credit card fees, interchange, casino gaming, sports broadcasting, college athletics, rental car fees, electronics components, medical devices, medical services, casino gaming, and defense procurement.

Between 1981 and 1985 he worked for a major San Diego law firm and engaged in a general commercial litigation practice. Between 1985 and 1988, Mr. Stewart served as a trial attorney with the Antitrust Division of the United States Department of Justice. While at the Antitrust Division, Mr. Stewart participated in investigations and trials involving alleged



criminal violations of the antitrust and related laws and was lead counsel in the successful prosecution through trial of *United States v. Saft America, Inc.*, (D.N.J.).

Since leaving government service, Mr. Stewart has served as lead counsel, principal counsel and/or trial counsel in numerous antitrust, consumer and securities cases, both class and non-class. He was lead trial counsel in *Knapp v. Ernst & Whinney*, (9th Cir. 1996), in which a plaintiffs' verdict was returned in a Rule 10b-5 securities fraud class action, and *Hall v. NCAA*, (D. Kan.), in which a plaintiffs' verdict of \$30 million was returned in an antitrust class action. He also served as co-lead trial counsel in *In re Airline Ticket Commission Antitrust Litigation*, (D. Minn.), an antitrust class action which settled for \$85 million, *In re Contact Lens Antitrust Litigation* (M.D. Fla.), which settled for \$90 million, and in *In re Lifescan Consumer Litigation* (N.D. Cal.), a consumer class action which settled for \$45 million. He served as co-lead counsel in the *Carbon Fiber Antitrust Litigation* (C.D. Cal.) and in the *In re Currency Conversion Litigation* (S.D.N.Y.), and trial counsel in *Schwartz v. Visa* (N.D. Cal.). He also played a significant role in prosecuting *In re Broadcom Securities Litigation* (C.D. Cal.), which settled for \$150 million.

He is currently serving as one of the counsel in the leadership group in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (E.D.N.Y.), in which a \$5.54-6.24 billion dollar settlement is pending approval. He also is one of the counsel participating in the representation of End Purchaser Plaintiffs in *In re Packaged Seafood Products Antitrust Litigation* (S.D. Cal.). He continues to specialize in antitrust, consumer and other complex litigation.



**Eric S. Taubel**

Eric S. Taubel is a member of Gustafson Gluek PLLC. He is a graduate of the University of Georgia (B.A. 2005), the University of Virginia (M.A. 2007), and a *magna cum laude* graduate of the University of Minnesota Law School (J.D. 2011). Mr. Taubel is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

In 2017 and 2018, Mr. Taubel was designated by *Law & Politics* magazine as a Minnesota “Super Lawyer Rising Star.” “Super Lawyer” selection results from peer nominations, a “blue ribbon” panel review process and independent research on the candidates; no more than 2.5% of lawyers in Minnesota are selected as “Rising Stars.” In 2015, the Minnesota State Bar Association (MSBA) gave special recognition to Mr. Taubel as North Star Lawyer for the year. He was recognized as a member who provided at least 50 hours of pro bono legal services in a calendar year to low income individuals.

In law school, Mr. Taubel served as the Editor-in-Chief of the *Minnesota Journal of Law, Science & Technology*, and he contributed a published Note, *The ICS Three-Step: A Procedural Alternative for Section 230 of the Communications Decency Act and Derivative Liability in the On-Line Setting*, 12 MINN. J.L. SCI. & TECH 365 (2011). Mr. Taubel also provided representation to low-income persons with tax disputes and discrepancies with the Internal Revenue Service and Minnesota Department of Revenue. After graduating from law school, Mr. Taubel served as a law clerk to the Honorable Ivy S. Bernhardson, Assistant Chief Judge, Minnesota Fourth Judicial District. He then joined Gustafson Gluek PLLC in 2014.



Mr. Taubel is currently or has been actively involved in the representation of plaintiffs and classes in numerous cases, including: *In re: Syngenta Litig.* (Minn.); *Pinsonneault v. St. Jude Medical et al.* (D. Minn.); *Bhatia, et al. v. 3M Company* (D. Minn.); *In re: Bair Hugger Forced Air Warming Products Liability Litig.*; and *Karsjens, et. al v. Jesson, et al.* (D. Minn.).

**Gabrielle O. Sliwka**

Gabrielle Olivieri Sliwka is an associate of Gustafson Gluek PLLC. She is a graduate of the Federal University of Rio de Janeiro (B.A. 2007) and the University of Minnesota Law School (J.D. 2018). Ms. Sliwka is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

While in law school, Gabrielle was a certified student attorney as well as student director at the Bankruptcy Clinic, assisting low-income clients in filing for Chapter 7. Mrs. Sliwka also was a student director at the International Moot Court, served as vice-president on the board of the Latino Law Student Association, treasurer at Law Council, and was a representative at the Diversity Committee.

Gabrielle attended classes at Bocconi University in Milan, Italy, joining the European Union Competition Law Moot Court team. Additionally, Gabrielle participated in an asylum law research assignment in conjunction with the Center for New Americans and the ACLU, assisting detainees with providing the information necessary for filing motions to reopen their immigration cases, based on a change of country conditions.

Gabrielle is fluent in Portuguese and English and has basic language skills in Italian and Spanish.



**Jason S. Kilene**

Jason S. Kilene is a member in the firm of Gustafson Gluek PLLC. He is a graduate of the University of North Dakota (B.A. 1991) with a major in Political Science and a graduate of the University of North Dakota School of Law *with distinction* (J.D. 1994).

After graduating from law school, Mr. Kilene served as law clerk to the Honorable Bruce M. Van Sickle, United States District Judge, District of North Dakota. Prior to joining Gustafson Gluek PLLC in August 2003, Mr. Kilene practiced in the areas of antitrust, securities and business litigation at the law firms of Oppenheimer Wolff & Donnelly, LLP, and Heins Mills & Olson, P.L.C.

Mr. Kilene is admitted to the Minnesota Bar, North Dakota Bar and is admitted to practice in the United States District Court for the District of Minnesota. He is also a member of the Hennepin County, Minnesota, North Dakota, and Federal Bar Associations.

He is currently or has recently been involved in the representation of plaintiffs and plaintiff classes in numerous cases including: *In re Optical Disk Drive Antitrust Litig.* (N.D. Cal.); *Kleen Products LLC, et al. v. Packaging Corporation of America et al.* (N.D. Ill.); *In re American Express Anti-Steering Rules Antitrust Litig.* (E.D.N.Y.); *In re Automotive Parts Antitrust Litig.* (E.D. Mich.); *In re Domestic Drywall Antitrust Litig.* (E.D. Penn.); *In re Lithium Ion Batteries Antitrust Litig.* (N.D. Cal.); *In re NCAA Student-Athlete Name & Likeness Licensing Litig.* (N.D. Cal.); *Dryer v. National Football League* (D. Minn.); *In re Ductile Iron Pipe Fittings Indirect Purchaser Antitrust Litig.* (D.N.J.); *In re Pool Products Distribution Market Antitrust Litig.* (E.D. La.); *In re Potash Antitrust Litig. (II)* (N.D. Ill.); *In re Florida Cement and Concrete*



*Antitrust Litig.* (S.D. Fla.); *In re Photochromic Lens Antitrust Litig.* (M.D. Fla.); *In re Imprelis Herbicide Marketing, Sales Practices, and Products Liability Litig.* (E.D. Pa.); *In re Urethane Antitrust Litig.* (D. Kan.); *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.* (E.D.N.Y.); *In re Intel Corp Microprocessor Antitrust Litig.* (D. Del.); *Carolos Lossada v. Union Oil Company of California* (Sup. Ct. Cal.); *In re ATM Fee Antitrust Litig.* (N.D. Cal.) (“ATM”); *Edwards et al. v. National Milk Producers Federation, et al.* (N.D. Cal.); *Ticho v. Budget Rent A Car System, Inc.* (Sup. Ct. Cal.); *In re BP Propane Indirect Purchaser Antitrust Litig.* (N.D. Ill.); *In re Aftermarkets Filters Antitrust Litig.* (N.D. Ill.); *In re Chocolate Confectionary Antitrust Litig.* (M.D. Pa.); *In re Cathode Ray Tube Antitrust Litig.* (N.D. Cal.); *In re Flat Glass Antitrust Litig. (II)* (W.D. Pa.); *In re Online DVD Rental Antitrust Litig.* (N.D. Ca.); *In re Steel Antitrust Litig.* (N.D. Ill.); *Universal Delaware et al. v. Comdata Corporation et al.* (E.D. Pa.); *In re Vitamins Antitrust Litig.* (D.D.C.); *In re Broadcom Corp. Securities Litig.* (C.D. Cal.); *In re High Pressure Laminates Antitrust Litig.* (S.D.N.Y.); *Microsoft Indirect Purchaser Antitrust Litig.* (Minnesota and North Dakota); and *In re Relafen Antitrust Litig.* (N.D. Cal.).

Mr. Kilene has been involved in other complex cases involving antitrust, consumer protection, contract and unfair competition, including: *In re J.D. Edwards World Solutions Company* (AAA) (trial counsel for Quantegy and Amherst) and *National Metal Technologies, Inc. et al. v. Alliant Techsystems, Inc. et al.* (S.D. Cal.) (“NMT”).





**Joshua J. Rissman**

Joshua J. Rissman is a member of Gustafson Gluek PLLC. He is a *magna cum laude* graduate of the University of Minnesota with a major in Political Science (B.A. 2005) and a *cum laude* graduate of the University of Minnesota Law School (J.D. 2010). While in law school, Mr. Rissman was a Student Articles Editor on *Law & Inequality: A Journal of Theory and Practice*. He also clerked for two Minneapolis law firms, the United States Attorney's Office and interned for the Honorable John McShane in Hennepin County District Court. Mr. Rissman joined Gustafson Gluek PLLC in August 2010. He is admitted to the Minnesota Bar and is admitted to practice in the United States District Court District of Minnesota.

In 2014-2018, Mr. Rissman was designated by *Law & Politics* magazine as a Minnesota "Super Lawyer Rising Star." "Super Lawyer" selection results from peer nominations, a "blue ribbon" panel review process and independent research on the candidates; no more than 2.5% of lawyers in Minnesota are selected as "Rising Stars."

Mr. Rissman is actively involved in the *Pro Se* Project, representing civil litigants in federal court who would otherwise go without representation. Mr. Rissman is also proficient in Spanish and is a member of the Minnesota, American and Federal Bar Associations.

Mr. Rissman is currently or has been actively involved in the representation of plaintiffs and classes in numerous cases including: *Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.); *In re Online DVD Rental Antitrust Litig.* (N.D. Ca.); *In re Containerboard Antitrust Litig.* (N.D. Ill.); and *In re American Express Anti-Steering Rules Antitrust Litig.* (No. II) (E.D.N.Y.).



**Kaitlyn L. Dennis**

Kaitlyn L. Dennis is an associate of Gustafson Gluek PLLC. She is a graduate of Southwestern University (B.A. 2010) with an English literature major and philosophy minor, and is a graduate of the University of Minnesota Law School (J.D., 2015). Ms. Dennis is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

During law school, Ms. Dennis was a Managing Editor of the *Minnesota Law Review*, was named to the Dean's list from 2012–2015, and was the recipient of a book award, the highest grade in course as awarded by the instructor, for Professional Responsibility: Civil Trial Law. She also was a law clerk at Nichols Kaster PLLC, where she assisted in the representation of individual employees in federal litigation. After law school, Ms. Dennis worked as a fellowship attorney at the Equal Employment Opportunity Commission and assisted the Honorable Arthur J. Boylan, ret., during the mediation of the bankruptcy of the Archdiocese of St. Paul and Minneapolis. She then joined Gustafson Gluek in 2016.

Ms. Dennis holds the CIPP/US certification in U.S. private-sector privacy law. She is a member of the Federal Bar Association, the Minnesota State Bar Association, the Hennepin County Bar Association, and the International Association of Privacy Professionals.

Ms. Dennis is currently is actively involved in the representation of plaintiffs and classes in numerous cases, including: *In re Equifax Inc. Consumer Data Security Breach Litig.* (N.D. Ga.); *In re EpiPen Marketing, Sales Practices and Antitrust Litig.* (D. Kan.); *In re Intel Corp. CPU Marketing, Sales Practices and Products Liability Litig.* (D. Or.); and *In re Customized Promotional Products Antitrust Litig.* (S.D. Tex.).



**Karla M. Gluek**

Karla M. Gluek is a founding member of Gustafson Gluek PLLC. She is a graduate of the University of St. Thomas with a major in English (B.A. 1990) and is a *cum laude* graduate of William Mitchell College of Law (J.D. 1993).

During law school she clerked for the Minnesota Attorney General's Office (1993-1994). Shortly after graduating from law school Ms. Gluek served as a law clerk to the Honorable Gary Larson, District Judge, Fourth Judicial District of Minnesota (1994).

Ms. Gluek has been practicing in the areas of antitrust and consumer protection class action litigation since 1995. In May 2003, Ms. Gluek joined Mr. Gustafson in forming Gustafson Gluek PLLC.

She is admitted to practice in the United States District Court for the District of Minnesota and the Eighth Circuit Court of Appeals. Ms. Gluek is a member of the Hennepin County, Minnesota, and Federal Bar Associations.

In 2011-2018, she was designated by *Law & Politics* magazine as a Minnesota "Super Lawyer," in the field of antitrust law. "Super Lawyer" selection results from peer nominations, a "blue ribbon" panel review process and independent research on the candidates; no more than 5% of lawyers in Minnesota are selected as "Super Lawyers." She was also selected as one of *Minnesota Lawyer's* Attorneys of the Year for 2014 and 2017 based on nominations from across the state.

Ms. Gluek serves as a volunteer attorney for the Minnesota Federal Bar Association's Federal *Pro Se* Project. In 2015, the Minnesota State Bar Association (MSBA) gave special



recognition to Ms. Gluek as North Star Lawyer for the year. She was recognized as a member who provided at least 50 hours of pro bono legal services in a calendar year to low income individuals.

Ms. Gluek is currently actively involved in the representation of plaintiffs and plaintiff classes in numerous cases including: *In re Syngenta Litig.* (Minn.); *In re Asacol Antitrust Litig.* (D. Mass.); *In re Celebrex (Celecoxib) Antitrust Litig.* (E.D. Va.); *In re Opana ER Antitrust Litig.* (N.D. Ill.); *Frost v. LG Electronics Inc.*, (N.D. Cal.); *In re UnitedHealth Group PBM Litig.* (D. Minn.); *Karsjens et al v. Jesson* (D. Minn.); *Regional Multiple Listing Services of MN, Inc. d/b/a NorthstarMLS v. American Home Realty Network, Inc. v. Edina Realty, Inc., et al.* (D. Minn.); *Metropolitan Regional Information Systems, Inc. v. Am. Home Realty Network, Inc., et al.* (D. Md.); *Preferred Carolinas Realty, Inc. v. Am. Home Realty Network, Inc.* (M.D.N.C.); *In re Plasma – Derivative Protein Therapies Antitrust Litig.* (N.D. IL); *In re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litigation* (D. Minn.); *In re National Arbitration Forum Litigation* (D. Minn.); *In re Wellbutrin XL Antitrust Litigation* (E.D. Pa.); *St. Barnabas Hospital, Inc. et al. v. Lundbeck, Inc. et al.* (D. Minn.); *In re Androgel Antitrust Litigation* (N.D. Ga.); *In re Comcast Corp, Set-Top Cable Television Box Antitrust Litigation* (E.D. Pa); *In re Medtronic, Inc. Implantable Defibrillators Products Liability Litigation* (D. Minn.); *Yarrington v. Solvay Pharmaceuticals, Inc. et al.* (D. Minn.) (“*Estrates*”); *Lief et al. v. Archer Daniels Midland Co. et al.* (D. Minn.) (“*Indirect MSG*”); *Ellerbrake v. Campbell Hausfeld* (20th Jud. Ct. Ill.) (“*Air Compressors*”); *Nichols et al. v. Smithkline Beecham Corp.* (E.D. Pa.) (“*Paxil*”); *Heerwagen v. Clear Channel Communications, Inc.* (S.D.N.Y.); *Wiginton v. CB Richard Ellis* (N.D. Ill.); *Robin*



*Drug Co. v. PharmaCare Management Services Inc.* (Minn. 4th Jud. Dist.) (“*Pharmacy Underpayment*”).

She also has been involved in other class actions and complex cases, including: *In re Wellbutrin SR/Zyban Direct Purchaser Antitrust Litig.* (E.D. Pa.); *In re Dry Max Pampers Litig.* (S.D. Ohio); *SAJ Distributors, Inc. et al. v. SmithKline Beecham Corp. et al.* (E.D. Va.) (“*Augmentin*”); *Iverson et al. v. Pfizer, Inc. et al.* (D. Minn.) (“*Canadian Prescription Drug*”); *In re MSG Antitrust Litig.* (D. Minn.) (“*MSG*”); *In re Minnesota Vitamin Antitrust Litig.* (Minn., 2nd Jud. Dist.); *Samples v. Monsanto Co.* (E.D. Mo.) (“*Bio Seeds*”); *In re Terazosin Hydrochloride Antitrust Litig.* (S.D. Fla.) (“*Hytrin*”); *In re Magnetic Audiotape Antitrust Litig.* (S.D.N.Y.); *In re Grand Casinos Inc. Sec. Litig.* (D. Minn.); *In re Olympic Fin., Ltd. Sec. Litig.* (D. Minn.); *Schmulbach v. Pittway Corp.* (Ill., 12th Jud. Dist.) (“*Smoke Detectors*”); *Ruff v. Parex, Inc.* (N.C. New Hanover Cty. Sup. Ct.) (“*EIFS*”); *Behm v. John Nuveen & Co., Inc.* (Minn. 4th Jud. Dist.); *Infant Formula Antitrust Litig.* (multiple state court actions); *In re Prudential Ins. Co. Sales Practices Litig.* (D.N.J.); *Big Valley Milling, Inc. v. Archer Daniels Midland Co.* (Minn. 8th Jud. Dist.) (“*Lysine*”); *In re High-Fructose Corn Syrup Antitrust Litig.* (C.D. Ill.); *Raz v. Archer Daniels Midland Co.* (Minn. 8th Jud. Dist.) (“*Citric Acid*”); and *S&S Forage Equip. Co. v. Up North Plastics, Inc.* (D. Minn.) (“*Silage Bags*”).

Ms. Gluek is also currently or has been involved in other non-class complex cases involving antitrust, consumer protection, contract, unfair competition, trademark and patent infringement claims, including: *Synthes USA, LLC v. Spinal Kinetics, Inc.* (N.D. Cal.); *KBA-Giori, North America, Inc. v. Muhlbauer, Inc.* (E.D. Va.) (“*KBA II*”); *KBA-Giori, North America, Inc., v. Muhlbauer, Inc.* (E.D. Va.) (“*KBA I*”); *Spine Solutions, Inc. v. Medtronic*



*Sofamor Danek, Inc.* (W.D. Tenn.); *Harmon v. Innomed Technologies, Inc.* (S.D. Ga.); *J.D. Edwards World Solutions Company Arbitrations* (AAA); *INO Therapeutics Inc. v. SensorMedics Corp.* (D.N.J.); *In re National Metal Technologies, Inc.* (S.D. Cal.); *Transclean Corp. v. MotorVac Technologies, Inc.* (D. Minn.); *Cardiac Pacemakers, Inc. v. Warner* (D. Minn.); *Intermedics, Inc. v. Cardiac Pacemakers, Inc.* (D. Minn.); *Hammond v. Hitachi Power Tools, Inc.* (D. Minn.); *Minnesota Mining & Mfg. Co. v. Fellowes Mfg. Co.* (D. Minn.); *UFE, Inc. v. Alpha Enters., Inc.* (D. Minn.); *Eastman Kodak Co. v. Minnesota Mining & Mfg. Co.* (W.D.N.Y.); *On Assignment, Inc. v. Callander* (Minn., 4th Jud. Dist.).

**Kirk B. Hulett**

Kirk B. Hulett is a member in Gustafson Gluek's San Diego office. He graduated from the University of California San Diego where he obtained his undergraduate degree (1978) and graduated *cum laude* from the University of San Diego School of Law (J.D. 1983), where he was Managing Editor of the University of San Diego Law Reporter. Since 1984, Mr. Hulett has specialized in the representation of plaintiffs in securities, anti-trust, employment and consumer class actions as well as representing individuals and businesses in complex litigation.

Prior to co-founding Hulett Harper Stewart LLP in 2000, Mr. Hulett was a partner in the largest national class action firm in the country. He has testified before the California Assembly Business and Professions Committee on the topic of potential regulatory and auditor liability reforms following the *Enron* financial collapse and participated as a panelist on several occasions. He has been named a San Diego Top Rated Securities Lawyer by Super Lawyers Magazine each year since 2010. He is admitted to all of the District Courts in California, numerous other District



Courts across the country by *pro hac* admission, the Ninth Circuit Court of Appeals and the United States Supreme Court.

Mr. Hulett has been lead or co-lead counsel in dozens of class actions throughout the country, including *In re American Continental Corp./Lincoln Savings & Loan Securities Litigation* (D. Az.); *In re Media Vision Technology Securities Litigation* (N.D. Cal.); *Home Fed*, (S.D. Cal.); and *Gensia Pharmaceuticals*, (S.D. Cal.). After a nearly six-month trial in *Lincoln Savings* case, the jury returned a verdict exceeding \$250 million. Mr. Hulett was co-lead trial counsel for a trustee in *Guy F. Atkinson Co. vs. PriceWaterhouse LLP et al* (N.D. Cal.), a multi-million dollar auditor liability action against PriceWaterhouseCoopers, LLP, and represents several bankruptcy estates in seeking recovery against officers, directors and professionals.

Mr. Hulett also successfully represented defrauded individual investors in the *Abbott et al v Worldcom Co.* (S.D.N.Y), bankruptcy proceedings in which he obtained settlements in excess of \$22 million. He was co-lead counsel the securities class action, *Enriquez v. Edward Jones & Co. L.P.* (E.D. Mo.), and achieved a settlement of \$127.5 million. Mr. Hulett also represented defrauded individual investors in *Bachman et al vs. A.G. Edwards* (Circuit Ct. of St. Louis) for breach of fiduciary duty resulting in a class settlement of \$60 million. He represented an elderly individual in a Ponzi scheme case (*Meyerhoff vs Gruttadaria et al*, (San Diego Superior Court)) against one of Wall Street's most prominent investment banks and was successful in obtaining a full recovery for the victim who had lost over \$40 million in the scheme. He was co-lead trial counsel in *Pauma Band of Luiseno Mission Tribe vs. Harrah's Operating Co. et al* (San Diego Superior Court) on behalf of a San Diego area based Native American Tribe against Caesars Entertainment and Harrah's. The trial resulted in a \$30 million verdict (reversed on appeal). Mr.



Hewlitt has most recently been involved in representing victims of an anti-trust conspiracy among the three largest suppliers of canned tuna in the world. *In Re Packaged Seafood Products Antitrust Litigation* (S.D. Cal.)

**Ling S. Wang**

Ling S. Wang is an associate of Gustafson Gluek PLLC. She is a graduate of Augsburg College (now Augsburg University) (B.A. 2013) with an Economics major and Business Administration minor, and a graduate of the University of St. Thomas School of Law (J.D. 2017). Ms. Wang is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

During law school, Ms. Wang was a member of the University of St. Thomas Law Journal, served as a research assistant, and externed with a law firm in Edina. For two years, she provided representation to low-income persons with immigration issues as a certified student attorney with the University's Interprofessional Center for Counseling and Legal Services. Ms. Wang also completed a mentor externship program with the Honorable Steven E. Rau, Magistrate Judge, District of Minnesota and served as a judicial extern for the Honorable Mary R. Vasaly, District Judge, Fourth Judicial District of Minnesota.

Ms. Wang started at Gustafson Gluek as a law clerk in 2015 and joined as an associate in 2017. She is a member of the Federal Bar Association and the Minnesota Asian Pacific American Bar Association. Ms. Wang is currently actively involved in the representation of plaintiffs and classes in numerous cases, including: *In re: CenturyLink Sales Practices and Securities Litig.* (D. Minn.) and *In re: Generic Pharmaceuticals Pricing Litig.* (E.D. Pa.).





**Michelle J. Looby**

Michelle J. Looby is a member of Gustafson Gluek PLLC. She is a graduate of the University of Minnesota *with distinction* (B.A. 2004) and a *magna cum laude* graduate of William Mitchell College of Law (J.D. 2007). Ms. Looby is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota and the United State District Court for the District of North Dakota.

During law school, Ms. Looby was a member of the *William Mitchell Law Review* from 2005-2007, serving as Assistant Editor in 2006-2007. She served as a judicial intern to The Honorable Faye Flancher and The Honorable Emily Mueller, Circuit Court Judges, Racine County Circuit Court of Wisconsin. She also served as a judicial extern to The Honorable David Higgs, District Judge, Second Judicial District of Minnesota. In addition, Ms. Looby was a five-time recipient of the CALI Excellence for the Future Award, recognizing the student with the highest grade in the class as determined by the instructor or registrar.

Ms. Looby recently served on the Board of Directors for Minnesota Women Lawyers, an association of more than 1,300 attorneys, judges, law students, legal employers and others dedicated to advancing the success of women attorneys and striving for a just society. Ms. Looby is a member of the Minnesota State Bar Association's Antitrust Council, serving as its Treasurer and Diversity & Inclusion Liaison, serves on the executive committee of the Coalition in Support of the Antitrust Laws, and is a member of the American Bar Association and Federal Bar Association.



Ms. Looby serves on Law360's Competition Editorial Advisory Board, a leading daily legal news and intelligence service that reaches over one million recipients each day, co-authored the Plaintiff Overview chapter of *Getting the Deal Through: Private Antitrust Litigation 2015*, and has presented at CLEs and conferences on the topic of antitrust law.

In 2015, Ms. Looby received the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement by a Young Lawyer. She has been designated by *Law & Politics* magazine as a Minnesota "Super Lawyer Rising Star" from 2014 - 2018. "Super Lawyer" selection results from peer nominations, a "blue ribbon" panel review process and independent research on the candidates; no more than 2.5% of lawyers in Minnesota are selected as "Rising Stars."

Ms. Looby is currently or has been actively involved in the representation of plaintiffs and classes in numerous cases including: *In re Pork Antitrust Litig.* (Minn.) (Consumer Indirect Purchaser Plaintiffs' Co-Lead Counsel); *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.) (Member-Plaintiffs' Steering Committee); *In re CenturyLink Sales Practices and Securities Litigation* (D. Minn.) (Executive Committee Chair); *Precision Associates, Inc. et al. v. Panalpina World Transport (Holding), Ltd., et al.* (E.D.N.Y.) (firm Co-Lead Counsel); *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.) (firm Co-Lead Counsel); *In re Asacol Antitrust Litig.* (D. Mass.) (Trial Team); *In re Automotive Parts Antitrust Litig.* (E.D. Mich.); *In re Steel Antitrust Litig.* (N.D. Ill.); *In re Celebrex (Celecoxib) Antitrust Litig.* (E.D. Va.); *In re Opana ER Antitrust Litig.* (N.D. Ill.); *In re National Arbitration Forum Litig.* (D. Minn.) (firm Co-Lead Counsel); *In re Vitamin C Antitrust Litig.* (E.D.N.Y.) (firm Co-Lead Counsel); *In re Processed Egg Products Antitrust Litig.* (E.D. Pa.); *In re Ductile Iron Pipe Fittings ("DIPF") Indirect Purchaser Antitrust*



*Litig.* (D. N.J.); *Universal Delaware, Inc., d/b/a Gap Truck Stop et al. v. Comdata Corporation* (E.D. Pa.); *In re Online DVD Rental Antitrust Litig.* (N.D. Cal.); *In re Comcast Corp. Set-Top Cable Television Box Anti-Trust Litig.* (E.D. Pa.); *Marchese v. Cablevision Systems Corp.* (D. N.J.); and *In re Refrigerant Compressors Antitrust Litig.* (E.D. Mich.).

**Mickey L. Stevens**

Mickey Stevens is an associate of Gustafson Gluek PLLC. He is a graduate of the University of Wisconsin – Madison (B.A. 2013) and a cum laude graduate of the University of Minnesota Law School (J.D. 2016). Mr. Stevens is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

During law school, Mickey served as a Note and Comment Editor for the Minnesota Journal of Law, Science & Technology. Prior to joining Gustafson Gluek, Mickey served as a law clerk to the Honorable Joseph R. Klein of the Fourth Judicial District of Minnesota.

**Raina C. Borrelli**

Raina C. Borrelli is a member of Gustafson Gluek PLLC. She is a *summa cum laude* graduate of Tulane University (B.S.M. 2008) and a *magna cum laude* graduate of the University of Minnesota Law School (J.D. 2011). Ms. Borrelli is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota. She is a member of the Federal Bar Association, Minnesota Bar Association, and Minnesota Women Lawyers.



In 2014-2018, Ms. Borrelli was designated by *Law & Politics* magazine as a Minnesota “Super Lawyer Rising Star.” “Super Lawyer” selection results from peer nominations, a “blue ribbon” panel review process and independent research on the candidates; no more than 2.5% of lawyers in Minnesota are selected as “Rising Stars.” In 2015, the Minnesota State Bar Association (MSBA) gave special recognition to Ms. Borrelli as North Star Lawyer for the year. She was recognized as a member who provided at least 50 hours of pro bono legal services in a calendar year to low income individuals.

During law school, Ms. Borrelli was a member of the Phillip C. Jessup International Moot Court Competition Team, served on the board of NOLA MN, a student group that organized trips to New Orleans for law students to participate in volunteer legal work, and worked as a law clerk in the in-house legal department of two major corporations and as a law clerk for a small plaintiff’s firm. Ms. Borrelli was a judicial extern for the Honorable Ann Alton, District Judge, Fourth Judicial District of Minnesota. She joined Gustafson Gluek PLLC in October 2011.

Ms. Borrelli is currently or has been actively involved in the representation of plaintiffs and classes in cases such as: *In re Syngenta Litig.* (Minn.); *Zeiger v. WellPet, LLC* (N.D. Cal.); *In re Big Heart Pet Brands Litig.* (N.D. Cal.); *Reitman v. Champion Petfoods USA, Inc.* (C.D. Cal.); *City of Wyoming, Minnesota, et al v. Procter & Gamble Co., et al.* (D. Minn.); *Karsjens, et. al v. Jesson, et. al* (D. Minn.); *Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.); *In re Digital Music Antitrust* (S.D.N.Y.); and *Trabakoolas v. Watts* (N.D. Cal.). She is also actively involved in the representation of *pro se* litigants as part of the Federal Bar Association’s *Pro Se* Project.

# **EXHIBIT B**

**IN RE CAPACITORS ANTITRUST LITIGATION**  
**Case No. 3:14-cv-03264-JD; MDL No. 3:17-md-02801-JD**

**EXHIBIT B**  
**GUSTAFSON GLUEK PLLC**

**Hours and Lodestar on a Historical Basis**  
**April 1, 2018 through August 12, 2019**

- |                    |                                     |                              |                             |               |                                 |
|--------------------|-------------------------------------|------------------------------|-----------------------------|---------------|---------------------------------|
| <b>Categories:</b> | 1) Legal Research                   | 6) Class Certification       | 11) Settlements & Mediation | <u>TITLE</u>  | (P) Partner                     |
|                    | 2) Investigation / Factual Research | 7) Summary Judgment          | 12) Case Management         | <u>ABBRV:</u> | (A) Associate                   |
|                    | 3) Discovery                        | 8) Appeals                   | 13) Class Notice            |               | (FLR) Foreign Language Reviewer |
|                    | 4) Document Review                  | 9) Court Appearance and Prep | 14) Trial Prep              |               | (DR) Document Reviewer          |
|                    | 5) Pleadings, Briefs & Motions      | 10) Experts                  | 15) Trial                   |               | (SPL) Senior Paralegal          |
|                    |                                     |                              |                             |               | (PL) Paralegal                  |
|                    |                                     |                              |                             |               | (LC) Law Clerk                  |

ATTORNEYS (P, A, CA, CFL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	CUMULATIVE LODESTAR
Daniel C. Hedlund (P)			96.30								0.20	0.20				96.70	\$875.00	\$84,612.50
Daniel C. Hedlund (P)											0.20					0.20	\$900.00	\$180.00
Joseph C. Bourne (P)											0.50					0.50	\$475.00	\$237.50
Daniel J. Nordin (A)			44.30													44.30	\$450.00	\$19,935.00
Brittany N. Resch (A)			19.40													19.40	\$375.00	\$7,275.00
Kathryn M. McDonald (A)			18.70													18.70	\$465.00	\$8,695.50
Masamichi Inoue (CA-FLR)				722.00												722.00	\$350.00	\$252,700.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>178.70</b>	<b>722.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.90</b>	<b>0.20</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>901.80</b>		<b>\$373,635.50</b>

NON-ATTORNEYS (L.C, SPL, PL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	PREVIOUS LODESTAR
Jamie Holzer (PL)			12.50													12.50	\$200.00	\$2,500.00
Danette Mundahl (PL)			1.00													1.00	\$150.00	\$150.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>13.50</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>13.50</b>		<b>\$2,650.00</b>
<b>GRAND TOTAL:</b>	<b>0.00</b>	<b>0.00</b>	<b>192.20</b>	<b>722.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.90</b>	<b>0.20</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>915.30</b>		<b>\$376,285.50</b>

# **EXHIBIT C**

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT C**

GUSTAFSON GLUEK PLLC

Expenses Incurred

April 1, 2018 through August 12, 2019

<b>EXPENSE CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Costs / Filing Fees	\$
Experts / Consultants	\$
Shipping Costs / Federal Express / UPS	\$392.37
Postage / U.S. Mail	\$
Service of Process	\$
Messenger / Delivery	\$
Hearing Transcripts	\$
Investigation	\$
Lexis / Westlaw / PACER	\$41.40
Photocopies – In House	\$242.80
Photocopies – Outside	\$
Telephone / Telecopier	\$
Travel – Transportation	\$6,728.67
Travel - Hotels	\$1,866.68
Travel – Meals	\$98.60
<b>TOTAL:</b>	<b>\$9,370.52</b>



BACKUP  
MATERIAL  
SUBMITTED  
FOR IN  
CAMERA  
REVIEW

# **EXHIBIT 10**

**ROBINS KAPLAN LLP**

Hollis Salzman  
Kellie Lerner  
Benjamin Steinberg  
399 Park Avenue, Suite 3600  
New York, NY 10022  
Telephone: 212-980-7400  
Facsimile: 212-980-7499  
HSalzman@robinskaplan.com  
KLerner@robinskaplan.com  
BSteinberg@robinskaplan.com  
*Class Counsel for Indirect Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE CAPACITORS ANTITRUST  
LITIGATION**

**Case No. 3:14-cv-03264-JD  
MDL No. 3:17-md-02801-JD**

**THIS DOCUMENT RELATES TO:**

**All Indirect Purchaser Actions**

**DECLARATION OF HOLLIS SALZMAN  
IN SUPPORT OF CLASS COUNSEL'S  
APPLICATION FOR ATTORNEYS'  
FEES AND REIMBURSEMENT OF  
COSTS SUBMITTED ON BEHALF OF  
ROBINS KAPLAN LLP**

**Date:  
Time: 10:00 a.m.  
Place: Courtroom 11, 19<sup>th</sup> Floor**

Judge: Hon. James Donato

1 I, Hollis Salzman, declare and state as follows:

2 1. I am a Partner of Robins Kaplan LLP, Counsel for Indirect Purchaser Plaintiffs  
3 (“IPPs” or “Plaintiffs”) in this action. I submit this declaration in support of Class Counsel’s  
4 application for attorneys’ fees and reimbursement of expenses reasonably incurred in connection  
5 with the services rendered in this litigation on behalf of the class. I make this declaration based on  
6 my personal knowledge and if called as a witness, I could and would competently testify to the  
7 matters stated herein. The time expended preparing this Declaration is not included.

8 2. During the pendency of the litigation, Robins Kaplan LLP, acted as supporting class  
9 counsel to IPPs. Robins Kaplan LLP has prosecuted this litigation solely on a contingent-fee basis,  
10 and has been at risk that it would not receive any compensation for prosecuting claims against the  
11 defendants. While Robins Kaplan LLP devoted its time and resources to this matter, it has  
12 foregone other legal work for which it would have been compensated. Attached hereto as **Exhibit**  
13 **A** is a copy of Robins Kaplan LLP curriculum vitae.

14 3. During the course of this litigation, Robins Kaplan LLP has been involved in the  
15 following activities on behalf of IPPs at the request of and under the direction of Interim Lead  
16 Counsel:

- 17 a) Document Review; and
- 18 b) Deposition Preparation / Attendance.

19 4. Attached hereto as **Exhibit B** is my firm’s total hours and lodestar, computed at  
20 historical rates, from April 1, 2018 through August 12, 2019. The total number of hours spent by  
21 Robins Kaplan LLP during this period of time was 650.4, with a corresponding historical lodestar  
22 of \$243,331.00. This summary was prepared from contemporaneous, daily time records regularly  
23 prepared and maintained by Robins Kaplan LLP. The lodestar amount reflected in Exhibit A is for  
24 work assigned by Lead Counsel, and was performed by professional staff at my law firm for the  
25 benefit of the IPP Class.

26 5. All of the services performed by Robins Kaplan LLP in connection with this  
27 litigation were reasonably necessary in the prosecution of this case. There has been no unnecessary  
28 duplication of services for which Robins Kaplan LLP now seeks compensation. The hourly rates

1 for the attorneys and professional support staff in my firm included in Exhibit A are the usual and  
2 customary hourly rates charged by Robins Kaplan LLP.

3 6. Robins Kaplan LLP has expended a total of \$1,533.96 in unreimbursed costs in  
4 connection with the prosecution of this litigation from April 1, 2018 through August 12, 2019.  
5 These costs are itemized in the chart attached hereto as **Exhibit C**. These costs were incurred on  
6 behalf of IPPs by Robins Kaplan LLP on a contingent basis and have not been reimbursed. The  
7 costs incurred in this action are reflected on the books and records of my firm. These books and  
8 records are prepared from expense vouchers, check records and other source materials and  
9 represent an accurate recordation of the costs incurred. These firm costs are separate and apart  
10 from any costs incurred through the litigation fund.

11 7. I have reviewed the time and costs reported by my firm in this case which are  
12 included in this declaration, and I affirm that they are true and accurate to the best of my  
13 knowledge.

14 I declare under penalty of perjury under the laws of the United States of America that the  
15 foregoing is true and correct.

16  
17 Executed on October 11, 2019 at New York, NY.

18  
19 /s/ Hollis Salzman  
20 Hollis Salzman  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

I, Adam J. Zapala, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/ Adam J. Zapala  
Adam J. Zapala

# **EXHIBIT A**

BISMARCK  
BOSTON  
LOS ANGELES  
MINNEAPOLIS  
NAPLES  
NEW YORK  
SILICON VALLEY  
SIOUX FALLS

ROBINS  KAPLAN<sub>LLP</sub>

**ANTITRUST & TRADE REGULATION  
PRACTICE GROUP RESUME**

ROBINSKAPLAN.COM



# TABLE OF CONTENTS

---

WHO WE ARE: ROBINS KAPLAN	<b>3</b>
DIVERSITY	<b>4</b>
TRIAL EXPERIENCE	<b>6</b>
TRIAL EXPERIENCE RECOGNITION	<b>7</b>
WHO WE ARE: ANTITRUST AND TRADE REGULATION GROUP	<b>8</b>
ANTITRUST LITIGATION SUCCESS	<b>9</b>
COURT-APPOINTED LEADERSHIP IN ANTITRUST CASES	<b>11</b>
ANTITRUST RECOGNITION	<b>13</b>
THE ROBINS KAPLAN TEAM	<b>16</b>



## **WHO WE ARE: ROBINS KAPLAN**

*A national firm dedicated to trial work.*

**We are 250 lawyers across eight offices with a single purpose: Giving clients the finest representation in litigation headed to trial.**

---

Our lawyers secured the first settlement between a state and Big Tobacco, using an antitrust theory. We have forced structural reforms in many other industries and have recovered more than \$2 billion for clients through jury verdicts alone.

Throughout our history, we also have represented defendants. We see value, not contradiction, in maintaining diverse perspectives.

**Our understanding of defendants makes us better plaintiffs' lawyers. Likewise, our readiness for trial often drives out-of-court resolutions.**

## DIVERSITY

Inclusiveness has been at the heart of our mission from the start. Robins Kaplan was founded by two Jewish lawyers who were excluded from other firms, and responded by creating a firm where all lawyers are welcome.

**42%** Women among attorneys hired in 2018

**41%** Women among attorneys promoted to principal or partner in the last two years

**26%** Attorneys of color among associates hired in 2018

---

### SELECTED WORK:

- » Created a diversity committee in 1999.
- » Published groundbreaking Transgender Inclusion Guidebook for firm employees.
- » Introduced pioneering “Rooney Rule” for lateral hires.
- » Launched LEAD, a unique program that makes firm leadership accountable for progress on diversity.

### SELECTED RECOGNITION:

- » National LGBT Bar Association: Best LGBTQ+ Lawyers Under 40 (2019).
- » Leadership Council on Legal Diversity: Compass Award (2018).
- » Minnesota Lawyer: Diversity & Inclusion Award (2018).
- » Profiles in Diversity Journal: Diversity Leader (2017-19); Innovations in Diversity & Inclusion Award of Excellence (2017); Women Worth Watching (2011-2018).
- » Chambers USA: Diversity Award for Most Inclusive Firm for LGBT Lawyers (2016).
- » The National Law Journal: Outstanding Women Lawyers (2015).
- » Human Rights Campaign: 100% score in the Corporate Equality Index for LGBT-friendly work policies and practices (2009-18).

**DIVERSITY** CONTINUED

As of early 2019,  
attorneys of color comprise more than  
**25%** of associates and  
**8%** of principals and partners.

Openly LGBTQ attorneys make up  
**7%** of associates and  
**3%** of principals and partners.

Our percentages of attorneys of color and openly LGBTQ attorneys **exceed the national average for similarly sized law firms**, according to the National Association for Law Placement diversity statistics.

## TRIAL EXPERIENCE

Our trial lawyers have secured billions of dollars in damages in jury and arbitration awards against opponents from Apple to Disney to Starbucks.

**\$6.8 BILLION**

Settlement with Big Tobacco after a historic 15-week trial. With the result, Robins Kaplan became “the vanguard firm in the first successful battle with Big Tobacco” for states and health insurers (Law360). Domino-like settlements with 45 states followed.

*State of Minnesota and Blue Cross & Blue Shield of Minnesota v. Philip Morris Inc. et al.* (Minn.)

**\$2.7 BILLION**

Arbitration award for a Kraft Foods spinoff in breach of contract action against Starbucks, which had terminated Kraft’s exclusive rights to sell Starbucks coffee in grocery and retail stores.

*Kraft Foods Global, Inc. v. Starbucks Corporation* (S.D.N.Y.)

**\$520 MILLION**

Jury verdict against Microsoft for infringing a patent for web-browser technology. The Federal Circuit affirmed the award, which increased to \$565 million with pre-judgment interest. The case settled days before a second trial on invalidity.

*Eolas Technologies, Inc. et al. v. Microsoft Corp.* (N.D. Ill.)

**\$320 MILLION**

Federal jury verdict, plus prejudgment interest, against the creators of “Who Wants to Be a Millionaire?” in a dispute over the show’s profits.

*Celador International, Ltd. v. American Broadcasting Cos., Inc., et al.* (C.D. Cal.), aff’d (9th Cir.)



## RECENT TRIAL EXPERIENCE RECOGNITION

THE NATIONAL  
LAW JOURNAL

“Elite Trial Lawyers List”

“Plaintiffs’ Hot List”

THE  
AMERICAN LAWYER

“A-List”

**B T I**  
CONSULTING GROUP

“Client Service  
A-Team”

“Honor Roll: Most  
Feared Law Firms”

“Litigation Outlook:  
Awesome Opponent”

**B** BENCHMARK  
LITIGATION

“Top 10 Plaintiffs Firm”

**ALM**  
An Integrated Media Company

“Go-To Law Firms at the Top  
500 Companies”



## WHO WE ARE: ANTITRUST AND TRADE REGULATION GROUP

We are 36 attorneys and financial and economic experts who pursue industry-disrupting antitrust litigation. Most of the attorneys in our group have earned individual recognition for excellence in antitrust work. Highlights include:



### **HOLLIS SALZMAN**

Global Competition Review Top 100 Women in Antitrust | Law360 Competition MVP | National Law Journal Elite Women of the Plaintiffs' Bar | Chambers USA: Antitrust New York and Nationwide: Band 1 | National Law Journal Antitrust Trailblazer



### **K. CRAIG WILDFANG**

American Antitrust Institute Antitrust Enforcement Award / Outstanding Antitrust Achievement in Private Law Practice | Chambers USA: Antitrust Minnesota: Band 1 and Nationwide: Band 2 | National Law Journal Antitrust Trailblazer



### **KELLIE LERNER**

National Law Journal Antitrust Trailblazer | Chambers USA: Antitrust New York: Band 1 | Legal 500: Class Action-Antitrust | New York Law Journal Competition Lawyer Under 40



### **WILL REISS**

American Antitrust Institute Outstanding Antitrust Litigation Achievement by a Young Lawyer | National Law Journal Antitrust Trailblazer | Law360 Competition Rising Star



### **MEEGAN HOLLYWOOD**

American Antitrust Institute Outstanding Antitrust Litigation Achievement by a Young Lawyer | American Bar Association On the Rise: Top 40 Young Lawyers | Global Competition Review Lawyer of the Year Under 40 Shortlist

### **OUR TEAM INCLUDES:**

- » Two former U.S. Attorneys.
- » Two former trial attorneys from the U.S. Department of Justice's Antitrust Division.
- » Former special counsel for the DOJ Antitrust Division.
- » Former chair of Am Law 100 antitrust practice.

## ANTITRUST LITIGATION SUCCESS

Robins Kaplan has a well-established history of successfully leading major antitrust actions.

### FOR PLAINTIFFS

#### **Payment Card Interchange Fee and Merchant Discount Antitrust Litigation**

**\$6.2 BILLION**

For a class of 10 million merchants, Robins Kaplan pursued an innovative theory that Visa's and Mastercard's interchange fee structure and rules are anticompetitive. The \$6.2 billion settlement, which awaits final approval, is the largest known settlement of a private antitrust action in the 120-year history of the Sherman Act.

*In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (E.D.N.Y.)

#### **Air Cargo Shipping Services Antitrust Litigation**

**\$1.2 BILLION**

In a class action against providers of air cargo services, Robins Kaplan collected evidence around the world and compelled deposition testimony through The Hague. The final two of 28 settlements came on the eve of trial.

*In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.)

#### **Automotive Parts Antitrust Litigation**

**\$1.2 BILLION TO DATE**

In an unprecedented MDL stemming from the largest criminal antitrust investigation in U.S. history, Robins Kaplan has recovered more than \$1.2 billion in settlements for purchasers of price-fixed auto parts. The cumulative figure is the second-largest indirect purchaser recovery in U.S. history.

*In re Automotive Parts Antitrust Litigation* (E.D. Mich.)

#### **Kirk Dahl, et al. v. Bain Capital Partners, LLC**

**\$600 MILLION**

Robins Kaplan identified private equity firms' alleged conspiracy to suppress acquisition prices for target companies in leveraged buyouts and recovered nearly \$600 million in settlements.

*Kirk Dahl, et al. v. Bain Capital Partners, LLC et al.* (D. Mass.)

#### **Cathode Ray Tube Antitrust Litigation**

**\$300 MILLION IN SETTLEMENTS + \$22.5 MILLION JURY VERDICT**

Robins Kaplan represented Best Buy in an action alleging a conspiracy to fix the prices of cathode ray tubes, which were once integral components of televisions and computer monitors. The case concluded with settlements exceeding \$300 million and a \$22.5 million jury verdict against one defendant.

*In re Cathode Ray Tube Antitrust Litigation* (N.D. Cal.)

#### **Vitamins Antitrust Litigation**

**\$250 MILLION**

The firm represented agribusiness clients as opt-out plaintiffs in litigation over a decade-long price-fixing conspiracy among international vitamin manufacturers. The cases settled before trial.

*In re Vitamins Antitrust Litigation* (D.D.C.)



## ANTITRUST LITIGATION SUCCESS CONTINUED

### FOR DEFENDANTS

#### **Insulate SB, Inc. v. Advanced Finishing Systems, Inc.**

---

Robins Kaplan obtained Rule 12/Twombly dismissal of putative nationwide class action against Graco Inc. and its distributors of spray foam insulation equipment, brought after a Federal Trade Commission consent decree relating to Graco's spray foam business acquisitions.

*Insulate SB, Inc. v. Advanced Finishing Systems, Inc.* (D. Minn.), *aff'd* (8th Cir.)

#### **Wholesale Grocery Products Antitrust Litigation**

---

The firm defeated class certification for grocery wholesaler SuperValu Inc. in class action alleging that it had engaged in unlawful market division with another wholesaler.

*In re Wholesale Grocery Products Antitrust Litigation* (D. Minn.), *denial of class cert. aff'd* (8th Cir.)

#### **Digital Sun v. The Toro Co.**

---

Robins Kaplan secured Rule 12 dismissal of a complaint against The Toro Company by a manufacturer of smart-sprinkler technology, in a case at the intersection between antitrust and patent law.

*Digital Sun v. The Toro Co.* (N.D. Cal.)

#### **In re Union Oil Company of California**

---

In another case at the intersection between antitrust and patent law, Robins Kaplan defended Section 5 antitrust allegations by the Federal Trade Commission against UNOCAL based on standard-setting theory for reformulated gasoline patents.

*In re Union Oil Company of California* (FTC)

## **COURT-APPOINTED LEADERSHIP IN ANTITRUST CASES**

*In re Brand Name Prescription Drug Indirect Purchaser Antitrust Litigation* (multistate)\*

*Ace Marine Rigging & Supply, Inc. v. Virginia Harbor Services, et al.* (C.D. Cal.)\*

*In re Abbott Labs Norvir Antitrust Litigation* (N.D. Cal.)\*

*In re Aftermarket Automotive Lighting Products Antitrust Litigation* (C.D. Cal.)\*

*In re Pool Products Distribution Market Antitrust Litigation* (E.D. La.)\*

*In re Wells Fargo Collateral Protection Insurance Litigation* (C.D. Cal.)

*Howard Hess Dental Labs, et al. v. Dentsply Intl, Inc.* (D. Del.)\*

*In re Warfarin Sodium Antitrust Litigation* (D. Del.)\*

*In re Lorazepam and Clorazepate Antitrust Litigation* (D. D.C.)\*

*In re Disposable Contact Lens Antitrust Litigation* (M.D. Fla.)

*In re Florida Cement and Concrete Antitrust Litigation* (S.D. Fla.)\*

*In re Marine Hose Antitrust Litigation* (S.D. Fla.)\*

*In re Photochromic Lens Antitrust Litigation* (M.D. Fla.)\*

*In re Food Service Equipment Hardware Antitrust Litigation* (N.D. Ga.)\*

*In re Aftermarket Filters Antitrust Litigation* (N.D. Ill.)\*

*Washington County Health Care Authority, Inc. d/b/a Washington County Hospital & Nursing Home, et al. v. Baxter International Inc., et al.* (N.D. Ill.)

*Dahl, et al. v. Bain Capital Partners, LLC et al.* (D. Mass.)

*In re Automotive Parts Antitrust Litigation*, (41-separate actions) (E.D. Mich.)



## **COURT-APPOINTED LEADERSHIP IN ANTITRUST CASES** CONTINUED

*In re Vehicle Carrier Services Antitrust Litigation* (D.N.J.)

*Animalfeeds International Corp. v. Stolt-Nielsen SA* (S.D.N.Y.)\*

*In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.)

*In re Bussirone Antitrust Litigation* (S.D.N.Y.)\*

*In re Crude Oil Commodity Futures Litigation* (S.D.N.Y.)

*In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (S.D.N.Y.)

*In re Maltol Antitrust Litigation* (S.D.N.Y.)\*

*In re Natural Gas Commodity Litigation* (S.D.N.Y.)\*

*In re Optiver Commodities Litigation* (S.D.N.Y.)

*In re Oxycontin Antitrust Litigation* (S.D.N.Y.)\*

*In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation* (E.D.N.Y.)

*In re Stock Exchanges Options Trading Antitrust Litigation* (S.D.N.Y.)\*

*In re Foundry Resins Antitrust Litigation* (S.D. Ohio)\*

*In re Polyurethane Foam Antitrust Litigation* (N.D. Ohio)

*Vista Healthplan, Inc. v. Sanofi-Aventis C.A.* (S.D. Ohio)\*

*In re Flat Glass II Antitrust Litigation* (W.D. Pa.)\*

*In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation* (E.D. Pa.)\*

*In re Merck Mumps Vaccine Antitrust Litigation* (E.D. Pa.)

*In re Puerto Rican Cabotage Antitrust Litigation* (D.P.R.)\*

\*Prior to joining Robins Kaplan LLP.



## ANTITRUST RECOGNITION

“

**I know the plaintiffs' counsel by experience.  
They are all top-end lawyers.**

**- JUDGE BRIAN COGAN**

Transcript of Civil Cause for Fairness Hearing at 13,  
*In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y., March 24, 2016)

”

**“[G]reat papers. Great oral argument.”**

- Judge Andrew J. Guilford

Transcript of Motion Hearing at 49, *In re Wells Fargo Collateral  
Protection Insurance Litigation* (C.D. Cal., June 18, 2018)

**“I have to say, you make such an impressive  
group. I can't tell you what it is like to come out  
and see all of you sitting here.”**

- Judge Marianne O. Battani

Transcript of Status Conference/Motion Hearing at 17, *In re  
Automotive Parts Antitrust Litigation* (E.D. Mich., May 11, 2016)

**“Settlement Class Counsel are highly experienced practitioners  
in complex litigation generally and antitrust litigation specifically.  
In addition, Settlement Counsel has been consistently commended  
in this case, deservedly so.”**

- Judge John Gleeson

Memorandum and Opinion Granting Approval of  
the Lufthansa Settlement at 28, *In re Air Cargo Shipping  
Services Antitrust Litigation* (E.D.N.Y., Sept. 25, 2009)

## **ANTITRUST RECOGNITION** CONTINUED



**“They are good at making cost efficiencies and understanding the business aspects.”**

- Client Comment, Chambers USA, 2019

**Attorneys were “very responsive” and offered “really good insights into the navigation of the demands and requirements of regulators.”**

- Client Comment, Chambers USA, 2019

**“They are simply amazing; they are forward-thinking, creative and very effective. They do a marvelous job.”**

- Peer comment, Chambers USA, 2018

**“I think the team is outstanding: Very smart, effective and great to work with – they are top shelf.”**

- Peer comment, Chambers USA, 2018

**“Receives widespread praise for its capabilities in all types of antitrust matters but has achieved particularly significant success on behalf of plaintiff clients. Demonstrates considerable trial experience and knowledge of government agencies.”**

- Client comment, Chambers USA, 2015

“

**They are easy to get along with, straightforward and get the job done.**

- CLIENT COMMENT

Chambers USA, 2019

”

## ANTITRUST RECOGNITION CONTINUED

### CHAMBERS

Antitrust Nationwide: Band 1  
*2014-2019*

Antitrust New York: Band 1  
*2014-2019*

Antitrust Minnesota: Band 1  
*2014-2019*

### GLOBAL COMPETITION REVIEW

“Regional Firm of  
the Year” Shortlist  
*2017-2018*

“Litigation of the Year -  
Cartel Prosecution” Shortlist  
*Air Cargo, 2017*

“GCR 100”  
*2017*

### LAW360

“Most Feared  
Plaintiffs Firms”  
*2014-2015*

“Litigation  
Powerhouse”  
*2016 inaugural list*

“Competition Practice  
Group of the Year”  
*2014-2015*

### LEGAL 500

One of the nation’s top firms in the area  
of Antitrust: Civil Litigation/Class Actions  
*2016-2018*

One of the best plaintiffs’ firms in the country in  
Class Action: Plaintiff Representation – Antitrust  
*2015*

# THE ROBINS KAPLAN TEAM





## HOLLIS SALZMAN

**Co-Chair** | Antitrust and Trade Regulation Group  
**Assistant Managing Partner and Hiring Partner** | New York Office  
**Member** | Executive Board

### CONTACT

HSalzman@RobinsKaplan.com

212.980.7400

### EDUCATION

Nova University School of Law, J.D.  
(1992)

Boston University, B.A. in Economics

### BAR AND COURT ADMISSIONS

District of Columbia

Florida

New Jersey

New York

U.S. Court of Appeals,  
Second Circuit

U.S. Court of Appeals,  
Sixth Circuit

U.S. Court of Appeals,  
Eleventh Circuit

U.S. District Court,  
Eastern District of Michigan

U.S. District Court,  
Eastern District of New York

U.S. District Court,  
Southern District of Florida

U.S. District Court,  
Southern District of New York

Hollis Salzman is widely recognized as one of the nation's leading antitrust litigators. That recognition extends not just to outlets such as Chambers USA (Band 1), Benchmark Litigation (Top 250 Women in Litigation), and Law360 (MVP, Competition) but also the U.S. Senate, which asked her to share her knowledge of cartel enforcement with its Judiciary Committee.

Most importantly, that recognition extends to the courts and clients that have trusted her to redress complex and widespread antitrust violations, many involving international cartels. She currently serves as co-lead counsel in *In re Automotive Parts Antitrust Litigation*, stemming from the largest criminal antitrust investigation ever conducted by the Department of Justice. She has secured more than \$1.2 billion in partial settlements to date. Her successful cases also include:

- » *In re Air Cargo Shipping Services Antitrust Litigation* (\$1.2 billion in settlements)
- » *In re Lorazepam & Clorazepate Antitrust Litigation* (\$147 million in settlements)
- » *In re Buspirone Antitrust Litigation* (\$90 million settlement)
- » *In re Puerto Rican Cabotage Antitrust Litigation* (\$52 million settlement)

Ms. Salzman has assembled a diverse and talented team of antitrust litigators in Robins Kaplan's New York office, from which she co-leads the firmwide antitrust practice. Outside the firm, she holds leadership roles in many national and local antitrust organizations. She serves as co-chair of the American Bar Association Section of Antitrust Law's Global Private Litigation Subcommittee. She is also an advisory board member for the American Antitrust Institute and an executive committee member of the New York State Bar Association's Antitrust Law Section.

She regularly provides pro bono representation to indigent and working-poor women in family law matters.



## RECENT NOTABLE RECOGNITIONS

---

### AWARDS

- » Global Competition Review Litigator of the Year (Shortlisted, 2018)
- » The National Law Journal Elite Women of the Plaintiffs' Bar (2018)
- » New York Law Journal Distinguished Leaders (2017)
- » Lawyer Monthly's Women in Law Awards: Competition Lawyer of the Year (2016)
- » Global Competition Review Top 100 Women in Antitrust (2016)
- » Law360 Competition MVP (2016)
- » Global Investigations Review Women in Investigations (2015)
- » The National Law Journal Antitrust Trailblazer (2015)

### RANKINGS

- » Benchmark Litigation: Local Litigation Star (2016-19)
- » Benchmark Litigation: Top 250 Women in Litigation (2016-19)
- » Benchmark Litigation: Litigation Star (2016-19)
- » Chambers USA: Antitrust New York: Band 1 (2014-19)
- » Chambers USA: Antitrust Nationwide: Band 1 (2014-19)
- » Lawdragon 500 (2015-18)
- » Legal 500: Tier 1 (2010-18)

### WRITINGS

---

- » **INSIGHT: Defendant Class Actions - The Solution to Suing Hundreds of Defendants**  
Bloomberg Law (Nov. 8, 2018) - Nominated as one of 10 articles in the Business Articles: Private Enforcement category for Concurrence's 2019 Antitrust Writing Awards
- » **Between a Rock and a Hard Place: Communicating with Absent Class Members**  
Antitrust Magazine (Fall 2017)
- » **Indirect Purchaser Litigation Handbook, Second Edition**  
Contributing Author, American Bar Association (2016)
- » **Benefits of Controversial Changes to UK Competition Regime**  
Law360 (Aug. 5, 2015)
- » **Much Ado About Injury: Making Sense Of FTAIA Circuit Split**  
Law360 (May 14, 2015)
- » **Amazon — The 1st Illegal Monopsony?**  
Law360 (Sept. 2, 2014)
- » **After FTAIA Ruling, Sky Is Not Falling On Antitrust Claims**  
Law360 (June 2, 2014)
- » **Where Does a Fresh Start End?: The Case for Imposing Joint and Several Liability on a Reorganized Debtor that Continues to Participate in an Antitrust Conspiracy Post-Discharge**  
Bloomberg BNA Antitrust & Trade Regulation Report (Oct. 25, 2013)
- » **3 Tips For Understanding Price-Fixing Conspiracy Liability**  
Law360 (Oct. 9, 2013)
- » **Tips For the Antitrust Lawyer Taking Depositions Abroad**  
Law360 (July 3, 2013)

### PROFESSIONAL ORGANIZATIONS

---

- » New York State Bar Association Antitrust Law Section, Executive Committee Member and Vice Chair
- » American Bar Association, Section of Antitrust Law's Global Private Litigation Committee Co-Chair
- » New York Women's Antitrust Bar Association, Co-Chair
- » American Antitrust Institute, Advisory Board Member
- » National Association of Women Lawyers
- » Committee to Support Antitrust Laws (COSAL), President



## K. CRAIG WILDFANG

Co-Chair | Antitrust and Trade Regulation Group

### CONTACT

KCWildfang@RobinsKaplan.com

612.349.8500

### EDUCATION

University of Minnesota School of Law,  
J.D., *cum laude* (1977)

University of Minnesota, B.A.,  
*magna cum laude*

### BAR AND COURT ADMISSIONS

Minnesota  
U.S. District Court,  
Minnesota  
U.S. Court of Appeals,  
First Circuit  
U.S. Court of Appeals,  
Second Circuit  
U.S. Court of Appeals,  
Third Circuit  
U.S. Court of Appeals,  
Fourth Circuit  
U.S. Court of Appeals,  
Eighth Circuit  
U.S. Court of Appeals,  
Eleventh Circuit  
U.S. Supreme Court

Mr. Wildfang has vast experience in antitrust litigation and counseling for over 30 years. He has represented parties in many private civil antitrust actions in industries ranging from banking, financial services, and insurance to agricultural commodities and high-tech components and has counseled clients on a wide variety of antitrust and trade regulation issues from mergers and joint ventures to marketing and sales programs.

From 1993 to 1996, Mr. Wildfang served as Special Counsel to the Assistant Attorney General for Antitrust, United States Department of Justice in Washington, D.C. In that position he was responsible for advising the Assistant Attorney General on the Justice Department's complex civil antitrust litigation, as well as managing certain high-profile cases. Among other matters, Mr. Wildfang directed the Justice Department's efforts in the civil action against Nasdaq securities firms for price-fixing (*United States v. Alex Brown & Sons, et al.*, S.D.N.Y. No. 96 Civ. 5313), and the government's action challenging international anticompetitive intellectual property licenses (*United States v. Pilkington PLC, et al.*, D. Ariz. No. 94-345), as well as being involved in the government's investigation of anticompetitive practices by Visa and Mastercard in the credit card industry.

## RECENT NOTABLE RECOGNITIONS

---

### AWARDS

- » The National Law Journal Antitrust Trailblazer (2015)
- » American Antitrust Institute Antitrust Enforcement Award for Outstanding Antitrust Achievement in Private Law Practice (2014)
- » Minnesota Lawyer Attorney of the Year (2012, 2014)
- » Law360 Competition MVP (2012)
- » United States Department of Justice - Assistant Attorney General for Antitrust Outstanding Contribution (1994)

### RANKINGS

- » Chambers USA: Antitrust Minnesota: Band 1 (2014-19)
- » Chambers USA: Antitrust Nationwide: Band 1 (2014-18)
- » The Best Lawyers in America: Antitrust Litigation (2012-19)
- » Minnesota Super Lawyer (2003-18)
- » Lawdragon 500 Leading Lawyers in America (2012-18)
- » Legal 500 (2014)
- » Lawdragon Lawyer Limelight (Featured, 2013)

### WRITINGS

---

- » **Preserving Rule of Reason Against 'Cost-Based' Challenge**  
Co-author, Law360 (Dec. 18, 2012)
- » **Tackling The Financial Crisis With Antitrust Claims**  
Co-author, Law360 (Jan. 9, 2012)
- » **A brighter future for private plaintiff challenges?**  
Co-author, The National Law Journal (Nov. 28, 2011)
- » **DOJ's Conduct Remedies: Lessons From North Of The Border**  
Co-author, Law360 (Sept. 19, 2011)
- » **Don't Rock the Concord Boat**  
Co-author, Law360 (July 7, 2011)
- » **American Needle has Repercussions Beyond Sports**  
Co-author, The National Law Journal (Nov. 1, 2010)
- » **Everything You Wanted To Know About The Antitrust Agencies But Were Too Afraid To Ask: A Review Of The DOJ And FTC's Proposed Revisions To The Horizontal Merger Guidelines**  
Antitrust Bulletin (Vol. 2, Issue 2) (Summer 2010)
- » **The International Handbook of Private Enforcement of Competition Law**  
Co-author, Chapter on Funding of Antitrust Litigation American Law Institute (2010)
- » **American Needle v. NFL: The Supreme Court Stops NFL's Drive for Antitrust Immunity**  
RobinsKaplan.com (May 24, 2010)
- » **Visa and Mastercard: The Persistence of Their Market Power Even After 'Successful' Antitrust Challenges**  
Antitrust Law Journal (2006)
- » **Predatory Conduct Under Section Two of the Sherman Act: Do Recent Cases Illuminate the Boundaries**  
J. Corp. Law (2006)
- » **The Credit Card Cases**  
The National Law Journal (Nov. 11, 2002)
- » **Predatory Conduct Under Section Two of the Sherman Act: Dead or Alive?**  
2 Sedona Conference J. 73 (2001)
- » **Predatory Conduct Under Section Two of the Sherman Act: Emerging Theories**  
Robins, Kaplan, Miller & Ciresi L.L.P. (Dec. 21, 2000)

## **SPEAKING ENGAGEMENTS/LECTURES**

---

- » **Legal Series: U.S. Antitrust Laws - Developments in its Extraterritorial Reach**  
The Knowledge Group LLC (Jan. 30, 2015)
- » **The Future of Interchange in a Post Durbin Era**  
23rd Annual Card Forum and Expo (Apr. 28, 2011)
- » **What Does American Needle Portend?**  
Panel Discussion, The Sedona Conference (Oct. 28-29, 2010)
- » **Evaluating Mergers of Internet Companies**  
Panel Discussion, The Sedona Conference (Oct. 28-29, 2010)
- » **Two-Sided Markets**  
Panel Member, American Bar Association, Section of Antitrust Law (Mar. 25-27, 2009)
- » **The Future of Private Enforcement of the Antitrust Laws**  
American Antitrust Institute (June 18-19, 2008)
- » **New Challenges in an Evolving Antitrust Era**  
Robins, Kaplan, Miller & Ciresi L.L.P. (May 18, 2006)
- » **Trial Preparation: Not Just for Outside Counsel**  
Panelist, American Bar Association, Antitrust Law Section (Apr. 18, 2007)

## **PROFESSIONAL ORGANIZATIONS**

---

- » Minnesota State Bar Association (served two years as Chairman of the Antitrust Section)
- » American Bar Association



## KELLIE LERNER

Partner | Antitrust and Trade Regulation  
Co-Chair | Diversity Committee

### CONTACT

KLerner@RobinsKaplan.com

212.980.7400

### EDUCATION

Rutgers Law School, J.D.  
(2003)

Rutgers University, B.A.,  
*cum laude*

### BAR AND COURT ADMISSIONS

New Jersey

New York

U.S. Court of Appeals,  
Second Circuit

U.S. District Court,  
New Jersey

U.S. District Court,  
Southern District of New York

Kellie Lerner has nearly two decades of experience litigating high stakes antitrust disputes on behalf of both plaintiffs and defendants in federal courts throughout the country. She has worked on a number of groundbreaking antitrust cases and has obtained almost \$100 million in recoveries on behalf of her clients.

Ms. Lerner currently serves as co-lead counsel in *In re Merck Mumps Vaccine Antitrust Class Action* and *In re Wells Fargo Collateral Protection Insurance Litigation*. She also recently represented a publicly traded corporation in *Insulate SB Inc. v. Abrasive Products & Equipment et al.*, where she successfully obtained a complete dismissal of a federal and multi-state antitrust class action filed against her client, which was affirmed by the United States Court of Appeals in the Eighth Circuit. She also counsels generic pharmaceutical, alternative energy and entertainment companies on competition issues.

Ms. Lerner is also principally responsible for identifying and initiating new antitrust actions at the firm. In this capacity, she has initiated the first antitrust class action lawsuits in the country in dozens of actions that have ultimately resulted in billions of dollars in recoveries for victims of anti-competitive conduct. These include, among others:

- » *In re Air Cargo Shipping Services Antitrust Litigation* (\$1.2 billion in settlements)
- » *In re Puerto Rican Cabotage Antitrust Litigation* (\$52 million settlement)
- » *In re Abbott Labs Norvir Antitrust Litigation* (\$10 million settlement)
- » *In re Flat Glass II Litigation* (\$22 million-plus settlement)

Ms. Lerner was recognized in the 2018 Chambers USA Guide for her ability to “get large teams of people to work effectively together,” and by Legal 500 for her “superior intellect, determination and political savvy in getting the job done.”

## RECENT NOTABLE RECOGNITIONS

---

### AWARDS

- » Corporate Counsel/InsideCounsel National Women in Law (2018)
- » The National Law Journal Antitrust Trailblazer (2016)
- » Profiles in Diversity Journal Diversity Leader (2017)
- » Profiles in Diversity Journal Woman Worth Watching (2015)
- » New York Law Journal Rising Star (2013)
- » Law360 Competition Rising Star (2012)

### RANKINGS

- » Chambers USA: Antitrust New York: Band 1 (2019)
- » Benchmark Litigation: Future Star (2016-17, 2019)
- » New York Super Lawyer (2018)
- » Legal 500: Recommended (2013-16)

### WRITINGS

---

- » **No-Poachers Find Themselves in Hot Water**  
Bloomberg Law (Aug. 29, 2018)
- » **Judges Can Demand Diversity In Rule 23(g) Applications**  
Law360 (Aug. 15, 2018)
- » **How Do You Solve a Problem Like Algorithmic Price Fixing?**  
Bloomberg Law (Feb. 8, 2018) - Nominated as one of 10 articles in the Business Articles: Concerted Practices category for Concurrence's 2019 Antitrust Writing Awards
- » **Addressing the Gender Divide in the Courtroom**  
The New York Law Journal (Sept. 8, 2017)
- » **Consumer Protection Developments: New Challenges and Unanswered Questions**  
Antitrust Magazine (July 10, 2017)
- » **The 9th Circ.'s Rule 6(e) Test For Private Antitrust Cases**  
Law360 (Oct. 20, 2015)
- » **Early Lessons From The REMS Battlefield**  
Law360 (Mar. 9, 2015)
- » **Tech-Tying Vs. Section 2 Of The Sherman Antitrust Act**  
Law360 (Dec. 4, 2014)
- » **The 5 Hidden Benefits of a Diverse Legal Team**  
InsideCounsel (Nov. 17, 2014)
- » **It's Time to Revisit Antitrust Penalties**  
Daily Journal (Oct. 28, 2014)
- » **DOJ Stays Are Often Unfair To Private Antitrust Plaintiffs**  
Law360 (Mar. 3, 2014)
- » **5 Overlooked Reasons to Be Class Rep in an Antitrust Suit**  
Law360 (May 16, 2013)
- » **When You Lose the Race to Corporate Leniency**  
Law360 (Mar. 15, 2013)

## **SPEAKING ENGAGEMENTS/LECTURES**

---

- » **New Revenue Streams: Analyzing Antitrust Class Action Settlement Claims**  
Bloomberg Law Webinar (Apr. 10, 2019)
- » **Role of Market Power in the Digital Economy**  
New York State Bar Association (Jan. 25, 2018)
- » **Women in Antitrust - The Times They Are A-Changing**  
New York State Bar Association - Antitrust Law Section (Jan. 24, 2018)
- » **Class Action Reform: Necessary or Nocuous?**  
American Bar Association (Jan. 17, 2018)
- » **Class Action Settlements for Antitrust Practitioners and In-House Counsel**  
Practising Law Institute (June 21, 2017)
- » **5 Hidden Benefits of a Diverse Legal Team**  
Robins Kaplan LLP Webinar (Mar. 3, 2015)

## **PROFESSIONAL ORGANIZATIONS**

---

- » American Bar Association, Section of Antitrust Law's Joint Conduct Committee, Vice President
- » Antitrust Section of the New York State Bar Association, Diversity Chair
- » National Association of Women Lawyers' Litigation Affinity Group, Co-Chair
- » Antitrust Magazine, Associate Editor

# **EXHIBIT B**



**IN RE CAPACITORS ANTITRUST LITIGATION**  
**Case No. 3:14-cv-03264-JD; MDL No. 3:17-md-02801-JD**

**EXHIBIT B**  
**ROBINS KAPLAN LLP**

**Hours and Lodestar on a Historical Basis**  
**April 1, 2018 through August 12, 2019**

- |                    |                                     |                              |                             |               |                                 |
|--------------------|-------------------------------------|------------------------------|-----------------------------|---------------|---------------------------------|
| <b>Categories:</b> | 1) Legal Research                   | 6) Class Certification       | 11) Settlements & Mediation | <u>TITLE</u>  | (P) Partner                     |
|                    | 2) Investigation / Factual Research | 7) Summary Judgment          | 12) Case Management         | <u>ABBRV:</u> | (A) Associate                   |
|                    | 3) Discovery                        | 8) Appeals                   | 13) Class Notice            |               | (FLR) Foreign Language Reviewer |
|                    | 4) Document Review                  | 9) Court Appearance and Prep | 14) Trial Prep              |               | (DR) Document Reviewer          |
|                    | 5) Pleadings, Briefs & Motions      | 10) Experts                  | 15) Trial                   |               | (SPL) Senior Paralegal          |
|                    |                                     |                              |                             |               | (PL) Paralegal                  |
|                    |                                     |                              |                             |               | (LC) Law Clerk                  |

ATTORNEYS (P, A, CA, CFL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	CUMULATIVE LODESTAR
Hollis Salzman (P)												0.50				0.50	\$900.00	\$450.00
David B. Rochelson (A)		66.20														66.20	\$580.00	\$38,396.00
Jill S. Casselman (A)		3.20														3.20	\$550.00	\$1,760.00
Kate Iwanami (FLR)				576.00												576.00	\$350.00	\$201,600.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>69.40</b>	<b>0.00</b>	<b>576.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.50</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>645.90</b>		<b>\$242,206.00</b>
<b>NON-ATTORNEYS (LC, SPL, PL)</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>CUMULATIVE HOURS</b>	<b>HOURLY RATE</b>	<b>PREVIOUS LODESTAR</b>
Mabel Marte (PL)												4.50				4.50	\$250.00	\$1,125.00
																0.00	\$0.00	\$0.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>4.50</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>4.50</b>		<b>\$1,125.00</b>
<b>GRAND TOTAL:</b>	<b>0.00</b>	<b>69.40</b>	<b>0.00</b>	<b>576.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>5.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>650.40</b>		<b>\$243,331.00</b>

# **EXHIBIT C**

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT C**

Robins Kaplan LLP

Expenses Incurred

April 1, 2018 through August 12, 2019

<b>EXPENSE CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Costs / Filing Fees	\$
Experts / Consultants	\$
Shipping Costs / Federal Express / UPS	\$
Postage / U.S. Mail	\$
Service of Process	\$
Messenger / Delivery	\$
Hearing Transcripts	\$
Investigation	\$
Lexis / Westlaw / PACER	\$77.77
Photocopies – In House	\$218.43
Photocopies – Outside	\$
Telephone / Telecopier	\$
Travel – Transportation	\$416.92
Travel - Hotels	\$644.37
Travel – Meals	\$176.47
<b>TOTAL:</b>	<b>\$1,533.96</b>

BACKUP  
MATERIAL  
SUBMITTED  
FOR IN  
CAMERA  
REVIEW

# **EXHIBIT 11**

**MEREDITH & ASSOCIATES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Class Counsel for Indirect Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE CAPACITORS ANTITRUST  
LITIGATION**

**Case No. 3:14-cv-03264-JD  
MDL No. 3:17-md-02801-JD**

**THIS DOCUMENT RELATES TO:**

**All Indirect Purchaser Actions**

**DECLARATION OF JOEL C.  
MEREDITH IN SUPPORT OF CLASS  
COUNSEL’S APPLICATION FOR  
ATTORNEYS’ FEES AND  
REIMBURSEMENT OF COSTS  
SUBMITTED ON BEHALF OF  
MEREDITH & ASSOCIATES**

**Date:  
Time: 10:00 a.m.  
Place: Courtroom 11, 19<sup>th</sup> Floor**

**Judge: Hon. James Donato**

1 I, Joel C. Meredith, declare and state as follows:

2 1. I am a Partner of Meredith & Associates, Counsel for Indirect Purchaser Plaintiffs  
3 (“IPPs” or “Plaintiffs”) in this action. I submit this declaration in support of Class Counsel’s  
4 application for attorneys’ fees and reimbursement of expenses reasonably incurred in connection  
5 with the services rendered in this litigation on behalf of the class. I make this declaration based on  
6 my personal knowledge and if called as a witness, I could and would competently testify to the  
7 matters stated herein. The time expended preparing this Declaration is not included.

8 2. During the pendency of the litigation, Meredith & Associates, acted as supporting  
9 class counsel to IPPs. Meredith & Associates, has prosecuted this litigation solely on a contingent-  
10 fee basis, and has been at risk that it would not receive any compensation for prosecuting claims  
11 against the defendants. While Meredith & Associates, devoted its time and resources to this  
12 matter, it has foregone other legal work for which it would have been compensated. Attached  
13 hereto as **Exhibit A** is a copy of Meredith & Associates curriculum vitae.

14 3. During the course of this litigation, Meredith & Associates has been involved in the  
15 following activities on behalf of IPPs at the request of and under the direction of Interim Lead  
16 Counsel:

- 17 a) Represented a Florida putative class representative which included , inter alia, work  
18 with the client on his responses to defendants’ request to produce documents and  
19 answers to defendants’ interrogatories ; prepared and represented client in  
20 defendants’ deposition ; and  
21 b) Prepared for and represented IPPs in depositions of defendant witnesses in Taiwan,  
22 Boston and New York City.

23 4. Attached hereto as **Exhibit B** is my firm’s total hours and lodestar, computed at  
24 historical rates, from April 1, 2018 through August 12, 2019. The total number of hours spent by  
25 Meredith & Associates during this period of time was 49.00, with a corresponding historical  
26 lodestar of \$38,465.00. This summary was prepared from contemporaneous, daily time records  
27 regularly prepared and maintained by Meredith & Associates. The lodestar amount reflected in  
28

1 Exhibit A is for work assigned by Lead Counsel, and was performed by professional staff at my  
2 law firm for the benefit of the IPP Class.

3 5. All of the services performed by Meredith & Associates in connection with this  
4 litigation were reasonably necessary in the prosecution of this case. There has been no unnecessary  
5 duplication of services for which Meredith & Associates now seeks compensation. The hourly  
6 rates for the attorneys and professional support staff in my firm included in Exhibit A are the usual  
7 and customary hourly rates charged by Meredith & Associates.

8 6. Meredith & Associates has expended a total of \$470.70 in unreimbursed costs in  
9 connection with the prosecution of this litigation from April 1, 2018 through August 12, 2019.  
10 These costs are itemized in the chart attached hereto as **Exhibit C**. These costs were incurred on  
11 behalf of IPPs by Meredith & Associates on a contingent basis and have not been reimbursed. The  
12 costs incurred in this action are reflected on the books and records of my firm. These books and  
13 records are prepared from expense vouchers, check records and other source materials and  
14 represent an accurate recordation of the costs incurred. These firm costs are separate and apart  
15 from any costs incurred through the litigation fund.

16 7. I have reviewed the time and costs reported by my firm in this case which are  
17 included in this declaration, and I affirm that they are true and accurate to the best of my  
18 knowledge.

19 I declare under penalty of perjury under the laws of the United States of America that the  
20 foregoing is true and correct.

21  
22 Executed on October 8, 2019 at Philadelphia, PA.

23  
24 /s/ Joel C. Meredith  
Joel C. Meredith



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

I, Adam J. Zapala, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/ Adam J. Zapala  
Adam J. Zapala

# **EXHIBIT A**

## MEREDITH & ASSOCIATES CURRICULUM VITAE

Joel C. Meredith is the founding partner of Meredith & Associates (Successor to Meredith and Narine). Prior to establishing Meredith & Associates, Mr. Meredith was a shareholder in the firm of Meredith Cohen Greenfogel & Skirnick, P.C. with offices in Philadelphia and New York City. Mr. Meredith is a graduate of Villanova law School where he was a member of the Editorial Board of the Villanova Law Review.

During more than thirty-five years of trial experience, Mr. Meredith has acted as trial counsel to major corporate defendants *Paint Products vs. Dutch Boy, Inc.*, 1980-2 CCH Trade Cases § 63, 497 (D.Conn.1980) and to major corporate plaintiffs in complex litigation. See *Chanel Home Centers Div. of Grace Retail Corp. v. Grossman*, 795 F.2d 291 (3<sup>rd</sup> Cir. 1986). He has acted, as lead or co-lead counsel in numerous class actions including, *Bagel Inn. Inc. v. All Star Dairies*, 539 F. Supp. 107 (D.N.J. 1982); *In re Carbon Dioxide Antitrust Litigation MDL No. 940 (M.D. Fla.)*; *X-Ray film Antitrust Litigation No. CV 93 5904 (CPS) (E.D.N.Y.)*; *Potash Antitrust Litigation, MDL No. 981 (D. Minn.)*; *In re Commercial Tissue Antitrust Litigation, MDL No. 1189 (N.D. Fla.)* and *Pulley et al J.P. Morgan Chase, C.A. No 12 CV 60936 (S.D. FLA)*. Mr. Meredith has had a substantial role in numerous complex actions, including: *In re Infant Formula Antitrust Litigation, MDL No. 878 (N.D. Fla.)*; *Superior Beverage/Glass Container Consolidated Pretrial, Case No. 89 C 5251 (N.D. Ill.)*; *Cumberland Farms, Inc. V. Browning-Ferris Industries, Inc., C.A. No. 87-3717 (E.D. Pa.)*; *In re Chlorine and Caustic soda Antitrust Litigation, Master File No. 86-5428 (E.D. Pa.)*; *In re Industrial Gas Antitrust Litigation, Civil No. 80 C 3479 (N.D. ILL)*; and *In re Drill Bits Antitrust Litigation, Civil Action No. H-91627 (S.D. Tx.)*.

Mr. Meredith is admitted to practice in the Supreme Court of the commonwealth of Pennsylvania and a member of the Bars of the Supreme Court of the United States, the Courts of Appeals for the First, Third, Fifth and Eleventh Circuits, and the Eastern District of Pennsylvania.

# **EXHIBIT B**

*IN RE CAPACITORS ANTITRUST LITIGATION*  
 Case No. 3:14-cv-03264-JD; MDL No. 3:17-md-02801-JD

**EXHIBIT B**  
**Meredith & Associates**

**Hours and Lodestar on a Historical Basis**  
**April 1, 2018 through August 12, 2019**

- |             |                                     |                              |                             |               |                                 |
|-------------|-------------------------------------|------------------------------|-----------------------------|---------------|---------------------------------|
| Categories: | 1) Legal Research                   | 6) Class Certification       | 11) Settlements & Mediation | <u>TITLE</u>  | (P) Partner                     |
|             | 2) Investigation / Factual Research | 7) Summary Judgment          | 12) Case Management         | <u>ABBRV:</u> | (A) Associate                   |
|             | 3) Discovery                        | 8) Appeals                   | 13) Class Notice            |               | (FLR) Foreign Language Reviewer |
|             | 4) Document Review                  | 9) Court Appearance and Prep | 14) Trial Prep              |               | (DR) Document Reviewer          |
|             | 5) Pleadings, Briefs & Motions      | 10) Experts                  | 15) Trial                   |               | (SPL) Senior Paralegal          |
|             |                                     |                              |                             |               | (PL) Paralegal                  |
|             |                                     |                              |                             |               | (LC) Law Clerk                  |

ATTORNEYS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	CUMULATIVE LODESTAR
(P, A, CA, CFL)																		
Joel C. Meredith (P)			49.00													49.00	\$785.00	\$38,465.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>49.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>49.00</b>		<b>\$38,465.00</b>
<b>NON-ATTORNEYS</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>CUMULATIVE HOURS</b>	<b>HOURLY RATE</b>	<b>PREVIOUS LODESTAR</b>
(L.C, SPL, PL)																		
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>		<b>\$0.00</b>
<b>GRAND TOTAL:</b>	<b>0.00</b>	<b>0.00</b>	<b>49.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>49.00</b>		<b>\$38,465.00</b>

# **EXHIBIT C**

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT C**

MEREDITH &amp; ASSOCIATES

Expenses Incurred

April 1, 2018 through August 12, 2019

<b>EXPENSE CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Costs / Filing Fees	\$
Experts / Consultants	\$
Shipping Costs / Federal Express / UPS	\$
Postage / U.S. Mail	\$
Service of Process	\$
Messenger / Delivery	\$
Hearing Transcripts	\$
Investigation	\$
Lexis / Westlaw / PACER	\$
Photocopies – In House	\$
Photocopies – Outside	\$
Telephone / Telecopier	\$
Travel – Transportation	\$443.70
Travel - Hotels	\$
Travel – Meals	\$27.00
<b>TOTAL:</b>	\$470.70



BACKUP  
MATERIAL  
SUBMITTED  
FOR IN  
CAMERA  
REVIEW

# **EXHIBIT 12**

1 Eric B. Fastiff (State Bar No. 182260)  
 efastiff@lchb.com  
 2 Brendan P. Glackin (State Bar No. 199643)  
 bglackin@lchb.com  
 3 Katherine C. Lubin (State Bar No. 259826)  
 klubin@lchb.com  
 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP  
 4 275 Battery Street, 29th Floor  
 San Francisco, CA 94111-3339  
 5 Telephone: 415.956.1000  
 Facsimile: 415.956.1008  
 6

7 *Class Counsel for Indirect Purchaser Plaintiffs*

8  
 9  
 10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

13  
 14 **IN RE CAPACITORS ANTITRUST  
 LITIGATION**

**Case No. 3:14-cv-03264-JD  
 MDL No. 3:17-md-02801-JD**

15  
 16 **THIS DOCUMENT RELATES TO:**

17 **All Indirect Purchaser Actions**

**DECLARATION OF KATHERINE C.  
 LUBIN IN SUPPORT OF CLASS  
 COUNSEL’S APPLICATION FOR  
 ATTORNEYS’ FEES AND  
 REIMBURSEMENT OF COSTS  
 SUBMITTED ON BEHALF OF LIEFF  
 CABRASER HEIMANN & BERNSTEIN,  
 LLP**

**Date:**  
**Time: 10:00 a.m.**  
**Place: Courtroom 11, 19<sup>th</sup> Floor**

Judge: Hon. James Donato

1 I, Katherine C. Lubin, declare and state as follows:

2 1. I am a Partner of Lief Cabraser Heimann & Bernstein, LLP (“Lief Cabraser”),  
3 Counsel for Indirect Purchaser Plaintiffs (“IPPs” or “Plaintiffs”) in this action. I submit this  
4 declaration in support of Class Counsel’s application for attorneys’ fees and reimbursement of  
5 expenses reasonably incurred in connection with the services rendered in this litigation on behalf of  
6 the class. I make this declaration based on my personal knowledge and if called as a witness, I  
7 could and would competently testify to the matters stated herein. The time expended preparing this  
8 Declaration is not included.

9 2. During the pendency of the litigation, Lief Cabraser, acted as supporting class  
10 counsel to IPPs. Lief Cabraser has prosecuted this litigation solely on a contingent-fee basis, and  
11 has been at risk that it would not receive any compensation for prosecuting claims against the  
12 defendants. While Lief Cabraser devoted its time and resources to this matter, it has foregone  
13 other legal work for which it would have been compensated. Attached hereto as **Exhibit A** is a  
14 copy of Lief Cabraser’s curriculum vitae.

15 3. During the course of this litigation, Lief Cabraser has been involved in the  
16 following activities on behalf of IPPs at the request of and under the direction of Interim Lead  
17 Counsel: Mr. Rudolph took the deposition of a Holystone witness pursuant to Rule 30(b)(b) on  
18 behalf of IPPs. In 2018, Lief Cabraser staff attorneys reviewed Japanese-language documents and  
19 served as co-liaison reviewers for document review and deposition preparation.

20 4. Attached hereto as **Exhibit B** is my firm’s total hours and lodestar, computed at  
21 historical rates, from April 1, 2018 through August 12, 2019. The total number of hours spent by  
22 Lief Cabraser during this period of time was 425.90 with a corresponding historical lodestar of  
23 \$184,813.00. This summary was prepared from contemporaneous, daily time records regularly  
24 prepared and maintained by Lief Cabraser. The lodestar amount reflected in Exhibit A is for work  
25 assigned by Lead Counsel, and was performed by professional staff at my law firm for the benefit  
26 of the IPP Class.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

I, Adam J. Zapala, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/ Adam J. Zapala  
Adam J. Zapala

# **EXHIBIT A**

**Lieff  
Cabraser  
Heimann &  
Bernstein**  
Attorneys at Law

275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
Telephone: 415.956.1000  
Facsimile: 415.956.1008

250 Hudson Street, 8th Floor  
New York, NY 10013-1413  
Telephone: 212.355.9500  
Facsimile: 212.355.9592

222 2nd Avenue South, Suite 1640  
Nashville, TN 37201  
Telephone: 615.313.9000  
Facsimile: 615.313.9965

Email: [mail@lchb.com](mailto:mail@lchb.com)  
Website: [www.lieffcabraser.com](http://www.lieffcabraser.com)

***FIRM PROFILE:***

Lieff Cabraser Heimann & Bernstein, LLP, is a 90-plus attorney AV-rated law firm founded in 1972 with offices in San Francisco, New York, and Nashville. We have a diversified practice, successfully representing plaintiffs in the fields of personal injury and mass torts, securities and financial fraud, employment discrimination and unlawful employment practices, product defect, consumer protection, antitrust and intellectual property, environmental and toxic exposures, False Claims Act, digital privacy and data security, and human rights. Our clients include individuals, classes and groups of people, businesses, and public and private entities.

Lieff Cabraser has served as Court-appointed Plaintiffs' Lead or Class Counsel in state and federal coordinated, multi-district, and complex litigation throughout the United States. With co-counsel, we have represented clients across the globe in cases filed in American courts. Lieff Cabraser is among the largest firms in the United States that only represent plaintiffs.

Described by *The American Lawyer* as "one of the nation's premier plaintiffs' firms," Lieff Cabraser enjoys a national reputation for professional integrity and the successful prosecution of our clients' claims. We possess sophisticated legal skills and the financial resources necessary for the handling of large, complex cases, and for litigating against some of the nation's largest corporations. We take great pride in the leadership roles our firm plays in many of this country's major cases, including those resulting in landmark decisions and precedent-setting rulings.



Lieff Cabraser has litigated and resolved thousands of individual lawsuits and hundreds of class and group actions, including some of the most important civil cases in the United States over the past four decades. We have assisted our clients in recovering over \$122 billion in verdicts and settlements. Twenty-eight cases have been resolved for over \$1 billion; another 54 have resulted in verdicts or settlements at or in excess of \$100 million.

*The National Law Journal* has recognized Lieff Cabraser as one of the nation's top plaintiffs' law firms for fourteen years, and we are a member of its Plaintiffs' Hot List Hall of Fame, "representing the best qualities of the plaintiffs' bar and demonstrating unusual dedication and creativity." *The National Law Journal* separately recognized Lieff Cabraser as one of the 50 Leading Plaintiffs Firms in America.

In September of 2019, *Law360* once again named Lieff Cabraser a "California Powerhouse" for litigation after naming our firm its "Class Action Firm of the Year" in January. In July of 2019, Public Justice awarded Lieff Cabraser its Trial Lawyer of the Year award. In March 2019, *Benchmark Litigation* selected Lieff Cabraser as its "California Plaintiff Firm of the Year." Lieff Cabraser has 21 lawyers named to the "Best Lawyers in America" 2020 listing, and we were named *Benchmark's* California Plaintiff Firm of the Year for 2019 as well as being 2018 finalists for *Benchmark's* "Plaintiff Law Firm of the Year." *The National Law Journal* awarded our firm its 2019 "Elite Trial Lawyer" awards in the fields of Consumer Protection and Cybersecurity/Data Breach. We were named the *Daily Journal's* "California Lawyers of the Year 2018" as well as having eight lawyers named to *Benchmark's* "40 and Under Hot List 2018," and 21 lawyers named to the 2018 *Super Lawyers* "Super Lawyer" and "Rising Star" lists.

*U.S. News and Best Lawyers* has selected Lieff Cabraser as a national "Law Firm of the Year" six times in the last eight years, in categories including Mass Torts Litigation/Class Actions – Plaintiffs and Employment Law – Individuals. In 2017, Lieff Cabraser's Digital Privacy and Data Security practice group was named "Privacy Group of the Year" by *Law360*, and the firm's Consumer Protection practice group was named "Consumer Protection Group of the Year" by the publication as well.

In 2016, *Benchmark Litigation* named Lieff Cabraser to its "Top 10 Plaintiff Firms in America" list, *The National Law Journal* chose our firm as one of nine "Elite Trial Lawyers" nationwide, and *Law360* selected Lieff Cabraser as one of the "Top 50 Law Firms Nationwide for Litigation." The publication separately noted that our firm "persists as a formidable agency of change, producing world class legal work against some of the most powerful corporate players in the world today."

## **CASE PROFILES:**

### **I. Personal Injury and Products Liability Litigation**

#### **A. Current Cases**

1. ***Jane Doe et al. v. George Tyndall and the University of Southern California***, Case No. 2:18-cv-05010 (C.D. Cal.). In June of 2018, Lieff Cabraser and co-counsel filed a class action lawsuit on behalf of women who were sexually abused, harassed, and molested by

gynecologist George Tyndall, M.D., while they were students at University of Southern California (“USC”). As alleged in the complaint, despite the fact that USC has publicly admitted that it received numerous complaints of Tyndall’s sexually abusive behavior, dating back to at least the year 2000, USC actively and deliberately concealed Tyndall’s sexual abuse for years, continuing to grant Tyndall unfettered sexual access to the female USC students in his care. USC hid the complaints despite the fact that many of the complaints came directly from its own employees and staff, including nurses and medical assistants who were physically present during the examinations as “chaperones,” and witnessed the sexual misconduct firsthand. Despite receiving years of serious complaints of significant misconduct about Tyndall, including sexual misconduct, USC failed to take any meaningful action to address the complaints until it was finally forced to do so in June 2016.

On February 12, 2019, University of Southern California (USC) students and alumni filed a class action settlement agreement resolving claims related to gynecologist George Tyndall, M.D. that will require USC to adopt and implement significant and permanent procedures for identification, prevention, and reporting of sexual and racial misconduct, as well as recognize all of Tyndall’s patients through a \$215 million fund that gives every survivor a choice in how to participate. The settlement proposes a tiered structure for recovery that allows victims to choose the level of engagement they wish to have with the claims process and how they wish to communicate their stories. All women who USC’s records show saw Tyndall for a women’s health visit will automatically get a \$2,500 check, and the further tiers are structured to allow victims to choose their level of engagement with the process – if they only want to submit claims in writing, they can choose that, which allows them a certain range of potential claim payments above the 2,500 floor; if they are willing and able to provide an interview, they can be eligible for a range up to the highest \$250,000 amount. But at all levels, the settlement is designed to provide victims with a safe process within which to come forward, where they have control over how much they want to engage at their chosen level of comfort.

2. ***Southern California Fire Cases (California Thomas Wildfire & Mudslide Litigation)***, JCCP No. 4965 (Cal. Supr. Ct.). Lief Cabraser partners Lexi J. Hazam and Robert J. Nelson serve as Co-Lead Counsel in consolidated individual and class action lawsuits against Southern California Edison over the role of the utility's equipment in starting the devastating Thomas Fire that ravaged Southern California in December 2017 and the resulting subsequent mudslides in Montecito that killed 21 people. The action seeks restitution for personal and business losses alleged to have occurred as a result of Southern California Edison's failure

to properly and safely maintain its electrical infrastructure in Santa Barbara and Ventura Counties.

Thorough post-fire investigations through the spring of 2019 have determined that what became known as the Thomas Fire was a result of the merging of the Ventura County Koenigstein Fire (caused by the separation of an energized conductor near an insulator on an SCE-operated power pole, which then fell to the ground along with molten metal particles and ignited the dry vegetation below) and the ThomaFvolkds Fire (caused by power lines owned by SCE coming into contact with each other during high winds). Both the Koenigstein Fire and the Thomas Fire started on the same electrical circuit; hours after they began, the Koenigstein Fire merged with the Thomas Fire and collectively became known as the Thomas Fire. The fire burned a total of 281,893 acres, destroying 1,063 structures and resulting in one civilian and one firefighter fatality.

3. **2017 California North Bay Fire Cases**, JCCP No. 4955 (Cal. Supr. Ct.). Lief Cabraser founding partner Elizabeth Cabraser and firm partner Lexi Hazam serve as Chairs of the Class Action Committee in the consolidated lawsuits against Pacific Gas & Electric relating to losses from the 2017 San Francisco Bay Wine Country Fires. Cabraser and Hazam also serve on the Individual Plaintiffs Executive Committee in the litigation. In November of 2017, Lief Cabraser filed individual and class action lawsuits against PG&E for losses relating to the devastating October 2017 North Bay Fires. The lawsuit sought to hold PG&E accountable for damages to real and personal property, loss of income, and loss of business arising from the fires. In the wake of the devastating fires that burned throughout northern California in October of 2017, more than 50 separate lawsuits were filed in multiple courts seeking to hold PG&E liable.

In January 2018, the lawsuits were consolidated into a single action in San Francisco Superior Court. Cal Fire has determined that of the 21 major fires last fall in Northern California, at least 17 were caused by power lines, poles and other equipment owned by Pacific Gas and Electric Company. PG&E had attempted to coordinate the actions in five separate clusters, including in counties that to date have no pertinent cases, but the Court held that issues of commonality and efficiency mandated coordination on a single court in San Francisco.

PG&E made multiple demurrers to plaintiffs' inverse condemnation claims, seeking the outright dismissal of plaintiff's claims for damages against the utility unless PG&E was granted the right to pass any damages award on to its ratepaying customers. In May 2018, the Court issued an order overruling PG&E's demurrers. The Court disagreed with PG&E's

arguments on all counts, holding in favor of plaintiffs and directing PG&E to answer plaintiffs' pending complaints. In June of 2018, PG&E announced that it expected to be held liable for damage from most if not all of the deadly and widespread fires that coursed through the North San Francisco Bay Area in October of 2017, recording so far a \$2.5 billion charge to cover losses. PG&E noted that the \$2.5 billion charge represents the low end of its anticipated potential losses.

4. ***Camp Fire Cases***, JCCP No. 4995 (Cal. Supr. Court). Lief Cabraser represents the family of Ernest Francis "Ernie" Foss, beloved father and musician, who was killed in the November 2018 Camp Fire, the deadliest and most destructive wildfire in modern California history. The fire broke out in Northern California near Chico in early November 2018 and quickly grew to massive size, affecting over 140,000 acres and killing at least 80 people, destroying nearly 14,000 homes and nearly obliterating the town of Paradise, and causing the evacuation of over 50,000 area residents.

In addition, Lief Cabraser represents plaintiffs in a class action lawsuit as well as hundreds of individual suits filed against PG&E for the devastating property damage, economic losses, and disruption to homes, businesses, and livelihoods caused by the Camp wildfire. The lawsuits allege the Camp Fire was started by unsafe electrical infrastructure owned, operated, and improperly maintained by PG&E. The plaintiffs further claim that despite PG&E's knowledge that electrical infrastructure was aging, unsafe, and vulnerable to environmental conditions, PG&E failed to take action that could have prevented the deadliest and most destructive wildfire in California's history.

5. ***In re PG&E Corporation***, Case No. 19-30088 and *In re Pacific Gas and Electric Company*, Case No. 19-30089 (U.S. Bankruptcy Court, N.D. Cal. – San Francisco Division). In January of 2019, in the face of overwhelming liability from pending wildfire litigation, including the North Bay and Camp Fire JCCPs, PG&E Corporation and Pacific Gas and Electric Company filed voluntary petitions for relief under Chapter 11 of the federal Bankruptcy Code. As a result of the bankruptcy filing, the Camp Fire and North Bay Fires proceedings in state court have been stayed. In February 2019, Andrew R. Vara, the Acting United States Trustee for Region 3, appointed an official committee of tort claimants to represent the interests and act on behalf of all persons with tort claims against PG&E, including wildfire victims, in the bankruptcy proceedings. Lief Cabraser represents Angela Foss Loo as a member of the Official Committee of Tort Claimants.
6. ***In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation***, MDL No. 2151

(C.D. Cal.). Lieff Cabraser serves as Co-Lead Counsel for the plaintiffs in the Toyota injury cases in federal court representing individuals injured, and families of loved ones who died, in Toyota unintended acceleration accidents. The complaints charge that Toyota took no action despite years of complaints that its vehicles accelerated suddenly and could not be stopped by proper application of the brake pedal. The complaints further allege that Toyota breached its duty to manufacture and sell safe automobiles by failing to incorporate a brake override system and other readily available safeguards that could have prevented unintended acceleration.

In December 2013, Toyota announced its intention to begin to settle the cases. In 2014, Lieff Cabraser played a key role in turning Toyota's intention into a reality through assisting in the creation of an innovative resolution process that has settled scores of cases in streamlined, individual conferences. The settlements are confidential. Before Toyota agreed to settle the litigation, plaintiffs' counsel overcame significant hurdles in the challenging litigation. In addition to defeating Toyota's motion to dismiss the litigation, Lieff Cabraser and co-counsel demonstrated that the highly-publicized government studies that denied unintended acceleration, or attributed it to mechanical flaws and driver error, were flawed and erroneous.

7. ***Individual General Motors Ignition Switch Defect Injury Lawsuits***, MDL No. 2543 (S.D. N.Y.). Lieff Cabraser represents over 100 persons injured nationwide, and families of loved ones who died, in accidents involving GM vehicles sold with a defective ignition switch. Without warning, the defect can cause the car's engine and electrical system to shut off, disabling the air bags. For over a decade GM was aware of this defect and failed to inform government safety regulators and public. The defect has been implicated in the deaths of over 300 people in crashes where the front air bags did not deploy. On August 15, 2014, U.S. District Court Judge Jesse M. Furman appointed Elizabeth J. Cabraser as Co-Lead Plaintiffs' Counsel in the GM ignition switch litigation in federal court.
8. ***Retrievable Inferior Vena Cava Blood Filter Injuries, In re Bard IVC Filters Prods. Liab. Litig.***, MDL No. 2641 (D. Ariz.). Inferior Vena Cava blood filters or IVC filters are small, basket-like medical devices that are inserted into the inferior vena cava, the main blood vessel that returns blood from the lower half of the body to the heart. Tens of thousands of patients in the U.S. are implanted with IVC filters in order to provide temporary protection from pulmonary embolisms. However, these devices have resulted in multiple complications including device fracture, device migration, perforation of various organs, and an increased risk for venous thrombosis. Due to

these complications, patients may have to undergo invasive device removal surgery or suffer heart attacks, hemorrhages, or other major injuries. We represent injured patients and their families in individual personal injury and wrongful death lawsuits against IVC filter manufacturers, and Lieff Cabraser attorney Wendy R. Fleishman serves on the Plaintiffs Executive Committee in the IVC Filter cases in the federal multidistrict litigation.

9. ***Injury and Death Lawsuits Involving Wrongful Driver Conduct and Defective Tires, Transmissions, Cars and/or Vehicle Parts (Seat Belts, Roof Crush, Defective seats, and Other Defects).*** Lieff Cabraser has an active practice prosecuting claims for clients injured, or the families of loved ones who have died, by wrongful driver conduct and by unsafe and defective vehicles, tires, restraint systems, seats, and other automotive equipment. The firm also represent clients in actions involving fatalities and serious injuries from tire and transmission failures as well as rollover accidents (and defective roofs, belts, seat back and other parts) as well as defective transmissions and/or shifter gates that cause vehicles to self-shift from park or false park into reverse. Our attorneys have received awards and recognition from *California Lawyer* magazine (Lawyer of the Year Award), the Consumer Attorneys of California, and the San Francisco Trial Lawyers Association for their dedication to their clients and outstanding success in vehicle injury cases.
10. ***In Re: Abilify (Aripiprazole) Products Liability Litigation***, MDL No. 2734 (N.D. Fla.). We represent clients who have incurred crippling financial losses and pain and suffering from compulsive gambling caused by the drug Abilify. In May 2016 the FDA warned that Abilify can lead to damaging compulsive behaviors, including uncontrollable gambling. The gambling additions can be so severe that patients lose their homes, livelihoods, and marriages. The \$6+ billion a year-earning drug was prescribed for nearly 9 million patients in 2014 alone. In December 2016, Lieff Cabraser partner Lexi Hazam was appointed by the court overseeing the nationwide Abilify gambling injuries MDL litigation to the Plaintiffs Executive Committee and Co-Chairs the Science and Expert Sub-Committee for the nationwide Abilify MDL litigation. Discovery in the case is ongoing.
11. ***In re Engle Cases***, No. 3:09-cv-10000-J-32 JBT (M.D. Fl.). Lieff Cabraser represents Florida smokers, and the spouses and families of loved ones who died, in litigation against the tobacco companies for their 50-year conspiracy to conceal the hazards of smoking and the addictive nature of cigarettes.

On February 25th, 2015, a settlement was announced of more than 400 Florida smoker lawsuits against the major cigarette companies Philip Morris USA Inc., R.J. Reynolds Tobacco Company, and Lorillard Tobacco Company. As a part of the settlement, the companies will collectively pay \$100 million to injured smokers or their families. This was the first settlement ever by the cigarette companies of smoker cases on a group basis.

Lieff Cabraser attorneys tried over 20 cases in Florida federal court against the tobacco industry on behalf of individual smokers or their estates, and with co-counsel obtained over \$105 million in judgments for our clients. Two of the jury verdicts Lieff Cabraser attorneys obtained in the litigation were ranked by *The National Law Journal* as among the Top 100 Verdicts of 2014.

12. ***In re Takata Airbag Litigation***, MDL No. 2599 (S.D. Fl.). Lieff Cabraser serves on the Plaintiffs' Steering Committee in the national litigation against Takata Corporation. Nearly 34 million vehicles, mostly manufactured prior to 2009, have been recalled worldwide due to defective and dangerous airbags manufactured by Japanese-based Takata Corporation. This is the largest automotive recall in U.S. history. At least 20 deaths and more than 130 injuries have been linked to the airbag defect.

The recalled Takata airbags contain a propellant that may cause the airbag to explode upon impact in an accident, shooting metal casing debris towards drivers and passengers. The complaints charge that the company knew of defects in its airbags a decade ago, after conducting secret tests of the products that showed dangerous flaws. Rather than alert federal safety regulators to these risks, Takata allegedly ordered its engineers to delete the test data.

In November 2017, the U.S. District Court in Florida granted final approval to an aggregate settlement of \$741 with Toyota, BMW, Subaru and Mazda over claims relating to vehicles containing dangerous and defective Takata airbags, linked to more than 100 injuries and 17 deaths worldwide.

13. ***Stryker Metal Hip Implant Litigation***, MDL No. 2441 (D. Minn.). Lieff Cabraser represents over 60 hip replacement patients nationwide who received the recalled Stryker Rejuvenate and ABG II modular hip implant systems. Wendy Fleishman serves on the Plaintiffs' Lead Counsel Committee of the multidistrict litigation cases. These patients have suffered tissue damage and have high metal particle levels in their blood stream. For many patients, the Stryker hip implant failed necessitating painful revision surgery to extract and replace the artificial hip.

On November 3, 2014, a settlement was announced in the litigation against Stryker Corporation for the recall of its Rejuvenate and ABG II artificial hip implants. Under the settlement, Stryker will provide a base payment of \$300,000 to patients that received the Rejuvenate or ABG II hip systems and underwent revision surgery by November 3, 2014, to remove and replace the devices. Stryker's liability is not capped. It is expected that the total amount of payments under the settlement will far exceed \$1 billion dollars. Payments under the settlement program are projected for disbursement at the end of 2015.

14. ***DePuy Metal Hip Implants Litigation***, MDL No. 2244 (N.D. Tex.). Lieff Cabraser represents nearly 200 patients nationwide who received the ASR XL Acetabular and ASR Hip Resurfacing systems manufactured by DePuy Orthopedics, a unit of Johnson & Johnson. In 2010, DePuy Orthopedics announced the recall of its all-metal ASR hip implants, which were implanted in approximately 40,000 U.S. patients from 2006 through August 2010. The complaints allege that DePuy Orthopedics was aware its ASR hip implants were failing at a high rate, yet continued to manufacture and sell the device. In January 2011, in *In re DePuy Orthopaedics, Inc. ASR Hip Implant Products*, MDL No. 2197, the Court overseeing all DePuy recall lawsuits in federal court appointed Lieff Cabraser attorney Wendy R. Fleishman to the Plaintiffs' Steering Committee for the organization and coordination of the litigation. In July 2011, in the coordinated proceedings in California state court, the Court appointed Lieff Cabraser attorney Robert J. Nelson to serve on the Plaintiffs' Steering Committee.

In 2013, Johnson & Johnson announced its agreement to pay at least \$2.5 billion to resolve thousands of defective DePuy ASR hip implant lawsuits. Under the settlement, J&J offers to pay a base award of \$250,000 to U.S. citizens and residents who are more than 180 days from their hip replacement surgery, and prior to August 31, 2013, had to undergo revision surgery to remove and replace their faulty DePuy hip ASR XL or ASR resurfacing hip. The \$250,000 base award payment will be adjusted upward or downward depending on medical factors specific to each patient. Lieff Cabraser also represents nearly 100 patients whose DePuy Pinnacle artificial hips containing a metal insert called the Ultamet metal liner have prematurely failed.

15. ***Mirena Litigation***. A widely-used, plastic intrauterine device (IUD) that releases a hormone into the uterus to prevent pregnancy, Mirena is manufactured by Bayer Healthcare Pharmaceuticals. Lieff Cabraser represents patients who have suffered serious injuries linked to the IUD. These injuries include uterine perforation (the IUD tears through the cervix or the wall of the uterus), ectopic pregnancy (when the embryo



implants outside the uterine cavity), pelvic infections and pelvic inflammatory disease, and thrombosis (blood clots).

16. ***Birth Defects Litigation.*** Loeff Cabraser represents children and their parents who have suffered birth defects as a result of problematic pregnancies and improper medical care, improper prenatal genetic screening, ingestion by the mother of prescription drugs during pregnancy which had devastating effects on their babies. These birth defects range from heart defects, physical malformations, and severe brain damage associated with complex emotional and developmental delays. Taking of antidepressants during pregnancy has been linked to multiple types of birth defects, neonatal abstinence syndrome from experiencing withdrawal of the drug, and persistent pulmonary hypertension of the newborn (PPHN).
17. ***Vaginal Surgical Mesh Litigation.*** Loeff Cabraser represents more than 300 women nationwide who have been seriously injured as a result of polypropylene vaginal surgical mesh implantation as a treatment for pelvic organ prolapse or stress urinary incontinence. Manufactured by Johnson & Johnson, Boston Scientific, AMS, Bard, Caldera, Coloplast, and others, these products have been linked to serious side effects including erosion into the vaginal wall or other organs, infection, internal organ damage, and urinary problems. As of early 2016, the firm is in all phases of litigation and settlement on these cases.
18. ***Xarelto Litigation.*** Loeff Cabraser represents patients prescribed Xarelto sold in the U.S. by Janssen Pharmaceuticals, a subsidiary of Johnson & Johnson. The complaints charge that Xarelto, approved to prevent blood clots, is a dangerous and defective drug because it triggers in certain patients uncontrolled bleeding and other life-threatening complications. Unlike Coumadin, an anti-clotting drug approved over 50 years ago, the concentration of Xarelto in a patient's blood cannot be reversed in the case of overdose or other serious complications. If a Xarelto patient has an emergency bleeding event -- such as from a severe injury or major brain or GI tract bleeding -- the results can be fatal.
19. ***Benicar Litigation,*** MDL No. 2606 (D. N.J.). Loeff Cabraser represents patients prescribed the high blood pressure medication Benicar who have experienced chronic diarrhea with substantial weight loss, severe gastrointestinal problems, and the life-threatening conditions of sprue-like enteropathy and villous atrophy in litigation against Japan-based Daiichi Sankyo, Benicar's manufacturer, and Forest Laboratories, which marketed Benicar in the U.S.

The complaints allege that Benicar was insufficiently tested and not accompanied by adequate instructions and warnings to apprise consumers of the full risks and side effects associated with its use. Loeff

Cabraser attorney Lexi J. Hazam serves on the Plaintiffs' Steering Committee for the nationwide Benicar MDL litigation and was appointed Co-Chair of the Benicar MDL Plaintiffs' Science and Experts Committee. Plaintiffs recently filed motions to compel defense to produce additional discovery. The judge ruled with plaintiffs in the fall of 2015. In August 2017, a settlement with Daiichi Sankyo Inc. and Forest Laboratories Inc. valued at \$300 million covering approximately 2,300 Benicar injury cases in both state and federal courts was announced.

20. ***Risperdal Litigation.*** In 2013, Johnson & Johnson and its subsidiary Janssen Pharmaceuticals, the manufacture of the antipsychotic prescription drugs Risperdal and Invega, entered into a \$2.2 billion settlement with the U.S. Department of Justice for over promoting the drugs. The government alleged that J&J and Janssen knew Risperdal triggered the production of prolactin, a hormone that stimulates breast development (gynecomastia) and milk production.

Lieff Cabraser represents parents whose sons developed abnormally large breasts while prescribed Risperdal and Invega in lawsuits charging that Risperdal is a defective and dangerous prescription drug and seeking monetary damages for the mental anguish and physical injuries the young men suffered.

21. ***Power Morcellators Litigation,*** MDL No. 2652 (D. Kan.). Lieff Cabraser represents women who underwent a hysterectomy (the removal of the uterus) or myomectomy (the removal of uterine fibroids) in which a laparoscopic power morcellator was used. In November 2014, the FDA warned surgeons that they should avoid the use of laparoscopic power morcellators for removing uterine tissue in the vast majority of cases due to the risk of the devices spreading unsuspected cancer. Based on current data, the FDA estimates that 1 in 350 women undergoing hysterectomy or myomectomy for the treatment of fibroids have an unsuspected uterine sarcoma, a type of uterine cancer that includes leiomyosarcoma.

22. ***In re New England Compounding Pharmacy Inc. Products Liability Litigation,*** MDL No. 2419 (D. Mass.). Lieff Cabraser represents patients injured or killed by a nationwide fungal meningitis outbreak in 2012. More than 14,000 patients across the U.S. were injected with a contaminated medication that caused the outbreak. The New England Compounding Center ("NECC") in Framingham, Massachusetts, manufactured and sold the drug – an epidural steroid treatment designed to relieve back pain. The contaminated steroid was sold to patients at a number of pain clinics. Nearly 800 patients developed fungal meningitis, and more than 70 patients died.

Lieff Cabraser is a member of the Plaintiffs' Steering Committee in the multi-district litigation, and our attorneys act as federal-state liaison

counsel. In May 2015, the U.S. Bankruptcy Court approved a \$200 million partial settlement for victims of the outbreak. Bellwether trials against remaining defendants commenced in 2016. Lief Cabraser is expected to play a lead role in the bellwether trials.

## B. Successes

23. ***Multi-State Tobacco Litigation***. Lief Cabraser represented the Attorneys General of Massachusetts, Louisiana and Illinois, several additional states, and 21 cities and counties in California, in litigation against Philip Morris, R.J. Reynolds and other cigarette manufacturers. The suits were part of the landmark \$206 billion settlement announced in November 1998 between the tobacco industry and the states' attorneys general. The states, cities and counties sought both to recover the public costs of treating smoking-related diseases and require the tobacco industry to undertake extensive modifications of its marketing and promotion activities in order to reduce teenage smoking. In California alone, Lief Cabraser's clients were awarded an estimated \$12.5 billion to be paid through 2025.
  
24. ***In re Vioxx Products Liability Litigation***, MDL No. 1657 (E.D. La.). Lief Cabraser represented patients who suffered heart attacks or strokes, and the families of loved ones who died, after having been prescribed the arthritis and pain medication Vioxx. In individual personal injury lawsuits against Merck, the manufacturer of Vioxx, our clients allege that Merck falsely promoted the safety of Vioxx and failed to disclose the full range of the drug's dangerous side effects. In April 2005, in the federal multidistrict litigation, the Court appointed Elizabeth J. Cabraser to the Plaintiffs' Steering Committee, which has the responsibility of conducting all pretrial discovery of Vioxx cases in federal court and pursuing all settlement options with Merck. In August 2006, Lief Cabraser was co-counsel in *Barnett v. Merck*, which was tried in the federal court in New Orleans. Lief Cabraser attorneys Don Arbitblit and Jennifer Gross participated in the trial, working closely with attorneys Mark Robinson and Andy Birchfield. The jury reached a verdict in favor of Mr. Barnett, finding that Vioxx caused his heart attack, and that Merck's conduct justified an award of punitive damages. In November 2007, Merck announced it had entered into an agreement with the executive committee of the Plaintiffs' Steering Committee as well as representatives of plaintiffs' counsel in state coordinated proceedings. Merck paid \$4.85 billion into a settlement fund for qualifying claims.
  
25. ***In re Silicone Gel Breast Implants Products Liability Litigation***, MDL No. 926 (N.D. Ala.). Lief Cabraser served on the Plaintiffs' Steering Committee and was one of five members of the negotiating committee which achieved a \$4.25 billion global settlement

with certain defendants of the action. This was renegotiated in 1995, and is referred to as the Revised Settlement Program (“RSP”). Over 100,000 recipients have received initial payments, reimbursement for the explanation expenses and/or long term benefits.

26. ***Fen-Phen (“Diet Drugs”) Litigation.*** Since the recall was announced in 1997, Loeff Cabraser has represented individuals who suffered injuries from the “Fen-Phen” diet drugs fenfluramine (sold as Pondimin) and/or dexfenfluramine (sold as Redux). The firm served as counsel for the plaintiff who filed the first nationwide class action lawsuit against the diet drug manufacturers alleging that they had failed to adequately warn physicians and consumers of the risks associated with the drugs. In *In re Diet Drugs (Phentermine / Fenfluramine / Dexfenfluramine) Products Liability Litigation*, MDL No. 1203 (E.D. Pa.), the Court appointed Elizabeth J. Cabraser to the Plaintiffs’ Management Committee which organized and directed the Fen-Phen diet drugs litigation in federal court. In August 2000, the Court approved a \$4.75 billion settlement offering both medical monitoring relief for persons exposed to the drug and compensation for persons with qualifying damage. Loeff Cabraser represented over 2,000 persons that suffered valvular heart disease, pulmonary hypertension or other problems (such as needing echocardiogram screening for damage) due to and/or following exposure to Fen-Phen and obtained more than \$350 million in total for clients in individual cases and/or claims. The firm continues to represent persons who suffered valvular heart disease due to Fen-Phen and received compensation under the Diet Drugs Settlement who now require heart valve surgery. These persons may be eligible to submit a new claim and receive additional compensation under the settlement.
27. ***In re Actos (Pioglitazone) Products Liability Litigation***, MDL No. 2299 (W.D. La.). Loeff Cabraser represents 90 diabetes patients who developed bladder cancer after exposure to the prescription drug pioglitazone, sold as Actos by Japan-based Takeda Pharmaceutical Company and its American marketing partner, Eli Lilly.

Loeff Cabraser is a member of the Plaintiffs’ Steering Committee in the Actos MDL. In 2014, Loeff Cabraser served on the trial team in the case of *Allen v. Takeda*, working closely with lead trial counsel in federal court in Louisiana. The jury awarded \$9 billion in punitive damages, finding that Takeda and Lilly failed to adequately warn about the bladder cancer risks of Actos and had acted with wanton and reckless disregard for patient safety. The trial judge reduced the punitive damage award but upheld the jury’s findings of misconduct, and ruled that a multiplier of 25 to 1 for punitive damages was justified.

In April 2015, Takeda agreed to settle all bladder cancer claims brought by Type 2 diabetes patients who took Actos prior to December 1, 2011 and who were diagnosed with bladder cancer on or before April 28, 2015 and were represented by counsel by May 1, 2015. The settlement amount is \$2.4 billion. Average payments of about \$250,000 per person will be increased for more severe injuries.

28. ***Yaz and Yasmin Litigation.*** Loeff Cabraser represented women prescribed Yasmin and Yaz oral contraceptives who suffered blood clots, deep vein thrombosis, strokes, and heart attacks, as well as the families of loved ones who died suddenly while taking these medications. The complaints alleged that Bayer, the manufacturer of Yaz and Yasmin, failed to adequately warn patients and physicians of the increased risk of serious adverse effects from Yasmin and Yaz. The complaints also charged that these oral contraceptives posed a greater risk of serious side effects than other widely available birth control drugs. To date, Bayer has announced settlements of 7,660 claims – totaling \$1.6 billion – in the Yaz birth control lawsuits.
29. ***Sulzer Hip and Knee Prosthesis Liability Litigation.*** In December 2000, Sulzer Orthopedics, Inc., announced the recall of approximately 30,000 units of its Inter-Op Acetabular Shell Hip Implant, followed in May 2001 with a notification of failures of its Natural Knee II Tibial Baseplate Knee Implant. In coordinated litigation in California state court, *In re Hip Replacement Cases*, JCCP 4165, Loeff Cabraser served as Court-appointed Plaintiffs' Liaison Counsel and Co-Lead Counsel. In the federal litigation, *In re Sulzer Hip Prosthesis and Knee Prosthesis Liability Litigation*, MDL No. 1410, Loeff Cabraser played a significant role in negotiating a revised global settlement of the litigation valued at more than \$1 billion. The revised settlement, approved by the Court in May 2002, provided patients with defective implants almost twice the cash payment as under an initial settlement. On behalf of our clients, Loeff Cabraser objected to the initial settlement.
30. ***In re Bextra/Celebrex Marketing Sales Practices and Products Liability Litigation***, MDL No. 1699 (N.D. Cal.). Loeff Cabraser served as Plaintiffs' Liaison Counsel and Elizabeth J. Cabraser chaired the Plaintiffs' Steering Committee (PSC) charged with overseeing all personal injury and consumer litigation in federal courts nationwide arising out of the sale and marketing of the COX-2 inhibitors Bextra and Celebrex, manufactured by Pfizer, Inc. and its predecessor companies Pharmacia Corporation and G.D. Searle, Inc.

Under the global resolution of the multidistrict tort and consumer litigation announced in October 2008, Pfizer paid over \$800 million to claimants, including over \$750 million to resolve death and injury claims.

In a report adopted by the Court on common benefit work performed by the PSC, the Special Master stated:

[L]eading counsel from both sides, and the attorneys from the PSC who actively participated in this litigation, demonstrated the utmost skill and professionalism in dealing with numerous complex legal and factual issues. The briefing presented to the Special Master, and also to the Court, and the development of evidence by both sides was exemplary. The Special Master particularly wishes to recognize that leading counsel for both sides worked extremely hard to minimize disputes, and when they arose, to make sure that they were raised with a minimum of rancor and a maximum of candor before the Special Master and Court.

31. ***In re Guidant Implantable Defibrillators Products Liability Litigation***, MDL No. 1708 (D. Minn.). Loeff Cabraser served as Plaintiffs' Co-Lead Counsel in litigation in federal court arising out of the recall of Guidant cardiac defibrillators implanted in patients because of potential malfunctions in the devices. At the time of the recall, Guidant admitted it was aware of 43 reports of device failures, and two patient deaths. Guidant subsequently acknowledged that the actual rate of failure may be higher than the reported rate and that the number of associated deaths may be underreported since implantable cardio-defibrillators are not routinely evaluated after death. In January 2008, the parties reached a global settlement of the action. Guidant's settlements of defibrillator-related claims will total \$240 million.
32. ***In re Copley Pharmaceutical, Inc., "Albuterol" Products Liability Litigation***, MDL No. 1013 (D. Wyo.). Loeff Cabraser served on the Plaintiffs' Steering Committee in a class action lawsuit against Copley Pharmaceutical, which manufactured Albuterol, a bronchodilator prescription pharmaceutical. Albuterol was the subject of a nationwide recall in January 1994 after a microorganism was found to have contaminated the solution, allegedly causing numerous injuries including bronchial infections, pneumonia, respiratory distress and, in some cases, death. In October 1994, the District Court certified a nationwide class on liability issues. *In re Copley Pharmaceutical*, 161 F.R.D. 456 (D. Wyo. 1995). In November 1995, the District Court approved a \$150 million settlement of the litigation.
33. ***In re Telectronics Pacing Systems Inc., Accufix Atrial "J" Leads Products Liability Litigation***, MDL No. 1057 (S.D. Ohio). Loeff Cabraser served on the Court-appointed Plaintiffs' Steering Committee in a nationwide products liability action alleging that

defendants placed into the stream of commerce defective pacemaker leads. In April 1997, the District Court re-certified a nationwide class of “J” Lead implantees with subclasses for the claims of medical monitoring, negligence and strict product liability. A summary jury trial, utilizing jury instructions and interrogatories designed by Lief Cabraser, occurred in February 1998. A partial settlement was approved thereafter by the District Court but reversed by the Court of Appeals. In March 2001, the District Court approved a renewed settlement that included a \$58 million fund to satisfy all past, present and future claims by patients for their medical care, injuries, or damages arising from the lead.

34. ***Mraz v. DaimlerChrysler***, No. BC 332487 (Cal. Supr. Ct.). In March 2007, the jury returned a \$54.4 million verdict, including \$50 million in punitive damages, against DaimlerChrysler for intentionally failing to cure a known defect in millions of its vehicles that led to the death of Richard Mraz, a young father. Mr. Mraz suffered fatal head injuries when the 1992 Dodge Dakota pickup truck he had been driving at his work site ran him over after he exited the vehicle believing it was in park. The jury found that a defect in the Dodge Dakota’s automatic transmission, called a park-to-reverse defect, played a substantial factor in Mr. Mraz’s death and that DaimlerChrysler was negligent in the design of the vehicle for failing to warn of the defect and then for failing to adequately recall or retrofit the vehicle.

For their outstanding service to their clients in Mraz and advancing the rights of all persons injured by defective products, Lief Cabraser partner Robert J. Nelson, the lead trial counsel, received the 2008 California Lawyer of the Year (CLAY) Award in the field of personal injury law, and was also selected as finalists for Attorney of the Year by the Consumer Attorneys of California and the San Francisco Trial Lawyers Association.

In March 2008, a Louisiana-state jury found DaimlerChrysler liable for the death of infant Collin Guillot and injuries to his parents Juli and August Guillot and their then 3-year-old daughter, Madison. The jury returned a unanimous verdict of \$5,080,000 in compensatory damages. The jury found that a defect in the Jeep Grand Cherokee’s transmission, called a park-to-reverse defect, played a substantial factor in Collin Guillot’s death and the severe injuries suffered by Mr. and Mrs. Guillot and their daughter. Lief Cabraser served as co-counsel in the trial.

35. ***Craft v. Vanderbilt University***, Civ. No. 3-94-0090 (M.D. Tenn.). Lief Cabraser served as Lead Counsel of a certified class of over 800 pregnant women and their children who were intentionally fed radioactive iron isotopes without consent while receiving prenatal care at the Vanderbilt University hospital as part of a study on iron absorption during pregnancy. The women were not informed of the nature and risks

of the study. Instead, they were told that the solution they were fed was a “vitamin cocktail.” In the 1960’s, Vanderbilt conducted a follow-up study to determine the health effects of the plaintiffs’ prior radiation exposure. Throughout the follow-up study, Vanderbilt concealed from plaintiffs the fact that they had been involuntarily exposed to radiation, and that the purpose of the follow-up study was to determine whether there had been an increased rate of childhood cancers among those exposed *in utero*. Vanderbilt also did not inform plaintiffs of the results of the follow-up study, which revealed a disproportionately high incidence of cancers among the children born to the women fed the radioactive iron.

The facts surrounding the administration of radioactive iron to the pregnant women and their children in utero only came to light as a result of U.S. Energy Secretary Hazel O’Leary’s 1993 disclosures of government-sponsored human radiation experimentation during the Cold War. Defendants’ attempts to dismiss the claims and decertify the class were unsuccessful. 18 F. Supp.2d 786 (M.D. Tenn. 1998). The case was settled in July 1998 for a total of \$10.3 million and a formal apology from Vanderbilt.

36. ***Simply Thick Litigation.*** Lief Cabraser represented parents whose infants died or suffered injuries linked to Simply Thick, a thickening agent for adults that was promoted to parents, caregivers, and health professional for use by infants to assist with swallowing. The individual lawsuits alleged that Simply Thick when fed to infants caused necrotizing enterocolitis (NEC), a life-threatening condition characterized by the inflammation and death of intestinal tissue. In 2014, the litigation was resolved on confidential terms.
37. ***Medtronic Infuse Litigation.*** Lief Cabraser represented patients who suffered serious injuries from the off-label use of the Infuse bone graft, manufactured by Medtronic Inc. The FDA approved Infuse for only one type of spine surgery, the anterior lumbar fusion. Many patients, however, received an off-label use of Infuse and were never informed of the off-label nature of the surgery. Serious complications associated with Infuse included uncontrolled bone growth and chronic pain from nerve injuries. In 2014, the litigation was settled on confidential terms.
38. ***Wright Medical Hip Litigation.*** The Profemur-Z system manufactured by Wright Medical Technology consisted of three separate components: a femoral head, a modular neck, and a femoral stem. Prior to 2009, Profemur-Z hip system included a titanium modular neck adapter and stem which was implanted in 10,000 patients. Lief Cabraser represented patients whose Profemur-Z hip implant fractured, requiring a revision surgery. In 2013 and 2014, the litigation was resolved on confidential terms.



39. ***In re Zimmer Durom Cup Product Liability Litigation***, MDL No. 2158 (D. N.J.). Lief Cabraser served as Co-Liaison Counsel for patients nationwide injured by the defective Durom Cup manufactured by Zimmer Holdings. First sold in the U.S. in 2006, Zimmer marketed its ‘metal-on-metal’ Durom Cup implant as providing a greater range of motion and less wear than traditional hip replacement components. In July 2008, Zimmer announced the suspension of Durom sales. The complaints charged that the Durom cup was defective and led to the premature failure of the implant. In 2011 and 2012, the patients represented by Lief Cabraser settled their cases with Zimmer on favorable, confidential terms.
40. ***Luisi v. Medtronic***, No. 07 CV 4250 (D. Minn.). Lief Cabraser represented over seven hundred heart patients nationwide who were implanted with recalled Sprint Fidelis defibrillator leads manufactured by Medtronic Inc. Plaintiffs charge that Medtronic has misrepresented the safety of the Sprint Fidelis leads and a defect in the device triggered their receiving massive, unnecessary electrical shocks. A settlement of the litigation was announced in October 2010.
41. ***Blood Factor VIII And Factor IX Litigation***, MDL No. 986 (D. Ill.) Working with counsel in Asia, Europe, Central and South America and the Middle East, Lief Cabraser represented over 1,500 hemophiliacs worldwide, or their survivors and estates, who contracted HIV and/or Hepatitis C (HCV), and Americans with hemophilia who contracted HCV, from contaminated and defective blood factor products produced by American pharmaceutical companies. In 2004, Lief Cabraser was appointed Plaintiffs’ Lead Counsel of the “second generation” Blood Factor MDL litigation presided over by Judge Grady in the Northern District of Illinois. The case was resolved through a global settlement signed in 2009.
42. ***In Re Yamaha Motor Corp. Rhino ATV Products Liability Litigation***, MDL No. 2016 (W.D. Ky.) Lief Cabraser served as Plaintiffs’ Lead Counsel in the litigation in federal court and Co-Lead Counsel in coordinated California state court litigation arising out of serious injuries and deaths in rollover accidents involving the Yamaha Rhino. The complaints charged that the Yamaha Rhino contained numerous design flaws, including the failure to equip the vehicles with side doors, which resulted in repeated broken or crushed legs, ankles or feet for riders. Plaintiffs alleged also that the Yamaha Rhino was unstable due to a narrow track width and high center of gravity leading to rollover accidents that killed and/or injured scores of persons across the nation.

On behalf of victims and families of victims and along with the Center for Auto Safety, and the San Francisco Trauma Foundation, Lief Cabraser advocated for numerous safety changes to the Rhino in reports submitted

to the U.S. Consumer Product Safety Commission (CPSC). On March 31, 2009, the CPSC, in cooperation with Yamaha Motor Corp. U.S.A., announced a free repair program for all Rhino 450, 660, and 700 models to improve safety, including the addition of spacers and removal of a rear only anti-sway bar.

43. ***Advanced Medical Optics Complete MoisturePlus Litigation.*** Lieff Cabraser represented consumers nationwide in personal injury lawsuits filed against Advanced Medical Optics arising out of the May 2007 recall of AMO's Complete MoisturePlus Multi-Purpose Contact Lens Solution. The product was recalled due to reports of a link between a rare, but serious eye infection, *Acanthamoeba keratitis*, caused by a parasite and use of AMO's contact lens solution. Though AMO promoted Complete MoisturePlus Multi-Purpose as "effective against the introduction of common ocular microorganisms," the complaints charged that AMO's lens solution was ineffective and vastly inferior to other multipurpose solutions on the market. In many cases, patients were forced to undergo painful corneal transplant surgery to save their vision and some have lost all or part of their vision permanently. The patients represented by Lieff Cabraser resolved their cases with AMO on favorable, confidential terms.
44. ***Gol Airlines Flight 1907 Amazon Crash.*** Lieff Cabraser served as Plaintiffs' Liaison Counsel and represents over twenty families whose loved ones died in the Gol Airlines Flight 1907 crash. On September 29, 2006, a brand-new Boeing 737-800 operated by Brazilian air carrier Gol plunged into the Amazon jungle after colliding with a smaller plane owned by the American company ExcelAire Service, Inc. None of the 149 passengers and six crew members on board the Gol flight survived the accident.

The complaint charged that the pilots of the ExcelAire jet were flying at an incorrect altitude at the time of the collision, failed to operate the jet's transponder and radio equipment properly, and failed to maintain communication with Brazilian air traffic control in violation of international civil aviation standards. If the pilots of the ExcelAire aircraft had followed these standards, the complaint charged that the collision would not have occurred.

At the time of the collision, the ExcelAire aircraft's transponder, manufactured by Honeywell, was not functioning. A transponder transmits a plane's altitude and operates its automatic anti-collision system. The complaint charged that Honeywell shares responsibility for the tragedy because it defectively designed the transponder on the ExcelAire jet, and failed to warn of dangers resulting from foreseeable

uses of the transponder. The cases settled after they were sent to Brazil for prosecution.

45. ***Comair CRJ-100 Commuter Flight Crash in Lexington, Kentucky.*** A Bombardier CRJ-100 commuter plane operated by Comair, Inc., a subsidiary of Delta Air Lines, crashed on August 27, 2006 shortly after takeoff at Blue Grass Airport in Lexington, Kentucky, killing 47 passengers and two crew members. The aircraft attempted to take off from the wrong runway. The families represented by Lief Cabraser obtained substantial economic recoveries in a settlement of the case.
46. ***In re ReNu With MoistureLoc Contact Lens Solution Products Liability Litigation,*** MDL No. 1785 (D. S.C.). Lief Cabraser served on the Plaintiffs' Executive Committee in federal court litigation arising out of Bausch & Lomb's 2006 recall of its ReNu with MoistureLoc contact lens solution. Consumers who developed *Fusarium keratitis*, a rare and dangerous fungal eye infection, as well as other serious eye infections, alleged the lens solution was defective. Some consumers were forced to undergo painful corneal transplant surgery to save their vision; others lost all or part of their vision permanently. The litigation was resolved under favorable, confidential settlements with Bausch & Lomb.
47. ***Helios Airways Flight 522 Athens, Greece Crash.*** On August 14, 2005, a Boeing 737 operating as Helios Airways flight 522 crashed north of Athens, Greece, resulting in the deaths of all passengers and crew. The aircraft was heading from Larnaca, Cyprus to Athens International Airport when ground controllers lost contact with the pilots, who had radioed in to report problems with the air conditioning system. Press reports about the official investigation indicate that a single switch for the pressurization system on the plane was not properly set by the pilots, and eventually both were rendered unconscious, along with most of the passengers and cabin crew.

Lief Cabraser represented the families of several victims, and filed complaints alleging that a series of design defects in the Boeing 737-300 contributed to the pilots' failure to understand the nature of the problems they were facing. Foremost among those defects was a confusing pressurization warning "horn" which uses the same sound that alerts pilots to improper takeoff and landing configurations. The families represented by Lief Cabraser obtained substantial economic recoveries in a settlement of the case.

48. ***Legend Single Engine "Turbine Legend" Kit Plane Crash.*** On November 19, 2005, a single engine "Turbine Legend" kit plane operated by its owner crashed shortly after takeoff from a private airstrip in Tucson, Arizona, killing both the owner/pilot and a passenger. Witnesses report that the aircraft left the narrow runway during the takeoff roll and

although the pilot managed to get the plane airborne, it rolled to the left and crashed.

Lieff Cabraser investigated the liability of the pilot and others, including the manufacturer of the kit and the operator of the airport from which the plane took off. The runway was 16 feet narrower than the minimum width recommended by the Federal Aviation Administration. Lieff Cabraser represented the widow of the passenger, and the case was settled on favorable, confidential terms.

49. ***Manhattan Tourist Helicopter Crash.*** On June 14, 2005, a Bell 206 helicopter operated by Helicopter Flight Services, Inc. fell into the East River shortly after taking off for a tourist flight over New York City. The pilot and six passengers were immersed upside-down in the water as the helicopter overturned. Lieff Cabraser represented a passenger on the helicopter and the case was settled on favorable, confidential terms.
50. ***U.S. Army Blackhawk Helicopter Tower Collision.*** Lieff Cabraser represented the family of a pilot who died in the November 29, 2004 crash of a U.S. Army Black Hawk Helicopter. The Black Hawk was flying during the early morning hours at an altitude of approximately 500 feet when it hit cables supporting a 1,700 foot-tall television tower, and subsequently crashed 30 miles south of Waco, Texas, killing both pilots and five passengers, all in active Army service. The tower warning lights required by government regulations were inoperative. The case was resolved through a successful, confidential settlement.
51. ***Air Algerie Boeing 737 Crash.*** Together with French co-counsel, Lieff Cabraser represented the families of several passengers who died in the March 6, 2003 crash of a Boeing 737 airplane operated by Air Algerie. The aircraft crashed soon after takeoff from the Algerian city of Tamanrasset, after one of the engines failed. All but one of the 97 passengers were killed, along with six crew members. The families represented by Lieff Cabraser obtained economic recoveries in a settlement of the case.
52. ***In re Baycol Products Litigation,*** MDL No. 1431 (D. Minn.). Baycol was one of a group of drugs called statins, intended to reduce cholesterol. In August 2001, Bayer A.G. and Bayer Corporation, the manufacturers of Baycol, withdrew the drug from the worldwide market based upon reports that Baycol was associated with serious side effects and linked to the deaths of over 100 patients worldwide. In the federal multidistrict litigation, Lieff Cabraser served as a member of the Plaintiffs' Steering Committee (PSC) and the Executive Committee of the PSC. In addition, Lieff Cabraser represented approximately 200 Baycol patients who suffered injuries or family members of patients who died allegedly as a result of ingesting Baycol. In these cases, our clients reached confidential favorable settlements with Bayer.

53. ***United Airlines Boeing 747 Disaster.*** Lieff Cabraser served as Plaintiffs' Liaison Counsel on behalf of the passengers and families of passengers injured and killed in the United Airlines Boeing 747 cargo door catastrophe near Honolulu, Hawaii on February 24, 1989. Lieff Cabraser organized the litigation of the case, which included claims brought against United Airlines and The Boeing Company.

Among other work, Lieff Cabraser developed a statistical system for settling the passengers' and families' damages claims with certain defendants, and coordinated the prosecution of successful individual damages trials for wrongful death against the non-settling defendants.

54. ***Aeroflot-Russian International Airlines Airbus Disaster.*** Lieff Cabraser represented the families of passengers who were on Aeroflot-Russian International Airlines Flight SU593 that crashed in Siberia on March 23, 1994. The plane was en route from Moscow to Hong Kong. All passengers on board died.

According to a transcript of the cockpit voice recorder, the pilot's two children entered the cockpit during the flight and took turns flying the plane. The autopilot apparently was inadvertently turned off during this time, and the pilot was unable to remove his son from the captain's seat in time to avert the plane's fatal dive.

Lieff Cabraser, alongside French co-counsel, filed suit in France, where Airbus, the plane's manufacturer, was headquartered. The families Lieff Cabraser represented obtained substantial economic recoveries in settlement of the action.

55. ***Lockheed F-104 Fighter Crashes.*** In the late 1960s and extending into the early 1970s, the United States sold F-104 Star Fighter jets to the German Air Force that were manufactured by Lockheed Aircraft Corporation in California. Although the F-104 Star Fighter was designed for high-altitude fighter combat, it was used in Germany and other European countries for low-level bombing and attack training missions.

Consequently, the aircraft had an extremely high crash rate, with over 300 pilots killed. Commencing in 1971, the law firm of Belli Ashe Ellison Choulos & Lieff filed hundreds of lawsuits for wrongful death and other claims on behalf of the widows and surviving children of the pilots.

Robert Lieff continued to prosecute the cases after the formation of our firm. In 1974, the lawsuits were settled with Lockheed on terms favorable to the plaintiffs. This litigation helped establish the principle that citizens of foreign countries could assert claims in United States courts and obtain substantial recoveries against an American manufacturer, based upon airplane accidents or crashes occurring outside the United States.

## II. Securities and Financial Fraud

### A. Current Cases

1. ***BlackRock Global Allocation Fund, Inc., et al. v. Valeant Pharmaceuticals International, Inc., et al.***, No. 3:18-cv-00343 (D.N.J.); ***Senzar Healthcare Master Fund, LP, et al. v. Valeant Pharmaceuticals International, Inc., et al.***, No. 3:18-cv-02286-MAS-LHG (D.N.J.) (collectively, “Valeant”). Loeff Cabraser represents certain funds and accounts of institutional investors BlackRock and Senzar in these recently-filed individual actions against Valeant Pharmaceuticals International, Inc. and certain of Valeant’s senior officers and directors for violations of the Securities Act of 1933 and/or the Securities Exchange Act of 1934 arising from Defendants’ scheme to generate revenues through massive price increases for Valeant-branded drugs while concealing from investors the truth regarding the Company’s business operations, financial results, and other material facts. In September 2018, the court denied defendants’ partial motions to dismiss in both action, and BlackRock plaintiffs filed an amended complaint.
  
2. ***In re Wells Fargo & Company Shareholder Derivative Litigation***, No. 3:16-cv-05541 (N.D. Cal.). Loeff Cabraser was appointed as Co-Lead Counsel for Lead Plaintiffs FPPACO and The City of Birmingham Retirement and Relief System in this consolidated shareholder derivative action alleging that, since at least 2011, the Board and executive management of Wells Fargo knew or consciously disregarded that Wells Fargo employees were illicitly creating millions of deposit and credit card accounts for their customers, without those customers’ consent, as part of Wells Fargo’s intense effort to drive up its “cross-selling” statistics. Revelations regarding the scheme, and the defendants’ knowledge or blatant disregard of it, have deeply damaged Wells Fargo’s reputation and cost it millions of dollars in regulatory fines and lost business. In May and October 2017, the court largely denied Wells Fargo’s and the Director and Officer Defendants’ motions to dismiss Lead Plaintiffs’ amended complaint. In May 2019, U.S. District Judge Jon S. Tigar granted preliminary approval to a proposed \$320 million settlement that would end shareholders’ derivative litigation relating to Wells Fargo’s fake accounts scandal.
  
3. ***Houston Municipal Employees Pension System v. BofI Holding, Inc., et al.***, No. 3:15-cv-02324-GPC-KSC (S.D. Cal.). Loeff Cabraser serves as lead counsel for court-appointed lead plaintiff, Houston Municipal Employees Pension System (“HMEPS”), in this securities fraud class action against BofI Holding, Inc. and certain of its senior officers. The action charges defendants with issuing materially false and misleading statements and failing to disclose material adverse facts about BofI’s business, operations, and performance. The action

charges defendants with issuing materially false and misleading statements and failing to disclose material adverse facts about BofI's business, operations, and performance. On March 21, 2018, the court issued an order and entered judgment dismissing the third amended complaint, which HMEPS appealed to the Ninth Circuit.

4. ***Normand, et al. v. Bank of New York Mellon Corp.***, No. 1:16-cv-00212-LAK-JLC (S.D.N.Y.). Lieff Cabraser, together with co-counsel, represents a proposed class of holders of American Depositary Receipts ("ADRs") (negotiable U.S. securities representing ownership of publicly traded shares in a non-U.S. corporation), for which BNY Mellon served as the depositary bank. Plaintiffs allege that under the contractual agreements underlying the ADRs, BNY Mellon was responsible for "promptly" converting cash distributions (such as dividends) received for ADRs into U.S. dollars for the benefit of ADR holders, and was required to act without bad faith. Plaintiffs allege that, instead, when doing the ADR cash conversions, BNY Mellon used the range of exchange rates available during the trading session in a manner that was unfavorable for ADR holders, and in doing so, improperly skimmed profits from distributions owed and payable to the class. In September 2016, the court denied, in substantial part, defendant's motion to dismiss, and plaintiffs subsequently filed a consolidated amended complaint. The case proceeded through substantial discovery and full briefing on class certification before the parties reached a proposed classwide settlement in late 2018.

## B. Successes

1. ***Arkansas Teacher Retirement System v. State Street Corp.***, Case No. 11cv10230 (MLW) (D. Mass.). Lieff Cabraser served as co-counsel for a nationwide class of institutional custodial clients of State Street, including public pension funds and ERISA plans, who allege that defendants deceptively charged class members on FX trades done in connection with the purchase and sale of foreign securities. The complaint charged that between 1999 and 2009, State Street consistently incorporated hidden and excessive mark-ups or mark-downs relative to the actual FX rates applicable at the times of the trades conducted for State Street's custodial FX clients.

State Street allegedly kept for itself, as an unlawful profit, the "spread" between the prices for foreign currency available to it in the FX marketplace and the rates it charged to its customers. Plaintiffs sought recovery under Massachusetts' Consumer Protection Law and common law tort and contract theories. On November 2, 2016, U.S. District Senior Judge Mark L. Wolf granted final approval to a \$300 million settlement of the litigation.

2. ***Janus Overseas Fund, et al. v. Petróleo Brasileiro S.A. - Petrobras, et al.***, No. 1:15-cv-10086-JSR (S.D.N.Y.); ***Dodge & Cox Global Stock Fund, et al. v. Petróleo Brasileiro S.A. - Petrobras, et al.***, No. 1:15-cv-10111-JSR (S.D.N.Y.). Lief Cabraser represented certain Janus and Dodge & Cox funds and investment managers in these individual actions against Petróleo Brasileiro S.A. – Petrobras (“Petrobras”), related Petrobras entities, and certain of Petrobras’s senior officers and directors for misrepresenting and failing to disclose a pervasive and long-running scheme of bribery and corruption at Petrobras. As a result of the misconduct, Petrobras overstated the value of its assets by billions of dollars and materially misstated its financial results during the relevant period. The actions charged defendants with violations of the Securities Act of 1933 (the “Securities Act”) and/or the Securities Exchange Act of 1934 (“Exchange Act”). The action recently settled on confidential terms favorable to plaintiffs.
3. ***In re Facebook, Inc. IPO Securities And Derivative Litigation***, MDL No. 12-2389 (RWS) (S.D.N.Y.). Lief Cabraser is counsel for two individual investor class representatives in the securities class litigation arising under the Private Securities Litigation Reform Act of 1995 (the “PSLRA”) concerning Facebook’s initial public offering in May 2012. In 2018, the court granted plaintiffs’ motion for final approval of a settlement of the litigation.
4. ***The Regents of the University of California v. American International Group***, No. 1:14-cv-01270-LTS-DCF (S.D.N.Y.). Lief Cabraser represented The Regents of the University of California in this individual action against American International Group, Inc. (“AIG”) and certain of its officers and directors for misrepresenting and omitting material information about AIG’s financial condition and the extent of its exposure to the subprime mortgage market. The complaint charged defendants with violations of the Exchange Act, as well as common law fraud and unjust enrichment. The litigation settled in 2015.
5. ***Biotechnology Value Fund, L.P. v. Celera Corp.***, 3:13-cv-03248-WHA (N.D. Cal.). Lief Cabraser represented a group of affiliated funds investing in biotechnology companies in this individual action arising from misconduct in connection with Quest Diagnostics Inc.’s 2011 acquisition of Celera Corporation. Celera, Celera’s individual directors, and Credit Suisse were charged with violations of Sections 14(e) and 20(a) of the Exchange Act and breach of fiduciary duty. In February 2014, the Court denied in large part defendants’ motion to dismiss the second amended complaint. In September 2014, the plaintiffs settled with Credit Suisse for a confidential amount. After the completion of fact and expert discovery, and prior to a ruling on defendants’ motion for summary



judgment, the plaintiffs settled with the Celera defendants in January 2015 for a confidential amount.

6. ***The Charles Schwab Corp. v. BNP Paribas Sec. Corp.***, No. CGC-10-501610 (Cal. Super. Ct.); ***The Charles Schwab Corp. v. J.P. Morgan Sec., Inc.***, No. CGC-10-503206 (Cal. Super. Ct.); ***The Charles Schwab Corp. v. J.P. Morgan Sec., Inc.***, No. CGC-10-503207 (Cal. Super. Ct.); and ***The Charles Schwab Corp. v. Banc of America Sec. LLC***, No. CGC-10-501151 (Cal. Super. Ct.). Lief Cabraser, along with co-counsel, represents Charles Schwab in four separate individual securities actions against certain issuers and sellers of mortgage-backed securities (“MBS”) for materially misrepresenting the quality of the loans underlying the securities in violation of California state law. Charles Schwab Bank, N.A., a subsidiary of Charles Schwab, suffered significant damages by purchasing the securities in reliance on defendants’ misstatements. The court largely overruled defendants’ demurrers in January 2012. Settlements have been reached with dozens of defendants for confidential amounts.
  
7. ***Honeywell International Inc. Defined Contribution Plans Master Savings Trust. v. Merck & Co.***, No. 14-cv 2523-SRC-CLW (S.D.N.Y.); ***Janus Balanced Fund v. Merck & Co.***, No. 14-cv-3019-SRC-CLW (S.D.N.Y.); ***Lord Abbett Affiliated Fund v. Merck & Co.***, No. 14-cv-2027-SRC-CLW (S.D.N.Y.); ***Nuveen Dividend Value Fund (f/k/a Nuveen Equity Income Fund), on its own behalf and as successor in interest to Nuveen Large Cap Value Fund (f/k/a First American Large Cap Value Fund) v. Merck & Co.***, No. 14-cv-1709-SRC-CLW (S.D.N.Y.). Lief Cabraser represented certain Nuveen, Lord Abbett, and Janus funds, and two Honeywell International trusts in these individual actions against Merck & Co., Inc. (“Merck”) and certain of its senior officers and directors for misrepresenting the cardiovascular safety profile and commercial viability of Merck’s purported “blockbuster” drug, VIOXX. The actions charged defendants with violations of the Exchange Act. The action settled on confidential terms.
  
8. ***In re First Capital Holdings Corp. Financial Products Securities Litigation***, MDL No. 901 (C.D. Cal.). Lief Cabraser served as Co-Lead Counsel in a class action brought to recover damages sustained by policyholders of First Capital Life Insurance Company and Fidelity Bankers Life Insurance Company policyholders resulting from the insurance companies’ allegedly fraudulent or reckless investment and financial practices, and the manipulation of the companies’ financial statements. This policyholder settlement generated over \$1 billion in restored life insurance policies. The settlement was approved by both

federal and state courts in parallel proceedings and then affirmed by the Ninth Circuit on appeal.

9. ***In re Bank of New York Mellon Corp. Foreign Exchange Transactions Litigation***, MDL 2335 (S.D. N.Y.). Lieff Cabraser served as co-lead class counsel for a proposed nationwide class of institutional custodial customers of The Bank of New York Mellon Corporation (“BNY Mellon”). The litigation stemmed from alleged deceptive overcharges imposed by BNY Mellon on foreign currency exchanges (FX) that were done in connection with custodial customers’ purchases or sales of foreign securities. Plaintiffs alleged that for more than a decade, BNY Mellon consistently charged its custodial customers hidden and excessive mark-ups on exchange rates for FX trades done pursuant to “standing instructions,” using “range of the day” pricing, rather than the rates readily available when the trades were actually executed.

In addition to serving as co-lead counsel for a nationwide class of affected custodial customers, which included public pension funds, ERISA funds, and other public and private institutions, Lieff Cabraser was one of three firms on Plaintiffs’ Executive Committee tasked with managing all activities on the plaintiffs’ side in the multidistrict consolidated litigation. Prior to the cases being transferred and consolidated in the Southern District of New York, Lieff Cabraser defeated, in its entirety, BNY Mellon’s motion to dismiss claims brought on behalf of ERISA and other funds under California’s and New York’s consumer protection laws.

The firm’s clients and class representatives in the consolidated litigation included the Ohio Police & Fire Pension Fund, the School Employees Retirement System of Ohio, and the International Union of Operating Engineers, Stationary Engineers Local 39 Pension Trust Fund.

In March 2015, a global resolution of the private and governmental enforcement actions against BNY Mellon was announced, in which \$504 million will be paid back to BNY Mellon customers (\$335 million of which is directly attributable to the class litigation).

On September 24, 2015, U.S. District Court Judge Lewis A. Kaplan granted final approval to the settlement. Commenting on the work of plaintiffs’ counsel, Judge Kaplan stated, “This really was an extraordinary case in which plaintiff’s counsel performed, at no small risk, an extraordinary service. They did a wonderful job in this case, and I’ve seen a lot of wonderful lawyers over the years. This was a great performance. They were fought tooth and nail at every step of the road. It undoubtedly vastly expanded the costs of the case, but it’s an adversary system, and sometimes you meet adversaries who are heavily armed and well financed, and if you’re going to win, you have to fight them and it costs

money. This was an outrageous wrong committed by the Bank of New York Mellon, and plaintiffs' counsel deserve a world of credit for taking it on, for running the risk, for financing it and doing a great job."

10. ***In re Broadcom Corporation Derivative Litigation***, No. CV 06-3252-R (C.D. Cal.). Lief Cabraser served as Court-appointed Lead Counsel in a shareholders derivative action arising out of stock options backdating in Broadcom securities. The complaint alleged that defendants intentionally manipulated their stock option grant dates between 1998 and 2003 at the expense of Broadcom and Broadcom shareholders. By making it seem as if stock option grants occurred on dates when Broadcom stock was trading at a comparatively low per share price, stock option grant recipients were able to exercise their stock option grants at exercise prices that were lower than the fair market value of Broadcom stock on the day the options were actually granted. In December 2009, U.S. District Judge Manuel L. Real granted final approval to a partial settlement in which Broadcom Corporation's insurance carriers paid \$118 million to Broadcom. The settlement released certain individual director and officer defendants covered by Broadcom's directors' and officers' policy.

Plaintiffs' counsel continued to pursue claims against William J. Ruehle, Broadcom's former Chief Financial Officer, Henry T. Nicholas, III, Broadcom's co-founder and former Chief Executive Officer, and Henry Samuelli, Broadcom's co-founder and former Chief Technology Officer. In May 2011, the Court approved a settlement with these defendants. The settlement provided substantial consideration to Broadcom, consisting of the receipt of cash and cancelled options from Dr. Nicholas and Dr. Samuelli totaling \$53 million in value, plus the release of a claim by Mr. Ruehle, which sought damages in excess of \$26 million.

Coupled with the earlier \$118 million partial settlement, the total recovery in the derivative action was \$197 million, which constitutes the third-largest settlement ever in a derivative action involving stock options backdating.

11. ***In re Scorpion Technologies Securities Litigation I***, No. C-93-20333-EAI (N.D. Cal.); ***Dietrich v. Bauer***, No. C-95-7051-RWS (S.D.N.Y.); ***Claghorn v. Edsaco***, No. 98-3039-SI (N.D. Cal.). Lief Cabraser served as Lead Counsel in class action suits arising out of an alleged fraudulent scheme by Scorpion Technologies, Inc., certain of its officers, accountants, underwriters and business affiliates to inflate the company's earnings through reporting fictitious sales. In Scorpion I, the Court found plaintiffs had presented sufficient evidence of liability under Federal securities acts against the accounting firm Grant Thornton for the case to proceed to trial. *In re Scorpion Techs.*, 1996 U.S. Dist. LEXIS

22294 (N.D. Cal. Mar. 27, 1996). In 1988, the Court approved a \$5.5 million settlement with Grant Thornton. In 2000, the Court approved a \$950,000 settlement with Credit Suisse First Boston Corporation. In April 2002, a federal jury in San Francisco, California returned a \$170.7 million verdict against Edsaco Ltd. The jury found that Edsaco aided Scorpion in setting up phony European companies as part of a scheme in which Scorpion reported fictitious sales of its software to these companies, thereby inflating its earnings. Included in the jury verdict, one of the largest verdicts in the U.S. in 2002, was \$165 million in punitive damages. Richard M. Heimann conducted the trial for plaintiffs.

On June 14, 2002, U.S. District Court Judge Susan Illston commented on Loeff Cabraser's representation: "[C]ounsel for the plaintiffs did a very good job in a very tough situation of achieving an excellent recovery for the class here. You were opposed by extremely capable lawyers. It was an uphill battle. There were some complicated questions, and then there was the tricky issue of actually collecting anything in the end. I think based on the efforts that were made here that it was an excellent result for the class. . . . [T]he recovery that was achieved for the class in this second trial is remarkable, almost a hundred percent."

12. ***In re Diamond Foods, Inc., Securities Litigation***, No. 11-cv-05386-WHA (N.D. Cal.). Loeff Cabraser served as local counsel for Lead Plaintiff Public Employees' Retirement System of Mississippi ("MissPERS") and the class of investors it represented in this securities class action lawsuit arising under the PSLRA. The complaint charged Diamond Foods and certain senior executives of the company with violations of the Exchange Act for knowingly understating the cost of walnuts Diamond Foods purchased in order to inflate the price of Diamond Foods' common stock. In January 2014, the Court granted final approval of a settlement of the action requiring Diamond Foods to pay \$11 million in cash and issue 4.45 million common shares worth \$116.3 million on the date of final approval based on the stock's closing price on that date.
13. ***Merrill Lynch Fundamental Growth Fund and Merrill Lynch Global Value Fund v. McKesson HBOC***, No. 02-405792 (Cal. Supr. Ct.). Loeff Cabraser served as counsel for two Merrill Lynch sponsored mutual funds in a private lawsuit alleging that a massive accounting fraud occurred at HBOC & Company ("HBOC") before and following its 1999 acquisition by McKesson Corporation ("McKesson"). The funds charged that defendants, including the former CFO of McKesson HBOC, the name McKesson adopted after acquiring HBOC, artificially inflated the price of securities in McKesson HBOC, through misrepresentations and omissions concerning the financial condition of HBOC, resulting in approximately \$135 million in losses for plaintiffs. In a significant discovery ruling in

2004, the California Court of Appeal held that defendants waived the attorney-client and work product privileges in regard to an audit committee report and interview memoranda prepared in anticipation of shareholder lawsuits by disclosing the information to the U.S. Attorney and SEC. *McKesson HBOC, Inc. v. Supr. Court*, 115 Cal. App. 4th 1229 (2004). Lief Cabraser's clients recovered approximately \$145 million, representing nearly 104% of damages suffered by the funds. This amount was approximately \$115-120 million more than the Merrill Lynch funds would have recovered had they participated in the federal class action settlement.

14. ***Informix/Illustra Securities Litigation***, No. C-97-1289-CRB (N.D. Cal.). Lief Cabraser represented Richard H. Williams, the former Chief Executive Officer and President of Illustra Information Technologies, Inc. ("Illustra"), and a class of Illustra shareholders in a class action suit on behalf of all former Illustra securities holders who tendered their Illustra preferred or common stock, stock warrants or stock options in exchange for securities of Informix Corporation ("Informix") in connection with Informix's 1996 purchase of Illustra. Pursuant to that acquisition, Illustra stockholders received Informix securities representing approximately 10% of the value of the combined company. The complaint alleged claims for common law fraud and violations of Federal securities law arising out of the acquisition. In October 1999, U.S. District Judge Charles E. Breyer approved a global settlement of the litigation for \$136 million, constituting one of the largest settlements ever involving a high technology company alleged to have committed securities fraud. Our clients, the Illustra shareholders, received approximately 30% of the net settlement fund.
  
15. ***In re Qwest Communications International Securities and "ERISA" Litigation (No. II)***, No. 06-cv-17880-REB-PAC (MDL No. 1788) (D. Colo.). Lief Cabraser represented the New York State Common Retirement Fund, Fire and Police Pension Association of Colorado, Denver Employees' Retirement Plan, San Francisco Employees' Retirement System, and over thirty BlackRock managed mutual funds in individual securities fraud actions ("opt out" cases) against Qwest Communications International, Inc., Philip F. Anschutz, former co-chairman of the Qwest board of directors, and other senior executives at Qwest. In each action, the plaintiffs charged defendants with massively overstating Qwest's publicly-reported growth, revenues, earnings, and earnings per share from 1999 through 2002. The cases were filed in the wake of a \$400 million settlement of a securities fraud class action against Qwest that was announced in early 2006. The cases brought by Lief Cabraser's clients settled in October 2007 for recoveries totaling more than \$85 million, or more than 13 times what the clients would have received had they remained in the class.

16. ***In re AXA Rosenberg Investor Litigation***, No. CV 11-00536 JSW (N.D. Cal). Lief Cabraser served as Co-Lead Counsel for a class of institutional investors, ERISA-covered plans, and other investors in quantitative funds managed by AXA Rosenberg Group, LLC and its affiliates (“AXA”). Plaintiffs alleged that AXA breached its fiduciary duties and violated ERISA by failing to discover a material computer error that existed in its system for years, and then failing to remedy it for months after its eventual discovery in 2009. By the time AXA disclosed the error in 2010, investors had suffered losses and paid substantial investment management fees to AXA. After briefing motions to dismiss and working with experts to analyze data obtained from AXA relating to the impact of the error, Lief Cabraser reached a \$65 million settlement with AXA that the Court approved in April 2012.
17. ***In re National Century Financial Enterprises, Inc. Investment Litigation***, MDL No. 1565 (S.D. Ohio). Lief Cabraser served as outside counsel for the New York City Employees’ Retirement System, Teachers’ Retirement System for the City of New York, New York City Police Pension Fund, and New York City Fire Department Pension Fund in this multidistrict litigation arising from fraud in connection with NCFE’s issuance of notes backed by healthcare receivables. The New York City Pension Funds recovered more than 70% of their \$89 million in losses, primarily through settlements achieved in the federal litigation and another NCFE-matter brought on their behalf by Lief Cabraser.
18. ***BlackRock Global Allocation Fund v. Tyco International Ltd., et al.***, No. 2:08-cv-519 (D. N.J.); ***Nuveen Balanced Municipal and Stock Fund v. Tyco International Ltd., et al.***, No. 2:08-cv-518 (D. N.J.). Lief Cabraser represented multiple funds of the investment firms BlackRock Inc. and Nuveen Asset Management in separate, direct securities fraud actions against Tyco International Ltd., Tyco Electronics Ltd., Covidien Ltd, Covidien (U.S.), L. Dennis Kozlowski, Mark H. Swartz, and Frank E. Walsh, Jr. Plaintiffs alleged that defendants engaged in a massive criminal enterprise that combined the theft of corporate assets with fraudulent accounting entries that concealed Tyco’s financial condition from investors. As a result, plaintiffs purchased Tyco common stock and other Tyco securities at artificially inflated prices and suffered losses upon disclosures revealing Tyco’s true financial condition and defendants’ misconduct. In 2009, the parties settled the claims against the corporate defendants (Tyco International Ltd., Tyco Electronics Ltd., Covidien Ltd., and Covidien (U.S.)). The litigation concluded in 2010. The total settlement proceeds paid by all defendants were in excess of \$57 million.
19. ***Kofuku Bank and Namihaya Bank v. Republic New York Securities Corp.***, No. 00 CIV 3298 (S.D.N.Y.); and Kita Hyogo Shinyo-

*Kumiai v. Republic New York Securities Corp.*, No. 00 CIV 4114 (S.D.N.Y.). Loeff Cabraser represented Kofuku Bank, Namihaya Bank and Kita Hyogo Shinyo-Kumiai (a credit union) in individual lawsuits against, among others, Martin A. Armstrong and HSBC, Inc., the successor-in-interest to Republic New York Corporation, Republic New York Bank and Republic New York Securities Corporation for alleged violations of federal securities and racketeering laws. Through a group of interconnected companies owned and controlled by Armstrong—the Princeton Companies—Armstrong and the Republic Companies promoted and sold promissory notes, known as the “Princeton Notes,” to more than eighty of the largest companies and financial institutions in Japan. Loeff Cabraser’s lawsuits, as well as the lawsuits of dozens of other Princeton Note investors, alleged that the Princeton and Republic Companies made fraudulent misrepresentations and non-disclosures in connection with the promotion and sale of Princeton Notes, and that investors’ monies were commingled and misused to the benefit of Armstrong, the Princeton Companies and the Republic Companies. In December 2001, the claims of our clients and those of the other Princeton Note investors were settled. As part of the settlement, our clients recovered more than \$50 million, which represented 100% of the value of their principal investments less money they received in interest or other payments.

20. ***Alaska State Department of Revenue v. America Online***, No. 1JU-04-503 (Alaska Supr. Ct.). In December 2006, a \$50 million settlement was reached in a securities fraud action brought by the Alaska State Department of Revenue, Alaska State Pension Investment Board and Alaska Permanent Fund Corporation against defendants America Online, Inc. (“AOL”), Time Warner Inc. (formerly known as AOL Time Warner (“AOLTW”)), Historic TW Inc. When the action was filed, the Alaska Attorney General estimated total losses at \$70 million. The recovery on behalf of Alaska was approximately 50 times what the state would have received as a member of the class in the federal securities class action settlement. The lawsuit, filed in 2004 in Alaska State Court, alleged that defendants misrepresented advertising revenues and growth of AOL and AOLTW along with the number of AOL subscribers, which artificially inflated the stock price of AOL and AOLTW to the detriment of Alaska State funds.

The Alaska Department of Law retained Loeff Cabraser to lead the litigation efforts under its direction. “We appreciate the diligence and expertise of our counsel in achieving an outstanding resolution of the case,” said Mark Morones, spokesperson for the Department of Law, following announcement of the settlement.

21. ***Allocco v. Gardner***, No. GIC 806450 (Cal. Supr. Ct.). Loeff Cabraser represented Lawrence L. Garlick, the co-founder and former Chief

Executive Officer of Remedy Corporation and 24 other former senior executives and directors of Remedy Corporation in a private (non-class) securities fraud lawsuit against Stephen P. Gardner, the former Chief Executive Officer of Peregrine Systems, Inc., John J. Moores, Peregrine's former Chairman of the Board, Matthew C. Gless, Peregrine's former Chief Financial Officer, Peregrine's accounting firm Arthur Andersen and certain entities that entered into fraudulent transactions with Peregrine. The lawsuit, filed in California state court, arose out of Peregrine's August 2001 acquisition of Remedy. Plaintiffs charged that they were induced to exchange their Remedy stock for Peregrine stock on the basis of false and misleading representations made by defendants. Within months of the Remedy acquisition, Peregrine began to reveal to the public that it had grossly overstated its revenue during the years 2000-2002, and eventually restated more than \$500 million in revenues.

After successfully defeating demurrers brought by defendants, including third parties who were customers of Peregrine who aided and abetted Peregrine's accounting fraud under California common law, plaintiffs reached a series of settlements. The settling defendants included Arthur Andersen, all of the director defendants, three officer defendants and the third party customer defendants KPMG, British Telecom, Fujitsu, Software Spectrum and Bindview. The total amount received in settlements was approximately \$45 million.

22. ***In re Cablevision Systems Corp. Shareholder Derivative Litigation***, No. 06-cv-4130-DGT-AKT (E.D.N.Y.). Lief Cabraser served as Co-Lead Counsel in a shareholders' derivative action against the board of directors and numerous officers of Cablevision. The suit alleged that defendants intentionally manipulated stock option grant dates to Cablevision employees between 1997 and 2002 in order to enrich certain officer and director defendants at the expense of Cablevision and Cablevision shareholders. According to the complaint, Defendants made it appear as if stock options were granted earlier than they actually were in order to maximize the value of the grants. In September 2008, the Court granted final approval to a \$34.4 million settlement of the action. Over \$24 million of the settlement was contributed directly by individual defendants who either received backdated options or participated in the backdating activity.
23. ***In re Media Vision Technology Securities Litigation***, No. CV-94-1015 (N.D. Cal.). Lief Cabraser served as Co-Lead Counsel in a class action lawsuit which alleged that certain Media Vision's officers, outside directors, accountants and underwriters engaged in a fraudulent scheme to inflate the company's earnings and issued false and misleading public statements about the company's finances, earnings and profits. By 1998, the Court had approved several partial settlements with many of Media



Vision's officers and directors, accountants and underwriters which totaled \$31 million. The settlement proceeds have been distributed to eligible class members. The evidence that Lieff Cabraser developed in the civil case led prosecutors to commence an investigation and ultimately file criminal charges against Media Vision's former Chief Executive Officer and Chief Financial Officer. The civil action against Media Vision's CEO and CFO was stayed pending the criminal proceedings against them. In the criminal proceedings, the CEO pled guilty on several counts, and the CFO was convicted at trial. In October 2003, the Court granted Plaintiffs' motions for summary judgment and entered a judgment in favor of the class against the two defendants in the amount of \$188 million.

24. ***In re California Micro Devices Securities Litigation***, No. C-94-2817-VRW (N.D. Cal.). Lieff Cabraser served as Liaison Counsel for the Colorado Public Employees' Retirement Association and the California State Teachers' Retirement System, and the class they represented. Prior to 2001, the Court approved \$19 million in settlements. In May 2001, the Court approved an additional settlement of \$12 million, which, combined with the earlier settlements, provided class members an almost complete return on their losses. The settlement with the company included multi-million dollar contributions by the former Chairman of the Board and Chief Executive Officer.

Commenting in 2001 on Lieff Cabraser's work in Cal Micro Devices, U.S. District Court Judge Vaughn R. Walker stated, "It is highly unusual for a class action in the securities area to recover anywhere close to the percentage of loss that has been recovered here, and counsel and the lead plaintiffs have done an admirable job in bringing about this most satisfactory conclusion of the litigation." One year later, in a related proceeding and in response to the statement that the class had received nearly a 100% recovery, Judge Walker observed, "That's pretty remarkable. In these cases, 25 cents on the dollar is considered to be a magnificent recovery, and this is [almost] a hundred percent."

25. ***In re Network Associates, Inc. Securities Litigation***, No. C-99-1729-WHA (N.D. Cal.). Following a competitive bidding process, the Court appointed Lieff Cabraser as Lead Counsel for the Lead Plaintiff and the class of investors. The complaint alleged that Network Associates improperly accounted for acquisitions in order to inflate its stock price. In May 2001, the Court granted approval to a \$30 million settlement.

In reviewing the *Network Associates* settlement, U.S. District Court Judge William H. Alsup observed, "[T]he class was well served at a good price by excellent counsel . . . We have class counsel who's one of the foremost law firms in the country in both securities law and class actions.

And they have a very excellent reputation for the conduct of these kinds of cases . . .”

26. ***In re FPI/Agretech Securities Litigation***, MDL No. 763 (D. Haw., Real, J.). Lief Cabraser served as Lead Class Counsel for investors defrauded in a “Ponzi-like” limited partnership investment scheme. The Court approved \$15 million in partial, pretrial settlements. At trial, the jury returned a \$24 million verdict, which included \$10 million in punitive damages, against non-settling defendant Arthur Young & Co. for its knowing complicity and active and substantial assistance in the marketing and sale of the worthless limited partnership offerings. The Appellate Court affirmed the compensatory damages award and remanded the case for a retrial on punitive damages. In 1994, the Court approved a \$17 million settlement with Ernst & Young, the successor to Arthur Young & Co.
27. ***Nguyen v. FundAmerica***, No. C-90-2090 MHP (N.D. Cal., Patel, J.), 1990 Fed. Sec. L. Rep. (CCH) ¶¶ 95,497, 95,498 (N.D. Cal. 1990). Lief Cabraser served as Plaintiffs’ Class Counsel in this securities/RICO/tort action seeking an injunction against alleged unfair “pyramid” marketing practices and compensation to participants. The District Court certified a nationwide class for injunctive relief and damages on a mandatory basis and enjoined fraudulent overseas transfers of assets. The Bankruptcy Court permitted class proof of claims. Lief Cabraser obtained dual District Court and Bankruptcy Court approval of settlements distributing over \$13 million in FundAmerica assets to class members.
28. ***In re Brooks Automation, Inc. Securities Litigation***, No. 06 CA 11068 (D. Mass.). Lief Cabraser served as Court-Appointed Lead Counsel for Lead Plaintiff the Los Angeles County Employees Retirement Association and co-plaintiff Sacramento County Employees’ Retirement System in a class action lawsuit on behalf of purchasers of Brooks Automation securities. Plaintiffs charged that Brooks Automation, its senior corporate officers and directors violated federal securities laws by backdating company stock options over a six-year period, and failed to disclose the scheme in publicly filed financial statements. Subsequent to Lief Cabraser’s filing of a consolidated amended complaint in this action, both the Securities and Exchange Commission and the United States Department of Justice filed complaints against the Company’s former C.E.O., Robert Therrien, related to the same alleged practices. In October 2008, the Court approved a \$7.75 million settlement of the action.
29. ***In re A-Power Energy Generation Systems, Ltd. Securities Litigation***, No. 2:11-ml-2302-GW- (CWx) (C.D. Cal.). Lief Cabraser served as Court-appointed Lead Counsel for Lead Plaintiff in this securities class action that charged defendants with materially

misrepresenting A-Power Energy Generation Systems, Ltd.'s financial results and business prospects in violation of the antifraud provisions of the Securities Exchange Act of 1934. The Court approved a \$3.675 million settlement in August 2013.

30. ***Bank of America-Merrill Lynch Merger Securities Cases.*** In two cases—*DiNapoli, et al. v. Bank of America Corp.*, No. 10 CV 5563 (S.D. N.Y.) and *Schwab S&P 500 Index Fund, et al. v. Bank of America Corp., et al.*, No. 11-cv- 07779 PKC (S.D. N.Y.). Loeff Cabraser sought recovery on a direct, non-class basis for losses that a number of public pension funds and mutual funds incurred as a result of Bank of America's alleged misrepresentations and concealment of material facts in connection with its acquisition of Merrill Lynch & Co., Inc. Loeff Cabraser represented the New York State Common Retirement Fund, the New York State Teachers' Retirement System, the Public Employees' Retirement Association of Colorado, and fourteen mutual funds managed by Charles Schwab Investment Management. Both cases settled in 2013 on confidential terms favorable for our clients.
31. ***Albert v. Alex. Brown Management Services; Baker v. Alex. Brown Management Services*** (Del. Ch. Ct.). In May 2004, on behalf of investors in two investment funds controlled, managed and operated by Deutsche Bank and advised by DC Investment Partners, Loeff Cabraser filed lawsuits for alleged fraudulent conduct that resulted in an aggregate loss of hundreds of millions of dollars. The suits named as defendants Deutsche Bank and its subsidiaries Alex. Brown Management Services and Deutsche Bank Securities, members of the funds' management committee, as well as DC Investments Partners and two of its principals. Among the plaintiff-investors were 70 high net worth individuals. In the fall of 2006, the cases settled by confidential agreement.

### III. Employment Discrimination and Unfair Employment Practices

#### A. Current Cases

1. ***Chen-Oster v. Goldman Sachs***, No. 10-6950 (S.D.N.Y.). Loeff Cabraser serves as Co-Lead Counsel for plaintiffs in a gender discrimination class action lawsuit against Goldman Sachs alleging Goldman Sachs has engaged in systemic and pervasive discrimination against its female professional employees in violation of Title VII of the Civil Rights Act of 1964 and New York City Human Rights Law. The complaint charges that, among other things, Goldman Sachs pays its female professionals less than similarly situated males, disproportionately promotes men over equally or more qualified women, and offers better business opportunities and professional support to its male professionals. In 2012, the Court denied defendant's motion to strike class allegations.

On March 10, 2015, Magistrate Judge James C. Francis IV issued a recommendation against certifying the class. In April of 2017, District Court Judge Analisa Torres granted plaintiffs' motion to amend their complaint and add new representative plaintiffs, denied Goldman Sachs' motions to dismiss the new plaintiffs' claims, and ordered the parties to submit proposals by April 26, 2017, on a process for addressing Magistrate Judge Francis' March 2015 Report and Recommendation on class certification.

On March 30, 2018, Judge Torres issued an order certifying the plaintiffs' damages class under Federal Rule of Civil Procedure Rule 23(b)(3). Judge Torres certified plaintiffs' claims for both disparate impact and disparate treatment discrimination, relying on statistical evidence of discrimination in pay, promotions, and performance evaluations, as well as anecdotal evidence of Goldman's hostile work environment. In so ruling, the court also granted plaintiffs' motion to exclude portions of Goldman's expert evidence as unreliable, and denied all of Goldman's motions to exclude plaintiffs' expert evidence.

2. ***Moussouris v. Microsoft Corp.***, No. 15-cv-01483 (W.D. Wash.). Lief Cabraser and co-counsel represent a former female Microsoft technical professional in a gender discrimination class action lawsuit on behalf of herself and all current and former female technical professionals employed by Microsoft in the U.S. since September 16, 2009. The complaint alleges that Microsoft has engaged in systemic and pervasive discrimination against female employees in technical and engineering roles with respect to performance evaluations, pay, promotions, and other terms and conditions of employment. The unchecked gender bias that pervades Microsoft's corporate culture has resulted in female technical professionals receiving less compensation than similar men, the promotion of men over equally or more qualified women, and less favorable performance evaluation of female technical professionals compared to male peers. Microsoft's continuing policy, pattern, and practice of sex discrimination against female technical employees, the complaint alleges, violates federal and state laws, including Title VII of the Civil Rights Act of 1964 and the Washington Law Against Discrimination.

Plaintiffs filed a motion for class certification on October 27, 2017, and subsequently filed a reply brief in support of the motion on February 9, 2018. The motion seeks certification of a class of female employees who worked in the Engineering or I/T Operations Professions and in stock levels 59-67 from September 16, 2012 to the present. In June 2018, the district court denied plaintiffs' motion for class certification. In July 2018, plaintiffs petitioned the court for permission to appeal that denial, which

the Ninth Circuit granted. The appeal has been fully briefed and oral argument will be scheduled for Fall 2019.

3. ***Kassman v. KPMG, LLP***, Case No. 11-03743 (S.D.N.Y.). Lieff Cabraser serves as Co-Lead Counsel for plaintiffs in a gender discrimination class and collective action lawsuit alleging that KPMG has engaged in systemic and pervasive discrimination against its female Client Service and Support Professionals in pay and promotion, discrimination based on pregnancy, and chronic failure to properly investigate and resolve complaints of discrimination and harassment. The complaint alleges violations of the Equal Pay Act, Title VII of the Civil Rights Act of 1964, the New York Executive Law § 296, and the New York City Administrative Code § 8-107. For purposes of the Equal Pay Act claim, plaintiffs represent a conditionally-certified collective of 1,100 female Client Service and Support Professionals who have opted in to the lawsuit.

On November 27, 2018, Plaintiffs filed a motion in U.S. District Court for the Southern District of New York seeking class certification in the long-running lawsuit challenging gender disparities in pay and promotion on behalf of approximately 10,000 female Advisory and Tax professionals. Plaintiffs also sought final certification of the Equal Pay Act collective on behalf of the approximately 1,100 opt-in plaintiffs.

On November 30, 2018, the Court declined to certify the class and decertified the Equal Pay Act collective. While the Court acknowledged KPMG's common pay and promotion policies and its gender disparities in pay and promotion, the Court held that the women challenging KPMG's pay and promotion policies cannot pursue their claims together. On December 14, 2018, Plaintiffs filed a Petition to Appeal the Denial of Class Certification under Rule 23(f) with the United States Court of Appeals for the Second Circuit. Plaintiffs are awaiting a decision from the Court of Appeals about whether to hear the appeal.

4. ***Strauch v. Computer Sciences Corporation***, No. 2:14-cv-00956 (D. Conn.). In 2005, Computer Sciences Corporation ("CSC") settled for \$24 million a nationwide class and collective action lawsuit alleging that CSC misclassified thousands of its information technology support workers as exempt from overtime pay in violation of in violation of the federal Fair Labor Standards Act ("FLSA") and state law. Notwithstanding that settlement, a complaint filed on behalf of current and former CSC IT workers in 2014 by Lieff Cabraser and co-counsel alleges that CSC misclassifies many information technology support workers as exempt even though they perform primarily nonexempt work. Plaintiffs are current and former CSC System Administrators assigned the primary duty of the installation, maintenance, and/or support of computer software and/or hardware for CSC clients. On June 9, 2015, the Court granted

plaintiffs' motion for conditional certification of a FLSA collective action. Since then, more than 1,000 System Administrators have opted into the case. On June 30, 2017, the Court granted plaintiffs motion for certification of Rule 23 classes for System Administrators in California and Connecticut.

On December 20, 2017, a jury in federal court in Connecticut ruled that Computer Sciences Corporation (CSC), which recently merged with Hewlett Packard Enterprise Services to form DXC Technology (NYSE: DXC), wrongly and willfully denied overtime pay to approximately 1,000 current and former technology support workers around the country. After deliberating over two days, the Connecticut jury unanimously rejected CSC's claim that its System Administrators in the "Associate Professional" and "Professional" job titles are exempt under federal, Connecticut and California law, ruling instead that the workers should have been classified as nonexempt and paid overtime. The jury found CSC's violations to be willful, triggering additional damages. The misclassifications were made despite the fact that, in 2005, CSC paid \$24 million to settle similar claims from a previous group of technical support workers. Following the issuance of a Report and Recommendation from a Court-appointed special master, the Court entered judgment ordering CSC to pay damages totaling \$18,755,016.46 to class members.

5. ***Senne v. Major League Baseball***, No. 14-cv-00608 (N.D. Cal.). Lief Cabraser represents current and former Minor League Baseball players employed under uniform player contracts in a class and collective action seeking unpaid overtime and minimum wages under the Fair Labor Standards Act and state laws. The complaint alleges that Major League Baseball ("MLB"), the MLB franchises, and other defendants paid minor league players a uniform monthly fixed salary that, in light of the hours worked, amounts to less than the minimum wage and an unlawful denial of overtime pay.
6. ***Jang v. E.I. Du Pont De Nemours & Co.***, No. 15-03719-NC (N.D. Cal.). Lief Cabraser represents certain former DuPont employees in a breach of contract action alleging that DuPont unlawfully terminated employees' unvested stock options. DuPont's standard stock option award contract states that unvested options will continue to vest in accordance with their vesting schedule. In practice, however, DuPont unilaterally cancelled unvested stock options one year from employees' termination, regardless of whether the options had vested. The complaint was filed on August 15, 2015. DuPont filed a motion to dismiss the complaint, which was granted by United States Magistrate Judge Nathanael Cousins on November 19, 2015. Plaintiffs appealed the decision to the Ninth Circuit Court of Appeals, and oral argument was held on April 21, 2017. The Ninth Circuit has not yet issued a decision.

## B. Successes

1. ***Butler v. Home Depot***, No. C94-4335 SI (N.D. Cal.). Lieff Cabraser and co-counsel represented a class of approximately 25,000 female employees and applicants for employment with Home Depot's West Coast Division who alleged gender discrimination in connection with hiring, promotions, pay, job assignment, and other terms and conditions of employment. The class was certified in January 1995. In January 1998, the Court approved a \$87.5 million settlement of the action that included comprehensive injunctive relief over the term of a five-year Consent Decree. Under the terms of the settlement, Home Depot modified its hiring, promotion, and compensation practices to ensure that interested and qualified women were hired for, and promoted to, sales and management positions.

On January 14, 1998, U.S. District Judge Susan Illston commented that the settlement provides "a very significant monetary payment to the class members for which I think they should be grateful to their counsel. . . . Even more significant is the injunctive relief that's provided for . . ." By 2003, the injunctive relief had created thousands of new job opportunities in sales and management positions at Home Depot, generating the equivalent of over approximately \$100 million per year in wages for female employees.

In 2002, Judge Illston stated that the injunctive relief has been a "win/win . . . for everyone, because . . . the way the Decree has been implemented has been very successful and it is good for the company as well as the company's employees."

2. ***Rosenburg v. IBM***, No. C 06-0430 PJH (N.D. Cal.). In July 2007, the Court granted final approval to a \$65 million settlement of a class action suit by current and former technical support workers for IBM seeking unpaid overtime. The settlement constitutes a record amount in litigation seeking overtime compensation for employees in the computer industry. Plaintiffs alleged that IBM illegally misclassified its employees who install or maintain computer hardware or software as "exempt" from the overtime pay requirements of federal and state labor laws.
3. ***Satchell v. FedEx Express***, No. C 03-2659 SI; C 03-2878 SI (N.D. Cal.). In 2007, the Court granted final approval to a \$54.9 million settlement of the race discrimination class action lawsuit by African American and Latino employees of FedEx Express. The settlement requires FedEx to reform its promotion, discipline, and pay practices. Under the settlement, FedEx will implement multiple steps to promote equal employment opportunities, including making its performance evaluation process less discretionary, discarding use of the "Basic Skills Test" as a prerequisite to promotion into certain desirable positions, and

changing employment policies to demonstrate that its revised practices do not continue to foster racial discrimination. The settlement, covering 20,000 hourly employees and operations managers who have worked in the western region of FedEx Express since October 1999, was approved by the Court in August 2007.

4. ***Gonzalez v. Abercrombie & Fitch Stores***, No. C03-2817 SI (N.D. Cal.). In April 2005, the Court approved a settlement, valued at approximately \$50 million, which requires the retail clothing giant Abercrombie & Fitch to provide monetary benefits of \$40 million to the class of Latino, African American, Asian American and female applicants and employees who charged the company with discrimination. The settlement included a six-year period of injunctive relief requiring the company to institute a wide range of policies and programs to promote diversity among its workforce and to prevent discrimination based on race or gender. Lief Cabraser served as Lead Class Counsel and prosecuted the case with a number of co-counsel firms, including the Mexican American Legal Defense and Education Fund, the Asian Pacific American Legal Center and the NAACP Legal Defense and Educational Fund, Inc.
5. ***Giles v. Allstate***, JCCP Nos. 2984 and 2985. Lief Cabraser represented a class of Allstate insurance agents seeking reimbursement of out-of-pocket costs. The action settled for approximately \$40 million.
6. ***Calibuso v. Bank of America Corporation, Merrill Lynch & Co.***, No. CV10-1413 (E.D. N.Y.). Lief Cabraser served as Co-Lead Counsel for female Financial Advisors who alleged that Bank of America and Merrill Lynch engaged in a pattern and practice of gender discrimination with respect to business opportunities and compensation. The complaint charged that these violations were systemic, based upon company-wide policies and practices. In December 2013, the Court approved a \$39 million settlement. The settlement included three years of programmatic relief, overseen by an independent monitor, regarding teaming and partnership agreements, business generation, account distributions, manager evaluations, promotions, training, and complaint processing and procedures, among other things. An independent consultant also conducted an internal study of the bank's Financial Advisors' teaming practices.
7. ***Frank v. United Airlines***, No. C-92-0692 MJJ (N.D. Cal.). Lief Cabraser and co-counsel obtained a \$36.5 million settlement in February 2004 for a class of female flight attendants who were required to weigh less than comparable male flight attendants. Former U.S. District Court Judge Charles B. Renfrew (ret.), who served as a mediator in the case, stated, "As a participant in the settlement negotiations, I am familiar with and know the reputation, experience and skills of lawyers involved. They



are dedicated, hardworking and able counsel who have represented their clients very effectively.” U.S. District Judge Martin J. Jenkins, in granting final approval to the settlement, found “that the results achieved here could be nothing less than described as exceptional,” and that the settlement “was obtained through the efforts of outstanding counsel.”

8. ***Barnett v. Wal-Mart***, No. 01-2-24553-SNKT (Wash.). The Court approved in July 2009 a settlement valued at up to \$35 million on behalf of workers in Washington State who alleged they were deprived of meal and rest breaks and forced to work off-the-clock at Wal-Mart stores and Sam’s Clubs. In addition to monetary relief, the settlement provided injunctive relief benefiting all employees. Wal-Mart was required to undertake measures to prevent wage and hour violations at its 50 stores and clubs in Washington, measures that included the use of new technologies and compliance tools.

Plaintiffs filed their complaint in 2001. Three years later, the Court certified a class of approximately 40,000 current and former Wal-Mart employees. The eight years of litigation were intense and adversarial. Wal-Mart, currently the world’s third largest corporation, vigorously denied liability and spared no expense in defending itself.

This lawsuit and similar actions filed against Wal-Mart across America served to reform the pay procedures and employment practices for Wal-Mart’s 1.4 million employees nationwide. In a press release announcing the Court’s approval of the settlement, Wal-Mart spokesperson Daphne Moore stated, “This lawsuit was filed years ago and the allegations are not representative of the company we are today.” Lief Cabraser served as Court-appointed Co-Lead Class Counsel.

9. ***Amochaev v. Citigroup Global Markets, d/b/a Smith Barney***, No. C 05-1298 PJH (N.D. Cal.). In August 2008, the Court approved a \$33 million settlement for the 2,411 members of the Settlement Class in a gender discrimination case against Smith Barney. Lief Cabraser represented Female Financial Advisors who charged that Smith Barney, the retail brokerage unit of Citigroup, discriminated against them in account distributions, business leads, referral business, partnership opportunities, and other terms of employment. In addition to the monetary compensation, the settlement included comprehensive injunctive relief for four years designed to increase business opportunities and promote equality in compensation for female brokers.
10. ***Vedachalam v. Tata Consultancy Services***, C 06-0963 CW (N.D. Cal.). Lief Cabraser served as Co-Lead Counsel for 12,700 foreign nationals sent by the Indian conglomerate Tata to work in the U.S. After 7 years of hard-fought litigation, the District Court in July 2013 granted final approval to a \$29.75 million settlement. The complaint charged that

Tata breached the contracts of its non-U.S.-citizen employees by requiring them to sign over their federal and state tax refund checks to Tata, and by failing to pay its non-U.S.-citizen employees the monies promised to those employees before they came to the United States. In 2007 and again in 2008, the District Court denied Tata's motions to compel arbitration of Plaintiffs' claims in India. The Court held that no arbitration agreement existed because the documents purportedly requiring arbitration in India applied one set of rules to the Plaintiffs and another set to Tata. In 2009, the Ninth Circuit Court of Appeals affirmed this decision. In July 2011, the District Court denied in part Tata's motion for summary judgment, allowing Plaintiffs' legal claims for breach of contract and certain violations of California wage laws to go forward. In 2012, the District Court found that the plaintiffs satisfied the legal requirements for a class action and certified two classes.

11. ***Giannetto v. Computer Sciences Corporation***, No. 03-CV-8201 (C.D. Cal.). In one of the largest overtime pay dispute settlements ever in the information technology industry, the Court approved a \$24 million settlement with Computer Sciences Corporation in 2005. Plaintiffs charged that the global conglomerate had a common practice of refusing to pay overtime compensation to its technical support workers involved in the installation and maintenance of computer hardware and software in violation of the Fair Labor Standards Act, California's Unfair Competition Law, and the wage and hour laws of 13 states.
12. ***Curtis-Bauer v. Morgan Stanley & Co.***, Case No. C-06-3903 (TEH). In October 2008, the Court approved a \$16 million settlement in the class action against Morgan Stanley. The complaint charged that Morgan Stanley discriminated against African-American and Latino Financial Advisors and Registered Financial Advisor Trainees in the Global Wealth Management Group of Morgan Stanley in compensation and business opportunities. The settlement included comprehensive injunctive relief regarding account distributions, partnership arrangements, branch manager promotions, hiring, retention, diversity training, and complaint processing, among other things. The settlement also provided for the appointment of an independent Diversity Monitor and an independent Industrial Psychologist to effectuate the terms of the agreement.
13. ***Church v. Consolidated Freightways***, No. C90-2290 DLJ (N.D. Cal.). Lief Cabraser was the Lead Court-appointed Class Counsel in this class action on behalf of the exempt employees of Emery Air Freight, a freight forwarding company acquired by Consolidated Freightways in 1989. On behalf of the employee class, Lief Cabraser prosecuted claims for violation of the Employee Retirement Income Security Act, the securities laws, and the Age Discrimination in Employment Act. The case settled in 1993 for \$13.5 million.

14. ***Gerlach v. Wells Fargo & Co.***, No. C 05-0585 CW (N.D. Cal.). In January 2007, the Court granted final approval to a \$12.8 million settlement of a class action suit by current and former business systems employees of Wells Fargo seeking unpaid overtime. Plaintiffs alleged that Wells Fargo illegally misclassified those employees, who maintained and updated Wells Fargo's business tools according to others' instructions, as "exempt" from the overtime pay requirements of federal and state labor laws.
15. ***Buccellato v. AT&T Operations***, No. C10-00463-LHK (N.D. Cal.). Lief Cabraser represented a group of current and former AT&T technical support workers who alleged that AT&T misclassified them as exempt and failed to pay them for all overtime hours worked, in violation of federal and state overtime pay laws. In June 2011, the Court approved a \$12.5 million collective and class action settlement.
16. ***Buttram v. UPS***, No. C-97-01590 MJJ (N.D. Cal.). Lief Cabraser and several co-counsel represented a class of approximately 14,000 African-American part-time hourly employees of UPS's Pacific and Northwest Regions alleging race discrimination in promotions and job advancement. In 1999, the Court approved a \$12.14 million settlement of the action. Under the injunctive relief portion of the settlement, Class Counsel monitored the promotions of African-American part-time hourly employees to part-time supervisor and full-time package car drivers.
17. ***Goddard, et al. v. Longs Drug Stores Corporation, et al.***, No. RG04141291 (Cal. Supr. Ct.). Store managers and assistant store managers of Longs Drugs charged that the company misclassified them as exempt from overtime wages. Managers regularly worked in excess of 8 hours per day and 40 hours per week without compensation for their overtime hours. Following mediation, in 2005, Longs Drugs agreed to settle the claims for a total of \$11 million. Over 1,000 current and former Longs Drugs managers and assistant managers were eligible for compensation under the settlement, over 98% of the class submitted claims.
18. ***Trotter v. Perdue Farms***, No. C 99-893-RRM (JJF) (MPT) (D. Del.). Lief Cabraser represented a class of chicken processing employees of Perdue Farms, Inc., one of the nation's largest poultry processors, for wage and hour violations. The suit challenged Perdue's failure to compensate its assembly line employees for putting on, taking off, and cleaning protective and sanitary equipment in violation of the Fair Labor Standards Act, various state wage and hour laws, and the Employee Retirement Income Security Act. Under a settlement approved by the Court in 2002, Perdue paid \$10 million for wages lost by its chicken processing employees and attorneys' fees and costs. The settlement was

in addition to a \$10 million settlement of a suit brought by the Department of Labor in the wake of Lief Cabraser's lawsuit.

19. ***Gottlieb v. SBC Communications***, No. CV-00-04139 AHM (MANx) (C.D. Cal.). With co-counsel, Lief Cabraser represented current and former employees of SBC and Pacific Telesis Group ("PTG") who participated in AirTouch Stock Funds, which were at one time part of PTG's salaried and non-salaried savings plans. After acquiring PTG, SBC sold AirTouch, which PTG had owned, and caused the AirTouch Stock Funds that were included in the PTG employees' savings plans to be liquidated. Plaintiffs alleged that in eliminating the AirTouch Stock Funds, and in allegedly failing to adequately communicate with employees about the liquidation, SBC breached its duties to 401k plan participants under the Employee Retirement Income Security Act. In 2002, the Court granted final approval to a \$10 million settlement.
20. ***Ellis v. Costco Wholesale Corp.***, No. 04-03341-EMC (N.D. Cal.). Lief Cabraser served as Co-Lead Counsel for current and former female employees who charged that Costco discriminated against women in promotion to management positions. In January 2007, the Court certified a class consisting of over 750 current and former female Costco employees nationwide who were denied promotion to General Manager or Assistant Manager since January 3, 2002. Costco appealed. In September 2011, the U.S. Court of Appeals for the Ninth Circuit remanded the case to the District Court to make class certification findings consistent with the U.S. Supreme Court's ruling in *Wal-Mart v. Dukes*, 131 S.Ct. 2541 (2011). In September 2012, U.S. District Court Judge Edward M. Chen granted plaintiffs' motion for class certification and certified two classes of over 1,250 current and former female Costco employees, one for injunctive relief and the other for monetary relief. On May 27, 2014, the Court approved an \$8 million settlement.
21. ***In Re Farmers Insurance Exchange Claims Representatives' Overtime Pay Litigation***, MDL No. 1439 (D. Ore.). Lief Cabraser and co-counsel represented claims representatives of Farmers' Insurance Exchange seeking unpaid overtime. Lief Cabraser won a liability phase trial on a classwide basis, and then litigated damages on an individual basis before a special master. The judgment was partially upheld on appeal. In August 2010, the Court approved an \$8 million settlement.
22. ***Zuckman v. Allied Group***, No. 02-5800 SI (N.D. Cal.). In September 2004, the Court approved a settlement with Allied Group and Nationwide Mutual Insurance Company of \$8 million plus Allied/Nationwide's share of payroll taxes on amounts treated as wages, providing plaintiffs a 100% recovery on their claims. Plaintiffs, claims representatives of Allied / Nationwide, alleged that the company misclassified them as exempt

employees and failed to pay them and other claims representatives in California overtime wages for hours they worked in excess of eight hours or forty hours per week. In approving the settlement, U.S. District Court Judge Susan Illston commended counsel for their “really good lawyering” and stated that they did “a splendid job on this” case.

23. ***Thomas v. California State Automobile Association***, No. CH217752 (Cal. Supr. Ct.). With co-counsel, Lieff Cabraser represented 1,200 current and former field claims adjusters who worked for the California State Automobile Association (“CSAA”). Plaintiffs alleged that CSAA improperly classified their employees as exempt, therefore denying them overtime pay for overtime worked. In May 2002, the Court approved an \$8 million settlement of the case.
24. ***Higazi v. Cadence Design Systems***, No. C 07-2813 JW (N.D. Cal.). In July 2008, the Court granted final approval to a \$7.664 million settlement of a class action suit by current and former technical support workers for Cadence seeking unpaid overtime. Plaintiffs alleged that Cadence illegally misclassified its employees who install, maintain, or support computer hardware or software as “exempt” from the overtime pay requirements of federal and state labor laws.
25. ***Zaborowski v. MHN Government Services***, No. 12-CV-05109-SI (N.D. Cal.) Lieff Cabraser represented current and former Military and Family Life Consultants (“MFLCs”) in a class action lawsuit against MHN Government Services, Inc. (“MHN”) and Managed Health Network, Inc., seeking overtime pay under the federal Fair Labor Standards Act and state laws. The complaint charged that MHN misclassified the MFLCs as independent contractors and as “exempt” from overtime and failed to pay them overtime pay for hours worked over 40 per week. In April 2013, the Court denied MHN’s motion to compel arbitration and granted plaintiff’s motion for conditional certification of a FLSA collective action. In December 2014, the U.S. Court of Appeals for the Ninth Circuit upheld the district court’s determination that the arbitration clause in MHN’s employee contract was procedurally and substantively unconscionable. MHN appealed to the United States Supreme Court.

MHN did not contest that its agreement had several unconscionable components; instead, it asked the Supreme Court to sever the unconscionable terms of its arbitration agreement and nonetheless send the MFLCs’ claims to arbitration. The Supreme Court granted MHN’s petition for certiorari on October 1, 2015, and was scheduled to hear the case in the 2016 spring term in *MHN Gov’t Servs., Inc. v. Zaborowski*, No. 14-1458. While the matter was pending before the Supreme Court, an arbitrator approved a class settlement in the matter, which resulted in payment of \$7,433,109.19 to class members.

26. ***Sandoval v. Mountain Center, Inc., et al.***, No. 03CC00280 (Cal. Supr. Ct.). Cable installers in California charged that defendants owed them overtime wages, as well as damages for missed meal and rest breaks and reimbursement for expenses incurred on the job. In 2005, the Court approved a \$7.2 million settlement of the litigation, which was distributed to the cable installers who submitted claims.
27. ***Martin v. Bohemian Club***, No. SCV-258731(Cal. Supr. Ct.). Lief Cabraser and co-counsel represented a class of approximately 659 individuals who worked seasonally as camp valets for the Bohemian Club. Plaintiffs alleged that they had been misclassified as independent contractors, and thus were not paid for overtime or meal-and-rest breaks as required under California law. The Court granted final approval of a \$7 million settlement resolving all claims in September 2016.
28. ***Lewis v. Wells Fargo***, No. 08-cv-2670 CW (N.D. Cal.). Lief Cabraser served as Lead Counsel on behalf of approximately 330 I/T workers who alleged that Wells Fargo had a common practice of misclassifying them as exempt and failing to pay them for all overtime hours worked in violation of federal and state overtime pay laws. In April 2011, the Court granted collective action certification of the FLSA claims and approved a \$6.72 million settlement of the action.
29. ***Kahn v. Denny's***, No. BC177254 (Cal. Supr. Ct.). Lief Cabraser brought a lawsuit alleging that Denny's failed to pay overtime wages to its General Managers and Managers who worked at company-owned restaurants in California. The Court approved a \$4 million settlement of the case in 2000.
30. ***Wynne v. McCormick & Schmick's Seafood Restaurants***, No. C 06-3153 CW (N.D. Cal.). In August 2008, the Court granted final approval to a settlement valued at \$2.1 million, including substantial injunctive relief, for a class of African American restaurant-level hourly employees. The consent decree created hiring benchmarks to increase the number of African Americans employed in front of the house jobs (*e.g.*, server, bartender, host/hostess, waiter/waitress, and cocktail server), a registration of interest program to minimize discrimination in promotions, improved complaint procedures, and monitoring and enforcement mechanisms.
31. ***Sherrill v. Premera Blue Cross***, No. 2:10-cv-00590-TSZ (W.D. Wash.). In April 2010, a technical worker at Premera Blue Cross filed a lawsuit against Premera seeking overtime pay from its misclassification of technical support workers as exempt. In June 2011, the Court approved a collective and class action settlement of \$1.45 million.

32. ***Holloway v. Best Buy***, No. C05-5056 PJH (N.D. Cal.). Lieff Cabraser, with co-counsel, represented a class of current employees of Best Buy that alleged Best Buy stores nationwide discriminated against women, African Americans, and Latinos. The complaint charged that these employees were assigned to less desirable positions and denied promotions, and that class members who attained managerial positions were paid less than white males. In November 2011, the Court approved a settlement of the class action in which Best Buy agreed to changes to its personnel policies and procedures that will enhance the equal employment opportunities of the tens of thousands of women, African Americans, and Latinos employed by Best Buy nationwide.
33. ***Lyon v. TMP Worldwide***, No. 993096 (Cal. Supr. Ct.). Lieff Cabraser served as Class Counsel for a class of certain non-supervisory employees in an advertising firm. The settlement, approved in 2000, provided almost a 100% recovery to class members. The suit alleged that TMP failed to pay overtime wages to these employees.
34. ***Lusardi v. McHugh, Secretary of the Army***, No. 0120133395 (U.S. EEOC). Lieff Cabraser and the Transgender Law Center represent Tamara Lusardi, a transgender civilian software specialist employed by the U.S. Army. In a groundbreaking decision in April 2015, the Equal Employment Opportunity Commission reversed a lower agency decision and held that the employer subjected Lusardi to disparate treatment and harassment based on sex in violation of Title VII of the Civil Rights Act of 1964 when (1) the employer restricted her from using the common female restroom (consistent with her gender identity) and (2) a team leader intentionally and repeatedly referred to her by male pronouns and made hostile remarks about her transition and gender.

Lieff Cabraser attorneys have had experience representing employees in additional cases, including cases involving race, gender, sexual orientation, gender identity, and age discrimination; False Claims Act (whistleblower) claims; breach of contract claims; unpaid wages or exempt misclassification (wage/hour) claims; pension plan abuses under ERISA; and other violations of the law. For example, as described in the Antitrust section of this resume, Lieff Cabraser served as plaintiffs' Co-Lead Counsel in a class action charging that Adobe Systems Inc., Apple Inc., Google Inc., and Intel Corporation violated antitrust laws by conspiring to suppress the wages of certain salaried employees.

Lieff Cabraser is currently investigating charges of discrimination, wage/hour violations, and wage suppression claims against several companies. In addition, our attorneys frequently write amicus briefs on cutting-edge legal issues involving employment law.

In 2015, *The Recorder* named Lieff Cabraser's employment group as a Litigation Department of the Year in the category of California Labor and Employment Law. The Litigation Department of the Year awards recognize "California litigation practices that deliver

standout results on their clients' most critical matters." *The Recorder* editors consider the degree of difficulty, dollar value and importance of each matter to the client; the depth and breadth of the practice; and the use of innovative approaches.

*U.S. News* and Best Lawyers selected Lieff Cabraser as a 2013 national "Law Firm of the Year" in the category of Employment Law – Individuals. *U.S. News* and Best Lawyers ranked firms nationally in 80 different practice areas based on extensive client feedback and evaluations from 70,000 lawyers nationwide. Only one law firm in the U.S. in each practice area receives the "Law Firm of the Year" designation.

*Benchmark Plaintiff*, a guide to the nation's leading plaintiffs' firms, has given Lieff Cabraser's employment practice group a Tier 1 national ranking, its highest rating. *The Legal 500* guide to the U.S. legal profession has recognized Lieff Cabraser as having one of the leading plaintiffs' employment practices in the nation for the past four years.

Kelly M. Dermody chairs the firm's employment practice group and leads the firm's employment cases. She also serves as Managing Partner of Lieff Cabraser's San Francisco office.

In 2015, the College of Labor and Employment Lawyers named Ms. Dermody a Fellow. Nomination to the College is by ones colleagues only, and recognizes those lawyers who have demonstrated sustained and exceptional services to their clients, bar, bench, and public, and the highest level of character, integrity, professional expertise, and leadership.

*The Daily Journal* has selected Ms. Dermody as one of the top 100 attorneys in California (2012-2015), top 75 labor and employment lawyers in California (2011-2015), and top 100 women litigators in California (2007, 2010, 2012-2016). She has been named a Northern California "Super Lawyer" every year since 2004, including being named a "Top 10 Lawyer" in 2014.

Since 2010, Ms. Dermody has annually been recognized by her peers for inclusion in *The Best Lawyers in America* in the fields of Employment Law – Individuals and Litigation – Labor and Employment. In 2014, she was named "Lawyer of the Year" by Best Lawyers in the category of Employment Law – Individuals in San Francisco. In 2007, *California Lawyer* magazine awarded Ms. Dermody its prestigious California Lawyer Attorney of the Year (CLAY) Award.

#### **IV. Consumer Protection**

##### **A. Current Cases**

1. ***In re Arizona Theranos, Inc. Litigation***, No. 2:16-cv-2138-HRH (D. Ariz.). This class action alleges that Walgreens and startup company Theranos Inc. (along with its two top executives) committed fraud and battery by prematurely marketing to consumers blood testing services that were still in-development, not ready-for-market, and dangerously unreliable. Hundreds of thousands of consumers in Arizona and California submitted to these "testing" services and blood draws under



false pretenses. Consumers also made major health decisions (including taking actions and medication, and refraining from taking actions and medications) in reliance on these unreliable tests. Plaintiffs allege that Walgreens' and Theranos' conduct violates Arizona and California consumer protection statutes and common law.

2. ***Fiat Chrysler Dodge Jeep Ecodiesel Litigation***, 17-MD-02777-EMC. Loeff Cabraser represents owners and lessors of affected Fiat Chrysler vehicles in litigation accusing Fiat Chrysler of using secret software to allow excess emissions in violation of the law for at least 104,000 2014-2016 model year diesel vehicles, including Jeep Grand Cherokees and Dodge Ram 1500 trucks with 3-liter diesel engines sold in the United States from late 2013 through 2016 (model years 2014, 2015, and 2016). In June 2017, Judge Edward M. Chen of the Northern District of California named Elizabeth Cabraser sole Lead Counsel for Plaintiffs and Chair of the Plaintiffs' Steering Committee for consolidated litigation of the case.

In May 2019, Judge Chen granted final approval to a \$307.5 million settlement of the case, which will provide eligible owners and lessees with substantial cash payments and an extended warranty following the completion of a government-mandated emissions modification to affected vehicles.

Under the agreement between consumers and FCA and Bosch, approximately 100,000 owners and lessees of Ram 1500 and Jeep Grand Cherokee 3.0-liter diesel vehicles from model years 2014 to 2016 are eligible to file claims and receive the settlement's benefits. Most owners will receive \$3,075 once the repair – a software reflash – is completed. Current owners and lessees have until February 3, 2021 to submit a claim, and until May 3, 2021 to complete the repair and receive compensation.

3. ***In Re: General Motors Corp. Air Conditioning Marketing and Sales Practices Litigation***, MDL No. 2818 (E.D. Mich.). Loeff Cabraser serves as Co-Lead Plaintiffs' Counsel in a consumer fraud class action MDL against General Motors Company consolidated in Michigan federal court on behalf of all persons who purchased or leased certain GM vehicles equipped with an allegedly defective air conditioning systems. The lawsuit claims the vehicles have a serious defect that causes the air conditioning systems to crack and leak refrigerant, lose pressure, and fail to function properly to provide cooled air into the vehicles. These failures lead owners and lessees to incur significant costs for repair, often successive repairs as the repaired parts prove defective as well. The complaint lists causes of action for violations of various states' Consumer Protection Acts, fraudulent concealment, breach of warranty, and unjust enrichment, and seeks declaratory and injunctive relief, including an

order requiring GM to permanently repair the affected vehicles within a reasonable time period, as well as compensatory, exemplary, and statutory damages.

4. ***In re Checking Account Overdraft Litigation***, MDL No. 2036 (S.D. Fl.). Lief Cabraser serves on the Plaintiffs' Executive Committee ("PEC") in Multi-District Litigation against 35 banks, including Bank of America, Chase, Citizens, PNC, Union Bank, and U.S. Bank. The complaints alleged that the banks entered debit card transactions from the "largest to the smallest" to draw down available balances more rapidly and maximize overdraft fees. In March 2010, the Court denied defendants' motions to dismiss the complaints. The Court has approved nearly \$1 billion in settlements with the banks.

In November 2011, the Court granted final approval to a \$410 million settlement of the case against Bank of America. Lief Cabraser was the lead plaintiffs' law firm on the PEC that prosecuted the case against Bank of America. In approving the settlement with Bank of America, U.S. District Court Judge James Lawrence King stated, "This is a marvelous result for the members of the class." Judge King added, "[B]ut for the high level of dedication, ability and massive and incredible hard work by the Class attorneys . . . I do not believe the Class would have ever seen . . . a penny."

In September 2012, the Court granted final approval to a \$35 million of the case against Union Bank. In approving the settlement, Judge King again complimented plaintiffs' counsel for their outstanding work and effort in resolving the case: "The description of plaintiffs' counsel, which is a necessary part of the settlement, is, if anything, understated. In my observation of the diligence and professional activity, it's superb. I know of no other class action case anywhere in the country in the last couple of decades that's been handled as efficiently as this one has, which is a tribute to the lawyers."

5. ***Hale, et al. v. State Farm Mut. Auto. Ins. Co., et al.***, Case No. 3:12-cv-00660-DRH-SCW. In 1997, Lief Cabraser and co-counsel filed a class action in Illinois state court, accusing State Farm of approving the use of lower-quality non-original equipment manufacturer (non-OEM) automotive parts for repairs to the vehicles of more than 4 million State Farm policyholders, contrary to the company's policy language. Plaintiffs won a verdict of more than nearly \$1.2 billion that included \$600 million in punitive damages. The state appeals court affirmed the judgment, but reduced it slightly to \$1.05 billion. State Farm appealed to the Illinois Supreme Court in May 2013.

A two-plus-year delay in that Court's decision led to a vacancy in the Illinois Supreme Court. Plaintiffs alleged that State Farm recruited a

little-known trial judge, Judge Lloyd A. Karmeier, to run for the vacant Supreme Court seat, and then managed his campaign behind the scenes, and secretly funded it to the tune of almost \$4 million. Then, after Justice Karmeier was elected, State Farm hid its involvement in his campaign to ensure that Justice Karmeier could participate in the pending appeal of the \$1.05 billion judgment. State Farm’s scheme was successful: Justice Karmeier joined the otherwise “deadlocked” deliberations and voted to decertify the class and overturn the judgment.

In a 2012 lawsuit filed in federal court, Plaintiffs alleged that this secretive scheme to seat a sympathetic justice—and then to lie about it, so as secure that justice’s participation in the pending appeal—violated the Racketeer Influenced and Corrupt Organization Act (“RICO”), and deprived Plaintiffs of their interest in the billion-dollar judgment. Judge David R. Herndon certified the class in October 2016, and the Seventh Circuit denied State Farm’s petition to appeal the ruling in December 2016 and again in May 2017. On August 21, 2018, Judge David R. Herndon issued two new Orders favorable to plaintiffs relating to evidence and testimony to be included in the trial. On September 4, 2018, the day the trial was to begin, Judge Herndon gave preliminary approval to a \$250 million settlement of the case, and on December 13, 2018, Judge Herndon gave the settlement final approval.

6. ***Dover v. British Airways***, Case No. 1:12-cv-05567 (E.D.N.Y.). Lief Cabraser represents participants in British Airways’ (“BA”) frequent flyer program, known as the Executive Club, in a breach of contract class action lawsuit. BA imposes a very high “fuel surcharge,” often in excess of \$500, on Executive Club reward tickets. Plaintiffs alleged that the “fuel surcharge” was not based upon the price of fuel, and that it therefore violated the terms of the contract. The case was heavily litigated for five years, and settled on the verge of trial for a \$42.5 million common fund. Class members have the choice of a cash refund or additional flyer miles based on the number of tickets redeemed during the class period. If all class members claim the miles instead of the cash, the total settlement value will be up to \$63 million. U.S. Magistrate Judge Cheryl Pollak signed off on the settlement on May 30, 2018: “In light of the court’s experience throughout the course of this litigation — and particularly in light of the contentiousness of earlier proceedings, the inability of the parties to settle during previous mediation attempts and the parties’ initial positions when they appeared for the settlement conferences with the court — the significant benefit that the settlement will provide to class members is remarkable.”
7. ***Telephone Consumer Protection Act Litigation***. Lief Cabraser serves as a leader in nationwide Telephone Consumer Protection Act (“TCPA”) class actions challenging abusing and harassing automated

calls. Based on Lieff Cabraser’s experience and expertise in these cases, Judge Amy J. St. Eve appointed Lieff Cabraser as lead counsel in consolidated TCPA class actions against State Farm. ***Smith v. State Farm Mut. Auto. Ins. Co.***, 301 F.R.D. 284 (N.D. Ill. 2014). Lieff Cabraser also maintains leadership roles in ongoing nationwide class actions against American Express (***Ossola v. American Express Co., et al.***, Case No. 1:13-CV-4836 (N.D. Ill)), DirecTV (***Brown v. DirectTV LLC***, Case No. 2:13-cv-01170-DMG-E (C.D. Cal.)), National Grid (***Jenkins v. National Grid USA, et al.***, Case No. 2:15-cv-01219-JS-GRB (E.D.N.Y.)), and several other companies that make automated debt-collection or telemarketing calls.

8. ***Rushing v. The Walt Disney Company, et al.***, Case No. 3:17-cv-4419 (N.D. Cal.); ***Rushing v. Viacom, Inc., et al.***, Case No. 3:17-cv-4492 (N.D. Cal.); ***McDonald, et al. v. Kiloo Aps, et al.***, Case No. 3:17-cv-4344 (N.D. Cal.). Lieff Cabraser represents parents, on behalf of their children, in federal class action litigation against numerous online game and app producers including Disney, Viacom, and the makers of the vastly popular Subway Surfers game (Kiloo), over allegations the companies unlawfully collected, used, and disseminated the personal information of children who played the gaming apps on smart phones, tablets, and other mobile device. The actions are proceeding under time-honored laws protecting privacy: a California common law invasion of privacy claim, a California Constitution right of privacy claim, a California unfair competition claim, a New York General Business Law claim, a Massachusetts Unfair and Deceptive Trade Practices claim, and a Massachusetts statutory right to privacy claim.
  
9. ***The People of the State of California v. J.C. Penny Corporation, Inc.***, Case No. BC643036 (Los Angeles County Sup. Ct); ***The People of the State of California v. Kohl's Department Stores, Inc.***, Case No. BC643037 (Los Angeles County Sup. Ct); ***The People of the State of California v. Macy's, Inc.***, Case No. BC643040 (Los Angeles County Sup. Ct); ***The People of the State of California v. Sears, Roebuck and Co., et al.***, Case No. BC643039 (Los Angeles County Sup. Ct). Working with the office of the Los Angeles City Attorney, Lieff Cabraser and co-counsel represent the People of California in consumer fraud and false advertising civil enforcement actions against national retailers J.C. Penney, Kohl’s, Macy’s, and Sears alleging that each of these companies has pervasively used “false reference pricing” schemes — whereby the companies advertise products at a purported “discount” from false “original” or “regular” prices — to mislead customers into believing they are receiving bargains. Because such practices are misleading — and effective — California law prohibits them. The suits seek civil penalties and injunctive relief. The cases are ongoing.

10. **Cody v. SoulCycle, Inc.**, Case No. 2:15-cv-06457 (C.D. Cal.). Lieff Cabraser represents consumers in a class action lawsuit alleging that indoor cycling fitness company SoulCycle sells illegally expiring gift certificates. The suit alleges that SoulCycle defrauded customers by forcing them to buy gift certificates with short enrollment windows and keeping the expired certificates' unused balances in violation of the U.S. Electronic Funds Transfer Act and California's Unfair Competition Law, and seeks reinstatement of expired classes or customer reimbursements as well as policy changes. In October of 2017, U.S. District Judge Michael W. Fitzgerald granted final approval to a settlement of the litigation valued between \$6.9 million and \$9.2 million that provides significant economic consideration to settlement class members as well as meaningful changes to SoulCycle's business practices.
11. **Moore v. Verizon Communications**, No. 09-cv-01823-SBA (N.D. Cal.); **Nwabueze v. AT&T**, No. 09-cv-1529 SI (N.D. Cal.); **Terry v. Pacific Bell Telephone Co.**, No. RG 09 488326 (Alameda County Sup. Ct.). Lieff Cabraser, with co-counsel, represents nationwide classes of landline telephone customers subjected to the deceptive business practice known as "cramming." In this practice, a telephone company bills customers for unauthorized third-party charges assessed by billing aggregators on behalf of third-party providers. A U.S. Senate committee has estimated that Verizon, AT&T, and Qwest place 300 million such charges on customer bills each year (amounting to \$2 billion in charges), many of which are unauthorized. Various sources estimate that 90-99% of third-party charges are unauthorized. Both Courts have granted preliminary approval of settlements that allow customers to receive 100% refunds for all unauthorized charges from 2005 to the present, plus extensive injunctive relief to prevent cramming in the future. The Nwabueze and Terry cases are ongoing.
12. **James v. UMG Recordings, Inc.**, No. CV-11-1613 (N.D. Cal); **Zombie v. UMG Recordings, Inc.**, No. CV-11-2431 (N.D. Cal). Lieff Cabraser and its co-counsel represent music recording artists in a proposed class action against Universal Music Group. Plaintiffs allege that Universal failed to pay the recording artists full royalty income earned from customers' purchases of digitally downloaded music from vendors such as Apple iTunes. The complaint alleges that Universal licenses plaintiffs' music to digital download providers, but in its accounting of the royalties plaintiffs have earned, treats such licenses as "records sold" because royalty rate for "records sold" is lower than the royalty rate for licenses. Plaintiffs legal claims include breach of contract and violation of California unfair competition laws. In November 2011 the Court denied defendant's motion to dismiss plaintiffs' unfair competition law claims.

13. ***White v. Experian Information Solutions***, No. 05-CV-1070 DOC (C.D. Cal.). In 2005, plaintiffs filed nationwide class action lawsuits on behalf of 750,000 claimants against the nation's three largest repositories of consumer credit information, Experian Information Solutions, Inc., Trans Union, LLC, and Equifax Information Services, LLC. The complaints charged that defendants violated the Fair Credit Reporting Act ("FCRA") by recklessly failing to follow reasonable procedures to ensure the accurate reporting of debts discharged in bankruptcy and by refusing to adequately investigate consumer disputes regarding the status of discharged accounts. In April 2008, the District Court approved a partial settlement of the action that established an historic injunction. This settlement required defendants comply with detailed procedures for the retroactive correction and updating of consumers' credit file information concerning discharged debt (affecting one million consumers who had filed for bankruptcy dating back to 2003), as well as new procedures to ensure that debts subject to future discharge orders will be similarly treated. As noted by the District Court, "Prior to the injunctive relief order entered in the instant case, however, no verdict or reported decision had ever required Defendants to implement procedures to cross-check data between their furnishers and their public record providers." In 2011, the District Court approved a \$45 million settlement of the class claims for monetary relief. In April 2013, the Court of Appeals for the Ninth Circuit reversed the order approving the monetary settlement and remanded the case for further proceedings.
14. ***Healy v. Chesapeake Appalachia***, No. 1:10cv00023 (W.D. Va.); ***Hale v. CNX Gas***, No. 1:10cv00059 (W.D. Va.); ***Estate of Holman v. Noble Energy***, No. 03 CV 9 (Dist. Ct., Co.); ***Droegemueller v. Petroleum Development Corporation***, No. 07 CV 2508 JLK (D. Co.); ***Anderson v. Merit Energy Co.***, No. 07 CV 00916 LTB (D. Co.); ***Holman v. Petro-Canada Resources (USA)***, No. 07 CV 416 (Dist. Ct., Co.). Lieff Cabraser serves as Co-Lead Counsel in several cases pending in federal court in Virginia, in which plaintiffs allege that certain natural gas companies improperly underpaid gas royalties to the owners of the gas. In one case that recently settled, the plaintiffs recovered approximately 95% of the damages they suffered. Lieff Cabraser also achieved settlements on behalf of natural gas royalty owners in five other class actions outside Virginia. Those settlements -- in which class members recovered between 70% and 100% of their damages, excluding interest -- were valued at more than \$160 million.
15. ***Adkins v. Morgan Stanley***, No. 12 CV 7667 (S.D.N.Y.). Five African-American residents from Detroit, Michigan, joined by Michigan Legal Services, have brought a class action lawsuit against Morgan Stanley for discrimination in violation of the Fair Housing Act and other civil rights laws. The plaintiffs charge that Morgan Stanley actively ensured the

proliferation of high-cost mortgage loans with specific risk factors in order to bundle and sell mortgage-backed securities to investors. The lawsuit is the first to seek to hold a bank in the secondary market accountable for the adverse racial impact of such policies and conduct. Plaintiffs seek certification of the case as a class action for as many as 6,000 African-Americans homeowners in the Detroit area who may have suffered similar discrimination. Lieff Cabraser serves as plaintiffs' counsel with the American Civil Liberties Union, the ACLU of Michigan, and the National Consumer Law Center.

16. ***Marcus A. Roberts et al. v. AT&T Mobility LLC***, No. 3:15-cv-3418 (N.D. Cal.). Lieff Cabraser represents consumers in a proposed class action lawsuit against AT&T claiming that AT&T falsely advertised that its "unlimited" mobile phone plans provide "unlimited" data, while purposefully failing to disclose that it regularly "throttles" (*i.e.*, intentionally slows) customers' data speed once they reach certain data usage thresholds. The lawsuit also challenges AT&T's attempts to force consumers into non-class arbitration, claiming that AT&T's arbitration clause in its Wireless Customer Agreement violates consumers' fundamental constitutional First Amendment right to petition courts for a redress of grievances.

## **B. Successes**

1. ***In re Volkswagen 'Clean Diesel' Marketing, Sales Practices, and Products Liability Litigation***, MDL No. 2672 (N.D. Cal.). In September of 2015, the U.S. Environmental Protection Agency issued a Notice of Violation to Volkswagen relating to 475,000 diesel-powered cars in the United States sold since 2008 under the VW and Audi brands on which VW installed "cheat device" software that intentionally changed the vehicles' emissions production during official testing. Only when the programming detected that the vehicles were undergoing official emissions testing did the cars turn on their full emission control systems. The controls were turned off during actual road use, producing up to 40x more pollutants than the testing amounts in an extraordinary violation of U.S. clean air laws.

Private vehicle owners, state governments, agencies, and attorneys general, as well as federal agencies, all sought compensation and relief from VW through litigation in U.S. courts. More than 1,000 individual civil cases and numerous accompanying government claims were consolidated in federal court in Northern California, and U.S. District Judge Charles R. Breyer appointed Lieff Cabraser founding partner Elizabeth Cabraser as Lead Counsel and Chair of the 22-member Plaintiffs Steering Committee in February of 2016.

After nine months of intensive negotiation and extraordinary coordination led on the class plaintiffs' side by Elizabeth Cabraser, a set of interrelated settlements totaling \$14.7 billion were given final approval by Judge Breyer on October 25, 2016. The settlements offer owners and lessees of Volkswagen and Audi 2.0-liter diesel vehicles substantial compensation through buybacks and lease terminations, government-approved emissions modifications, and cash payments, while fixing or removing these polluting vehicles from the road. On May 11, 2017, a further settlement with a value of at least \$1.2 billion relating to VW's 3.0-liter engine vehicles received final approval. This deal offers a combination of a projected emissions modification or buybacks for older 3.0-liter models. If a government-approved modification can't be found, VW will have to buy back all the vehicles, which could increase its costs for the 3.0-liter model settlement to as much as \$4 billion.

The consumer class settlements have garnered overwhelming approval and response. Over 380,000 diesel owners have already signed up for the settlement, most doing so even before final approval was granted by Judge Breyer, who is overseeing all federal "clean diesel" litigation.

The Volkswagen emissions settlement is one of the largest payments in American history and the largest known consumer class settlement. It exemplifies the best of the American judicial system, illustrating the resolution of a significant portion of one of the most massive multidistrict class actions at what *Law360* referred to as "lightning speed." The settlements are unprecedented also for their scope and complexity, involving the Department of Justice, Environmental Protection Agency (EPA), California Air Resources Board (CARB) and California Attorney General, the Federal Trade Commission (FTC) and private plaintiffs.

2. ***Williamson v. McAfee, Inc.***, No. 14-cv-00158-EJD (N.D. Cal.). This nationwide class action alleged that McAfee falsely represented the prices of its computer anti-virus software to customers enrolled in its "auto-renewal" program. Plaintiffs alleged that McAfee: (a) offers *non*-auto-renewal subscriptions at stated "discounts" from a "regular" sales price; however, the stated discounts are false because McAfee does not ever sell subscriptions at the stated "regular" price to *non*-auto-renewal customers; and (b) charges the auto-renewal customers the amount of the false "regular" sales price, claiming it to be the "current" regular price even though it does not sell subscriptions at that price to any other customer. Plaintiffs alleged that McAfee's false reference price scheme violated California's and New York's unfair competition and false advertising laws. In 2017, a class settlement was approved that included monetary payments to claimants and practice changes.



3. ***Hansell v. TracFone Wireless***, No. 13-cv-3440-EMC (N.D. Cal.); ***Blaqmoor v. TracFone Wireless***, No. 13-cv-05295-EMC (N.D. Cal.); ***Gandhi v. TracFone Wireless***, No. 13-cv-05296-EMC (N.D. Cal.). In January 2015, Michael W. Sobol, the chair of Lieff Cabraser’s consumer protection practice group, announced that consumers nationwide who purchased service plans with “unlimited data” from TracFone Wireless, Inc., were eligible to receive payments under a \$40 million settlement of a series of class action lawsuits. One of the nation’s largest wireless carriers, TracFone uses the brands Straight Talk, Net10, Telcel America, and Simple Mobile to sell mobile phones with prepaid wireless plans at Walmart and other retail stores nationwide. The class action alleged that TracFone falsely advertised its wireless mobile phone plans as providing “unlimited data,” while actually maintaining monthly data usage limits that were not disclosed to customers. It further alleged that TracFone regularly throttled (*i.e.* significantly reduces the speed of) or terminated customers’ data plans pursuant to the secret limits. Approved by the Court in July 2015, the settlement permanently enjoins TracFone from making any advertisement or other representation about amount of data its cell phone plans offer without disclosing clearly and conspicuously all material restrictions on the amount and speed of the data plan. Further, TracFone and its brands may not state in their advertisements and marketing materials that any plan provides “unlimited data” unless there is also clear, prominent, and adjoining disclosure of any applicable throttling caps or limits. The litigation is notable in part because, following two years of litigation by class counsel, the Federal Trade Commission joined the litigation and filed a Consent Order with TracFone in the same federal court where the class action litigation is pending. All compensation to consumers will be provided through the class action settlement.
  
4. ***Gutierrez v. Wells Fargo Bank***, No. C 07-05923 WHA (N.D. Cal.). Following a two week bench class action trial, U.S. District Court Judge William Alsup in August 2010 issued a 90-page opinion holding that Wells Fargo violated California law by improperly and illegally assessing overdraft fees on its California customers and ordered \$203 million in restitution to the certified class. Instead of posting each transaction chronologically, the evidence presented at trial showed that Wells Fargo deducted the largest charges first, drawing down available balances more rapidly and triggering a higher volume of overdraft fees.

Wells Fargo appealed. In December 2012, the Appellate Court issued an opinion upholding and reversing portions of Judge Alsup’s order, and remanded the case to the District Court for further proceedings. In May 2013, Judge Alsup reinstated the \$203 million judgment against Wells Fargo and imposed post-judgment interest bringing the total award to

nearly \$250 million. On October 29, 2014, the Appellate Court affirmed the Judge Alsup's order reinstating the judgment.

For his outstanding work as Lead Trial Counsel and the significance of the case, *California Lawyer* magazine recognized Richard M. Heimann with a California Lawyer Attorney of the Year (CLAY) Award. In addition, the Consumer Attorneys of California selected Mr. Heimann and Michael W. Sobol as Finalists for the Consumer Attorney of the Year Award for their success in the case.

In reviewing counsel's request for attorneys' fees, Judge Alsup stated on May 21, 2015: "Lieff, Cabraser, on the other hand, entered as class counsel and pulled victory from the jaws of defeat. They bravely confronted several obstacles including the possibility of claim preclusion based on a class release entered in state court (by other counsel), federal preemption, hard-fought dispositive motions, and voluminous discovery. They rescued the case [counsel that originally filed] had botched and secured a full recovery of \$203 million in restitution plus injunctive relief. Notably, Attorney Richard Heimann's trial performance ranks as one of the best this judge has seen in sixteen years on the bench. Lieff, Cabraser then twice defended the class on appeal. At oral argument on the present motion, in addition to the cash restitution, Wells Fargo acknowledged that since 2010, its posting practices changed nationwide, in part, because of the injunction. Accordingly, this order allows a multiplier of 5.5 mainly on account of the fine results achieved on behalf of the class, the risk of non-payment they accepted, the superior quality of their efforts, and the delay in payment."

5. ***Kline v. The Progressive Corporation***, Circuit No. 02-L-6 (Circuit Court of the First Judicial Circuit, Johnson County, Illinois). Lieff Cabraser served as settlement class counsel in a nationwide consumer class action challenging Progressive Corporation's private passenger automobile insurance sales practices. Plaintiffs alleged that the Progressive Corporation wrongfully concealed from class members the availability of lower priced insurance for which they qualified. In 2002, the Court approved a settlement valued at approximately \$450 million, which included both cash and equitable relief. The claims program, implemented upon a nationwide mail and publication notice program, was completed in 2003.
6. ***Catholic Healthcare West Cases***, JCCP No. 4453 (Cal. Supr. Ct.). Plaintiff alleged that Catholic Healthcare West ("CHW") charged uninsured patients excessive fees for treatment and services, at rates far higher than the rates charged to patients with private insurance or on Medicare. In January 2007, the Court approved a settlement that provides discounts, refunds and other benefits for CHW patients valued at

\$423 million. The settlement requires that CHW lower its charges and end price discrimination against all uninsured patients, maintain generous charity case policies allowing low-income and uninsured patients to receive free or heavily discounted care, and protect uninsured patients from unfair collections practices. Lieff Cabraser served as Lead Counsel in the coordinated action.

7. ***In re Neurontin Marketing and Sales Practices Litigation***, MDL No. 1629 (D. Mass.). Lieff Cabraser served on the Plaintiffs' Steering Committee in multidistrict litigation arising out of the sale and marketing of the prescription drug Neurontin, manufactured by Parke-Davis, a division of Warner-Lambert Company, which was later acquired by Pfizer, Inc. Lieff Cabraser served as co-counsel to Kaiser Foundation Health Plan, Inc. and Kaiser Foundation Hospitals ("Kaiser") in Kaiser's trial against Pfizer in the litigation. On March 25, 2010, a federal court jury determined that Pfizer violated a federal antiracketeering law by promoting its drug Neurontin for unapproved uses and found Pfizer must pay Kaiser damages up to \$142 million. At trial, Kaiser presented evidence that Pfizer knowingly marketed Neurontin for unapproved uses without proof that it was effective. Kaiser said it was misled into believing neuropathic pain, migraines, and bipolar disorder were among the conditions that could be treated effectively with Neurontin, which was approved by the FDA as an adjunctive therapy to treat epilepsy and later for post-herpetic neuralgia, a specific type of neuropathic pain. In November 2010, the Court issued Findings of Fact and Conclusions of Law on Kaiser's claims arising under the California Unfair Competition Law, finding Pfizer liable and ordering that it pay restitution to Kaiser of approximately \$95 million. In April 2013, the First Circuit Court of Appeals affirmed both the jury's and the District Court's verdicts. In November 2014, the Court approved a \$325 million settlement on behalf of a nationwide class of third party payors.
8. ***Sutter Health Uninsured Pricing Cases***, JCCP No. 4388 (Cal. Supr. Ct.). Plaintiffs alleged that they and a Class of uninsured patients treated at Sutter hospitals were charged substantially more than patients with private or public insurance, and many times above the cost of providing their treatment. In December 2006, the Court granted final approval to a comprehensive and groundbreaking settlement of the action. As part of the settlement, Class members were entitled to make a claim for refunds or deductions of between 25% to 45% from their prior hospital bills, at an estimated total value of \$276 million. For a three year period, Sutter agreed to provide discounted pricing policies for uninsureds. In addition, Sutter agreed to maintain more compassionate collections policies that will protect uninsureds who fall behind in their payments. Lieff Cabraser served as Lead Counsel in the coordinated action.

9. **Citigroup Loan Cases**, JCCP No. 4197 (San Francisco Supr. Ct., Cal.). In 2003, the Court approved a settlement that provided approximately \$240 million in relief to former Associates' customers across America. Prior to its acquisition in November 2000, Associates First Financial, referred to as The Associates, was one of the nation's largest "subprime" lenders. Loeff Cabraser represented former customers of The Associates charging that the company added unwanted and unnecessary insurance products onto mortgage loans and engaged in improper loan refinancing practices. Loeff Cabraser served as nationwide Plaintiffs' Co-Liaison Counsel.
10. **Telephone Consumer Protection Act Litigation**. Loeff Cabraser has spearheaded a series of groundbreaking class actions under the Telephone Consumer Protection Act ("TCPA"), which prohibits abusive telephone practices by lenders and marketers, and places strict limits on the use of autodialers to call or send texts to cell phones. The settlements in these cases have collectively put a stop to millions of harassing calls by debt collectors and others and resulted in the recovery by consumers across America of over \$300 million.

In 2012, Loeff Cabraser achieved a \$24.15 million class settlement with Sallie Mae – the then-largest settlement in the history of the TCPA. See **Arthur v. Sallie Mae, Inc.**, No. C10-0198 JLR, 2012 U.S. Dist. LEXIS 132413 (W.D. Wash. Sept. 17, 2012). In subsequent cases, Loeff Cabraser and co-counsel eclipsed this record, including a \$32,083,905 settlement with Bank of America (**Duke v. Bank of America**, No. 5:12-cv-04009-EJD (N.D. Cal.)), a \$39,975,000 settlement with HSBC (**Wilkins v. HSBC Bank Nev., N.A.**, Case No. 14-cv-190 (N.D. Ill.)), and a \$75,455,098.74 settlement with Capital One (**In re Capital One Telephone Consumer Protection Act Litigation**, Master Docket No. 1:12-cv-10064 (N.D. Ill.)). In the **HSBC** matter, Judge James F. Holderman commented on "the excellent work" and "professionalism" of Loeff Cabraser and its co-counsel. As noted above, Loeff Cabraser's class settlements in TCPA cases have collectively resulted in the recovery by consumers of over \$300 million.

11. **Thompson v. WFS Financial**, No. 3-02-0570 (M.D. Tenn.); **Pakeman v. American Honda Finance Corporation**, No. 3-02-0490 (M.D. Tenn.); **Herra v. Toyota Motor Credit Corporation**, No. CGC 03-419 230 (San Francisco Supr. Ct.). Loeff Cabraser with co-counsel litigated against several of the largest automobile finance companies in the country to compensate victims of—and stop future instances of—racial discrimination in the setting of interest rates in automobile finance contracts. The litigation led to substantial changes in the way Toyota Motor Credit Corporation ("TMCC"), American Honda Finance Corporation ("American Honda") and WFS Financial, Inc. sell

automobile finance contracts, limiting the discrimination that can occur. In approving the settlement in *Thompson v. WFS Financial*, the Court recognized the “innovative” and “remarkable settlement” achieved on behalf of the nationwide class. In 2006 in *Herra v. Toyota Motor Credit Corporation*, the Court granted final approval to a nationwide class action settlement on behalf of all African-American and Hispanic customers of TMCC who entered into retail installment contracts that were assigned to TMCC from 1999 to 2006. The monetary benefit to the class was estimated to be between \$159-\$174 million.

12. ***In re John Muir Uninsured Healthcare Cases***, JCCP No. 4494 (Cal. Supr. Ct.). Lief Cabraser represented nearly 53,000 uninsured patients who received care at John Muir hospitals and outpatient centers and were charged inflated prices and then subject to overly aggressive collection practices when they failed to pay. In November 2008, the Court approved a final settlement of the *John Muir* litigation. John Muir agreed to provide refunds or bill adjustments of 40-50% to uninsured patients who received medical care at John Muir over a six year period, bringing their charges to the level of patients with private insurance, at a value of \$115 million. No claims were required. Every class member received a refund or bill adjustment. Furthermore, John Muir was required to (1) maintain charity care policies to give substantial discounts—up to 100%—to low income, uninsured patients who meet certain income requirements; (2) maintain an Uninsured Patient Discount Policy to give discounts to all uninsured patients, regardless of income, so that they pay rates no greater than those paid by patients with private insurance; (3) enhance communications to uninsured patients so they are better advised about John Muir’s pricing discounts, financial assistance, and financial counseling services; and (4) limit the practices for collecting payments from uninsured patients.
  
13. ***Providian Credit Card Cases***, JCCP No. 4085 (San Francisco Supr. Ct.). Lief Cabraser served as Co-Lead Counsel for a certified national Settlement Class of Providian credit cardholders who alleged that Providian had engaged in widespread misconduct by charging cardholders unlawful, excessive interest and late charges, and by promoting and selling to cardholders “add-on products” promising illusory benefits and services. In November 2001, the Court granted final approval to a \$105 million settlement of the case, which also required Providian to implement substantial changes in its business practices. The \$105 million settlement, combined with an earlier settlement by Providian with Federal and state agencies, represents the largest settlement ever by a U.S. credit card company in a consumer protection case.

14. ***In re Chase Bank USA, N.A. “Check Loan” Contract Litigation***, MDL No. 2032 (N.D. Cal.). Lief Cabraser served as Plaintiffs’ Liaison Counsel and on the Plaintiffs’ Executive Committee in Multi-District Litigation (“MDL”) charging that Chase Bank violated the implied covenant of good faith and fair dealing by unilaterally modifying the terms of fixed rate loans. The MDL was established in 2009 to coordinate more than two dozen cases that were filed in the wake of the conduct at issue. The nationwide, certified class consisted of more than 1 million Chase cardholders who, in 2008 and 2009, had their monthly minimum payment requirements unilaterally increased by Chase by more than 150%. Plaintiffs alleged that Chase made this change, in part, to induce cardholders to give up their promised fixed APRs in order to avoid the unprecedented minimum payment hike. In November 2012, the Court approved a \$100 million settlement of the case.
15. ***In re Synthroid Marketing Litigation***, MDL No. 1182 (N.D. Ill.). Lief Cabraser served as Co-Lead Counsel for the purchasers of the thyroid medication Synthroid in litigation against Knoll Pharmaceutical, the manufacturer of Synthroid. The lawsuits charged that Knoll misled physicians and patients into keeping patients on Synthroid despite knowing that less costly, but equally effective drugs, were available. In 2000, the District Court gave final approval to a \$87.4 million settlement with Knoll and its parent company, BASF Corporation, on behalf of a class of all consumers who purchased Synthroid at any time from 1990 to 1999. In 2001, the Court of Appeals upheld the order approving the settlement and remanded the case for further proceedings. 264 F.3d 712 (7th Cir. 2001). The settlement proceeds were distributed in 2003.
16. ***R.M. Galicia v. Franklin; Franklin v. Scripps Health***, No. IC 859468 (San Diego Supr. Ct., Cal.). Lief Cabraser served as Lead Class Counsel in a certified class action lawsuit on behalf of 60,750 uninsured patients who alleged that the Scripps Health hospital system imposed excessive fees and charges for medical treatment. The class action originated in July 2006, when uninsured patient Phillip Franklin filed a class action cross-complaint against Scripps Health after Scripps sued Mr. Franklin through a collection agency. Mr. Franklin alleged that he, like all other uninsured patients of Scripps Health, was charged unreasonable and unconscionable rates for his medical treatment. In June 2008, the Court granted final approval to a settlement of the action which includes refunds or discounts of 35% off of medical bills, collectively worth \$73 million. The settlement also required Scripps Health to modify its pricing and collections practices by (1) following an Uninsured Patient Discount Policy, which includes automatic discounts from billed charges for Hospital Services; (2) following a Charity Care Policy, which provides uninsured patients who meet certain income tests with discounts on Health Services up to 100% free care, and provides for

charity discounts under other special circumstances; (3) informing uninsured patients about the availability and terms of the above financial assistance policies; and (4) restricting certain collections practices and actively monitoring outside collection agents.

17. ***In re Lawn Mower Engine Horsepower Marketing and Sales Practices Litigation***, MDL No. 1999 (E.D. Wi.). Lief Cabraser served as co-counsel for consumers who alleged manufacturers of certain gasoline-powered lawn mowers misrepresented, and significantly overstated, the horsepower of the product. As the price for lawn mowers is linked to the horsepower of the engine -- the higher the horsepower, the more expensive the lawn mower -- defendants' alleged misconduct caused consumers to purchase expensive lawn mowers that provided lower horsepower than advertised. In August 2010, the Court approved a \$65 million settlement of the action.
18. ***Strugano v. Nextel Communications***, No. BC 288359 (Los Angeles Supr. Ct). In May 2006, the Los Angeles Superior Court granted final approval to a class action settlement on behalf of all California customers of Nextel from January 1, 1999 through December 31, 2002, for compensation for the harm caused by Nextel's alleged unilateral (1) addition of a \$1.15 monthly service fee and/or (2) change from second-by-second billing to minute-by-minute billing, which caused "overage" charges (i.e., for exceeding their allotted cellular plan minutes). The total benefit conferred by the Settlement directly to Class Members was between approximately \$13.5 million and \$55.5 million, depending on which benefit Class Members selected.
19. ***Curry v. Fairbanks Capital Corporation***, No. 03-10895-DPW (D. Mass.). In 2004, the Court approved a \$55 million settlement of a class action lawsuit against Fairbanks Capital Corporation arising out of charges against Fairbanks of misconduct in servicing its customers' mortgage loans. The settlement also required substantial changes in Fairbanks' business practices and established a default resolution program to limit the imposition of fees and foreclosure proceedings against Fairbanks' customers. Lief Cabraser served as nationwide Co-Lead Counsel for the homeowners.
20. ***Payment Protection Credit Card Litigation***. Lief Cabraser represented consumers in litigation in federal court against some of the nation's largest credit card issuers, challenging the imposition of charges for so-called "payment protection" or "credit protection" programs. The complaints charged that the credit card companies imposed payment protection without the consent of the consumer and/or deceptively marketed the service, and further that the credit card companies unfairly administered their payment protection programs to the detriment of

consumers. In 2012 and 2013, the Courts approved monetary settlements with HSBC (\$23.5 million), Bank of America (\$20 million), and Discover (\$10 million) that also required changes in the marketing and sale of payment protection to consumers.

21. ***California Title Insurance Industry Litigation.*** Lief Cabraser, in coordination with parallel litigation brought by the Attorney General, reached settlements in 2003 and 2004 with the leading title insurance companies in California, resulting in historic industry-wide changes to the practice of providing escrow services in real estate closings. The settlements brought a total of \$50 million in restitution to California consumers, including cash payments. In the lawsuits, plaintiffs alleged, among other things, that the title companies received interest payments on customer escrow funds that were never reimbursed to their customers. The defendant companies include Lawyers' Title, Commonwealth Land Title, Stewart Title of California, First American Title, Fidelity National Title, and Chicago Title.
22. ***Vytorin/Zetia Marketing, Sales Practices & Products Liability Litigation,*** MDL No. 1938 (D. N.J.). Lief Cabraser served on the Executive Committee of the Plaintiffs' Steering Committee representing plaintiffs alleging that Merck/Schering-Plough Pharmaceuticals falsely marketed anti-cholesterol drugs Vytorin and Zetia as being more effective than other anti-cholesterol drugs. Plaintiffs further alleged that Merck/Schering-Plough Pharmaceuticals sold Vytorin and Zetia at higher prices than other anti-cholesterol medication when they were no more effective than other drugs. In 2010, the Court approved a \$41.5 million settlement for consumers who bought Vytorin or Zetia between November 2002 and February 2010.
23. ***Morris v. AT&T Wireless Services,*** No. C-04-1997-MJP (W.D. Wash.). Lief Cabraser served as class counsel for a nationwide settlement class of cell phone customers subjected to an end-of-billing cycle cancellation policy implemented by AT&T Wireless in 2003 and alleged to have breached customers' service agreements. In May 2006, the New Jersey Superior Court granted final approval to a class settlement that guarantees delivery to the class of \$40 million in benefits. Class members received cash-equivalent calling cards automatically, and had the option of redeeming them for cash. Lief Cabraser had been prosecuting the class claims in the Western District of Washington when a settlement in New Jersey state court was announced. Lief Cabraser objected to that settlement as inadequate because it would have only provided \$1.5 million in benefits without a cash option, and the Court agreed, declining to approve it. Thereafter, Lief Cabraser negotiated the new settlement providing \$40 million to the class, and the settlement was approved.



24. ***Berger v. Property I.D. Corporation***, No. CV 05-5373-GHK (C.D. Cal.). In January 2009, the Court granted final approval to a \$39.4 million settlement with several of the nation's largest real estate brokerages, including companies doing business as Coldwell Banker, Century 21, and ERA Real Estate, and California franchisors for RE/MAX and Prudential California Realty, in an action under the Real Estate Settlement Procedures Act on behalf of California home sellers. Plaintiffs charged that the brokers and Property I.D. Corporation set up straw companies as a way to disguise kickbacks for referring their California clients' natural hazard disclosure report business to Property I.D. (the report is required to sell a home in California). Under the settlement, hundreds of thousands of California home sellers were eligible to receive a full refund of the cost of their report, typically about \$100.
25. ***In re Tri-State Crematory Litigation***, MDL No. 1467 (N.D. Ga.). In March 2004, Lief Cabraser delivered opening statements and began testimony in a class action by families whose loved ones were improperly cremated and desecrated by Tri-State Crematory in Noble, Georgia. The families also asserted claims against the funeral homes that delivered the decedents to Tri-State Crematory for failing to ensure that the crematory performed cremations in the manner required under the law and by human decency. One week into trial, settlements with the remaining funeral home defendants were reached and brought the settlement total to approximately \$37 million. Trial on the class members' claims against the operators of crematory began in August 2004. Soon thereafter, these defendants entered into a \$80 million settlement with plaintiffs. As part of the settlement, all buildings on the Tri-State property were razed. The property will remain in a trust so that it will be preserved in peace and dignity as a secluded memorial to those whose remains were mistreated, and to prevent crematory operations or other inappropriate activities from ever taking place there. Earlier in the litigation, the Court granted plaintiffs' motion for class certification in a published order. 215 F.R.D. 660 (2003).
26. ***In re American Family Enterprises***, MDL No. 1235 (D. N.J.). Lief Cabraser served as Co-Lead Counsel for a nationwide class of persons who received any sweepstakes materials sent under the name "American Family Publishers." The class action lawsuit alleged that defendants deceived consumers into purchasing magazine subscriptions and merchandise in the belief that such purchases were necessary to win an American Family Publishers' sweepstakes prize or enhanced their chances of winning a sweepstakes prize. In September 2000, the Court granted final approval of a \$33 million settlement of the class action. In April 2001, over 63,000 class members received refunds averaging over \$500 each, representing 92% of their eligible purchases. In addition,

American Family Publishers agreed to make significant changes to the way it conducts the sweepstakes.

27. ***Walsh v. Kindred Healthcare Inc.***, No. 3:11-cv-00050 (N.D. Cal.). Lieff Cabraser and co-counsel represented a class of 54,000 current and former residents, and families of residents, of skilled nursing care facilities in a class action against Kindred Healthcare for failing to adequately staff its nursing facilities in California. Since January 1, 2000, skilled nursing facilities in California have been required to provide at least 3.2 hours of direct nursing hours per patient day (NHPPD), which represented the minimum staffing required for patients at skilled nursing facilities.

The complaint alleged a pervasive and intentional failure by Kindred Healthcare to comply with California's required minimum standard for qualified nurse staffing at its facilities. Understaffing is uniformly viewed as one of the primary causes of the inadequate care and often unsafe conditions in skilled nursing facilities. Studies have repeatedly shown a direct correlation between inadequate skilled nursing care and serious health problems, including a greater likelihood of falls, pressure sores, significant weight loss, incontinence, and premature death. The complaint further charged that Kindred Healthcare collected millions of dollars in payments from residents and their family members, under the false pretense that it was in compliance with California staffing laws and would continue to do so.

In December 2013, the Court approved a \$8.25 million settlement which included cash payments to class members and an injunction requiring Kindred Healthcare to consistently utilize staffing practices which would ensure they complied with applicable California law. The injunction, subject to a third party monitor, was valued at between \$6 to \$20 million.

28. ***Cincotta v. California Emergency Physicians Medical Group***, No. 07359096 (Cal. Supr. Ct.). Lieff Cabraser served as class counsel for nearly 100,000 uninsured patients that alleged they were charged excessive and unfair rates for emergency room service across 55 hospitals throughout California. The settlement, approved on October 31, 2008, provided complete debt elimination, 100% cancellation of the bill, to uninsured patients treated by California Emergency Physicians Medical Group during the 4-year class period. These benefits were valued at \$27 million. No claims were required, so all of these bills were cancelled. In addition, the settlement required California Emergency Physicians Medical Group prospectively to (1) maintain certain discount policies for all charity care patients; (2) inform patients of the available discounts by enhanced communications; and (3) limit significantly the type of collections practices available for collecting from charity care patients.

29. ***In re Ameriquest Mortgage Co. Mortgage Lending Practices Litigation***, MDL No. 1715. Lieff Cabraser served as Co-Lead Counsel for borrowers who alleged that Ameriquest engaged in a predatory lending scheme based on the sale of loans with illegal and undisclosed fees and terms. In August 2010, the Court approved a \$22 million settlement.
30. ***ING Bank Rate Renew Cases***, Case No. 11-154-LPS (D. Del.). Lieff Cabraser represented borrowers in class action lawsuits charging that ING Direct breached its promise to allow them to refinance their mortgages for a flat fee. From October 2005 through April 2009, ING promoted a \$500 or \$750 flat-rate refinancing fee called “Rate Renew” as a benefit of choosing ING for mortgages over competitors. Beginning in May 2009, however, ING began charging a higher fee of a full monthly mortgage payment for refinancing using “Rate Renew,” despite ING’s earlier and lower advertised price. As a result, the complaint alleged that many borrowers paid more to refinance their loans using “Rate Renew” than they should have, or were denied the opportunity to refinance their loan even though the borrowers met the terms and conditions of ING’s original “Rate Renew” offer. In August 2012, the Court certified a class of consumers in ten states who purchased or retained an ING mortgage from October 2005 through April 2009. A second case on behalf of California consumers was filed in December 2012. In October 2014, the Court approved a \$20.35 million nationwide settlement of the litigation. The settlement provided an average payment of \$175 to the nearly 100,000 class members, transmitted to their accounts automatically and without any need to file a claim form.
31. ***Yarrington v. Solvay Pharmaceuticals***, No. 09-CV-2261 (D. Minn.). In March 2010, the Court granted final approval to a \$16.5 million settlement with Solvay Pharmaceuticals, one of the country’s leading pharmaceutical companies. Lieff Cabraser served as Co-Lead Counsel, representing a class of persons who purchased Estratest—a hormone replacement drug. The class action lawsuit alleged that Solvay deceptively marketed and advertised Estratest as an FDA-approved drug when in fact Estratest was not FDA-approved for any use. Under the settlement, consumers obtained partial refunds for up to 30% of the purchase price paid of Estratest. In addition, \$8.9 million of the settlement was allocated to fund programs and activities devoted to promoting women’s health and well-being at health organizations, medical schools, and charities throughout the nation.
32. ***Reverse Mortgage Cases***, JCCP No. 4061 (San Mateo County Supr. Ct., Cal.). Transamerica Corporation, through its subsidiary Transamerica Homefirst, Inc., sold “reverse mortgages” marketed under the trade name “Lifetime.” The Lifetime reverse mortgages were sold exclusively to seniors, *i.e.*, persons 65 years or older. Lieff Cabraser, with

co-counsel, filed suit on behalf of seniors alleging that the terms of the reverse mortgages were unfair, and that borrowers were misled as to the loan terms, including the existence and amount of certain charges and fees. In 2003, the Court granted final approval to an \$8 million settlement of the action.

33. ***Brazil v. Dell***, No. C-07-01700 RMW (N.D. Cal.). Lief Cabraser served as Class Counsel representing a certified class of online consumers in California who purchased certain Dell computers based on the advertisement of an instant-off (or “slash-through”) discount. The complaint challenged Dell’s pervasive use of “slash-through” reference prices in its online marketing. Plaintiffs alleged that these “slash-through” reference prices were interpreted by consumers as representing Dell’s former or regular sales prices, and that such reference prices (and corresponding representations of “savings”) were false because Dell rarely, if ever, sold its products at such prices. In October 2011, the Court approved a settlement that provided a \$50 payment to each class member who submitted a timely and valid claim. In addition, in response to the lawsuit, Dell changed its methodology for consumer online advertising, eliminating the use of “slash-through” reference prices.
34. ***Hepting v. AT&T Corp.***, Case No. C-06-0672-VRW (N.D. Cal.). Plaintiffs alleged that AT&T collaborated with the National Security Agency in a massive warrantless surveillance program that illegally tracked the domestic and foreign communications and communications records of millions of Americans in violation of the U.S. Constitution, Electronic Communications Privacy Act, and other statutes. The case was filed on January 2006. The U.S. government quickly intervened and sought dismissal of the case. By the Spring of 2006, over 50 other lawsuits were filed against various telecommunications companies, in response to a *USA Today* article confirming the surveillance of communications and communications records. The cases were combined into a multi-district litigation proceeding entitled *In re National Security Agency Telecommunications Record Litigation*, MDL No. 06-1791. In June of 2006, the District Court rejected both the government’s attempt to dismiss the case on the grounds of the state secret privilege and AT&T’s arguments in favor of dismissal. The government and AT&T appealed the decision and the U.S. Court of Appeals for the Ninth Circuit heard argument one year later. No decision was issued. In July 2008, Congress granted the government and AT&T “retroactive immunity” for liability for their wiretapping program under amendments to the Foreign Intelligence Surveillance Act that were drafted in response to this litigation. Signed into law by President Bush in 2008, the amendments effectively terminated the litigation. Lief Cabraser played a leading role in the litigation working closely with co-counsel from the Electronic Frontier Foundation.

35. ***In Re Apple and AT&T iPad Unlimited Data Plan Litigation***, No. 5:10-cv-02553 RMW (N.D. Ca.). Lief Cabraser served as class counsel in an action against Apple and AT&T charging that Apple and AT&T misrepresented that consumers purchasing an iPad with 3G capability could choose an unlimited data plan for a fixed monthly rate and switch in and out of the unlimited plan on a monthly basis as they wished. Less than six weeks after its introduction to the U.S. market, AT&T and Apple discontinued their unlimited data plan for any iPad 3G customers not currently enrolled and prohibited current unlimited data plan customers from switching back and forth from a less expensive, limited data plan. In March 2014, Apple agreed to compensate all class members \$40 and approximately 60,000 claims were paid. In addition, sub-class members who had not yet entered into an agreement with AT&T were offered a data plan.

## V. Economic Injury Product Defects

### A. Current Cases

1. ***Front-Loading Washer Products Liability Litigation***. Lief Cabraser represents consumers in multiple states who have filed separate class action lawsuits against Whirlpool, Sears and LG Corporations. The complaints charge that certain front-loading automatic washers manufactured by these companies are defectively designed and that the design defects create foul odors from mold and mildew that permeate washing machines and customers' homes. Many class members have spent money for repairs and on other purported remedies. As the complaints allege, none of these remedies eliminates the problem.
2. ***In Re General Motors LLC Ignition Switch Litigation***, MDL No. 2543 (S.D. N.Y.). Lief Cabraser represents proposed nationwide classes of GM vehicle owners and lessees whose cars include defective ignition switches in litigation focusing on economic loss claims. On August 15, 2014, U.S. District Court Judge Jesse M. Furman appointed Elizabeth J. Cabraser as Co-Lead Plaintiffs' Counsel in the litigation, which seeks compensation on behalf of consumers who purchased or leased GM vehicles containing a defective ignition switch, over 500,000 of which have now been recalled. The consumer complaints allege that the ignition switches in these vehicles share a common, uniform, and defective design. As a result, these cars are of a lesser quality than GM represented, and class members overpaid for the cars. Further, GM's public disclosure of the ignition switch defect has caused the value of these cars to materially diminish. The complaints seek monetary relief for the diminished value of the class members' cars.
3. ***Honda Window Defective Window Litigation***. Case No. 2:21-cv-01142-SVW-PLA (C.D. CA). Lief Cabraser represents consumers in a

class action lawsuit filed against Honda Motor Company, Inc. for manufacturing and selling vehicles with allegedly defective window regulator mechanisms. Windows in these vehicles allegedly can, without warning, drop into the door frame and break or become permanently stuck in the fully-open position.

The experience of one Honda Element owner, as set forth in the complaint, exemplifies the problem: The driver's side window in his vehicle slid down suddenly while he was driving on a smooth road. A few months later, the window on the passenger side of the vehicle also slid down into the door and would not move back up. The owner incurred more than \$300 in repair costs, which Honda refused to pay for. Discovery in the action is ongoing.

4. ***Moore, et al. v. Samsung Electronics America and Samsung Electronics Co., Ltd.***, Case No. 2:16-cv-4966 (D.N.J.). Lief Cabraser represents consumers in federal court in New Jersey in cases focusing on complaints about Samsung top-loading washing machines that explode in the home, causing damage to walls, doors, and other equipment and presenting significant injury risks. Owners report Samsung top-load washers exploding as early as the day of installation, while others have seen their machines explode months or even more than a year after purchase. The lawsuit seeks injunctive relief as well as remedial and restitutionary actions and damages.
5. ***In re Chinese-Manufactured Drywall Products Liability Litigation***, No. 10-30568 (E.D. La.). Lief Cabraser with co-counsel represents a proposed class of builders who suffered economic losses as a result of the presence of Chinese-manufactured drywall in homes and other buildings they constructed. From 2005 to 2008, hundreds-of-millions of square feet of gypsum wallboard manufactured in China were exported to the U.S., primarily to the Gulf Coast states, and installed in newly-constructed and reconstructed properties. After installation of this drywall, owners and occupants of the properties began noticing unusual odors, blackening of silver and copper items and components, and the failure of appliances, including microwaves, refrigerators, and air-conditioning units. Some residents of the affected homes also experienced health problems, such as skin and eye irritation, respiratory issues, and headaches.

Lief Cabraser's client, Mitchell Company, Inc., was the first to perfect service on Chinese defendant Taishan Gypsum Co. Ltd. ("TG"), and thereafter secured a default judgment against TG. Lief Cabraser participated in briefing that led to the District Court's denial of TG's motion to dismiss the class action complaint for lack of personal jurisdiction. On May 21, 2014, the U.S. Court of Appeals for the Fifth

Court affirmed the District Court's default judgment against TG, finding jurisdiction based on ties of the company and its agent with state distributors. 753 F.3d 521 (5th Cir. 2014).

## B. Successes

1. ***Allagas v. BP Solar***, No. 3:14-cv-00560-SI (N.D. Cal.). Loeff Cabraser and co-counsel represented California consumers in a class action lawsuit against BP Solar and Home Depot charging the companies sold solar panels with defective junction boxes that caused premature failures and fire risks. In January 2017, Judge Susan Illston granted final approval to a consumer settlement valued at more than \$67 million that extends relief to a nationwide class as well as eliminating the serious fire risks.
2. ***In re Mercedes-Benz Tele-Aid Contract Litigation***, MDL No. 1914 (D. N.J.). Loeff Cabraser represented owners and lessees of Mercedes-Benz cars and SUVs equipped with the Tele-Aid system, an emergency response system which links subscribers to road-side assistance operators by using a combination of global positioning and cellular technology. In 2002, the Federal Communications Commission issued a rule, effective 2008, eliminating the requirement that wireless phone carriers provide analog-based networks. The Tele-Aid system offered by Mercedes-Benz relied on analog signals. Plaintiffs charged that Mercedes-Benz committed fraud in promoting and selling the Tele-Aid system without disclosing to buyers of certain model years that the Tele-Aid system as installed would become obsolete in 2008.

In an April 2009 published order, the Court certified a nationwide class of all persons or entities in the U.S. who purchased or leased a Mercedes-Benz vehicle equipped with an analog-only Tele Aid system after August 8, 2002, and (1) subscribed to Tele Aid service until being informed that such service would be discontinued at the end of 2007, or (2) purchased an upgrade to digital equipment. In September 2011, the Court approved a settlement that provided class members between a \$650 check or a \$750 to \$1,300 certificate toward the purchase or lease of new Mercedes-Benz vehicle, depending upon whether or not they paid for an upgrade of the analog Tele Aid system and whether they still owned their vehicle. In approving the settlement, U.S. District Court Judge Dickinson R. Debevoise stated, "I want to thank counsel for the . . . very effective and good work . . . . It was carried out with vigor, integrity and aggressiveness with never going beyond the maxims of the Court."

3. ***McLennan v. LG Electronics USA***, No. 2:10-cv-03604 (D. N.J.). Loeff Cabraser represented consumers who alleged several LG refrigerator models had a faulty design that caused the interior lights to remain on even when the refrigerator doors were closed (identified as the "light issue"), resulting in overheating and food spoilage. In March 2012,

the Court granted final approval to a settlement of the nationwide class action lawsuit. The settlement provides that LG reimburse class members for all out-of-pocket costs (parts and labor) to repair the light issue prior to the mailing of the class notice and extends the warranty with respect to the light issue for 10 years from the date of the original retail purchase of the refrigerator. The extended warranty covers in-home refrigerator repair performed by LG and, in some cases, the cost of a replacement refrigerator. In approving the settlement, U.S. District Court Judge William J. Martini stated, “The Settlement in this case provides for both the complete reimbursement of out-of-pocket expenses for repairs fixing the Light Issue, as well as a warranty for ten years from the date of refrigerator purchase. It would be hard to imagine a better recovery for the Class had the litigation gone to trial. Because Class members will essentially receive all of the relief to which they would have been entitled after a successful trial, this factor weighs heavily in favor of settlement.”

4. ***Grays Harbor Adventist Christian School v. Carrier Corporation***, No. 05-05437 (W.D. Wash.). In April 2008, the Court approved a nationwide settlement for current and past owners of high-efficiency furnaces manufactured and sold by Carrier Corporation and equipped with polypropylene-laminated condensing heat exchangers (“CHXs”). Carrier sold the furnaces under the Carrier, Bryant, Day & Night and Payne brand-names. Plaintiffs alleged that starting in 1989 Carrier began manufacturing and selling high efficiency condensing furnaces manufactured with a secondary CHX made of inferior materials. Plaintiffs alleged that as a result, the CHXs, which Carrier warranted and consumers expected to last for 20 years, failed prematurely. The settlement provides an enhanced 20-year warranty of free service and free parts for consumers whose furnaces have not yet failed. The settlement also offers a cash reimbursement for consumers who already paid to repair or replace the CHX in their high-efficiency Carrier furnaces.

An estimated three million or more consumers in the U.S. and Canada purchased the furnaces covered under the settlement. Plaintiffs valued the settlement to consumers at over \$300 million based upon the combined value of the cash reimbursement and the estimated cost of an enhanced warranty of this nature.

5. ***Carideo v. Dell***, No. C06-1772 JLR (W.D. Wash.). Lief Cabraser represented consumers who owned Dell Inspiron notebook computer model numbers 1150, 5100, or 5160. The class action lawsuit complaint charged that the notebooks suffered premature failure of their cooling system, power supply system, and/or motherboards. In December 2010, the Court approved a settlement which provided class members that paid Dell for certain repairs to their Inspiron notebook computer a reimbursement of all or a portion of the cost of the repairs.



6. ***Cartwright v. Viking Industries***, No. 2:07-cv-2159 FCD (E.D. Cal.)  
Lieff Cabraser represented California homeowners in a class action lawsuit which alleged that over one million Series 3000 windows produced and distributed by Viking between 1989 and 1999 were defective. The plaintiffs charged that the windows were not watertight and allowed for water to penetrate the surrounding sheetrock, drywall, paint or wallpaper. Under the terms of a settlement approved by the Court in August 2010, all class members who submitted valid claims were entitled to receive as much as \$500 per affected property.
7. ***Pelletz v. Advanced Environmental Recycling Technologies*** (W.D. Wash.). Lieff Cabraser served as Co-Lead Counsel in a case alleging that ChoiceDek decking materials, manufactured by AERT, developed persistent and untreatable mold spotting throughout their surface. In a published opinion in January 2009, the Court approved a settlement that provided affected consumers with free and discounted deck treatments, mold inhibitor applications, and product replacement and reimbursement.
8. ***Create-A-Card v. Intuit***, No. CO7-6452 WHA (N.D. Cal.). Lieff Cabraser, with co-counsel, represented business users of QuickBooks Pro for accounting that lost their QuickBooks data and other files due to faulty software code sent by Intuit, the producer of QuickBooks. In September 2009, the Court granted final approval to a settlement that provided all class members who filed a valid claim with a free software upgrade and compensation for certain data-recovery costs. Commenting on the settlement and the work of Lieff Cabraser on September 17, 2009, U.S. District Court Judge William H. Alsup stated, “I want to come back to something that I observed in this case firsthand for a long time now. I think you’ve done an excellent job in the case as class counsel and the class has been well represented having you and your firm in the case.”
9. ***Weekend Warrior Trailer Cases***, JCCP No. 4455 (Cal. Supr. Ct.). Lieff Cabraser, with co-counsel, represented owners of Weekend Warrior trailers manufactured between 1998 and 2006 that were equipped with frames manufactured, assembled, or supplied by Zieman Manufacturing Company. The trailers, commonly referred to as “toy haulers,” were used to transport outdoor recreational equipment such as motorcycles and all-terrain vehicles. Plaintiffs charged that Weekend Warrior and Zieman knew of design and performance problems, including bent frames, detached siding, and warped forward cargo areas, with the trailers, and concealed the defects from consumers. In February 2008, the Court approved a \$5.5 million settlement of the action that provided for the repair and/or reimbursement of the trailers. In approving the settlement, California Superior Court Judge Thierry P. Colaw stated that class counsel

were “some of the best” and “there was an overwhelming positive reaction to the settlement” among class members.

10. ***Lundell v. Dell***, No. Co5-03970 (N.D. Cal.). Lief Cabraser served as Lead Class Counsel for consumers who experienced power problems with the Dell Inspiron 5150 notebook. In December 2006, the Court granted final approval to a settlement of the class action which extended the one-year limited warranty on the notebook for a set of repairs related to the power system. In addition, class members that paid Dell or a third party for repair of the power system of their notebook were entitled to a 100% cash refund from Dell.
11. ***Kan v. Toshiba American Information Systems***, No. BC327273 (Los Angeles Super. Ct.). Lief Cabraser served as Co-Lead Counsel for a class of all end-user persons or entities who purchased or otherwise acquired in the United States, for their own use and not for resale, a new Toshiba Satellite Pro 6100 Series notebook. Consumers alleged a series of defects were present in the notebook. In 2006, the Court approved a settlement that extended the warranty for all Satellite Pro 6100 notebooks, provided cash compensation for certain repairs, and reimbursed class members for certain out-of-warranty repair expenses.
12. ***Foothill/DeAnza Community College District v. Northwest Pipe Company***, No. C-00-20749 (N.D. Cal.). In June 2004, the Court approved the creation of a settlement fund of up to \$14.5 million for property owners nationwide with Poz-Lok fire sprinkler piping that fails. Since 1990, Poz-Lok pipes and pipe fittings were sold in the U.S. as part of fire suppression systems for use in residential and commercial buildings. After leaks in Poz-Lok pipes caused damage to its DeAnza Campus Center building, Foothill/DeAnza Community College District in California retained Lief Cabraser to file a class action lawsuit against the manufacturers of Poz-Lok. The college district charged that Poz-Lok pipe had manufacturing and design defects that resulted in the premature corrosion and failure of the product. Under the settlement, owners whose Poz-Lok pipes are leaking today, or over the next 15 years, may file a claim for compensation.
13. ***Toshiba Laptop Screen Flicker Settlement***. Lief Cabraser negotiated a settlement with Toshiba America Information Systems, Inc. (“TAIS”) to provide relief for owners of certain Toshiba Satellite 1800 Series, Satellite Pro 4600 and Tecra 8100 personal notebook computers whose screens flickered, dimmed or went blank due to an issue with the FL Inverter Board component. In 2004 under the terms of the Settlement, owners of affected computers who paid to have the FL Inverter issue repaired by either TAIS or an authorized TAIS service provider recovered the cost of that repair, up to \$300 for the Satellite

1800 Series and the Satellite Pro 4600 personal computers, or \$400 for the Tecra 8100 personal computers. TAIS also agreed to extend the affected computers' warranties for the FL Inverter issue by 18 months.

14. ***McManus v. Fleetwood Enterprises, Inc.***, No. SA-99-CA-464-FB (W.D. Tex.). Loeff Cabraser served as Class Counsel on behalf of original owners of 1994-2000 model year Fleetwood Class A and Class C motor homes. In 2003, the Court approved a settlement that resolved lawsuits pending in Texas and California about braking while towing with 1994 Fleetwood Class A and Class C motor homes. The lawsuits alleged that Fleetwood misrepresented the towing capabilities of new motor homes it sold, and claimed that Fleetwood should have told buyers that a supplemental braking system is needed to stop safely while towing heavy items, such as a vehicle or trailer. The settlement paid \$250 to people who bought a supplemental braking system for Fleetwood motor homes that they bought new. Earlier, the appellate court found that common questions predominated under purchasers' breach of implied warranty of merchantability claim. 320 F.3d 545 (5<sup>th</sup> Cir. 2003).
15. ***Richison v. American Cemwood Corp.***, No. 005532 (San Joaquin Supr. Ct., Cal.). Loeff Cabraser served as Co-Lead Class Counsel for an estimated nationwide class of 30,000 owners of homes and other structures on which defective Cemwood Shakes were installed. In November 2003, the Court granted final approval to a \$75 million Phase 2 settlement in the American Cemwood roofing shakes national class action litigation. This amount was in addition to a \$65 million partial settlement approved by the Court in May 2000, and brought the litigation to a conclusion.
16. ***ABS Pipe Litigation***, JCCP No. 3126 (Contra Costa County Supr. Ct., Cal.). Loeff Cabraser served as Lead Class Counsel on behalf of property owners whose ABS plumbing pipe was allegedly defective and caused property damage by leaking. Six separate class actions were filed in California against five different ABS pipe manufacturers, numerous developers of homes containing the ABS pipe, as well as the resin supplier and the entity charged with ensuring the integrity of the product. Between 1998 and 2001, Loeff Cabraser achieved 12 separate settlements in the class actions and related individual lawsuits for approximately \$78 million.

Commenting on the work of Loeff Cabraser and co-counsel in the case, California Superior Court (now appellate) Judge Mark B. Simons stated on May 14, 1998: "The attorneys who were involved in the resolution of the case certainly entered the case with impressive reputations and did nothing in the course of their work on this case to diminish these

reputations, but underlined, in my opinion, how well deserved those reputations are.”

17. ***Williams v. Weyerhaeuser***, No. 995787 (San Francisco Supr. Ct.). Loeff Cabraser served as Class Counsel on behalf of a nationwide class of hundreds of thousands or millions of owners of homes and other structures with defective Weyerhaeuser hardboard siding. A California-wide class was certified for all purposes in February 1999, and withstood writ review by both the California Court of Appeals and Supreme Court of California. In 2000, the Court granted final approval to a nationwide settlement of the case which provides class members with compensation for their damaged siding, based on the cost of replacing or, in some instances, repairing, damaged siding. The settlement has no cap, and requires Weyerhaeuser to pay all timely, qualified claims over a nine year period.
  
18. ***Naef v. Masonite***, No. CV-94-4033 (Mobile County Circuit Ct., Ala.). Loeff Cabraser served as Co-Lead Class Counsel on behalf of a nationwide Class of an estimated 4 million homeowners with allegedly defective hardboard siding manufactured and sold by Masonite Corporation, a subsidiary of International Paper, installed on their homes. The Court certified the class in November 1995, and the Alabama Supreme Court twice denied extraordinary writs seeking to decertify the Class, including in *Ex Parte Masonite*, 681 So. 2d 1068 (Ala. 1996). A month-long jury trial in 1996 established the factual predicate that Masonite hardboard siding was defective under the laws of most states. The case settled on the eve of a second class-wide trial, and in 1998, the Court approved a settlement. Under a claims program established by the settlement that ran through 2008, class members with failing Masonite hardboard siding installed and incorporated in their property between January 1, 1980 and January 15, 1998 were entitled to make claims, have their homes evaluated by independent inspectors, and receive cash payments for damaged siding. Combined with settlements involving other alleged defective home building products sold by Masonite, the total cash paid to homeowners exceeded \$1 billion.
  
19. ***In re General Motors Corp. Pick-Up Fuel Tank Products Liability Litigation***, MDL No. 961 (E.D. Pa.). Loeff Cabraser served as Court-appointed Co-Lead Counsel representing a class of 4.7 million plaintiffs who owned 1973-1987 GM C/K pickup trucks with allegedly defective gas tanks. The Consolidated Complaint asserted claims under the Lanham Act, the Magnuson-Moss Act, state consumer protection statutes, and common law. In 1995, the Third Circuit vacated the District Court settlement approval order and remanded the matter to the District Court for further proceedings. In July 1996, a new nationwide class action was certified for purposes of an enhanced settlement program

valued at a minimum of \$600 million, plus funding for independent fuel system safety research projects. The Court granted final approval of the settlement in November 1996.

20. ***In re Louisiana-Pacific Inner-Seal Siding Litigation***, No. C-95-879-JO (D. Ore.). Lief Cabraser served as Co-Lead Class Counsel on behalf of a nationwide class of homeowners with defective exterior siding on their homes. Plaintiffs asserted claims for breach of warranty, fraud, negligence, and violation of consumer protection statutes. In 1996, U.S. District Judge Robert E. Jones entered an Order, Final Judgment and Decree granting final approval to a nationwide settlement requiring Louisiana-Pacific to provide funding up to \$475 million to pay for inspection of homes and repair and replacement of failing siding over the next seven years.
21. ***In re Intel Pentium Processor Litigation***, No. CV 745729 (Santa Clara Supr. Ct., Cal.). Lief Cabraser served as one of two Court-appointed Co-Lead Class Counsel, and negotiated a settlement, approved by the Court in June 1995, involving both injunctive relief and damages having an economic value of approximately \$1 billion.
22. ***Cox v. Shell***, No. 18,844 (Obion County Chancery Ct., Tenn.). Lief Cabraser served as Class Counsel on behalf of a nationwide class of approximately 6 million owners of property equipped with defective polybutylene plumbing systems and yard service lines. In November 1995, the Court approved a settlement involving an initial commitment by Defendants of \$950 million in compensation for past and future expenses incurred as a result of pipe leaks, and to provide replacement pipes to eligible claimants. The deadline for filing claims expired in 2009.
23. ***Hanlon v. Chrysler Corp.***, No. C-95-2010-CAL (N.D. Cal.). In 1995, the District Court approved a \$200+ million settlement enforcing Chrysler's comprehensive minivan rear latch replacement program, and to correct alleged safety problems with Chrysler's pre-1995 designs. As part of the settlement, Chrysler agreed to replace the rear latches with redesigned latches. The settlement was affirmed on appeal by the Ninth Circuit in *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (1998).
24. ***Gross v. Mobil***, No. C 95-1237-SI (N.D. Cal.). Lief Cabraser served as Plaintiffs' Class Counsel in this nationwide action involving an estimated 2,500 aircraft engine owners whose engines were affected by Mobil AV-1, an aircraft engine oil. Plaintiffs alleged claims for strict liability, negligence, misrepresentation, violation of consumer protection statutes, and for injunctive relief. Plaintiffs obtained a preliminary injunction requiring Defendant Mobil Corporation to provide notice to all potential class members of the risks associated with past use of Defendants' aircraft engine oil. In addition, Plaintiffs negotiated a proposed Settlement,

granted final approval by the Court in November 1995, valued at over \$12.5 million, under which all Class Members were eligible to participate in an engine inspection and repair program, and receive compensation for past repairs and for the loss of use of their aircraft associated with damage caused by Mobil AV-1.

## VI. Antitrust/Trade Regulation/Intellectual Property

### A. Current Cases

1. ***In Re: Railway Industry Employee No-Poach Antitrust Litigation***, MDL No. 2850 (W.D. Pa.). Lieff Cabraser serves as interim Co-Lead Class Counsel for plaintiffs in the consolidated “no-poach” employee antitrust litigation against rail equipment companies Knorr-Bremse and Wabtec.
2. ***In re California Bail Bond Antitrust Litig., 3:19-cv-00717-JST (N.D. Cal.)***. Lieff Cabraser serves as Interim lead Class Counsel for a proposed class of purchasers of bail bonds in California. This first-of-its-kind case alleges a conspiracy among sureties and bail agents to inflate bail bond prices.
3. ***Charles Schwab Bank, N.A. v. Bank of America Corp.***, MDL No. 2262 (N.D. Cal.). Lieff Cabraser serves as counsel for The Charles Schwab Corporation and several of The Charles Schwab Family of Funds and the Bay Area Toll Authority (“BATA”) in individual lawsuits against Bank of America Corporation, Credit Suisse Group AG, J.P. Morgan Chase & Co., Citibank, Inc., and additional banks for allegedly manipulating the London Interbank Offered Rate (“LIBOR”).

The complaints allege that beginning in 2007, the defendants conspired to understate their true costs of borrowing, causing the calculation of LIBOR to be set artificially low. As a result, Schwab, the Schwab Fund Series, and BATA received less than their rightful rates of return on their LIBOR-based investments. The complaints assert claims under federal and state law, including the Sherman Act and the statutory and common law of California. The cases are pending.

4. ***In Re: Generic Pharmaceuticals Pricing Antitrust Litigation***, MDL No. 2724 (E.D. Pa.). Beginning in February 2015, Lieff Cabraser conducted an extensive investigation into dramatic price increases of certain generic prescription drugs. Lieff Cabraser worked alongside economists and industry experts and interviewed industry participants to evaluate possible misconduct.

In December of 2016, Lieff Cabraser, with co-counsel, filed the first case alleging price-fixing of Levothyroxine, the primary treatment for

hypothyroidism, among the most widely prescribed drugs in the world. Lieff Cabraser also played a significant role in similar litigation over the drug Propranolol, and the drug Clomipramine. These cases, and other similar cases, were consolidated and transferred to the Eastern District of Pennsylvania as *In Re: Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724. Lieff Cabraser is a member of the End-Payer Plaintiffs' Steering Committee.

5. ***In re Lithium-Ion Batteries Antitrust Litigation***, MDL No. 2420 (N.D. Cal.). Lieff Cabraser serves as Interim Co-Lead Indirect Purchaser Counsel representing consumers in a class action filed against LG, GS Yuasa, NEC, Sony, Sanyo, Panasonic, Hitachi, LG Chem, Samsung, Toshiba, and Sanyo for allegedly conspiring from 2002 to 2011 to fix and raise the prices of lithium-ion rechargeable batteries. The defendants are the world's leading manufacturers of lithium-ion rechargeable batteries, which provide power for a wide variety of consumer electronic products. As a result of the defendants' alleged anticompetitive and unlawful conduct, consumers across the U.S. paid artificially inflated prices for lithium-ion rechargeable batteries. In late 2014, the Court denied in large part defendants' motion to dismiss. Indirect Purchasers have settled with Hitachi, LG Chem, NEC Corp., and Sony for a combined total of \$64.45 million. Indirect Purchasers have moved for class certification, which is currently pending before the court.
6. ***In re Restasis Antitrust Litigation***, MDL No. 2819 (pending). Lieff Cabraser serves as interim co-lead counsel for indirect purchasers (i.e., consumers) of Restasis, a blockbuster drug used to treat dry-eye disease, in a case alleging a broad-based and ongoing anticompetitive scheme by pharmaceutical giant Allergan, Inc. ("Allergan"). The alleged scheme's goal was and is to maintain Allergan's monopoly. Lieff Cabraser, together with co-counsel, filed the first two class actions on behalf of indirect purchasers.

The complaints allege that Allergan (1) fraudulently procured patents it knew were invalid, (2) caused those invalid patents to be listed in the FDA's "Orange Book" as being applicable to Restasis, (3) used the improper Orange Book listings as grounds for filing baseless patent-infringement litigation, (4) abused the FDA's "citizen petition" process, and (5) used a "sham" transfer of the invalid patents to the Saint Regis Mohawk Tribe to obtain tribal sovereign immunity and protect the patents from challenge. This alleged scheme of government petitioning delayed competition from generic equivalents to Restasis that would have been just as safe and cheaper for consumers.

The complaints assert claims under federal and state law, including the Sherman Act and the statutory and common law of numerous states.

Several similar lawsuits have since been filed, and the Judicial Panel on Multidistrict Litigation has granted Loeff Cabraser's motion to centralize all cases for pretrial proceedings in the Eastern District of New York before the Hon. Nina Gershon.

7. ***Nashville General v. Momenta Pharmaceuticals, et al.***, No. 3:15-cv-01100 (M.D. Tenn.). Loeff Cabraser represents Nashville General Hospital (the Hospital Authority of Metropolitan Government of Nashville) and American Federation of State, County and Municipal Employees District Council 37 Health & Security Plan in a proposed class-action antitrust case against defendants Momenta Pharmaceuticals and Sandoz, Inc., for their alleged price-fixing of enoxaparin, the generic version of the anti-coagulant blood clotting drug Lovenox.

Lovenox, developed by Sanofi-Aventis, is a highly profitable drug with annual sales of more than \$1 billion. The drug entered the market in 1995 and its patent was invalidated by the federal government in 2008, making generic production possible. The complaint alleges Momenta and Sandoz colluded to manipulate the process by which the federal government allows drugs to become generic in order to ensure that defendants were the only producers of generic enoxaparin, thereby restraining trade and disrupting the market at consumers' expense.

Plaintiffs filed an amended complaint in December 2017. Discovery is ongoing.

8. ***In re Capacitors Antitrust Litigation***, No. 3:14-cv-03264 (N.D. Cal.). Loeff Cabraser is a member of the Plaintiffs' Steering Committee representing indirect purchasers in an electrolytic and film price-fixing class action lawsuit filed against the world's largest manufacturers of capacitors, used to store and regulate current in electronic circuits and computers, phones, appliances, and cameras worldwide. The defendants include Panasonic Corp., Elna Co. Ltd., Hitachi Chemical Co., Ltd., Nitsuko Electronics Corp., NEC Tokin Corp., SANYO Electric Co., Ltd., Matsuo Electric Co., Okaya Electric Industries Co., Nippon Chemi-con Corp., Nichicon Corp., Rubycon Corp., Taitso Corp., and Toshin Kogyo Co., Ltd. Loeff Cabraser has played a central role in discovery efforts, and assisted in opposing Defendants' motions to dismiss and in opposing Defendants' motions for summary judgment.

Settlements with defendants NEC Tokin Corp., Nitsuko Electronics Corp., and Okaya Electric Industries Co., Ltd. have received final approval, and a settlement with Hitachi Chemical and Soshin Electric Co., Ltd. has received preliminary approval. Discovery continues with respect to the remaining defendants.



9. ***In re Disposable Contact Lens Antitrust Litigation***, MDL No. 2626 (M.D. Fla.). Lieff Cabraser represents consumers who purchased disposable contact lenses manufactured by Alcon Laboratories, Inc., Johnson & Johnson Vision Care, Inc., Bausch + Lomb, and Cooper Vision, Inc. The complaint challenges the use by contact lens manufacturers of minimum resale price maintenance agreements with independent eye care professionals (including optometrists and ophthalmologists) and wholesalers. These agreements, the complaint alleges, operate to raise retail prices and eliminate price competition and discounts on contact lenses, including from “big box” retail stores, discount buying clubs, and online retailers. As a result, the consumers across the United States have paid artificially inflated prices.
  
10. ***In re Domestic Airline Travel Antitrust Litigation***, 1:15-mc-01404 (District of Columbia). Lieff Cabraser represents consumers in a class action lawsuit against the four largest U.S. airline carriers: American Airlines, Delta Air, Southwest, and United. These airlines collectively account for over 80 percent of all domestic airline travel. The complaint alleges that for years the airlines colluded to restrain capacity, eliminate competition in the market, and increase the price of domestic airline airfares in violation of U.S. antitrust law. The proposed class consists of all persons and entities who purchased domestic airline tickets directly from one or more defendants from July 2, 2011 to the present. In February 2016, Judge Kollar-Kotelly appointed Lieff Cabraser to the three-member Plaintiffs’ Executive Committee overseeing this multidistrict airline price-fixing litigation. Defendants filed a motion to dismiss, which was denied in October 2016. Subsequently, a settlement with Southwest Airlines was granted preliminary approval. Discovery as to the remaining defendants is underway.
  
11. ***Seaman v. Duke University***, No. 1:15-cv-00462 (M.D. N.C.). Lieff Cabraser represents Dr. Danielle M. Seaman and a certified class of over 5,000 academic doctors at Duke and UNC in a class action lawsuit against Duke University and Duke University Health System. The complaint charges that Duke and UNC entered into an express, secret agreement not to compete for each other’s faculty. The lawsuit seeks to recover damages and obtain injunctive relief, including treble damages, for defendants’ alleged violations of federal and North Carolina antitrust law.

On January 5, 2018, Judge Eagles granted final approval to a partial settlement of antitrust class action claims against Duke University, UNC, and other related parties. The partial settlement implements a variety of measures by the UNC Defendants to ensure that they will not enter into or enforce any unlawful no-hire agreements or similar restraints on competition. The settlement also requires the UNC Defendants to

cooperate in providing documents, data and testimony to Dr. Seaman as she continues to pursue her case against the Duke Defendants.

On February 1, 2018, Judge Eagles issued an order certifying a faculty class.

On September 24, 2019, the U.S. District Court Judge Catherine C. Eagles granted final approval to the proposed settlement of the Duke/UNC "No Poach" case valued at \$54.5 million.

As noted, the settlement includes an unprecedented role for the United States Department of Justice to monitor and enforce extensive injunctive relief. Assistant Attorney General Delrahim remarked: "Permitting the United States to become part of this settlement agreement in this private antitrust case, and thereby to obtain all of the relief and protections it likely would have sought after a lengthy investigation, demonstrates the benefits that can be obtained efficiently for the American worker when public and private enforcement work in tandem."

## **B. Successes**

1. ***In re High-Tech Employee Antitrust Litigation***, No. 11 CV 2509 (N.D. Cal.). Lief Cabraser served as Co-Lead Class Counsel in a consolidated class action charging that Adobe Systems Inc., Apple Inc., Google Inc., Intel Corporation, Intuit Inc., Lucasfilm Ltd., and Pixar violated antitrust laws by conspiring to suppress the pay of technical, creative, and other salaried employees. The complaint alleged that the conspiracy among defendants restricted recruiting of each other's employees. On October 24, 2013, U.S. District Court Judge Lucy H. Koh certified a class of approximately 64,000 persons who worked in Defendants' technical, creative, and/or research and development jobs from 2005-2009. On September 2, 2015, the Court approved a \$415 million settlement with Apple, Google, Intel, and Adobe. Earlier, on May 15, 2014, the Court approved partial settlements totaling \$20 million resolving claims against Intuit, Lucasfilm, and Pixar. The *Daily Journal* described the case as the "most significant antitrust employment case in recent history," adding that it "has been widely recognized as a legal and public policy breakthrough."
2. ***Cipro Cases I and II***, JCCP Nos. 4154 and 4220 (Cal. Supr. Ct.). Lief Cabraser represented California consumers and third party payors in a class action lawsuit filed in California state court charging that Bayer Corporation, Barr Laboratories, and other generic prescription drug manufacturers conspired to restrain competition in the sale of Bayer's blockbuster antibiotic drug Ciprofloxacin, sold as Cipro. Between 1997 and 2003, Bayer paid its would-be generic drug competitors nearly \$400 million to refrain from selling more affordable versions of Cipro. As a

result, consumers were forced to pay inflated prices for the drug -- frequently prescribed to treat urinary tract, prostate, abdominal, and other infections.

The Trial Court granted defendants' motion for summary judgment, which the Appellate Court affirmed in October 2011. Plaintiffs sought review before the California Supreme Court and were successful. Following briefing, the case was stayed pending the U.S. Supreme Court's decision in *FTC v. Actavis*. After the U.S. Supreme Court in *Actavis* overturned the Appellate Court's ruling that pay-for-delay deals in the pharmaceutical industry are generally legal, plaintiffs and Bayer entered into settlement negotiations. In November 2013, the Trial Court approved a \$74 million settlement with Bayer.

On May 7, 2015, the California Supreme Court reversed the grant of summary judgment to Defendants and resoundingly endorsed the rights of consumers to challenge pharmaceutical pay-for-delay settlements under California competition law. The Court held that "[p]arties illegally restrain trade when they privately agree to substitute consensual monopoly in place of potential competition."

Additional settlements were reached with the remaining defendants, bringing total settlements to \$399 million (exceeding plaintiffs' damages estimate by approximately \$68 million), a result the Trial Court described as "extraordinary." The Trial Court granted final approval on April 21, 2017, adding that it was "not aware of any case" that "has taken roughly 17 years," where, net of fees, end-payor "claimants will get basically 100 cents on the dollar[.]"

Some objectors are appealing the settlements. Objectors and their counsel objected to part of the settlement notice and to the attorneys' fees. As of early 2018, the appeals are slowly progressing.

In 2017, the American Antitrust Institute honored Lieff Cabraser's *Cipro* team with its Outstanding Private Practice Antitrust Achievement Award for their extraordinary work on the *Cipro* price-fixing and exclusionary drug-pricing agreements case. In addition, their work on the *Cipro* case led Lieff Cabraser attorneys Eric B. Fastiff, Brendan P. Glackin, and Dean M. Harvey to recognition by *California Lawyer* and the *Daily Journal* with the 2016 California Lawyer of the Year Award.

3. ***In re Municipal Derivatives Litigation***, MDL No. 1950 (S.D.N.Y.). Lieff Cabraser represented the City of Oakland, the County of Alameda, City of Fresno, Fresno County Financing Authority, and East Bay Delta Housing and Finance Agency in a class action lawsuit brought on behalf of themselves and other California entities that purchased guaranteed investment contracts, swaps, and other municipal derivatives products

from Bank of America, N.A., JP Morgan Chase & Co., Piper Jaffray & Co., Societe Generale SA, UBS AG, and other banks, brokers and financial institutions. The complaint charged that Defendants conspired to give cities, counties, school districts, and other governmental agencies artificially low bids for guaranteed investment contracts, swaps, and other municipal derivatives products, which are used by public entities to earn interest on bond proceeds.

The complaint further charged that Defendants met secretly to discuss prices, customers, and markets of municipal derivatives sold in the U.S. and elsewhere; intentionally created the false appearance of competition by engaging in sham auctions in which the results were pre-determined or agreed not to bid on contracts; and covertly shared their unjust profits with losing bidders to maintain the conspiracy.

4. ***Natural Gas Antitrust Cases***, JCCP Nos. 4221, 4224, 4226 & 4228 (Cal. Supr. Ct.). In 2003, the Court approved a landmark of \$1.1 billion settlement in class action litigation against El Paso Natural Gas Co. for manipulating the market for natural gas pipeline transmission capacity into California. Lief Cabraser served as Plaintiffs' Co-Lead Counsel and Co-Liaison Counsel in the *Natural Gas Antitrust Cases I-IV*.

In June 2007, the Court granted final approval to a \$67.39 million settlement of a series of class action lawsuits brought by California business and residential consumers of natural gas against a group of natural gas suppliers, Reliant Energy Services, Inc., Duke Energy Trading and Marketing LLC, CMS Energy Resources Management Company, and Aquila Merchant Services, Inc.

Plaintiffs charged defendants with manipulating the price of natural gas in California during the California energy crisis of 2000-2001 by a variety of means, including falsely reporting the prices and quantities of natural gas transactions to trade publications, which compiled daily and monthly natural gas price indices; prearranged wash trading; and, in the case of Reliant, "churning" on the Enron Online electronic trading platform, which was facilitated by a secret netting agreement between Reliant and Enron.

The 2007 settlement followed a settlement reached in 2006 for \$92 million partial settlement with Coral Energy Resources, L.P.; Dynegy Inc. and affiliates; EnCana Corporation; WD Energy Services, Inc.; and The Williams Companies, Inc. and affiliates.

5. ***In the Matter of the Arbitration between CopyTele and AU Optronics***, Case No. 50 117 T 009883 13 (Internat'l Centre for Dispute Resolution). Lief Cabraser successfully represented CopyTele, Inc. in a commercial dispute involving intellectual property. In 2011, CopyTele

entered into an agreement with AU Optronics (“AUO”) under which both companies would jointly develop two groups of products incorporating CopyTele’s patented display technologies. CopyTele charged that AUO never had any intention of jointly developing the CopyTele technologies, and instead used the agreements to fraudulently obtain and transfer licenses of CopyTele’s patented technologies. The case required the review of thousands of pages of documents in Chinese and in English culminating in a two week arbitration hearing. In December 2014, after the hearing, the parties resolved the matter, with CopyTele receiving \$9 million.

6. ***Wholesale Electricity Antitrust Cases I & II***, JCCP Nos. 4204 & 4205 (Cal. Supr. Ct.). Lief Cabraser served as Co-Lead Counsel in the private class action litigation against Duke Energy Trading & Marketing, Reliant Energy, and The Williams Companies for claims that the companies manipulated California’s wholesale electricity markets during the California energy crisis of 2000-2001. Extending the landmark victories for California residential and business consumers of electricity, in September 2004, plaintiffs reached a \$206 million settlement with Duke Energy Trading & Marketing, and in August 2005, plaintiffs reached a \$460 million settlement with Reliant Energy, settling claims that the companies manipulated California’s wholesale electricity markets during the California energy crisis of 2000-01. Lief Cabraser earlier entered into a settlement for over \$400 million with The Williams Companies.
  
7. ***In re TFT-LCD (Flat Panel) Antitrust Litigation***, MDL No. 1827 (N.D. Cal.). Lief Cabraser served as Court-appointed Co-Lead Counsel for direct purchasers in litigation against the world’s leading manufacturers of Thin Film Transistor Liquid Crystal Displays. TFT-LCDs are used in flat-panel televisions as well as computer monitors, laptop computers, mobile phones, personal digital assistants, and other devices. Plaintiffs charged that defendants conspired to raise and fix the prices of TFT-LCD panels and certain products containing those panels for over a decade, resulting in overcharges to purchasers of those panels and products. In March 2010, the Court certified two nationwide classes of persons and entities that directly purchased TFT-LCDs from January 1, 1999 through December 31, 2006, one class of panel purchasers, and one class of buyers of laptop computers, computer monitors, and televisions that contained TFT-LCDs. Over the course of the litigation, the classes reached settlements with all defendants except Toshiba. The case against Toshiba proceeded to trial. In July 2012, the jury found that Toshiba participated in the price-fixing conspiracy. The case was subsequently settled, bringing the total settlements in the litigation to over \$470 million. For his outstanding work in the precedent-setting litigation, California Lawyer recognized Richard M. Heimann with a 2013 California Lawyer of the Year award.

8. ***Sullivan v. DB Investments***, No. 04-02819 (D. N.J.). Lief Cabraser served as Class Counsel for consumers who purchased diamonds from 1994 through March 31, 2006, in a class action lawsuit against the De Beers group of companies. Plaintiffs charged that De Beers conspired to monopolize the sale of rough diamonds in the U.S. In May 2008, the District Court approved a \$295 million settlement for purchasers of diamonds and diamond jewelry, including \$130 million to consumers. The settlement also barred De Beers from continuing its illegal business practices and required De Beers to submit to the jurisdiction of the Court to enforce the settlement. In December 2011, the Third Circuit Court of Appeals affirmed the District Court's order approving the settlement. 667 F.3d 273 (3rd Cir. 2011).

For sixty years, De Beers has flouted U.S. antitrust laws. In 1999, De Beers' Chairman Nicholas Oppenheimer stated that De Beers "likes to think of itself as the world's . . . longest-running monopoly. [We seek] to manage the diamond market, to control supply, to manage prices and to act collusively with our partners in the business." The hard-fought litigation spanned several years and nations. Despite the tremendous resources available to the U.S. Department of Justice and state attorney generals, it was only through the determination of plaintiffs' counsel that De Beers was finally brought to justice and the rights of consumers were vindicated. Lief Cabraser attorneys played key roles in negotiating the settlement and defending it on appeal. Discussing the DeBeers case, The National Law Journal noted that Lief Cabraser was "among the plaintiffs' firms that weren't afraid to take on one of the business world's great white whales."

9. ***Haley Paint Co. v. E.I. Dupont De Nemours and Co. et al.***, No. 10-cv-00318-RDB (D. Md.). Lief Cabraser served as Co-Lead Counsel for direct purchasers of titanium dioxide in a nationwide class action lawsuit against Defendants E.I. Dupont De Nemours and Co., Huntsman International LLC, Kronos Worldwide Inc., and Cristal Global (fka Millennium Inorganic Chemicals, Inc.), alleging these corporations participated in a global cartel to fix the price of titanium dioxide. Titanium dioxide, a dry chemical powder, is the world's most widely used pigment for providing whiteness and brightness in paints, paper, plastics, and other products. Plaintiffs charged that defendants coordinated increases in the prices for titanium dioxide despite declining demand, decreasing raw material costs, and industry overcapacity.

Unlike some antitrust class actions, Plaintiffs proceeded without the benefit of any government investigation or proceeding. Plaintiffs overcame attacks on the pleadings, discovery obstacles, a rigorous class certification process that required two full rounds of briefing and expert analysis, and multiple summary judgment motions. In August 2012, the

Court certified the class. Plaintiffs prepared fully for trial and achieved a settlement with the final defendant on the last business day before trial. In December 2013, the Court approved a series of settlements with defendants totaling \$163 million.

10. ***In re Lupron Marketing and Sales Practices Litigation***, MDL No. 1430 (D. Mass.). In May 2005, the Court granted final approval to a settlement of a class action lawsuit 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, inclusive of costs and fees, to persons or entities who 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 ("AWP"), which resulted in plaintiffs paying more for Lupron than they should have paid. Lieff Cabraser served as Co-Lead Plaintiffs' Counsel.
11. ***Marchbanks Truck Service v. Comdata Network***, No. 07-cv-01078 (E.D. Pa.). In July 2014, the Court approved a \$130 million settlement of a class action brought by truck stops and other retail fueling facilities that paid percentage-based transaction fees to Comdata on proprietary card transactions using Comdata's over-the-road fleet card. The complaint challenged arrangements among Comdata, its parent company Ceridian LLC, and three national truck stop chains: defendants TravelCenters of America LLC and its wholly owned subsidiaries, Pilot Travel Centers LLC and its predecessor Pilot Corporation, and Love's Travel Stops & Country Stores, Inc. The alleged anticompetitive conduct insulated Comdata from competition, enhanced its market power, and led to independent truck stops' paying artificially inflated transaction fees. In addition to the \$130 million payment, the settlement required Comdata to change certain business practices that will promote competition among payment cards used by over-the-road fleets and truckers and lead to lower merchant fees for the independent truck stops. Lieff Cabraser served as Co-Lead Class Counsel in the litigation.
12. ***California Vitamins Cases***, JCCP No. 4076 (Cal. Supr. Ct.). Lieff Cabraser 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. In January 2002, the Court granted final approval of a \$96 million settlement with certain vitamin manufacturers in a class action alleging that these and other manufacturers engaged in price fixing of particular vitamins. In December 2006, the Court granted final approval to over \$8.8 million in additional settlements.

13. ***In re Buspirone Antitrust Litigation***, MDL No. 1413 (S.D. N.Y.). In November 2003, Lief Cabraser obtained a \$90 million cash settlement for individual consumers, consumer organizations, and third party payers 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' patent and refrain from entering the market. Lief Cabraser served as Plaintiffs' Co-Lead Counsel.
14. ***Meijer v. Abbott Laboratories***, Case No. C 07-5985 CW (N.D. Cal.). Lief Cabraser served as co-counsel for the group of retailers charging that Abbott Laboratories monopolized the market for AIDS medicines used in conjunction with Abbott's prescription drug Norvir. These drugs, known as Protease Inhibitors, have enabled patients with HIV to fight off the disease and live longer. In January 2011, the Court denied Abbott's motion for summary judgment on plaintiffs' monopolization claim. Trial commenced in February 2011. After opening statements and the presentation of four witnesses and evidence to the jury, plaintiffs and Abbott Laboratories entered into a \$52 million settlement. The Court granted final approval to the settlement in August 2011.
15. ***In re Carpet Antitrust Litigation***, MDL No. 1075 (N.D. Ga.). Lief Cabraser served as Class Counsel and a member of the trial team for a class of direct purchasers of twenty-ounce level loop polypropylene carpet. Plaintiffs, distributors of polypropylene carpet, alleged that Defendants, seven manufacturers of polypropylene carpet, conspired to fix the prices of polypropylene carpet by agreeing to eliminate discounts and charge inflated prices on the carpet. In 2001, the Court approved a \$50 million settlement of the case.
16. ***In re Lasik/PRK Antitrust Litigation***, No. CV 772894 (Cal. Supr. Ct.). Lief Cabraser served as a member of Plaintiffs' Executive Committee in class actions brought on behalf of persons who underwent Lasik/PRK eye surgery. Plaintiffs alleged that defendants, the manufacturers of the laser system used for the laser vision correction surgery, manipulated fees charged to ophthalmologists and others who performed the surgery, and that the overcharges were passed onto consumers who paid for laser vision correction surgery. In December 2001, the Court approved a \$12.5 million settlement of the litigation.
17. ***Methionine Cases I and II***, JCCP Nos. 4090 & 4096 (Cal. Supr. Ct.). Lief Cabraser served as Co-Lead Counsel on behalf of indirect purchasers of methionine, an amino acid used primarily as a poultry and swine feed additive to enhance growth and production. Plaintiffs alleged that the



companies illegally conspired to raise methionine prices to super-competitive levels. The case settled.

18. ***In re Electrical Carbon Products Antitrust Litigation***, MDL No. 1514 (D.N.J.). Lief Cabraser 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.

## VII. Environmental and Toxic Exposures

### A. Current Cases

1. ***In Re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico***, MDL No. 2179 (E.D. La.). Lief Cabraser serves on the Court-appointed Plaintiffs’ Steering Committee (“PSC”) and with co-counsel represents fishermen, property owners, business owners, wage earners, and other harmed parties in class action litigation against BP, Transocean, Halliburton, and other defendants involved in the Deepwater Horizon oil rig blowout and resulting oil spill in the Gulf of Mexico on April 20, 2010. The Master Complaints allege that the defendants were insouciant in addressing the operations of the well and the oil rig, ignored warning signs of the impending disaster, and failed to employ and/or follow proper safety measures, worker safety laws, and environmental protection laws in favor of cost-cutting measures.

In 2012, the Court approved two class action settlements that will fully compensate hundreds of thousands of victims of the tragedy. The settlements resolve the majority of private economic loss, property damage, and medical injury claims stemming from the Deepwater Horizon Oil Spill, and hold BP fully accountable to individuals and businesses harmed by the spill. Under the settlements, there is no dollar limit on the amount BP will pay. In 2014, the U.S. Supreme Court denied review of BP’s challenge to its own class action settlement. Approval of that settlement is now final, and has so far delivered \$11.2 billion to compensate claimants’ losses. The medical settlement is also final, and an additional \$1 billion settlement has been reached with defendant Halliburton.

2. ***Andrews, et al. v. Plains All American Pipeline, et al.***, No. 2:15-cv-04113-PSG-JEM (C.D. Cal.). Lief Cabraser is Court-appointed Class Counsel in this action arising from an oil spill in Santa Barbara County in May 2015. A pipeline owned by Plains ruptured, and oil from the pipeline flowed into the Pacific Ocean, soiling beaches and impacting local fisheries. Lief Cabraser represents homeowners who lost the use of the beachfront amenity for which they pay a premium, local oil platform workers who were laid off as a result of the spill and subsequent closure of

the pipeline, as well as fishers whose catch was impacted by the oil spill. Plaintiffs allege that defendants did not follow basic safety protocols when they installed the pipeline, failed to properly monitor and maintain the pipeline, ignored clear signs that the pipeline was corroded and in danger of bursting, and failed to promptly respond to the oil spill when the inevitable rupture occurred.

The Federal District Court recently certified a plaintiff class composed of fishers whose catch diminished as a result of the spill and fish industry businesses that were affected as a result of the decimated fish population. Lieff Cabraser has recently filed a motion to certify additional classes of groups harmed by the spill, including private property owners and lessees near the soiled shoreline, and oil industry workers and businesses that suffered economic injuries associated with the closure of the pipeline.

3. ***Southern California Gas Leak Cases***, JCCP No. 4861. Lieff Cabraser has been selected by the Los Angeles County Superior Court to help lead two important class action cases on behalf of homeowners and businesses that suffered economic injuries in the wake of the massive Porter Ranch gas leak, which began in October of 2015 and lasted into February of 2016. During this time, huge quantities of natural gas spewed out of an old well at Southern California Gas's Aliso Canyon Facility and into the air of Porter Ranch, a neighborhood located adjacent to the Facility and 25 miles northwest of Los Angeles.

This large-scale environmental disaster forced thousands of residents to leave their homes for months on end while the leak continued and for several months thereafter. It also caused local business to dry up during the busy holiday season, as many residents had evacuated the neighborhood and visitors avoided the area. Evidence suggests the leak was caused by at least one old and malfunctioning well used to inject and retrieve gas. Southern California Gas Company allegedly removed the safety valve on the well that could have prevented the leak. As a result, the gas leak has left a carbon footprint larger than the *Deepwater Horizon* oil spill.

Together with other firms chosen to pursue class relief for these victims, Lieff Cabraser filed two class action complaints – one on behalf of Porter Ranch homeowners, and another on behalf of Porter Ranch businesses. Southern California Gas argued in response that the injuries suffered by homeowners and businesses cannot proceed as class actions. In May 2017, the Superior Court rejected these arguments. The class action cases are proceeding with discovery into Southern California Gas Company's role in this disaster.

## B. Successes

1. ***In re Exxon Valdez Oil Spill Litigation***, No. 3:89-cv-0095 HRH (D. Al.). The *Exxon Valdez* ran aground on March 24, 1989, spilling 11 million gallons of oil into Prince William Sound. Lief Cabraser served as one of the Court-appointed Plaintiffs' Class Counsel. The class consisted of fisherman and others whose livelihoods were gravely affected by the disaster. In addition, Lief Cabraser served on the Class Trial Team that tried the case before a jury in federal court in 1994. The jury returned an award of \$5 billion in punitive damages.

In 2001, the Ninth Circuit Court of Appeals ruled that the original \$5 billion punitive damages verdict was excessive. In 2002, U.S. District Court Judge H. Russell Holland reinstated the award at \$4 billion. Judge Holland stated that, "Exxon officials knew that carrying huge volumes of crude oil through Prince William sound was a dangerous business, yet they knowingly permitted a relapsed alcoholic to direct the operation of the *Exxon Valdez* through Prince William Sound." In 2003, the Ninth Circuit again directed Judge Holland to reconsider the punitive damages award under United States Supreme Court punitive damages guidelines. In January 2004, Judge Holland issued his order finding that Supreme Court authority did not change the Court's earlier analysis.

In December 2006, the Ninth Circuit Court of Appeals issued its ruling, setting the punitive damages award at \$2.5 billion. Subsequently, the U.S. Supreme Court further reduced the punitive damages award to \$507.5 million, an amount equal to the compensatory damages. With interest, the total award to the plaintiff class was \$977 million.

2. ***In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation***, MDL No. 2284 (E.D. Pa.). Lief Cabraser served as Co-Lead Counsel for homeowners, golf course companies and other property owners in a nationwide class action lawsuit against E.I. du Pont de Nemours & Company ("DuPont"), charging that its herbicide Imprelis caused widespread death among trees and other non-targeted vegetation across the country. DuPont marketed Imprelis as an environmentally friendly alternative to the commonly used 2,4-D herbicide. Just weeks after Imprelis' introduction to the market in late 2010, however, complaints of tree damage began to surface. Property owners reported curling needles, severe browning, and dieback in trees near turf that had been treated with Imprelis. In August 2011, the U.S. Environmental Protection Agency banned the sale of Imprelis.

The complaint charged that DuPont failed to disclose the risks Imprelis posed to trees, even when applied as directed, and failed to provide instructions for the safe application of Imprelis. In response to the litigation, DuPont created a process for property owners to submit claims

for damages. Approximately \$400 million was paid to approximately 25,000 claimants. In October 2013, the Court approved a settlement of the class action that substantially enhanced the DuPont claims process, including by adding an extended warranty, a more limited release of claims, the right to appeal the denial of claim by DuPont to an independent arborist, and publication of DuPont's tree payment schedule.

3. ***In re GCC Richmond Works Cases***, JCCP No. 2906 (Cal. Supr. Ct.). Loeff Cabraser served as Co-Liaison Counsel and Lead Class Counsel in coordinated litigation arising out of the release on July 26, 1993, of a massive toxic sulfuric acid cloud which injured an estimated 50,000 residents of Richmond, California. The Coordination Trial Court granted final approval to a \$180 million class settlement for exposed residents.
4. ***In re Unocal Refinery Litigation***, No. C 94-04141 (Cal. Supr. Ct.). Loeff Cabraser served as one of two Co-Lead Class Counsel and on the Plaintiffs' Steering Committee in this action against Union Oil Company of California ("Unocal") arising from a series of toxic releases from Unocal's San Francisco refinery in Rodeo, California. The action was settled in 1997 on behalf of approximately 10,000 individuals for \$80 million.
5. ***West v. G&H Seed Co., et al.***, No. 99-C-4984-A (La. State Ct.). With co-counsel, Loeff Cabraser represented a certified class of 1,500 Louisiana crawfish farmers who charged in a lawsuit that Fipronil, an insecticide sold under the trade name ICON, damaged their pond-grown crawfish crops. In Louisiana, rice and crawfish are often farmed together, either in the same pond or in close proximity to one another.

After its introduction to the market in 1999, ICON was used extensively in Louisiana to kill water weevils that attacked rice plants. The lawsuit alleged that ICON also had a devastating effect on crawfish harvests with some farmers losing their entire crawfish crop. In 2004, the Court approved a \$45 million settlement with Bayer CropScience, which during the litigation purchased Aventis CropScience, the original manufacturer of ICON. The settlement was reached after the parties had presented nearly a month's worth of evidence at trial and were on the verge of making closing arguments to the jury.

6. ***Kingston, Tennessee TVA Coal Ash Spill Litigation***, No. 3:09-cv-09 (E.D. Tenn.). Loeff Cabraser represented hundreds of property owners and businesses harmed by the largest coal ash spill in U.S. history. On December 22, 2008, more than a billion gallons of coal ash slurry spilled when a dike burst on a retention pond at the Kingston Fossil Plant operated by the Tennessee Valley Authority (TVA) in Roane County, Tennessee. A wall of coal ash slurry traveled across the Emory River, polluting the river and nearby waterways, and covering nearly 300 acres

with toxic sludge, including 12 homes and damaging hundreds of properties. In March 2010, the Court denied in large part TVA's motion to dismiss the litigation. In the Fall of 2011, the Court conducted a four week bench trial on the question of whether TVA was liable for releasing the coal ash into the river system. The issue of damages was reserved for later proceedings. In August 2012, the Court found in favor of plaintiffs on their claims of negligence, trespass, and private nuisance. In August 2014, the case came to a conclusion with TVA's payment of \$27.8 million to settle the litigation.

7. ***In re Sacramento River Spill Cases I and II***, JCCP Nos. 2617 & 2620 (Cal. Supr. Ct.). On July 14, 1991, a Southern Pacific train tanker car derailed in northern California, spilling 19,000 gallons of a toxic pesticide, metam sodium, into the Sacramento River near the town of Dunsmuir at a site along the rail lines known as the Cantara Loop. The metam sodium mixed thoroughly with the river water and had a devastating effect on the river and surrounding ecosystem. Within a week, every fish, 1.1 million in total, and all other aquatic life in a 45-mile stretch of the Sacramento River was killed. In addition, many residents living along the river became ill with symptoms that included headaches, shortness of breath, and vomiting. The spill considered the worst inland ecological disaster in California history.

Lieff Cabraser served as Court-appointed Plaintiffs' Liaison Counsel and Lead Class Counsel, and chaired the Plaintiffs' Litigation Committee in coordinated proceedings that included all of the lawsuits arising out of this toxic spill. Settlement proceeds of approximately \$16 million were distributed pursuant to Court approval of a plan of allocation to four certified plaintiff classes: personal injury, business loss, property damage/diminution, and evacuation.

8. ***Kentucky Coal Sludge Litigation***, No. 00-CI-00245 (Cmmw. Ky.). On October 11, 2000, near Inez, Kentucky, a coal waste storage facility ruptured, spilling 1.25 million tons of coal sludge (a wet mixture produced by the treatment and cleaning of coal) into waterways in the region and contaminating hundreds of properties. This was one of the worst environmental disasters in the Southeastern United States. With co-counsel, Lieff Cabraser represented over 400 clients in property damage claims, including claims for diminution in the value of their homes and properties. In April 2003, the parties reached a confidential settlement agreement on favorable terms to the plaintiffs.
9. ***Toms River Childhood Cancer Incidents***, No. L-10445-01 MT (Sup. Ct. NJ). With co-counsel, Lieff Cabraser represented 69 families in Toms River, New Jersey, each with a child having cancer, that claimed the cancers were caused by environmental contamination in the Toms River

area. Commencing in 1998, the parties—the 69 families, Ciba Specialty Chemicals, Union Carbide and United Water Resources, Inc., a water distributor in the area—participated in an unique alternative dispute resolution process, which led to a fair and efficient consideration of the factual and scientific issues in the matter. In December 2001, under the supervision of a mediator, a confidential settlement favorable to the families was reached.

## VIII. False Claims Act

### A. Current Cases

Lieff Cabraser represents whistleblowers in a wide range of False Claims Act cases, including Medicare kickback and healthcare fraud, defense contractor fraud, and securities and financial fraud. We have more than a dozen whistleblower cases currently under seal and investigation in federal and state jurisdictions across the U.S. For that reason, we do not list all of our current False Claims Act and qui tam cases in our resume.

1. ***United States ex rel. Matthew Cestra v. Cephalon***, No. 14-01842 (E.D. Pa.); ***United States ex rel. Bruce Boise et al. v. Cephalon***, No. 08-287 (E.D. Pa.) Lieff Cabraser, with co-counsel, represents four whistleblowers bringing claims on behalf of the U.S. Government and various states under the federal and state False Claims Acts against Cephalon, Inc., a pharmaceutical company. The complaints allege that Cephalon has engaged in unlawful off-label marketing of certain of its drugs, largely through misrepresentations, kickbacks, and other unlawful or fraudulent means, causing the submission of hundreds of thousands of false claims for reimbursement to federal and state health care programs. The Boise case involves Provigil and its successor drug Nuvigil, limited-indication wakefulness drugs that are unsafe and/or not efficacious for the wide array of off-label psychiatric and neurological conditions for which Cephalon has marketed them, according to the allegations. The Cestra case involves an expensive oncological drug called Treanda, which is approved only for second-line treatment of indolent non-Hodgkin's Lymphoma despite what the relators allege to be the company's off-label marketing of the drug for first-line treatment. Various motions are pending.

### B. Successes

1. ***United States ex rel. Mary Hendow and Julie Albertson v. University of Phoenix***, No. 2:03-cv-00457-GEB-DAD (E.D. Cal.). Lieff Cabraser obtained a record whistleblower settlement against the University of Phoenix that charged the university had violated the incentive compensation ban of the Higher Education Act (HEA) by providing improper incentive pay to its recruiters. The HEA prohibits

colleges and universities whose students receive federal financial aid from paying their recruiters based on the number of students enrolled, which creates a risk of encouraging recruitment of unqualified students who, Congress has determined, are more likely to default on their loans. High student loan default rates not only result in wasted federal funds, but the students who receive these loans and default are burdened for years with tremendous debt without the benefit of a college degree.

The complaint alleged that the University of Phoenix defrauded the U.S. Department of Education by obtaining federal student loan and Pell Grant monies from the federal government based on false statements of compliance with HEA. In December 2009, the parties announced a \$78.5 million settlement. The settlement constitutes the second-largest settlement ever in a False Claims Act case in which the federal government declined to intervene in the action and largest settlement ever involving the Department of Education. The University of Phoenix case led to the Obama Administration passing new regulations that took away the so-called “safe harbor” provisions that for-profit universities relied on to justify their alleged recruitment misconduct. For his outstanding work as Lead Counsel and the significance of the case, *California Lawyer* magazine recognized Lieff Cabraser attorney Robert J. Nelson with a California Lawyer of the Year (CLAY) Award.

2. ***State of California ex rel. Sherwin v. Office Depot***, No. BC410135 (Cal. Supr. Ct.). In February 2015, the Court approved a \$77.5 million settlement with Office Depot to settle a whistleblower lawsuit brought under the California False Claims Act. The whistleblower was a former Office Depot account manager. The City of Los Angeles, County of Santa Clara, Stockton Unified School District, and 16 additional California cities, counties, and school districts intervened in the action to assert their claims (including common-law fraud and breach of contract) against Office Depot directly. The governmental entities purchased office supplies from Office Depot under a nationwide supply contract known as the U.S. Communities contract. Office Depot promised in the U.S. Communities contract to sell office supplies at its best governmental pricing nationwide. The complaint alleged that Office Depot repeatedly failed to give most of its California governmental customers the lowest price it was offering other governmental customers. Other pricing misconduct was also alleged.
3. ***State of California ex rel. Rockville Recovery Associates v. Multiplan***, No. 34-2010-00079432 (Sacramento Supr. Ct., Cal.). In a case that received widespread media coverage, Lieff Cabraser represented whistleblower Rockville Recovery Associates in a qui tam suit for civil penalties under the California Insurance Frauds Prevention Act (“IFPA”), Cal. Insurance Code § 1871.7, against Sutter Health, one of California’s

largest healthcare providers, and obtained the largest penalty ever imposed under the statute. The parties reached a \$46 million settlement that was announced in November 2013, shortly before trial was scheduled to commence.

The complaint alleged that the 26 Sutter hospitals throughout California submitted false, fraudulent, or misleading charges for anesthesia services (separate from the anesthesiologist's fees) during operating room procedures that were already covered in the operating room bill.

After Lief Cabraser defeated Sutter Health's demurrer and motion to compel arbitration, California Insurance Commissioner Dave Jones intervened in the litigation in May 2011. Lief Cabraser attorneys continued to serve as lead counsel, and litigated the case for over two more years. In all, plaintiffs defeated no less than 10 dispositive motions, as well as three writ petitions to the Court of Appeals.

In addition to the monetary recovery, Sutter Health agreed to a comprehensive series of billing and transparency reforms, which California Insurance Commissioner Dave Jones called "a groundbreaking step in opening up hospital billing to public scrutiny." On the date the settlement was announced, the California Hospital Association recognized its significance by issuing a press release stating that the settlement "compels industry-wide review of anesthesia billing." Defendant Multiplan, Inc., a large leased network Preferred Provider Organization, separately paid a \$925,000 civil penalty for its role in enabling Sutter's alleged false billing scheme.

4. ***United States ex rel. Dye v. ATK Launch Systems***, No. 1:06-CV-39-TS (D. Utah). Lief Cabraser served as co-counsel for a whistleblower who alleged that ATK Launch Systems knowingly sold defective and potentially dangerous illumination flares to the United States military in violation of the federal False Claims Act. The specialized flares were used in nighttime combat, covert missions, and search and rescue operations. A key design specification set by the Defense Department was that these highly flammable and dangerous items ignite only under certain conditions. The complaint alleged that the ATK flares at issue could ignite when dropped from a height of less than 10 feet – and, according to ATK's own analysis, from as little as 11.6 inches – notwithstanding contractual specifications that they be capable of withstanding such a drop. In April 2012, the parties reached a settlement valued at \$37 million.
5. ***United States ex rel. Mauro Vosilla and Steven Rossow v. Avaya, Inc.***, No. CV04-8763 PA JTLx (C.D. Cal.). Lief Cabraser represented a whistleblower in litigation alleging that defendants Avaya, Lucent Technologies, and AT&T violated the Federal False Claims Act and state false claims statutes. The complaint alleged that defendants charged



governmental agencies for the lease, rental, and post-warranty maintenance of telephone communications systems and services that the governmental agencies no longer possessed and/or were no longer maintained by defendants. In November 2010, the parties entered into a \$21.75 million settlement of the litigation.

6. ***State of California ex rel. Associates Against FX Insider State Street Corp.***, No. 34-2008-00008457 (Sacramento Supr. Ct., Cal.) (“*State Street I*”). Loeff Cabraser served as co-counsel for the whistleblowers in this action against State Street Corporation. The Complaint alleged that State Street violated the California False Claims Act with respect to certain foreign exchange transactions it executed with two California public pension fund custodial clients. The California Attorney General intervened in the case in October 2009.

## IX. Digital Privacy and Data Security

### A. Current Cases

1. ***Balderas v. Tiny Lab Productions, et al.***, Case 6:18-cv-00854 (D. New Mexico). Loeff Cabraser, with co-counsel, is working with the Attorney General of the State of New Mexico to represent parents, on behalf of their children, in a federal lawsuit seeking to protect children in the state from a foreign developer of child-directed apps and its marketing partners. The lawsuit alleges that the child-app developer Tiny Lab Productions and its co-defendants (including Google, Twitter, and AdMob) surreptitiously harvest children’s personal information for the purpose of profiling and targeting children for commercial exploitation, without adequate disclosures and verified parental consent. When children play Tiny Lab’s gaming apps on their mobile devices, their geolocation, demographic characteristics, online activity, and other personal data, are exfiltrated to third-parties and their marketing networks in order to target the children with advertisements. The apps at issue, clearly and indisputably designed for children, include Fun Kid Racing, Candy Land Racing, and GummyBear and Friends Speed Racing. The action brings claims under the federal Children's Online Privacy Protection Act, as well as New Mexico state laws.
2. ***In re Google Inc. Street View Electronic Communications Litigation***, No. 3:10-md-021784-CRB (N.D. Cal.). Loeff Cabraser represents individuals whose right to privacy was violated when Google intentionally equipped its Google Maps “Street View” vehicles with Wi-Fi antennas and software that collected data transmitted by those persons’ Wi-Fi networks located in their nearby homes. Google collected not only basic identifying information about individuals’ Wi-Fi networks, but also personal, private data being transmitted over their Wi-Fi networks such as emails, usernames, passwords, videos, and documents. Plaintiffs allege

that Google's actions violated the federal Wiretap Act, as amended by the Electronic Communications Privacy Act. On September 10, 2013, the Ninth Circuit Court of Appeals held that Google's actions are not exempt from the Act.

3. ***Campbell v. Facebook***, No. 4:13-cv-05996 (N.D. Cal.). Loeff Cabraser serves as Co-Lead Counsel in a nationwide class action lawsuit alleging that Facebook intercepts certain private data in users' personal and private messages on the social network and profits by sharing that information with third parties. When a user composes a private Facebook message and includes a link (a "URL") to a third party website, Facebook allegedly scans the content of the message, follows the URL, and searches for information to profile the message-sender's web activity. This enables Facebook to data mine aspects of user data and profit from that data by sharing it with advertisers, marketers, and other data aggregators. In December 2014, the Court in large part denied Facebook's motion to dismiss. In rejecting one of Facebook's core arguments, U.S. District Court Judge Phyllis Hamilton stated: "An electronic communications service provider cannot simply adopt any revenue-generating practice and deem it 'ordinary' by its own subjective standard." In August of 2017, Judge Hamilton granted final approval to an injunctive relief settlement of the action. As part of the settlement, Facebook has ceased the offending practices and has made changes to its operative relevant user disclosures.
4. ***In re Carrier IQ Privacy Litigation***, MDL No. 2330 (N.D. Cal.). Loeff Cabraser represents a plaintiff in Multi-District Litigation against Samsung, LG, Motorola, HTC, and Carrier IQ alleging that smartphone manufacturers violated privacy laws by installing tracking software, called IQ Agent, on millions of cell phones and other mobile devices that use the Android operating system. Without notifying users or obtaining consent, IQ Agent tracks users' keystrokes, passwords, apps, text messages, photos, videos, and other personal information and transmits this data to cellular carriers. In a 96-page order issued in January 2015, U.S. District Court Judge Edward Chen granted in part, and denied in part, defendants' motion to dismiss. Importantly, the Court permitted the core Wiretap Act claim to proceed as well as the claims for violations of the Magnuson-Moss Warranty Act and the California Unfair Competition Law and breach of the common law duty of implied warranty.
5. ***Diaz v. Intuit***, No. 5:15-CV-01778-PSG (N.D. Cal.). Loeff Cabraser represents identity theft victims in a nationwide class action lawsuit against Intuit for allegedly failing to protect consumers' data from foreseeable and preventable breaches, and by facilitating the filing of fraudulent tax returns through its TurboTax software program. The complaint alleges that Intuit failed to protect data provided by consumers who purchased TurboTax, used to file an estimated 30 million tax returns

for American taxpayers every year, from easy access by hackers and other cybercriminals. The complaint further alleges that Intuit was aware of the widespread use of TurboTax exclusively for the filing of fraudulent tax returns. Yet, Intuit failed to adopt basic cyber security policies to prevent this misuse of TurboTax. As a result, fraudulent tax returns were filed in the names of the plaintiffs and thousands of other individuals across America, including persons who never purchased TurboTax.

6. ***Henson v. Turn***, No. 3:15-CV-01497 (N.D. Cal.). Lief Cabraser represents plaintiffs in class action litigation alleging that internet marketing company Turn, Inc. violates users' digital privacy by installing software tracking beacons on smartphones, tablets, and other mobile computing devices. The complaint alleges that in an effort to thwart standard privacy settings and features, Turn deploys so-called "zombie cookies" that cannot be detected or deleted, and that track smartphone activity across various browsers and applications. Turn uses the data harvested by these cookies to build robust user profiles and sell targeted and profitable advertising, all without the user's knowledge or consent. The complaint alleges that Turn's conduct violates consumer protection laws and amounts to trespass.
  
7. ***McDowell v. CGI Group***, No. 1:15-cv-01157-GK (D.D.C.). Lief Cabraser represents individuals in class action litigation against CGI Group, Inc. and CGI Federal, Inc. (collectively "CGI") for allegedly facilitating a data breach affecting more than 1,000 U.S. citizens. The U.S. government contracts with CGI to manage all U.S. passport application activities. Passport applicants must provide their name, date of birth, city of birth, state of birth, country of birth, social security number, sex, height, hair color, eye color, occupation, and evidence of U.S. citizenship, such as a previously issued U.S. passport, or U.S. birth certificate. Between 2010 and May 2, 2015, CGI employees allegedly stole and sold personal information of passport applicants to cybercriminals. The mass identity theft allowed cybercriminals to use stolen information to buy cell phones and computers, and to obtain lines of credit. The complaint alleges that CGI failed to fulfill its legal duty to protect customers' sensitive personal and financial information.

## **B. Successes**

1. ***Fowles v. Anthem***, No. 3:15-cv-2249 (N.D. Cal.). Lief Cabraser represents individuals in a class action lawsuit against Anthem for its alleged failure to safeguard and secure the medical records and other personally identifiable information of its members. The second largest health insurer in the U.S., Anthem provides coverage for 37.5 million Americans. Anthem's customer database was allegedly attacked by international hackers on December 10, 2014. Anthem says it discovered

the breach on January 27, 2015, and reported it about a week later on February 4, 2015. California customers were informed around March 18, 2015. The theft included names, birth dates, social security numbers, billing information, and highly confidential health information. The complaint charged that Anthem violated its duty to safeguard and protect consumers' personal information, and violated its duty to disclose the breach to consumers in a timely manner. In addition, the complaint charged that Anthem was on notice about the weaknesses in its computer security defenses for at least a year before the breach occurred.

In August 2018, Judge Lucy H. Koh of the U. S. District Court for the Northern District of California granted final approval to a class action settlement which required Anthem to undertake significant additional cybersecurity measures to better safeguard information going forward, and to pay \$115 million into a settlement fund from which benefits to settlement class members will be paid.

2. ***Matera v. Google Inc.***, No. 5:15-cv-04062 (N.D. Cal.). Lief Cabraser represented consumers in a digital privacy class action against Google Inc. over claims the popular Gmail service conducted unauthorized scanning of email messages to build marketing profiles and serve targeted ads. The complaint alleged that Google routinely scanned email messages that were sent by non-Gmail users to Gmail subscribers, analyzed the content of those messages, and then shared that data with third parties in order to target ads to Gmail users, an invasion of privacy that violated the California Invasion of Privacy Act and the federal Electronic Communications Privacy Act. In February 2018, the Court granted final approval to a \$2.2 million settlement of the action. Under the settlement, Google made business-related changes to its Gmail service, as part of which, Google will no longer scan the contents of emails sent to Gmail accounts for advertising purposes, whether during the transmission process or after the emails have been delivered to the Gmail user's inbox. The proposed changes, which will not apply to scanning performed to prevent the spread of spam or malware, will run for at least three years.
3. ***Ebarle et al. v. LifeLock Inc.***, No. 3:15-cv-00258 (N.D. Cal.). Lief Cabraser represented consumers who subscribed to LifeLock's identity theft protection services in a nationwide class action fraud lawsuit. The complaint alleged LifeLock did not protect the personal information of its subscribers from hackers and criminals, and specifically that, contrary to its advertisements and statements, LifeLock lacked a comprehensive monitoring network, failed to provide "up-to-the-minute" alerts of suspicious activity, and did an inferior job of providing the same theft protection services that banks and credit card companies provide, often for free. On September 21, 2016, U.S. District Judge Haywood Gilliam, Jr. granted final approval to a \$68 million settlement of the case.

4. ***Perkins v. LinkedIn***, No. 13-CV-04303-LHK (N.D. Cal.). Lief Cabraser represented individuals who joined LinkedIn's network and, without their consent or authorization, had their names and likenesses used by LinkedIn to endorse LinkedIn's services and send repeated emails to their contacts asking that they join LinkedIn. On February 16, 2016, the Court granted final approval to a \$13 million settlement, one of the largest per-class member settlements ever in a digital privacy class action. In addition to the monetary relief, LinkedIn agreed to make significant changes to Add Connections disclosures and functionality. Specifically, LinkedIn revised disclosures to real-time permission screens presented to members using Add Connections, agreed to implement new functionality allowing LinkedIn members to manage their contacts, including viewing and deleting contacts and sending invitations, and to stop reminder emails from being sent if users have sent connection invitations inadvertently.
  
5. ***Corona v. Sony Pictures Entertainment***, No. 2:14-CV-09660-RGK (C.D. Cal.). Lief Cabraser served as Plaintiffs' Co-Lead Counsel in class action litigation against Sony for failing to take reasonable measures to secure the data of its employees from hacking and other attacks. As a result, personally identifiable information of thousands of current and former Sony employees and their families was obtained and published on websites across the Internet. Among the staggering array of personally identifiable information compromised were medical records, Social Security Numbers, birth dates, personal emails, home addresses, salaries, tax information, employee evaluations, disciplinary actions, criminal background checks, severance packages, and family medical histories. The complaint charged that Sony owed a duty to take reasonable steps to secure the data of its employees from hacking. Sony allegedly breached this duty by failing to properly invest in adequate IT security, despite having already succumbed to one of the largest data breaches in history only three years ago. In October 2015, an \$8 million settlement was reached under which Sony agreed to reimburse employees for losses and harm.

## X. **International and Human Rights Litigation**

### A. **Successes**

1. ***Holocaust Cases***. Lief Cabraser was one of the leading firms that prosecuted claims by Holocaust survivors and the heirs of Holocaust survivors and victims against banks and private manufacturers and other corporations who enslaved and/or looted the assets of Jews and other minority groups persecuted by the Nazi Regime during the Second World War era. The firm served as Settlement Class Counsel in the case against the Swiss banks for which the Court approved a U.S. \$1.25 billion settlement in July 2000. Lief Cabraser donated its attorneys' fees in the

Swiss Banks case, in the amount of \$1.5 million, to endow a Human Rights clinical chair at Columbia University Law School. The firm was also active in slave labor and property litigation against German and Austrian defendants, and Nazi-era banking litigation against French banks. In connection therewith, Lief Cabraser participated in multi-national negotiations that led to Executive Agreements establishing an additional approximately U.S. \$5 billion in funds for survivors and victims of Nazi persecution.

Commenting on the work of Lief Cabraser and co-counsel in the litigation against private German corporations, entitled *In re Holocaust Era German Industry, Bank & Insurance Litigation* (MDL No. 1337), U.S. District Court Judge William G. Bassler stated on November 13, 2002:

Up until this litigation, as far as I can tell, perhaps with some minor exceptions, the claims of slave and forced labor fell on deaf ears. You can say what you want to say about class actions and about attorneys, but the fact of the matter is, there was no attention to this very, very large group of people by Germany, or by German industry until these cases were filed. . . . What has been accomplished here with the efforts of the plaintiffs' attorneys and defense counsel is quite incredible. . . . I want to thank counsel for the assistance in bringing us to where we are today. Cases don't get settled just by litigants. It can only be settled by competent, patient attorneys.

2. ***Cruz v. U.S., Estados Unidos Mexicanos, Wells Fargo Bank, et al.***, No. 01-0892-CRB (N.D. Cal.). Working with co-counsel, Lief Cabraser succeeded in correcting an injustice that dated back 60 years. The case was brought on behalf of Mexican workers and laborers, known as Braceros ("strong arms"), who came from Mexico to the United States pursuant to bilateral agreements from 1942 through 1946 to aid American farms and industries hurt by employee shortages during World War II in the agricultural, railroad, and other industries. As part of the Braceros program, employers held back 10% of the workers' wages, which were to be transferred via United States and Mexican banks to savings accounts for each Bracero. The Braceros were never reimbursed for the portion of their wages placed in the forced savings accounts.

Despite significant obstacles including the aging and passing away of many Braceros, statutes of limitation hurdles, and strong defenses to claims under contract and international law, plaintiffs prevailed in a settlement in February 2009. Under the settlement, the Mexican government provided a payment to Braceros, or their surviving spouses or children, in the amount of approximately \$3,500 (USD). In approving the

settlement on February 23, 2009, U.S. District Court Judge Charles Breyer stated:

I've never seen such litigation in eleven years on the bench that was more difficult than this one. It was enormously challenging. . . . It had all sorts of issues . . . that complicated it: foreign law, constitutional law, contract law, [and] statute of limitations. . . . Notwithstanding all of these issues that kept surfacing . . . over the years, the plaintiffs persisted. I actually expected, to tell you the truth, at some point that the plaintiffs would just give up because it was so hard, but they never did. They never did. And, in fact, they achieved a settlement of the case, which I find remarkable under all of these circumstances.

## ***FIRM BIOGRAPHY:***

### **PARTNERS**

***ELIZABETH J. CABRASER***, Admitted to practice in California, 1978; U.S. Supreme Court, 1996; U.S. Tax Court, 1979; California Supreme Court, 1978; U.S. District Court, Northern District of California, 1978; U.S. District Court, Eastern District of California, 1979; U.S. District Court, Central District of California and Southern District of California, 1992; U.S. District Court, Eastern District of Michigan, 2005; U.S. Court of Appeals, First Circuit, 2011; U.S. Court of Appeals, Second Circuit, 2009; U.S. Court of Appeals, Third Circuit, 1994; U.S. Court of Appeals, Fifth Circuit, 1992; U.S. Court of Appeals, Sixth Circuit, 1992; U.S. Court of Appeals, Seventh Circuit, 2001; U.S. Court of Appeals, Ninth Circuit, 1979; U.S. Court of Appeals, Tenth Circuit, 1992; U.S. Court of Appeals, Eleventh Circuit, 1992; U.S. District Court, District of Hawaii, 1986; Fourth Circuit Court of Appeals, 2013. *Education*: University of California, Berkeley, School of Law (Berkeley Law), Berkeley, California (J.D., 1978); University of California at Berkeley (A.B., 1975). *Awards and Honors*: AV Preeminent Peer Review Rated, Martindale-Hubbell; selected for inclusion by peers in The Best Lawyers in America in the fields of “Mass Tort Litigation/Class Actions – Plaintiffs” and “Personal Injury Litigation – Plaintiffs, Product Liability Litigation – Plaintiffs,” 2005-2020; “Lawdragon 500 Leading Plaintiff Financial Lawyers in America,” Lawdragon, 2020; “Northern California Super Lawyer,” *Super Lawyers*, 2004-2019; “Lawyer of the Year,” *Best Lawyers*, recognized in the category of Mass Tort Litigation/Class Actions - Plaintiffs and Product Liability Litigation - Plaintiffs for San Francisco, 2014, 2016, 2019; “Elite Women of the Plaintiffs Bar,” *National Law Journal*, 2018; “Champion of Justice,” *Public Justice*, 2018; “Titan of the Plaintiffs’ Bar,” *Law360*, 2018; “Top California Women Lawyers,” *Daily Journal*, 2007-2019; “National Trial Lawyers Hall of Fame,” National Trial Lawyers Association, 2018; “Lifetime Achievement Award,” *National Law Journal*, 2017; “Plaintiff Lawyer of the Year,” *Benchmark Litigation*, 2017; “Top 250 Women in Litigation,” *Benchmark Litigation*, 2016-2018; “Top Plaintiff Lawyers,” *Daily Journal*, 2016-2017, 2019; “Leader in the Field” for General Commercial Litigation (California); Product Liability – Plaintiffs (Nationwide), *Chambers USA*, 2017; “Energy and Environmental Law

Trailblazer,” *National Law Journal*, 2017; “Top 10 Northern California Super Lawyers,” *Super Lawyers*, 2011-2018; “Top 50 Women Northern California Super Lawyers,” *Super Lawyers*, 2005-2018; “Top 100 Northern California Super Lawyers,” *Super Lawyers*, 2005-2019; “Consumer Attorney of the Year Finalist,” Consumer Attorneys of California, 2017; “California Litigation Star,” *Benchmark Litigation*, 2012-2017; “Litigator of the Week,” *American Lawyer Litigation Daily*, October 28, 2016; “25 Most Influential Women in Securities Law,” *Law360*, 2016; “MVP for Class Action Law,” *Law360*, 2016; “Judge Learned Hand Award,” American Jewish Committee, 2016; “Top 10 Female Litigators,” *Benchmark Litigation*, 2016-2017; “Women Trailblazers in the Law,” Senior Lawyers Division, American Bar Association, 2015; “Top 100 Trial Lawyers in America,” *Benchmark Litigation*, 2015; “Top Trial Lawyer,” *Benchmark Litigation*, 2016; “Top 100 Attorneys in California,” *Daily Journal*, 2002-2007, 2010-2016; “Lawdragon 500 Leading Lawyers in America,” *Lawdragon*, 2006-2019; “Outstanding Women Lawyer,” *National Law Journal*, 2015; “Top 10 Northern California Super Lawyer,” *Super Lawyers*, 2011-2018; “Recommended Lawyer,” *The Legal 500* (U.S. edition, 2000-2014); “100 Most Influential Lawyers in America,” *The National Law Journal*, 1997, 2000, 2006, & 2013; “Lifetime Achievement Award,” American Association for Justice, 2012; “Outstanding Achievement Award,” Chambers USA, 2012; “Margaret Brent Women Lawyers of Achievement Award,” American Bar Association Commission on Women in the Profession, 2010; “Edward Pollock Award,” Consumer Attorneys of California, 2008; “Lawdragon 500 Leading Plaintiffs’ Lawyers,” *Lawdragon*, Winter 2007; “50 Most Influential Women Lawyers in America,” *The National Law Journal*, 1998 & 2007; “Award For Public Interest Excellence,” University of San Francisco School of Law Public Interest Law Foundation, 2007; “Top 75 Women Litigators,” *Daily Journal*, 2005-2006; “Lawdragon 500 Leading Litigators in America,” *Lawdragon*, 2006; “Distinguished Leadership Award,” Legal Community Against Violence, 2006; “Women of Achievement Award,” Legal Momentum (formerly the NOW Legal Defense & Education Fund), 2006; “Top 30 Securities Litigator,” *Daily Journal*, 2005; “Top 50 Women Litigators,” *Daily Journal*, 2004; “Citation Award,” University of California, Berkeley, School of Law (Berkeley Law), 2003; “Distinguished Jurisprudence Award,” Anti-Defamation League, 2002; “Top 30 Women Litigators,” *California Daily Journal*, 2002; “Top Ten Women Litigators,” *The National Law Journal*, 2001; “Matthew O. Tobriner Public Service Award,” Legal Aid Society, 2000; “California Law Business Top 100 Lawyers,” *California Daily Journal*, 2000; “California Lawyer of the Year (CLAY),” *California Lawyer*, 1998; “Presidential Award of Merit,” Consumer Attorneys of California, 1998; “Public Justice Achievement Award,” Public Justice, 1997. *Publications & Presentations*: Editor-in-Chief, *California Class Actions Practice and Procedure*, LexisNexis (updated annually); “Punitive Damages,” *Proving and Defending Damage Claims*, Chapter 8, Aspen Publishers (updated annually); “Symposium: Enforcing the Social Contract through Representative Litigation,” 33 *Connecticut Law Review* 1239 (Summer 2011); “Apportioning Due Process: Preserving The Right to Affordable Justice,” 87 *Denver U. L.Rev.* 437 (2010); “Due Process Pre-Empted: Stealth Preemption As a Consequence of Agency Capture” (2010); “When Worlds Collide: The Supreme Court Confronts Federal Agencies with Federalism in *Wyeth v. Levine*,” 84 *Tulane L. Rev.* 1275 (2010); “Just Choose: The Jurisprudential Necessity to Select a Single Governing Law for Mass Claims Arising from Nationally Marketed Consumer Goods and Services,” *Roger Williams University Law Review* (Winter 2009); “California Class Action Classics,” Consumer Attorneys of California (January/February Forum 2009); Executive Editor, ABA Section of Litigation, *Survey of State Class Action Law*, 2008-2010; Coordinating Editor, ABA Section of Litigation, *Survey of State*



*Class Action Law*, 2006-2007; “The Manageable Nationwide Class: A Choice-of-Law Legacy of *Phillips Petroleum Co. v. Shutts*,” *University of Missouri- Kansas City Law Review*, Volume 74, Number 3, Spring 2006; Co-Author with Fabrice N. Vincent, “Class Actions Fairness Act of 2005,” *California Litigation*, Vol. 18, No. 3 (2005); Co-Author with Joy A. Kruse, Bruce Leppla, “Selective Waiver: Recent Developments in the Ninth Circuit and California,” (pts. 1 & 2), *Securities Litigation Report* (West Legalworks May & June 2005); Editor-in-Chief, *California Class Actions Practice and Procedures* (2003); “A Plaintiffs’ Perspective On The Effect of State Farm v. Campbell On Punitive Damages in Mass Torts” (May 2003); Co-Author, “Decisions Interpreting California’s Rules of Class Action Procedure,” *Survey of State Class Action Law*, updated and re-published in *5 Newberg on Class Actions* (ABA 2001-2004); Co-Author, “Mass But Not (Necessarily) Class: Emerging Aggregation Alternatives Under the Federal Rules,” *ABA 8th Annual National Institute on Class Actions*, New York (Oct. 15, 2004), New Orleans (Oct. 29, 2004); Co-Author, “2004 ABA Toxicology Monograph-California State Law,” (January 2004); “Mass Tort Class Actions,” *ATLA’s Litigating Tort Cases*, Vol. 1, Chapter 9 (June 2003); “Human Rights Violations as Mass Torts: Compensation as a Proxy for Justice in the United States Civil Litigation System”; Co-Author with Fabrice N. Vincent, “Ethics and Admissibility: Failure to Disclose Conflicts of Interest in and/or Funding of Scientific Studies and/or Data May Warrant Evidentiary Exclusions,” *Mealey’s December Emerging Drugs Reporter* (December 2002); Co-Author with Fabrice N. Vincent, “The Shareholder Strikes Back: Varied Approaches to Civil Litigation Claims Are Available to Help Make Shareholders Whole,” *Mealey’s Emerging Securities Litigation Reporter* (September 2002); Coordinating Editor and Co-Author of California section of the *ABA State Class Action Survey* (2001-2002); “Unfinished Business: Reaching the Due Process Limits of Punitive Damages in Tobacco Litigation Through Unitary Classwide Adjudication,” *36 Wake Forest Law Review* 979 (Winter 2001); “Symposium: Enforcing the Social Contract through Representative Litigation,” *33 Connecticut Law Review* 1239 (Summer 2001); “Equity for the Victims, Equity for the Transgressor: The Classwide Treatment of Punitive Damages Claims,” *74 Tulane Law Review* 2005 (June 2000); “Class Action Trends and Developments After Amchem and Ortiz,” in *Civil Practice and Litigation Techniques in Federal and State Courts* (ALI-ABA Course of Study 1999); Contributor/Editor, *Moore’s Federal Practice* (1999); Co-Author, “Preliminary Issues Regarding Forum Selection, Jurisdiction, and Choice of Law in Class Actions,” (December 1999); “Life After Amchem: The Class Struggle Continues,” *31 Loyola Law Review* 373 (1998); “Recent Developments in Nationwide Products Liability Litigation: The Phenomenon of Non-Injury Products Cases, the Impact of Amchem and the Trend Toward State Court Adjudication,” *Products Liability* (ABA February 1998); Contributor/Editor, *California Causes of Action* (1998); “Beyond Bifurcation: Multi-Phase Structure in Mass Tort Class Actions,” *Class Actions & Derivative Suits* (Spring 1997); “The Road Not Taken: Thoughts on the Fifth Circuit’s Decertification of the Castano Class,” *SB24 ALI-ABA* 433 (1996); “Getting the Word Out: Pre-Certification Notice to Class Members Under Rule 23(d)(2),” *Class Actions & Derivative Suits Newsletter* (October 1995); “Mass Tort Class Action Settlements,” *24 CTLA Forum* 11 (January-February 1994); “Do You Know the Way from San Jose? The Evolution of Environmental and Toxic Nuisance Class Actions,” *Class Actions & Derivative Suits* (Spring 1994); “An Oracle of Change? Realizing the Potential of Emerging Fee Award Methodologies for Enhancing The Role and Control of Investors in Derivative and Class Action Suits,” *Principles of Corporate Governance* (ALI October 1994); “How To Streamline Complex Litigation: Tailor a Case Management Order to Your Controversy,” *21 The Brief* 12 (ABA/TIPS Summer 1992); “The Applicability of the Fraud-

On-The-Market Theory to Undeveloped Markets: When Fraud Creates the Market,” *12 Class Action Reports* 402 (1989); “Mandatory Certification of Settlement Classes,” *10 Class Action Reports* 151 (1987). *Member:* American Academy of Arts and Sciences (Fellow); American Association for Justice (Fight for Justice Campaign; Women Trial Lawyers Caucus; California State Liaison); American Bar Association (Committee on Mass Torts, Past Co-Chair; Committee on Class Actions and Derivative Suits; Tort and Insurance Practice Section; Rules & Procedures Committee, Past Vice-Chair; Civil Procedure & Evidence News Letter, Contributor; Business Law Section); American Constitution Society, Board of Advisors; American Law Institute (1993 - present; Council, 1999 - present; Adviser, the Restatement Third, Consumer Contracts project and the Restatement Third, Torts: Liability for Economic Harm; Members Consultative Group, the Restatement Third, Torts: Liability for Physical Harm; past Adviser, the Recognition & Enforcement of Foreign Judgments project and the Principles of the Law of Aggregate Litigation project); Association of Business Trial Lawyers; Bar Association of the Fifth Federal Circuit; Bar Association of San Francisco (Past President, Securities Litigation Section; Board of Directors, 1997 - 1998; Judiciary Committee); Bay Area Lawyers for Individual Freedom; California Constitution Revision Commission (1993 -1996); California Women Lawyers; Consumer Attorneys of California; Federal Bar Association; Federal Bar Association (Northern District of California Chapter); Federal Civil Rules Advisory Committee (Appointed by Supreme Court, 2011); Lawyers Club of San Francisco; National Center for State Courts (Board Member; Mass Tort Conference Planning Committee); National Judicial College (Board of Trustees); Ninth Circuit Judicial Conference (Lawyer Delegate, 1992 - 1995); Northern District of California Civil Justice Reform Act (Advisory Committee; Advisory Committee on Professional Conduct); Northern District of California Civil Justice Reform Act (CJRA) Advisory Committee; Public Justice Foundation; Queen’s Bench; State Bar of California.

**RICHARD M. HEIMANN**, Admitted to practice in Pennsylvania, 1972; District of Columbia, 1974; California, 1975; New York, 2000; U.S. Supreme Court, 1980; U.S. Court of Appeals, Second Circuit, 2013; U.S. Court of Appeals, Ninth Circuit, 1999; U.S. Court of Appeals, Eleventh Circuit, 2015; U.S. Court of Appeals, D.C. Circuit, 1973; U.S. District Court, Central District of California, 2001; U.S. District Court, Northern District of California, 1975; U.S. District Court, Southern District of California, 2005; U.S. District Court, District of Hawaii, 1985; U.S. District Court, District of Colorado, 2006. *Education:* Georgetown University (J.D., 1972); *Georgetown Law Journal*, 1971-72; University of Florida (B.S.B.A., with honors, 1969). *Prior Employment:* Mr. Heimann served as Deputy District Attorney and Acting Assistant District Attorney for Tulare County, California, 1974-75, and as an Assistant Public Defender in Philadelphia, Pennsylvania, 1972-74. As a private civil law attorney, Mr. Heimann has tried over 30 civil jury cases, including complex cases such as the successful *FPI/Agretech* and *Edsaco* securities class action trials. In April 2002 in the *Edsaco* case, a federal jury in San Francisco, California returned a \$170.7 million verdict against Edsaco Ltd., which included \$165 million in punitive damages. *Awards & Honors:* AV Preeminent Peer Review Rated, Martindale-Hubbell; Selected for inclusion by peers in The Best Lawyers in America in fields of “Bet the Company Litigation,” “Litigation – Antitrust,” “Litigation – Securities,” and “Mass Tort Litigation/Class Actions – Plaintiffs,” 2007-2020; “Lawdragon 500 Leading Plaintiff Financial Lawyers in America,” Lawdragon, 2020; “Lawdragon 500 Leading Lawyers in America,” Lawdragon, 2019; “Northern California Super Lawyer,” *Super Lawyers*, 2004-2019; “Lawyer of the Year,” *Best Lawyers*, Litigation-Securities for San Francisco, 2016-2017; “Top 100 Trial Lawyers in

America,” *Benchmark Litigation*, 2017; “Outstanding Private Practice Antitrust Achievement,” American Antitrust Institute, 2017; “California Litigation Star,” *Benchmark Litigation*, 2013-2016; “Trial Ace,” *Law360* (one of 50 attorneys in the U.S. recognized by *Law360* in 2015 as the foremost trial lawyers in America); Legal 500 recommended lawyer, *LegalEase*, 2013; “Top 100 Northern California Super Lawyers,” *Super Lawyers*, 2013; “Consumer Attorney of the Year Finalist,” Consumer Attorneys of California, 2011; California Lawyer of the Year (CLAY) Award, *California Lawyer*, 2011, 2013; “Lawdragon Finalist,” Lawdragon, 2009-2011; “Top 100 Attorneys in California,” *Daily Journal*, 2010-2011; “Top Attorneys In Securities Law,” Super Lawyers Corporate Counsel Edition, 2010, 2012. *Publications & Presentations*: Securities Law Roundtable, *California Lawyer* (March 2013); Securities Law Roundtable, *California Lawyer* (September 2010); Securities Law Roundtable, *California Lawyer* (March 2009); Securities Law Roundtable, *California Lawyer* (April 2008); Securities Law Roundtable, *California Lawyer* (April 2007); Co-Author, “Preliminary Issues Regarding Forum Selection, Jurisdiction, and Choice of Law in Class Actions” (December 1999). *Member*: State Bar of California; Bar Association of San Francisco.

**WILLIAM BERNSTEIN**, Admitted to practice in California, 1975; U.S. Court of Appeals, Ninth Circuit, 1987; U.S. District Court, Northern District of California, 1975; New York and U.S. Supreme Court, 1985; U.S. District Court, Central and Eastern Districts of California, 1991; U.S. District Court, Southern District of California, 1992; U.S. Court of Appeals, Third Circuit, 2008. *Education*: University of San Francisco (J.D., 1975); *San Francisco Law Review*, 1974-75; University of Pennsylvania (B.A., general honors, 1972). *Community Service*: Adjunct Professor of Law, University of San Francisco, Settlement Law, 2006-present; Judge Pro Tem for San Francisco Superior Court, 2000-present; Marin Municipal Court, 1984; Discovery Referee for the Marin Superior Court, 1984-89; Arbitrator for the Superior Court of Marin, 1984-1990. *Awards & Honors*: AV Preeminent Peer Review Rated, Martindale-Hubbell; “California Litigation Star,” *Benchmark Plaintiff* (ranked as one of California’s leading litigators in antitrust law); Selected for inclusion by peers in *The Best Lawyers in America* in field of “Litigation - Antitrust,” 2013-2020; “Northern California Super Lawyer,” *Super Lawyers*, 2004-2019; “Consumer Attorney of the Year Finalist,” Consumer Attorneys of California, 2014; “Lawdragon Finalist,” *Lawdragon*, 2009-2011; “Top Attorneys In Antitrust Law,” *Super Lawyers Corporate Counsel Edition*, 2010, 2012; Princeton Premier Registry, Business Leaders and Professionals, 2008-2009; “Top 100 Trial Lawyers in California,” American Trial Lawyers Association, 2008; *Who’s Who Legal*, 2007; Unsung Hero Award, Appleseed, 2006. *Publications & Presentations*: “The Rise and Fall of Enron’s One-To-Many Trading Platform,” American Bar Association Antitrust Law Section, Annual Spring Meeting (2005); Co-Author with Donald C. Arbitblit, “Effective Use of Class Action Procedures in California Toxic Tort Litigation,” *Hastings West-Northwest Journal of Environmental and Toxic Torts Law and Policy*, No. 3 (Spring 1996). *Member*: Board of Governors, Association of Business Trial Lawyers; Bar Association of San Francisco; Marin County Bar Association (Admin. of Justice Committee, 1988); State Bar of California.

**DONALD C. ARBITBLIT**, Admitted to practice in Vermont, 1979; California and U.S. District Court, Northern District of California, 1986. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D., 1979); Order of the Coif; Tufts University (B.S., *magna cum laude*, 1974). *Awards and Honors*: AV Preeminent Peer Review Rated,

Martindale-Hubbell; Selected for inclusion by peers in *The Best Lawyers in America* in fields of “Mass Tort Litigation/Class Actions - Plaintiffs” and “Personal Injury Litigation – Plaintiffs,” 2012-2020; Northern California Super Lawyers,” *Super Lawyers*, 2004, 2006-2008, 2014-2019; Legal 500 recommended lawyer, *LegalEase*, 2013; “Lawdragon Finalist,” *Lawdragon*, 2009-2011. *Publications & Presentations*: Co-Author with Wendy Fleishman, “The Risky Business of Off-Label Use,” *Trial* (March 2005); “Comment on Joinder: Decision on the Daubert Test of Admissibility of Expert Testimony,” *6 Mealey’s Emerging Toxic Torts*, No. 18 (December 1997); Co-author with William Bernstein, “Effective Use of Class Action Procedures in California Toxic Tort Litigation,” *3 Hastings West-Northwest Journal of Environmental Law and Policy*, No. 3 (Spring 1996); “The Plight of American Citizens Injured by Transboundary River Pollution,” *8 Ecology Law Quarterly*, No. 2 (1979). *Appointments*: Co-Chair, California JCCP Yaz Science Committee, 2010-Present; Member of the Federal Court-appointed Science Executive Committee, and Chair of the Epidemiology/Clinical Trials Subcommittee, *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.); Member of the Federal Court-appointed Science and Expert Witness Committees in *In re Diet Drugs (Phentermine/Fenfluramine /Dexfenfluramine) Products Liability Litigation*, MDL No. 1203 (E.D. Pa.), *In re Baycol Products Litigation*, MDL No. 1431 (D. Minn.) and *Rezulin Products Liability Litigation*, MDL No. 1348 (S.D.N.Y.). *Member*: State Bar of California; Bar Association of San Francisco.

**STEVEN E. FINEMAN**, Managing Partner. Admitted to practice in California, 1989; U.S. District Court, Northern, Eastern and Central Districts of California and U.S. Court of Appeals, Ninth Circuit, 1995; U.S. Court of Appeals, Fifth Circuit, 1996; New York, U.S. District Court, Eastern and Southern Districts of New York, U.S. District Court, District of Colorado, 2006; U.S. Court of Appeals, Second Circuit and U.S. Supreme Court, 1997; U.S. District Court for the District of Columbia, 1997. *Education*: University of California, Hastings College of the Law (J.D., 1988); University of California, San Diego (B.A., 1985); Stirling University, Scotland (English Literature and Political Science, 1983-84). *Awards & Honors*: Selected for inclusion by peers in *The Best Lawyers in America* in the fields of “Mass Tort Litigation/Class Actions – Plaintiffs,” 2006-2020; “Super Lawyer for New York Metro,” *Super Lawyers*, 2006-2019; “Lawyer of the Year,” *Best Lawyers*, recognized in the category of Mass Tort Litigation/Class Actions – Plaintiffs for New York City, 2016; “New York Litigation Star,” *Benchmark Litigation*, 2013-2016; Member, *Best Lawyers* Advisory Board, a select group of U.S. and international law firm leaders and general counsel, 2011-2012; “Lawdragon Finalist,” *Lawdragon*, 2009-present; “Top Attorneys In Securities Law,” *Super Lawyers Business Edition*, 2008-present; Consultant to the Office of Attorney General, State of New York, in connection with an industry-wide investigation and settlement concerning health insurers’ use of the “Ingenix database” to determine usual and customary rates for out-of-network services, April 2008-February 2009; “100 Managing Partners You Need to Know,” *Lawdragon*, 2008; “40 Under 40,” selected as one of the country’s most successful litigators under the age of 40, *The National Law Journal*, 2002. *Publications & Presentations*: American Association for Justice, *The Future of Class Actions: Teamwork, Savvy Defense, and Smart Offense*, Panel Member, “Going on Offense: Developing a Proactive Plan” (May 11, 2017, Nashville, Tennessee); University of Haifa Faculty of Law, *Dispute Resolution of Consumer Mass Disputes*, Panelist, “The Role of the Lead Lawyer in Consumer Class Actions” (March 17, 2017, Haifa, Israel); Global Justice Forum, Presented by Robert L. Lieff – Moderator of Financial Fraud Litigation Panel and Participant on Financing of Litigation Panel (October 4, 2011, Columbia Law School, New York, New York); The Canadian

Institute, The 12<sup>th</sup> Annual Forum on Class Actions – Panel Member, *Key U.S. and Cross-Border Trends: Northbound Impacts and Must-Have Requirements* (September 21, 2011, Toronto, Ontario, Canada); Co-Author with Michael J. Miarmi, “The Basics of Obtaining Class Certification in Securities Fraud Cases: U.S. Supreme Court Clarifies Standard, Rejecting Fifth Circuit’s ‘Loss Causation’ Requirement,” *Bloomberg Law Reports* (July 5, 2011); Stanford University Law School, Guest Lecturer for Professor Deborah Hensler’s course on Complex Litigation, Representing Plaintiffs in Large-Scale Litigation (March 2, 2011, Stanford, California); Stanford University Law School – Panel Member, Symposium on the Future of the Legal Profession, (March 1, 2011, Stanford, California); Stanford University Law School, Member, Advisory Forum, Center of the Legal Profession (2011-Present); 4th Annual International Conference on the Globalization of Collective Litigation – Panel Member, Funding Issues: Public versus Private Financing (December 10, 2010, Florida International University College of Law, Miami, Florida); “Bill of Particulars, A Review of Developments in New York State Trial Law,” Column, *The Supreme Court’s Decisions in Iqbal and Twombly Threaten Access to Federal Courts* (Winter 2010); American Constitution Society for Law and Policy, Access to Justice in Federal Courts – Panel Member, The Iqbal and Twombly Cases (January 21, 2010, New York, New York); American Bar Association, Section of Litigation, The 13th Annual National Institute on Class Actions – Panel Member, Hydrogen Peroxide Will Clear It Up Right Away: Developments in the Law of Class Certification (November 20, 2009, Washington, D.C.); Global Justice Forum, Presented by Robert L. Lieff and Lieff, Cabraser, Heimann & Bernstein, LLP – Conference Co-Host and Moderator of Mediation/Arbitration Panel (October 16, 2009, Columbia Law School, New York, New York); Stanford University Law School, Guest Lecturer for Professor Deborah Hensler’s course on Complex Litigation, Foreign Claimants in U.S. Courts/U.S. Lawyers in Foreign Courts (April 6, 2009, Stanford, California); Consultant to the Office of Attorney General, State of New York, in connection with an industry-wide investigation and settlement concerning health insurers’ use of the “Ingenix database” to determine usual and customary rates for out-of-network services, April 2008-February 2009; Stanford University Law School, Guest Lecturer for Professor Deborah Hensler’s course on Complex Litigation, Foreign Claimants in U.S. Courts/U.S. Lawyers in Foreign Courts (April 16, 2008, Stanford, California); Benjamin N. Cardozo Law School, The American Constitution Society for Law & Policy, and Public Justice, Co-Organizer of conference and Master of Ceremonies for conference, Justice and the Role of Class Actions (March 28, 2008, New York, New York); Stanford University Law School and The Centre for Socio-Legal Studies, Oxford University, Conference on The Globalization of Class Actions, Panel Member, Resolution of Class and Mass Actions (December 13 and 14, 2007, Oxford, England); Editorial Board and Columnist, “Federal Practice for the State Court Practitioner,” New York State Trial Lawyers Association’s “Bill of Particulars,” (2005-present); “Bill of Particulars, A Review of Developments in New York State Trial Law,” *Federal Multidistrict Litigation Practice* (Fall 2007); “Bill of Particulars, A Review of Developments in New York State Trial Law,” *Pleading a Federal Court Complaint* (Summer 2007); Stanford University Law School, Guest Lecturer for Professor Deborah Hensler’s course on Complex Litigation, Foreign Claimants in U.S. Courts (April 17, 2007, Palo Alto, California); “Bill of Particulars, A Review of Developments in New York State Law,” *Initiating Litigation and Electronic Filing in Federal Court* (Spring 2007); “Bill of Particulars, A Review of Developments in New York State Trial Law,” Column, *Federal Court Jurisdiction: Getting to Federal Court By Choice or Removal* (Winter 2007); American Constitution Society for Law and Policy, 2006 National Convention, Panel Member, Finding the Balance: Federal Preemption of

State Law (June 16, 2006, Washington, D.C.); Global Justice Forum, Presented by Lieff, Cabraser, Heimann & Bernstein, LLP — Conference Moderator and Panel Member on Securities Litigation (May 19, 2006, Paris, France); Stanford University Law School, Guest Lecturer for Professor Deborah Hensler’s course on Complex Litigation, Foreign Claimants in U.S. Court (April 25, 2006, Stanford, California); Global Justice Forum, Presented by Lieff, Cabraser, Heimann & Bernstein, LLP — Conference Moderator and Speaker and Papers, The Basics of Federal Multidistrict Litigation: How Disbursed Claims are Centralized in U.S. Practice and Basic Principles of Securities Actions for Institutional Investors (May 20, 2005, London, England); New York State Trial Lawyers Institute, Federal Practice for State Practitioners, Speaker and Paper, *Federal Multidistrict Litigation Practice*, (March 30, 2005, New York, New York), published in “Bill of Particulars, A Review of Developments in New York State Trial Law” (Spring 2005); Stanford University Law School, The Stanford Center on Conflict and Negotiation, Interdisciplinary Seminar on Conflict and Dispute Resolution, Guest Lecturer, In Search of “Global Settlements”: Resolving Class Actions and Mass Torts with Finality (March 16, 2004, Stanford, California); Lexis/Nexis, Mealey’s Publications and Conferences Group, Wall Street Forum: Mass Tort Litigation, Co-Chair of Event (July 15, 2003, New York, New York); Northstar Conferences, The Class Action Litigation Summit, Panel Member on Class Actions in the Securities Industry, and Paper, Practical Considerations for Investors’ Counsel - Getting the Case (June 27, 2003, Washington, D.C.); The Manhattan Institute, Center for Legal Policy, Forum Commentator on Presentation by John H. Beisner, Magnet Courts: If You Build Them, Claims Will Come (April 22, 2003, New York, New York); Stanford University Law School, Guest Lecturer for Professor Deborah Hensler’s Courses on Complex Litigation, Selecting The Forum For a Complex Case — Strategic Choices Between Federal And State Jurisdictions, and Alternative Dispute Resolution ADR In Mass Tort Litigation, (March 4, 2003, Stanford, California); American Bar Association, Tort and Insurance Practice Section, Emerging Issues Committee, Member of Focus Group on Emerging Issues in Tort and Insurance Practice (coordinated event with New York University Law School and University of Connecticut Law School, August 27, 2002, New York, New York); Duke University and University of Geneva, “Debates Over Group Litigation in Comparative Perspective,” Panel Member on Mass Torts and Products Liability (July 21-22, 2000, Geneva, Switzerland); *New York Law Journal*, Article, Consumer Protection Class Actions Have Important Position, Applying New York’s Statutory Scheme (November 23, 1998); Leader Publications, Litigation Strategist, “Fen-Phen,” Article, *The Admissibility of Scientific Evidence in Fen-Phen Litigation and Daubert Developments: Something For Plaintiffs*, Defense Counsel (June 1998, New York, New York); “Consumer Protection Class Actions Have Important Position, Applying New York’s Statutory Scheme,” *New York Law Journal* (November 23, 1998); The Defense Research Institute and Trial Lawyer Association, Toxic Torts and Environmental Law Seminar, Article and Lecture, A Plaintiffs’ Counsels’ Perspective: What’s the Next Horizon? (April 30, 1998, New York, New York); Lexis/Nexis, Mealey’s Publications and Conference Group, Mealey’s Tobacco Conference: Settlement and Beyond 1998, Article and Lecture, The Expanding Litigation (February 21, 1998, Washington, D.C.); New York State Bar Association, Expert Testimony in Federal Court After Daubert and New Federal Rule 26, Article and Lecture, Breast Implant Litigation: Plaintiffs’ Perspective on the Daubert Principles (May 23, 1997, New York, New York); Plaintiff Toxic Tort Advisory Council, Lexis/Nexis, Mealey’s Publications and Conferences Group (January 2002-2005). *Member*: American Association for Justice; American Bar Association; American Constitution Society (Board of Directors, 2016-present); Anti-Defamation League, National

Commission Member; Anti-Defamation League New York Region, Chair (2019); Association of the Bar of the City of New York; Bar Association of the District of Columbia; Civil Justice Foundation (Board of Trustees, 2004-present); Fight for Justice Campaign; Human Rights First; National Association of Shareholder and Consumer Attorneys (Executive Committee, 2009-present); New York State Bar Association; New York State Trial Lawyers Association (Board of Directors, 2001-2004); New York State Trial Lawyers Association's "Bill of Particulars" (Editorial Board and Columnist, "Federal Practice for the State Court Practitioner," 2005-present); Plaintiff Toxic Tort Advisory Council (Lexis/Nexis, Mealey's Publications and Conferences Group, 2002-2005); Public Justice Foundation (President, 2011-2012; Executive Committee, July 2006-present; Board of Directors, July 2002-present); Co-Chair, Major Donors/Special Gifts Committee, July 2009-present; Class Action Preservation Project Committee, July 2005-present); State Bar of California; Supreme Court Historical Society.

**ROBERT J. NELSON**, Admitted to practice in California, 1987; California Supreme Court; U.S. District Court, Central District of California, 1987; U.S. District Court, Northern District of California, 1988; U.S. Court of Appeals, Ninth Circuit, 1988; U.S. Court of Appeals, Sixth Circuit, 1995; U.S. Court of Appeals, Seventh Circuit, 2016; District of Columbia, 1998; U.S. District Court, Eastern District of California, 2006; U.S. District Court, Northern District of Ohio; U.S. District Court, Southern District of Ohio; U.S. District Court, Middle District of Tennessee. *Education*: New York University School of Law (J.D., 1987): Order of the Coif, Articles Editor, *New York University Law Review*; Root-Tilden-Kern Scholarship Program. Cornell University (A.B., *cum laude* 1982): Member, Phi Beta Kappa; College Scholar Honors Program. London School of Economics (General Course, 1980-81): Graded First. *Prior Employment*: Judicial Clerk to Judge Stephen Reinhardt, U.S. Court of Appeals, Ninth Circuit, 1987-88; Assistant Federal Public Defender, Northern District of California, 1988-93; Legal Research and Writing Instructor, University of California-Hastings College of the Law, 1989-91 (Part-time position). *Awards & Honors*: Selected for inclusion by peers in *The Best Lawyers in America* in fields of "Personal Injury Litigation – Plaintiffs" and "Product Liability Litigation – Plaintiffs," 2012-2020; "Trial Lawyer of the Year," 2019, Public Justice; "Northern California Super Lawyer," *Super Lawyers*, 2004-2019; "California Litigation Star," *Benchmark Litigation*, 2013-2016; "Consumer Attorney of the Year Finalist," Consumer Attorneys of California, 2007, 2010, 2014-2015; Legal 500 recommended lawyer, *LegalEase*, 2013-Present; "Lawdragon Finalist," *Lawdragon*, 2009-2011; "California Lawyer Attorney of the Year (CLAY)" Award, *California Lawyer*, 2008, 2010; "San Francisco Trial Lawyer of the Year Finalist," San Francisco Trial Lawyers' Association, 2007. *Publications*: False Claims Roundtable, *California Lawyer* (January 2013); False Claims Roundtable, *California Lawyer* (April 2012); False Claims Roundtable, *California Lawyer* (June 2011); False Claims Roundtable, *California Lawyer* (June 2010); Product Liability Roundtable, *California Lawyer* (March 2010); Product Liability Roundtable, *California Lawyer* (July 2009); "Class Action Treatment of Punitive Damages Issues after *Philip Morris v. Williams*: We Can Get There from Here," 2 *Charleston Law Review* 2 (Spring 2008) (with Elizabeth J. Cabraser); Product Liability Roundtable, *California Lawyer* (December 2007); Contributing Author, *California Class Actions Practice and Procedures* (Elizabeth J. Cabraser editor in chief, 2003); "The Importance of Privilege Logs," *The Practical Litigator*, Vol. II, No. 2 (March 2000) (ALI-ABA Publication); "To Infer or Not to Infer a Discriminatory Purpose: Rethinking Equal Protection Doctrine," 61 *New York University Law Review* 334 (1986). *Member*: American Association for Justice, Fight for Justice Campaign;

American Bar Association; American Civil Liberties Union of Northern California; Bar Association of San Francisco; Bar of the District of Columbia; Consumer Attorneys of California; Human Rights Watch California Committee North; RE-volv, Board Member; San Francisco Trial Lawyers Association; State Bar of California.

**KELLY M. DERMODY**, Admitted to practice in California (1994); U.S. Supreme Court (2013); U.S. Court of Appeals for the First Circuit (2012); U.S. Court of Appeals for the Second Circuit (2010); U.S. Court of Appeals for the Third Circuit (2001); U.S. Court of Appeals for the Fourth Circuit (2008); U.S. Court of Appeals for the Sixth Circuit (2008); U.S. Court of Appeals for the Seventh Circuit (2006); U.S. Court of Appeals for the Ninth Circuit (2007); U.S. District Court, Northern District of California (1995); U.S. District Court, Central District of California (2005); U.S. District Court, Eastern District of California (2012); U.S. District Court of Colorado (2007). *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D. 1993); Moot Court Executive Board (1992-1993); Articles Editor, *Industrial Relations Law Journal/Berkeley Journal of Employment and Labor Law* (1991-1992); Harvard University (A.B. *magna cum laude*, 1990), Senior Class Ames Memorial Public Service Award. *Prior Employment*: Law Clerk to Chief Judge John T. Nixon, U.S. District Court, Middle District of Tennessee, 1993-1994; Adjunct Professor of Law, Golden Gate University School of Law, Employment Law (Spring 2001). *Awards & Honors*: AV Preeminent Peer Review Rated, Martindale-Hubbell; "Margaret Brent Women Lawyers of Achievement Award," American Bar Association Commission on Women in the Profession, 2019; "Top California Women Lawyers," *Daily Journal*, 2007, 2010, 2012-2018; Selected for inclusion by peers in *The Best Lawyers in America* in fields of "Employment Law – Individuals" and "Litigation – Labor and Employment," 2010-2020; "500 Leading Lawyers in America," Lawdragon, 2010-2017, 2019; "Employment Law Trailblazer, National Law Journal, 2019; "Northern California Super Lawyer," *Super Lawyers*, 2004-2019; "Lawyer of the Year," *Best Lawyers*, Employment Law-Individuals for San Francisco, 2014, 2018; "Top Labor & Employment Lawyers," *Daily Journal*, 2018; "Top 250 Women in Litigation," *Benchmark Litigation*, 2016-2018; "Gender Justice Honoree," Equal Rights Advocates, 2017; "California Litigation Star," *Benchmark Litigation*, 2013-2017; Fellow, The College of Labor and Employment Lawyers, 2015; "Top 100 Attorneys in California," *Daily Journal*, 2012-2015; "Top 75 Labor and Employment Attorneys in California," *Daily Journal*, 2011-2015; "Top 50 Women Northern California Super Lawyers," *Super Lawyers*, 2007-2018; "Top 100 Northern California Super Lawyers," *Super Lawyers*, 2007, 2009-2016; Distinguished Jurisprudence Award, Anti-Defamation League, 2014; "Lawyer of the Year," *Best Lawyers*, recognized in the category of Employment Law – Individuals for San Francisco, 2014, 2018; "Top 10 Northern California Super Lawyers," *Super Lawyers*, 2014; "Dolores Huerta Adelita Award," California Rural Assistance, 2013; "Recommended Lawyer," *The Legal 500* (U.S. edition, 2013); "Women of Achievement Award," Legal Momentum (formerly the NOW Legal Defense & Education Fund), 2011; "Irish Legal 100" Finalist, *The Irish Voice*, 2010; "Florence K. Murray Award," National Association of Women Judges, 2010 (for influencing women to pursue legal careers, opening doors for women attorneys, and advancing opportunities for women within the legal profession); "Lawdragon Finalist," *Lawdragon*, 2007-2009; "Community Service Award," Bay Area Lawyers for Individual Freedom, 2008; "Community Justice Award," Centro Legal de la Raza, 2008; "Award of Merit," Bar Association of San Francisco, 2007; "California Lawyer Attorney of the Year (CLAY) Award," *California Lawyer*, 2007; "500 Leading Plaintiffs' Lawyers in America," *Lawdragon*, Winter 2007; "Trial



Lawyer of the Year Finalist,” Public Justice Foundation, 2007; “Consumer Attorney of the Year” Finalist, Consumer Attorneys of California, 2006; “California’s Top 20 Lawyers Under 40,” *Daily Journal*, 2006; “Living the Dream Partner,” Lawyers’ Committee for Civil Rights of the San Francisco Bay Area, 2005; “Top Bay Area Employment Attorney,” *The Recorder*, 2004. *Member*: American Law Institute, Elected Member, 2019; American Bar Association, Labor and Employment Law Section (Governing Council, 2009-present; Co-Chair, Section Conference, 2008-2009; Vice-Chair, Section Conference, 2007-2008; Co-Chair, Committee on Equal Opportunity in the Legal Profession, 2006-2007); American Bar Association, Section of Litigation (Attorney Client Privilege Task Force, 2017-2018); Bar Association of San Francisco (Board of Directors, 2005-2012; President, 2011-2012; President-Elect, 2010-2011; Treasurer, 2009-2010; Secretary, 2008-2009; Litigation Section; Executive Committee, 2002-2005); Bay Area Lawyers for Individual Freedom; Lawyers’ Committee for Civil Rights of the San Francisco Bay Area (Board of Directors, 1998-2005; Secretary, 1999-2003; Co-Chair, 2003-2005; Member, 1997-Present); Carver Healthy Environments and Response to Trauma in Schools (Steering Committee, 2007); College of Labor and Employment Lawyers (Fellow, 2015); Consumer Attorneys of California; Equal Rights Advocates (Litigation Committee, 2000-2002); National Association of Women Judges (Independence of the Judiciary Co-Chair, 2011-2014; Resource Board, Co-Chair, 2009-2011, Member, 2005-2014); National Center for Lesbian Rights (Board of Directors, 2002-2008; Co-Chair, 2005-2006); National Employment Lawyers’ Association; Northern District of California Historical Society (Board of Directors, 2015-Present); Northern District of California Lawyer Representative to the Ninth Circuit Judicial Conference (2007-2010); Pride Law Fund (Board of Directors, 1995-2002; Secretary, 1995-1997; Chairperson, 1997-2002); Public Justice Foundation; State Bar of California.

**JONATHAN D. SELBIN**, Admitted to practice in California, 1994; District of Columbia, 2000; New York, 2001; U.S. Supreme Court, 2012; U.S. Court of Appeals, Second Circuit, 2016; U.S. Court of Appeals, Third Circuit, 2009; U.S. Court of Appeals, Fifth Circuit, 2002; U.S. Court of Appeals, Sixth Circuit, 2012; U.S. Court of Appeals, Ninth Circuit, 2007; U.S. Court of Appeals, Tenth Circuit, 2014; U.S. District Court, Northern District of California, 1997; U.S. District Court, Central District of California, 1995; U.S. District Court, Northern District of Florida, 2009; U.S. District Court Northern District of Illinois, 2010; U.S. District Court, Southern District of New York, 2001; U.S. District Court, Eastern District of New York, 2008; U.S. District Court, Eastern District of Michigan, 2007; U.S. District Court, Eastern District of Wisconsin, 2013. *Education*: Harvard Law School (J.D., *magna cum laude*, 1993); University of Michigan (B.A., *summa cum laude*, 1989). *Prior Employment*: Law Clerk to Judge Marilyn Hall Patel, U.S. District Court, Northern District of California, 1993-95. *Awards & Honors*: Selected for inclusion by peers in *The Best Lawyers in America* in field of “Product Liability Litigation – Plaintiffs,” 2013-2020; “New York Super Lawyers,” Super Lawyers, 2006-2018; Distinguished Service Award, American Association for Justice, 2016; “New York Litigation Star,” *Benchmark Litigation*, 2013-2016; “*Lawdragon* Finalist,” *Lawdragon*, 2009. *Publications & Presentations*: On Class Actions (2009); Contributing Author, “Ninth Circuit Reshapes California Consumer-Protection Law,” American Bar Association (July 2012); Contributing Author, *California Class Actions Practice and Procedures* (Elizabeth J. Cabraser editor-in-chief, 2003); “Bashers Beware: The Continuing Constitutionality of Hate Crimes Statutes After R.A.V.,” 72 *Oregon Law Review* 157 (Spring, 1993). *Member*: American Association for Justice; American Bar Association; District of

Columbia Bar Association; Equal Justice Works, Board of Counselors; New York Advisory Board, Alliance for Justice; New York State Bar Association; New York State Trial Lawyers Association; State Bar of California.

**MICHAEL W. SOBOL**, Admitted to practice in Massachusetts, 1989; California, 1998; United States District Court, District of Massachusetts, 1990; U.S. District Court, Northern District of California, 2001; U.S. District Court, Central District of California, 2005; U.S. District Court, Eastern District of California, 2011; U.S. District Court, Southern District of California, 2010; U.S. Court of Appeals for the Ninth Circuit (2009); U.S. Court of Appeals for the Eleventh Circuit (2012). *Education*: Boston University (J.D., 1989); Hobart College (B.A., *cum laude*, 1983). *Prior Employment*: Lecturer in Law, Boston University School of Law, 1995-1997. *Awards & Honors*: Selected for inclusion by peers in *The Best Lawyers in America* in fields of “Mass Tort Litigation/Class Actions – Plaintiffs” and “Product Liability Litigation – Plaintiffs,” 2013-2020; “Super Lawyer for Northern California,” *Super Lawyers*, 2012 – 2019; “Top Cyber/Artificial Intelligence Lawyer,” *Daily Journal*, 2018-2019; “MVP for Cybersecurity and Privacy,” *Law360*, 2017; “Cybersecurity & Data Privacy Trailblazer,” *The National Law Journal*, 2017; California Litigation Star,” *Benchmark Litigation*, 2013-2015; “Top 100 Northern California Super Lawyers,” *Super Lawyers*, 2013; “Top 100 Attorneys in California,” *Daily Journal*, 2012-2013; “Trial Lawyer of the Year Finalist,” *Public Justice*, 2012; “Consumer Attorney of the Year Finalist,” *Consumer Attorneys of California*, 2011; “*Lawdragon* Finalist,” *Lawdragon*, 2009; “New York Litigation Star,”. *Publications & Presentations*: Panelist, National Consumer Law Center’s 15th Annual Consumer Rights Litigation Conference, Class Action Symposium; Panelist, Continuing Education of the Bar (C.E.B.) Seminar on Unfair Business Practices—California’s Business and Professions Code Section 17200 and Beyond; Columnist, *On Class Actions*, Association of Business Trial Lawyers, 2005 to present; *The Fall of Class Action Waivers* (2005); *The Rise of Issue Class Certification* (2006); *Proposition 64’s Unintended Consequences* (2007); *The Reach of Statutory Damages* (2008). *Member*: State Bar of California; Bar Association of San Francisco; Consumer Attorneys of California, Board of Governors, (2007-2008, 2009-2010); National Association of Consumer Advocates.

**FABRICE N. VINCENT**, Admitted to practice in California, 1992; U.S. District Court, Northern District of California, Central District of California, Eastern District of California, Ninth Circuit Court of Appeals, 1992. *Education*: Cornell Law School (J.D., *cum laude*, 1992); University of California at Berkeley (B.A., 1989). *Awards & Honors*: Selected for inclusion by peers in *The Best Lawyers in America* in fields of “Mass Tort Litigation/Class Actions – Plaintiffs,” “Product Liability Litigation – Plaintiffs,” and “Personal Injury Litigation – Plaintiffs,” 2012-2020; “Super Lawyer for Northern California,” *Super Lawyers*, 2006–2019; “Outstanding Subcommittee Chair for the Class Actions & Derivative Suits,” *ABA Section of Litigation*, 2013. *Publications & Presentations*: Lead Author, *Citizen Report on Utility Terrain Vehicle (UTV) Hazards and Urgent Need to Improve Safety and Performance Standards*; and *Request for Urgent Efforts To Increase Yamaha Rhino Safety and Avoid Needless New Catastrophic Injuries, Amputations and Deaths*, Lieff Cabraser Heimann & Bernstein, LLP (2009); Co-Author with Elizabeth J. Cabraser, “Class Actions Fairness Act of 2005,” *California Litigation*, Vol. 18, No. 3 (2005); Co-Editor, *California Class Actions Practice and Procedures* (2003-06); Co-Author, “Ethics and Admissibility: Failure to Disclose Conflicts of Interest in and/or Funding of Scientific Studies and/or Data May Warrant Evidentiary Exclusions,”

*Mealey's December Emerging Drugs Reporter* (December 2002); Co-author, "The Shareholder Strikes Back: Varied Approaches to Civil Litigation Claims Are Available to Help Make Shareholders Whole," *Mealey's Emerging Securities Litigation Reporter* (September 2002); Co-Author, "Decisions Interpreting California's Rules of Class Action Procedure," *Survey of State Class Action Law* (ABA 2000-09), updated and re-published in *5 Newberg on Class Actions* (2001-09); Coordinating Editor and Co-Author of California section of the ABA State Class Action Survey (2001-06); Co-Editor-In-Chief, *Fen-Phen Litigation Strategist* (Leader Publications 1998-2000); Author of "Off-Label Drug Promotion Permitted" (Oct. 1999); Co-Author, "The Future of Prescription Drug Products Liability Litigation in a Changing Marketplace," and "Six Courts Certify Medical Monitoring Claims for Class Treatment," *29 Forum 4* (Consumer Attorneys of California 1999); Co-Author, *Class Certification of Medical Monitoring Claims in Mass Tort Product Liability Litigation* (ALI-ABA Course of Study 1999); Co-Author, "How Class Proofs of Claim in Bankruptcy Can Help in Medical Monitoring Cases," (Leader Publications 1999); Author, "AHP Loses Key California Motion In Limine," (February 2000); Co-Author, Introduction, "Sanctioning Discovery Abuses in the Federal Court," (LRP Publications 2000); "With Final Approval, Diet Drug Class Action Settlement Avoids Problems That Doomed Asbestos Pact," (Leader Publications 2000); Author, "Special Master Rules Against SmithKline Beecham Privilege Log," (November 1999). *Member:* American Association for Justice; Association of Business Trial Lawyers; State Bar of California; Bar Association of San Francisco; American Bar Association; Fight for Justice Campaign; Association of Business Trial Lawyers; Society of Automotive Engineers.

**DAVID S. STELLINGS**, Admitted to practice in New York, 1994; New Jersey, 1994; U.S. District Court, Southern District of New York, 1994. *Education:* New York University School of Law (J.D., 1993); Editor, *Journal of International Law and Politics*; Cornell University (B.A., *cum laude*, 1990). *Awards & Honors:* "Super Lawyer for New York Metro," *Super Lawyers*, 2012-2017; "Consumer Attorney of the Year Finalist," Consumer Attorneys of California, 2017; "Trial Lawyer of the Year Finalist," Public Justice, 2012; "Lawdragon Finalist, *Lawdragon*, 2009. *Member:* New York State Bar Association; New Jersey State Association; Bar Association of the City of New York; American Bar Association.

**ERIC B. FASTIFF**, Admitted to practice in California, 1996; District of Columbia, 1997; U.S. Courts of Appeals for the Third, Ninth and Federal Circuit; U.S. District Courts for the Northern, Southern, Eastern, and Central Districts of California, District of Columbia; U.S. District Court, Eastern District of Wisconsin; U.S. Court of Federal Claims. *Education:* Cornell Law School (J.D., 1995); Editor-in-Chief, *Cornell International Law Journal*; London School of Economics (M.Sc.(Econ.), 1991); Tufts University (B.A., *cum laude, magno cum honore in thesi*, 1990). *Prior Employment:* Law Clerk to Hon. James T. Turner, U.S. Court of Federal Claims, 1995-1996; International Trade Specialist, Eastern Europe Business Information Center, U.S. Department of Commerce, 1992. *Awards & Honors:* Selected for inclusion by peers in *The Best Lawyers in America* in the field of "Litigation - Antitrust," 2013-2020; "Lawdragon 500 Leading Plaintiff Financial Lawyers in America," *Lawdragon*, 2020; "Lawdragon 500 Leading Lawyers in America," *Lawdragon*, 2019; "Northern California Super Lawyer," *Super Lawyers*, 2010-2019; "Top Plaintiff Lawyers," *Daily Journal*, 2016-2017; "Plaintiffs' Law Trailblazer," *National Law Journal*, 2018; "Leader in the Field" for Antitrust (California), Antitrust (National), *Chambers USA*, 2017; "Outstanding Private Practice Antitrust Achievement," American Antitrust Institute,

2017; “California Litigation Star,” *Benchmark Litigation*, 2013-2015; Legal 500 recommended lawyer, *LegalEase*, 2013; “Top 100 Lawyers in California,” *Daily Journal*, 2013; “Top Attorneys in Business Law,” *Super Lawyers* Corporate Counsel Edition, 2012; “*Lawdragon* Finalist,” *Lawdragon*, 2009. *Publications & Presentations*: General Editor, *California Class Actions Practice and Procedures*, (2003-2009); Coordinating Editor and Co-Author of California section of the *ABA State Class Action Survey* (2003-2008); Author, “US Generic Drug Litigation Update,” 1 *Journal of Generic Medicines* 212 (2004); Author, “The Proposed Hague Convention on the Recognition and Enforcement of Civil and Commercial Judgments: A Solution to Butch Reynolds’s Jurisdiction and Enforcement Problems,” 28 *Cornell International Law Journal* 469 (1995). *Member*: American Antitrust Institute (Advisory Board, 2012-Present); Committee to Support the Antitrust Laws, President, 2017; Bar Association of San Francisco; Children’s Day School (Board of Trustees); District of Columbia Bar Association; *Journal of Generic Medicines* (Editorial Board Member, 2003-Present); State Bar of California; U.S. Court of Federal Claims Bar Association.

**WENDY R. FLEISHMAN**, Admitted to practice in New York, 1992; Pennsylvania, 1977; U.S. Supreme Court, 2000; U.S. Court of Appeals 2nd Circuit, 1998; U.S. Court of Appeals 3rd Circuit, 2010; U.S. Court of Appeals 8th Circuit, 2009; U.S. Court of Appeals 9th Circuit, 2010; U.S. District Court, District of Arizona, 2013; U.S. District Court, Western District of New York, 2012; U.S. District Court Eastern District of New York, 1999; U.S. District Court Northern District of New York, 1999; U.S. District Court Southern District of New York, 1995; U.S. District Court, Eastern District of Wisconsin, 2013; U.S. District Court, Eastern District of Pennsylvania, 1984; U.S. District Court, Western District of Pennsylvania, 2001; U.S. Court of Appeals 5th Circuit, March 5, 2014. *Education*: University of Pennsylvania (Post-Baccalaureate Pre-Med, 1982); Temple University (J.D., 1977); Sarah Lawrence College (B.A., 1974). *Prior Employment*: Skadden, Arps, Slate, Meagher & Flom LLP in New York (Counsel in the Mass Torts and Complex Litigation Department), 1993-2001; Fox, Rothschild O’Brien & Frankel (partner), 1988-93 (tried more than thirty civil, criminal, employment and jury trials, and AAA arbitrations, including toxic tort, medical malpractice and serious injury and wrongful death cases); Ballard Spahr Andrews & Ingersoll (associate), 1984-88 (tried more than thirty jury trials on behalf of the defense and the plaintiffs in civil personal injury and tort actions as well as employment—and construction—related matters); Assistant District Attorney in Philadelphia, PA, 1977-84 (in charge of and tried major homicide and sex crime cases). *Awards and Honors*: Life Fellow, American Bar Foundation; AV Preeminent Peer Review Rated, Martindale-Hubbell; “Top 100 Trial Lawyers,” The National Trial Lawyers; Selected for inclusion by peers in The Best Lawyers in America in the field of “Mass Tort Litigation/Class Actions – Plaintiffs,” 2019, 2020; “New York Super Lawyers,” Super Lawyers, 2006-2018; “New York Litigation Star,” *Benchmark Litigation*, 2013-2016; Legal 500 recommended lawyer, *LegalEase*, 2013; Officer of New York State Trial Lawyers Association, 2010-present; New York State Academy of Trial Lawyers, 2011; “*Lawdragon* Finalist,” *Lawdragon*, 2009. *Publications & Presentations*: Moderator, “Jurisdiction: Defining State Courts’ Authority,” Pound Civil Justice Institute Judges Forum; Boston, MA, July 2017; Speaker, “Diversity in Mass Torts,” AAJ Education Programs, Boston, MA, July 2017; Speaker, “Mass Torts & Criminality,” JAMS Mass Torts Judicial Forum, New York, NY, April 2017; Speaker, “Settling Strategies for MDLs,” JAMS Mass Torts Judicial Forum, New York, NY, April 2016; Moderator & Chair, “Toxic, Environmental & Pharmaceutical Torts,” American Association for Justice Annual Convention, Baltimore, MD, July 2014; “Where

Do You Want To Be? Don't Get Left Behind, Creating a Vision for Your Practice," Minority Caucus and Women Trial Lawyers Caucus (July 22, 2013); Editor, Brown & Fleishman, "Proving and Defending Damage Claims: A Fifty-State Guide" (2007-2010); Co-Author with Donald Arbitblit, "The Risky Business of Off-Label Use," *Trial* (March 2005); Co-Author, "From the Defense Perspective," *Scientific Evidence, Chapter 6, Aspen Law Pub* (1999); Editor, *Trial Techniques Newsletter*, Tort and Insurance Practices Section, American Bar Association (1995-1996; 1993-1994); "How to Find, Understand, and Litigate Mass Torts," NYSTLA Mass Torts Seminar (April 2009); "Ethics of Fee Agreements in Mass Torts," AAJ Education Programs (July 2009). *Appointments*: Plaintiffs' Executive Committee, *IVC Filters Litigation*; Lead Counsel, Joint Coordinated California Litigation, *Amo Lens Solution Litigation*; Co-Liaison, *In re Zimmer Durom Cup Hip Implant Litigation*; Plaintiffs' Steering Committee, DePuy ASR Hip Implant Litigation; Liaison, NJ Ortho Evra Patch Product Liability Litigation; Co-Liaison, NJ Reglan Mass Tort Litigation; Co-Chair, Mealey's Drug & Medical Device Litigation Conference (2007); Executive Committee, *In re ReNu MoistureLoc Product Liability Litigation*, MDL; Discovery Chair, *In re Guidant Products Liability Litigation*; Co-Chair Science Committee, *In re Baycol MDL Litigation*; Pricing Committee, *In re Vioxx MDL Litigation*. *Member*: New York State Trial Lawyers Association (Treasurer, 2010-present; Board of Directors, 2004-Present); Association of the Bar of the City of New York (Product Liability Committee, 2007-present; Judiciary Committee, 2004-Present); American Bar Association (Annual Meeting, Torts & Insurance Practices Section, NYC, Affair Chair, 1997; Trial Techniques Committee, Torts and Insurance Practices, Chair-Elect, 1996); American Association for Justice (Board of Governors); American Association for Justice (Board of Governors, Women Trial Lawyers' Caucus); Pennsylvania Bar Association (Committee on Legal Ethics and Professionalism, 1993-Present; Committee on Attorney Advertising, 1993-Present; Vice-Chair, Task Force on Attorney Advertising, 1991-92); State Bar of New York; Federal Bar Association; Member, Gender and Race Bias Task Force of the Second Circuit, 1994-present; Deputy Counsel, Governor Cuomo's Screening Committee for New York State Judicial Candidates, 1993-94; New York Women's Bar Association; New York County Lawyers; Fight for Justice Campaign; PATLA; Philadelphia Bar Association (Member of Committee on Professionalism 1991-92).

**RACHEL GEMAN**, Admitted to practice in New York, 1998; Southern and Eastern Districts of New York, 1999; U.S. District Court, Eastern District of Michigan, 2005; U.S. District Court of Colorado, 2007; U.S. Supreme Court, 2013. *Education*: Columbia University School of Law (J.D. 1997); Stone Scholar; Equal Justice America Fellow; Human Rights Fellow; Editor, *Columbia Journal of Law and Social Problems*; Harvard University (A.B. *cum laude* 1993). *Prior Employment*: Adjunct Professor, New York Law School; Special Advisor, United States Mission to the United Nations, 2000; Law Clerk to Judge Constance Baker Motley, U.S. District Court, Southern District of New York, 1997-98. *Awards & Honors*: AV Preeminent Peer Review Rated, Martindale-Hubbell; Selected for inclusion by peers in *The Best Lawyers in America* in field of "Employment Law – Individuals," 2012-2020; "Lawyer of the Year," *Best Lawyers*, recognized in the category of Employment Law – Individuals for New York City, 2014-2019; "Super Lawyer for New York Metro," *Super Lawyers*, 2011, 2013-2018; Legal 500 recommended lawyer, *LegalEase*, 2013; "Rising Star for New York Metro," *Super Lawyers*, 2011; Distinguished Honor Award, United States Department of State, 2001. *Publications & Presentations*: Speaker and Moderator, "Statistics for Lawyers - Even Those Who Hate Math," National Employment Lawyers Association Annual Convention (2015); Speaker, "Gender Pay

Disparities: Enforcement, Litigation, and Remedies,” New York City Conference on Representing Employees (2015); Speaker, “Protecting Pay: Representing Workers With Wage and Hour Claims,” National Employment Lawyers Association (2015); Speaker and Author, “What Employment Lawyers Need to Know About Non-Employment Class Actions,” ABA Section of Labor and Employment Law Conference (2014); Moderator, “Dodd-Frank and Sarbanes-Oxley Whistleblower Issues,” National Employment Lawyers Association/New York (2014); Author, “Whistleblower Under Pressure,” *Trial Magazine* (April 2013); Panelist, “Class Certification Strategies: Dukes in the Rear View Mirror,” Impact Fund Class Action Conference (2013); Author & Panelist, “Who is an Employer Under the FLSA?” National Employment Lawyers Association Conference (2013); Panelist, “Fraud and Consumer Protection: Plaintiff and Defense Strategies,” Current Issues in Pharmaceutical and Medical Device Litigation, ABA Section of Litigation (2012); Participant and Moderator, “Ask the EEOC: Current Insights on Enforcement and Litigation,” ABA Section of Labor and Employment Law (2011); Panelist, “Drafting Class Action Complaints,” New York State Bar Association (2011); Participant and Moderator, “Ask the EEOC: Current Insights on Enforcement and Litigation,” ABA Section of Labor and Employment Law (2011); *The New York Employee Advocate*, Co-Editor (2005-2009), Regular Contributor (2008-present); Moderator, “Hot Topics in Wage and Hour Class and Collective Actions,” American Association for Justice Tele-Seminar (2010); Author & Panelist, “Class Action Considerations: Certification, Settlement, and More,” American Conference Institute Advanced Forum (2009); Panelist, “Rights Without Remedies,” American Constitutional Society National Convention, Revitalizing Our Democracy: Progress and Possibilities (2008); Panelist, Fair Measure: Toward Effective Attorney Evaluations, American Bar Association Annual Meeting (2008); Panelist, “Getting to Know You: Use and Misuse of Selection Devices for Hiring and Promotion,” ABA Labor & Employment Section Annual Meeting (2008); Author, “Don’t I Think I Know You Already?’: Excessive Subjective Decision-Making as an Improper Tool for Hiring and Promotion,” ABA Labor & Employment Section Annual Meeting (2008); Author & Panelist, “Ethical Issues in Representing Workers in Wage & Hour Actions,” Representing Workers in Individuals & Collective Actions under the FLSA (2007); Author & Panelist, “Evidence and Jury Instructions in FLSA Actions,” Georgetown Law Center/ACL-ABA (2007); Author & Panelist, “Crucial Events in the ‘Life’ of an FLSA Collective Action: Filing Considerations and the Two-step ‘Similarly-Situated’ Analysis,” National Employment Lawyers Association, Annual Convention (2006); Author & Panelist, “Time is Money, Except When It’s Not: Compensable Time and the FLSA,” National Employment Lawyers Association, Impact Litigation Conference (2005); Panelist, “Electronic Discovery,” Federal Judicial Center & Institute of Judicial Administration, Workshop on Employment Law for Federal Judges (2005); “Image-Based Discrimination and the BFOQ Defense,” *EEO Today: The Newsletter of the EEO Committee of the ABA’s Section of Labor and Employment Law*, Vol. 9, Issue 1 (2004); “Fair Labor Standards Act Overtime Exemptions: Proposed Regulatory Changes,” *New York State Bar Association Labor and Employment Newsletter* (2004); Chair & Panelist, “Current Topics in Fair Labor Standards Act Litigation,” Conference, Association of the Bar of the City of New York (2003); Moderator, “Workforce Without Borders,” ABA Section of Labor & Employment Law, EEOC Midwinter Meeting (2003). *Member*: American Bar Association [Labor and Employment Law Section, Standing Committee on Equal Employment Opportunity (Member, Past Employee Co-Chair, 2009-2011)]; Association of the Bar of the City of New York; Certified Fraud Examiners, New York Chapter, Member; National Employment Lawyers’ Association - New York Chapter (Chair of Amicus Committee, 2017; Board Member,

2005-2011); National Employment Lawyers' Association – National; Public Justice Foundation; Rutter Federal Employment Guide, Contributing Editor (2017-present); Taxpayers Against Fraud Education Fund.

**BRENDAN P. GLACKIN**, Admitted to practice in California, 1998; New York, 2000; U.S. District Court, Northern, Central, Eastern and Southern Districts of California, 2001; U.S. Court of Appeals for the Ninth Circuit, 2004; U.S. District Court, Southern District of New York, 2001; U.S. Court of Appeals for the Second Circuit, 2013; U.S. Court of Appeals for the Fourth Circuit, 2016; U.S. Court of Appeals for the Ninth Circuit. *Education*: Harvard Law School (J.D., *cum laude*, 1998); University of Chicago (A.B., Phi Beta Kappa, 1995). *Prior Employment*: Contra Costa Public Defender, 2005-2007; Boies, Schiller & Flexner, 2000-2005; Willkie Farr & Gallagher, 1999-2000; Law Clerk to Honorable William B. Shubb, U.S. District Court, Eastern District of California, 1998-1999. *Awards & Honors*: “Lawdragon 500 Leading Plaintiff Financial Lawyers in America,” Lawdragon, 2020; “Northern California Super Lawyer,” *Super Lawyers*, 2013-2019; “California Lawyer Attorney of the Year,” *California Lawyer*, 2016. *Member*: State Bar of California; BASF Antitrust Section, Executive Committee. *Seminars*: Ramifications of *American Needle, Inc. v. National Football League*, 2010; Antitrust Institute 2011: Developments & Hot Topics, 2011; Antitrust Trials: The View From the Trenches, 2013; Applying Settlement Offsets to Antitrust Judgments, ABA Spring Meetings, 2013; California Trial Advocacy, PLI, 2013; Building Trial Skills, NITA, 2013, California Trial Advocacy, PLI, 2013, Applying Settlements Offsets to Antitrust Judgments, ABA Spring Meetings, 2013, Antitrust Trials: The View From the Trenches, 2013, Antitrust and Silicon Valley: New Themes and Direction in Competition Law and Policy, Santa Clara University School of Law, March 2019.

**MARK P. CHALOS**, Admitted to practice in Tennessee, 1998; U.S. Court of Appeals, Sixth Circuit, 1998; U.S. Court of Appeals, Seventh Circuit, 2012; U.S. District Court, Middle District of Tennessee, 2000; U.S. District Court, Western District of Tennessee, 2002; U.S. District Court, Eastern District of Tennessee, 2006; U.S. District Court, Northern District of Florida, 2006; U.S. District Court, Northern District of California, 2007; U.S. Supreme Court, 2012. *Education*: Emory University School of Law (J.D., 1998); Dean's List; Award for Highest Grade, Admiralty Law; Research Editor, *Emory International Law Review*; Phi Delta Phi Legal Fraternity; Vanderbilt University (B.A., 1995). *Honors & Awards*: AV Peer Review Rated, Martindale-Hubbell; Selected for inclusion by peers in *The Best Lawyers in America* in the field of “Mass Tort Litigation/Class Actions – Plaintiffs,” 2012-2020; American Bar Foundation Fellow, 2016; “Tennessee Litigation Star,” *Benchmark Litigation*, 2013-2015; “Best of the Bar,” Nashville Business Journal, 2008-2010, 2015-2016; “Super Lawyer for Mid-South,” *Super Lawyers*, 2011 - 2018; “Tennessee Top 100,” *Super Lawyers*, 2015; “Rising Star for Mid-South,” *Super Lawyers*, 2008 - 2010; “Top 40 Under 40,” *The Tennessean*, 2004. *Publications & Presentations*: “Supreme Court Limits The Reach Of Alien Tort Statute In *Kiobel*,” Legal Solutions Blog, April 2013; “The Rise of Bellwether Trials,” Legal Solutions Blog, March 2013; “*Amgen*: The Supreme Court Refuses to Erect New Class Action Bar,” Legal Solutions Blog, March 2013; “Are International Wrongdoers Above the Law?,” *The Trial Lawyer Magazine*, January 2013; “*Kiobel v. Royal Dutch Petroleum*: Supreme Court to Decide Role of US Courts Abroad,” *ABA Journal*, January 2013. “Legislation Protects the Guilty [in Deadly Meningitis Outbreak],” *The Tennessean*, December 2012; Litigating International Torts in United States

Courts, 2012 ed., Thomson Reuters/West (2012); “Successfully Suing Foreign Manufacturers,” *TRIAL Magazine*, November 2008; “Washington Regulators Versus American Juries: The United States Supreme Court Shifts the Balance in *Riegel v. Medtronic*,” *Nashville Bar Journal*, 2008; “Washington Bureaucrats Taking Over American Justice System,” *The Tennessean* (December 2007); “The End of Meaningful Punitive Damages,” *Nashville Bar Journal*, November 2001; “Is Civility Dead?” *Nashville Bar Journal*, October 2003; “The FCC: The Constitution, Censorship, and a Celebrity Breast,” *Nashville Bar Journal*, April 2005. *Member*: American Bar Foundation (Fellow, 2016); American Association for Justice (Chair, Public Education Committee, 2015); American Bar Association (Past-Chair, YLD Criminal & Juvenile Justice Committee; Tort Trial and Insurance Practice Section Professionalism Committee); First Center for the Visual Arts (Founding Member, Young Professionals Program); Harry Phillips American Inn of Court; Kappa Chapter of Kappa Sigma Fraternity Alumni Association (President); Metropolitan Nashville Arts Commission (Grant Review Panelist); Nashville Bar Association (YLD Board of Directors; Nashville Bar Association YLD Continuing Legal Education and Professional Development Director); Nashville Bar Journal (Editorial Board); Tennessee Association for Justice (Board of Directors, 2008-2011; Legislative Committee); Tennessee Bar Association (Continuing Legal Education Committee); Tennessee Trial Lawyers Association (Board of Directors; Vice-President, 2018-2019; Treasurer & Secretary, 2017-2018); Historic Belcourt Theatre (Past Board Chair; Board of Directors); Nashville Cares (Board of Directors).

**PAULINA do AMARAL**, Admitted to practice in New York, 1997; California, 1998; U.S. Court of Appeals, Ninth Circuit, 1999; U.S. District Court, Southern District of New York, 2004; U.S. District Court, Western District of Michigan, 2004; U.S. District Court, Eastern District of Michigan, 2007. *Education*: University of California Hastings College of Law (J.D., 1996); Executive Editor, *Hastings Constitutional Law Quarterly*; National Moot Court Competition Team, 1995; Moot Court Executive Board; University of Rochester (B.A., 1988). *Employment*: Law Clerk to Chief Judge Richard Alan Enslen, U.S. District Court, Western District of Michigan, 1996-98. *Publications & Presentations*: Co-Chair, HarrisMartin Opioid Litigation Conference, San Francisco, 2018; “Rapid Response: Opioid Litigation,” American Association for Justice Seminar, September 2017; Co-Author, “Class Action Fairness Act of 2005,” *California Litigation*, Vol. 18, No. 3, 2005. *Awards & Honors*: Selected for inclusion by peers in The Best Lawyers in America in the field of “Mass Tort Litigation/Class Actions – Plaintiffs,” 2017-2020; Legal 500 recommended lawyer, *LegalEase*, 2013. *Member*: American Association for Justice; UC Hastings College of the Law, Board of Trustees; Association of the Bar of the City of New York, (2007-2010, Committee on the Judiciary); American Bar Association; State Bar of New York; State Bar of California; Bar Association of San Francisco; American Trial Lawyers Association; New York State Trial Lawyers Association.

**KENNETH S. BYRD**, Admitted to practice in Tennessee, 2004; U.S. District Court of Appeals, 6th Circuit, 2009; U.S. District Court, Western District of Tennessee, 2007; U.S. District Court, Eastern District of Tennessee, 2006; U.S. District Court, Middle District of Tennessee, 2005. *Education*: Boston College Law School (J.D., *cum laude*, 2004), Law Student Association (President, 2003-2004), National Moot Court Team (Regional Champion, 2003-2004), American Constitution Society (Secretary, 2002-2003), Judicial Process Clinic (2003), Criminal Justice Clinic (2003-2004); Samford University (B.S., *cum laude*, in Mathematics with



Honors, minor in Journalism, 1995). *Prior Employment*: Harwell Howard Hyne Gabbert & Manner, P.C., 2004-2010; Summer Associate, Harwell Howard Hyne Gabbert & Manner, P.C., 2003; Summer Associate, Edward, Angell, Palmer, Dodger, LLP, 2003. *Awards*: Selected for inclusion by peers in The Best Lawyers in America in fields of Consumer Protection Law, Personal Injury Litigation-Plaintiffs, and Product Liability Litigation-Plaintiffs, 2018-2020; “Paladin Award,” Tennessee Association for Justice, 2015; “Rising Star for Mid-South,” Super Lawyers, 2014. *Member*: American Bar Association; American Constitution Society, Nashville Chapter (Member & Chair of 2008 Supreme Court Preview Event); Tennessee Trial Lawyers Association (Board of Governors, 2018-2019); Camp Ridgecrest Alumni & Friends (Board Member); Harry Phillips American Inn of Court, Nashville Chapter (Associate Member, 2008-2010; Barrister, 2010-2014); Historic Edgefield, Inc. (President, 2009-2011); Nashville Bar Association; Tennessee Bar Association.

**LIN Y. CHAN**, Admitted to practice in California, 2008; U.S. District Court, Northern District of California, 2008; U.S. District Court, Central District of California, 2010; U.S. Court of Appeals for the Fifth Circuit, 2011; U.S. Court of Appeals for the Ninth Circuit, 2011; U.S. Court of Appeals for the Tenth Circuit, 2010. Education: Wellesley College (B.A. *summa cum laude* 2001); Stanford Law School (J.D. 2007); Editor-in-Chief, *Stanford Journal of Civil Rights and Civil Liberties*; Fundraising Chair, Shaking the Foundations Progressive Lawyering Conference. *Prior Employment*: Associate, Goldstein, Borgen, Dardarian & Ho (formerly Goldstein, Demchak Baller Borgen & Dardarian), 2008-2013; Law Clerk to Judge Damon J. Keith, Sixth Circuit Court of Appeals, 2007-2008; Clinic Student, Stanford Immigrants’ Rights Clinic, 2006-2007; Union Organizer, SEIU and SEIU Local 250, 2002-2004; Wellesley-Yenching Teaching Fellow, Chinese University of Hong Kong, 2001-2002. *Awards & Honors*: “Lawdragon 500 Leading Plaintiff Financial Lawyers in America,” Lawdragon, 2020; “*Super Lawyer for Northern California*,” *Super Lawyers*, 2019; “Rising Star for Northern California,” *Super Lawyers*, 2015-2018; “40 and Under Hot List,” Benchmark Litigation, 2018”; “Outstanding Antitrust Litigation Achievement by a Young Lawyer,” American Antitrust Institute, 2017; “Outstanding Private Practice Antitrust Achievement,” American Antitrust Institute, 2017. *Presentations & Publications*: Moderator, “Antitrust for HR: No-Poach and Wage Fixing Agreements,” Bar Association of San Francisco (January 2018); Author, “Do Federal Associated General Contractors Standing Requirements Apply to State Illinois Brick Repealer Statutes?,” *Business Torts & Rico News*, Winter 2015; Panelist, “Federal and State Whistleblower Laws: What You Need to Know,” Asian American Bar Association (November 2014); Author, “California Supreme Court Clarifies State Class Certification Standards in Brinker,” *American Bar Association Labor & Employment Law Newsletter* (April 2013); Presenter, “Rule 23 Basics in Employment Cases,” Impact Fund’s 11th Annual Employment Discrimination Class Action Conference (February 2013); Chapter Author, *The Class Action Fairness Act: Law and Strategies*; Co-Author, “Clash of the Titans: Iqbal and Wage and Hour Class/Collective Actions,” BNA, *Daily Labor Report*, 80 DLR L-1 (April 2010); Chapter Co-Chair, Lindemann & Grossman, *Employment Discrimination Law Treatise*, Fifth Edition; Chapter Monitor, Lindemann & Grossman, *Employment Discrimination Law Treatise* 2010 Cumulative Supplement. *Member*: American Antitrust Institute, Advisory Board, 2018; Asian Americans Advancing Justice - Asian Law Caucus, Board Member, 2013 – Present, Annual Dinner Committee Co-Chair, 2015; Asian American Bar Association, Civil Rights Committee Co-

Chair, 2011 - Present; American Bar Association, Fair and Impartial Courts Committee Vice-Chair, 2014 – Present; Bar Association of San Francisco; Public Justice; State Bar of California.

**DANIEL P. CHIPLOCK**, Admitted to practice in New York, 2001; U.S. District Court, Southern District of New York, 2001; U.S. District Court, Eastern District of New York, 2001; U.S. District Court, District of Colorado, 2006; U.S. Court of Appeals for the Second Circuit, 2009; U.S. Court of Appeals for the Third Circuit, 2016; U.S. Court of Appeals for the Sixth Circuit, 2011; U.S. Supreme Court, 2011. *Education*: Stanford Law School (J.D., 2000); Article Review Board, *Stanford Environmental Law Journal*; Recipient, Keck Award for Public Service; Columbia University (B.A., *summa cum laude*, 1994); Phi Beta Kappa. *Awards & Honors*: “Super Lawyer for New York Metro,” *Super Lawyers*, 2016-2017; “Keck Award for Public Service,” Stanford Law School, 2000. *Member*: State Bar of New York; American Association for Justice; Fight for Justice Campaign; Public Justice; National Association of Shareholder and Consumer Attorneys (Executive Committee/Secretary); American Constitution Society for Law and Policy (Advocate’s Circle). *Classes/Seminars*: “Fraud on the Market,” Federal Bar Council, Feb. 25, 2014 (CLE panel participant).

**DOUGLAS CUTHBERTSON**, Admitted to practice in New York, 2008; U.S. Court of Appeals for the Eleventh Circuit, 2017; U.S. Court of Appeals for the Second Circuit, 2016; U.S. Court of Appeals for the Seventh Circuit, 2015; U.S. District Court, District of Connecticut, 2017; U.S. District Court, Northern District of New York, 2018; U.S. District Court, Eastern District of New York, 2008; U.S. District Court, Southern District of New York, 2008; U.S. District Court, District of Colorado, 2013; U.S. District Court, Eastern District of Wisconsin, 2013; U.S. District Court, Western District of Wisconsin, 2014; U.S. District Court, Northern District of Illinois, 2014. *Education*: Fordham University School of Law (J.D. *cum laude* 2007); President, Fordham Law School Chapter of Just Democracy; Senior Articles Editor, Fordham Urban Law Journal; Fordham University School of Law Legal Writing Award, 2004-2005; Legal Writing Teaching Assistant, 2005-2006; Dean’s List, 2004-2007; Alpha Sigma Nu Jesuit Honor Society. Bowdoin College (B.A. *summa cum laude*, 1999), Sarah and James Bowdoin Scholar for Academic Excellence (1995-1999). *Prior Employment*: Associate, Debevoise & Plimpton, LLP, 2009-2012; Law Clerk to Honorable Magistrate Judge Andrew J. Peck, U.S. District Court, Southern District of New York, 2007-2009. *Awards & Honors*: “Rising Star for New York Metro,” *Super Lawyers*, 2013-2017. *Member*: Federal Bar Council; New York Civil Liberties Union, Board of Directors; New York State Bar Association.

**NIMISH R. DESAI**, Admitted to practice in Texas, 2017; Admitted to practice in California, 2006; U.S. Court of Appeals, Ninth Circuit, 2009; US District Court, Northern District of California, 2007; Texas, 2017; US District Court, Central District of California, 2008; US District Court, Northern District of Florida, 2009; US District Court, Eastern District of Texas, 2017; US District Court, Southern District of Texas, 2019. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D., 2006), Finalist and Best Brief, McBaine Moot Court Competition (2006), Moot Court Best Brief Award (2004); University of Texas, Austin, (B.S. & B.A., High Honors, 2002). *Prior Employment*: Extern, Sierra Club Environmental Law Program, 2004; Researcher, Public Citizen, 2003; Center for Energy and Environmental Resources, 2001-2002. *Awards & Honors*: Selected for inclusion by peers in *The Best Lawyers in America* in field of “Qui Tam Law,” 2016-2020; “Northern California Super

Lawyer,” *Super Lawyers*, 2013-2019; “Consumer Attorney of the Year Finalist,” Consumer Attorneys of California, 2014; “Rising Star for Northern California,” *Super Lawyers*, 2012. *Publications & Presentations*: “BP, Exxon Valdez, and Class-Wide Punitive Damages,” 21 Class Action and Derivative Suit Committee Newsletter (Fall 2010); “American Chemistry Council v. Johnson: Community Right to Know, But About What? D.C. Circuit Takes Restrictive View of EPCRA,” 33 *Ecology L.Q.* 583 (Winter 2006); “Lessons Learned and Unlearned: A Case Study of Medical Malpractice Award Caps in Texas,” *The Subcontinental*, (Winter 2004, Vol. 1, Issue 4, pp. 81-87); “Separation of Fine Particulate Matter Emitted from Gasoline and Diesel Vehicles Using Chemical Mass Balancing Techniques,” *Environmental Science Technology*, (2003; 37(17) pp. 3904-3909); “Analysis of Motor Vehicle Emissions in a Houston Tunnel during Texas Air Quality Study 2000,” *Atmospheric Environment*, 38, 3363-3372 (2004). *Member*: State Bar of California; Bar Association of San Francisco; Consumer Attorneys of California; American Bar Association; American Constitution Society; East Bay Community Law Center (Board Member, 2010-present); South Asian Bar Association (Board Member, 2010-present). *Languages*: Gujarati (conversational).

**NICHOLAS DIAMAND**, Admitted to practice in England & Wales, 1999; New York, 2003; U.S. District Court for the District of Colorado, 2007; U.S. District Court, Southern, Eastern, and Western Districts of New York; US. Court of Appeals, Seventh Circuit, Ninth Circuit; U.S. Supreme Court, 2013; U.S. Court of Appeals, Second Circuit, 2016. *Education*: Columbia University School of Law (LL.M., Stone Scholar, 2002); College of Law, London, England (C.P.E.; L.P.C.; Commendation, 1997); Columbia University (B.A., *magna cum laude*, 1992). *Awards & Honors*: “Super Lawyer for New York Metro,” *Super Lawyers*, 2013-2018; “Super Lawyers Business Edition” (Securities Edition), *Super Lawyers*, 2016; “Rising Star for New York Metro,” *Super Lawyers*, 2012. *Prior Employment*: Solicitor, Herbert Smith, London (1999-2001); Law Clerk to the Honorable Edward R. Korman, Chief Judge, U.S. District Court, Eastern District of New York (2002-03). *Publications & Presentations*: Panelist, Federal Bar Council: Webinar on Amendment to Fed R. Civ. P. 23: Impact on Securities, Antitrust, Consumer & Data Breach Class Action Practice, December 2018; “Spokeo Still Standing: No Sign of a Circuit Split” (with Andrew Kaufman), *Law360*, 2016; “Spotlight on Spokeo: A Win for Consumers” (with Andrew Kaufman), *Law360*, 2016; “U.S. Securities Litigation & Enforcement Action,” *Corporate Disputes* magazine, April-June 2015; Speaker, Strafford CLE webinar “Ethical Risks in Class Litigation,” 2015; Speaker, International Corporate Governance Network Conference, 2014; “Fraud on the Market in a Post-Amgen World” (with M. Miarmi), *Trial Magazine*, November 2013; Contributing Author, *California Class Actions Practice and Procedure* (Elizabeth J. Cabraser, Editor-in-Chief), 2006; Panelist, “Obstacles to Access to Justice in Pharmaceutical Cases,” *Pharmaceutical Regulation and Product Liability*, British Institute of International and Comparative Law, April 21, 2006; Panelist, “Pre-Trial Discovery in the United States,” Union Internationale des Avocats, Winter Seminar, February 2006. *Member*: American Association for Justice (Chair, Consumer Privacy/Data Breach Litigation Group, 2016); New York City Bar Association; New York State Bar Association; Public Justice Foundation; International Corporate Governance Network; Peer Articles Reviewer; *Trial* magazine.

**DEAN M. HARVEY**, Admitted to practice in California, 2007; U.S. District Court, Northern District of California, 2007; U.S. District Court, Central District of California, 2007;

U.S. District Court, Eastern District of California, 2008; U.S. District Court, Southern District of California, 2008; U.S. Court of Appeals for the Ninth Circuit, 2008; U.S. District Court, Eastern District of Wisconsin, 2013; U.S. Court of Appeals for the Fourth Circuit, 2016; U.S. Supreme Court, 2018. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D. 2006); Articles Editor, *California Law Review* (2005-2006); Assistant Editor, *Berkeley Journal of International Law* (2004); University of Minnesota, Twin Cities (B.A. *summa cum laude*, 2002). *Prior Employment*: Partner, Lieff Cabraser Heimann & Bernstein, LLP (2013-Present); Associate, Lieff Cabraser Heimann & Bernstein, LLP (2009-2013); Associate, Boies, Schiller & Flexner LLP (2007-2008); Law Clerk, The Honorable James V. Selna, U.S. District Court for the Central District of California (2006-2007); Law Clerk, U.S. Department of Justice, Antitrust Division, San Francisco Field Office (2006); Summer Law Intern, U.S. Department of Justice (2005); Summer Associate, Boies, Schiller & Flexner LLP (2005). *Awards & Honors*: "Lawdragon 500 Leading Plaintiff Financial Lawyers in America," Lawdragon, 2020; "Super Lawyer for Northern California," *Super Lawyers*, 2013-2019; "On the Rise – Top 40 Young Lawyers," American Bar Association, 2017; "Top 40 Under 40" Lawyer in California, *Daily Journal*, 2017; "Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2017; "California Lawyer Attorney of the Year (CLAY) Award," *California Lawyer*, 2016; "Lawyers on the Fast Track," *The Recorder*, 2013; "Rising Star for Northern California," *Super Lawyers*, 2010-2012; "William E. Swope Antitrust Writing Prize," 2006. *Publications & Presentations*: Speaker, "Current and Future Antitrust and Labor Issues," National Association of Attorneys General, April 2019; Panelist, "Competition Tort Claims Around the Globe," ABA Antitrust Section Spring Meeting, March 2019; Speaker, "Antitrust and Silicon Valley: New Themes and Direction in Competition Law and Policy," Santa Clara University School of Law, March 2019; Speaker, "Antitrust Analysis in Two-Sided Markets," California Lawyers Association, February 2019; Speaker, "Latest Developments in No-Poach Agreements," California Lawyers Association (January 2019); Panelist, "Antitrust and Workers – Agreements, Mergers, and Monopsony," American Antitrust Institute Conference (June 2018); Speaker, "Anticompetitive Practices in the Labor Market," Unrigging the Market Program, Harvard Law School (June 2018); Speaker, "Tech-Savvy and Talented: Competition in Employment Practices," American Bar Association (May 2018); Speaker, "Antitrust for HR: No-Poach and Wage Fixing Agreements," Bar Association of San Francisco (January 2018); Moderator, "Competition Torts in the Trenches: Lessons From Recent High-Profile Cases," American Bar Association (November 2016); Speaker, "Are Computers About to Eat Your Lunch (Or At Least Change the Way You Practice)?" Association of Business Trial Lawyers Panel (August 2016); Moderator, "The Law and Economics of Employee Non-Compete Agreements," American Bar Association Panel (June 2016); Speaker, "Lessons from the Headlines: In re: High-Tech Employee Antitrust Litigation," The Recorder and Corporate Counsel's 13th Annual General Counsel Conference West Coast (November 2015); Speaker, "The Future of Private Antitrust Enforcement," American Antitrust Institute Panel (November 2015); Moderator, "From High-Tech Labor to Sandwich Artists: The Law and Economics of Employee Solicitation and Hiring," American Bar Association Panel (March 2015); Panelist, "Tech Sector 'No Poaching' Case Update - What Antitrust Counselors and HR Departments Need to Know," American Bar Association (2015); Speaker, "Cases at the Intersection of Class Actions and Employee Protection Regulations," Law Seminars International (2015); Speaker, Town Hall Meeting, American Bar Association Section of Antitrust Law Business Torts & Civil RICO Committee (December 2014); Panelist, "If You Don't Steal My Employees, I Won't Steal Yours: The Antitrust Treatment of Non-Poaching and

Non-Solicitation Agreements," American Bar Association (2013); Panelist, "In the Wake of AT&T Mobility v. Concepcion: Perspectives on the Future of Class Litigation," American Bar Association (2011); Co-Author, "Play Ball: Potential Private Rights of Action Emerging From the FIFA Corruption Scandal," 11 Business Torts & RICO News 1 (Summer 2015); Contributing Author, *The Class Action Fairness Act: Law and Strategy*, American Bar Association, 2013; Contributing Author, *Concurrent Antitrust Criminal and Civil Proceedings: Identifying Problems and Planning for Success*, American Bar Association (2013); Co-Editor, *California Class Actions Practice and Procedures* (2010-2013); Articles Editor, *Competition* (the Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California) (2012); Contributing Author, *ABA Annual Review of Antitrust Law Developments* (2011); *New Guidance for Standard Setting Organizations: Broadcom Corp. v. Qualcomm Inc. and In the Matter of Rambus, Inc.*, 5 *ABA Sherman Act Section 1 Newsl.* 35 (2008); *Anticompetitive Social Norms as Antitrust Violations*, 94 Calif. L. Rev. 769 (2006). *Member*: American Antitrust Institute, Advisory Board; American Bar Association (Antitrust Section), and Co-Chair, Competition Torts Committee; Bar Association of San Francisco; San Francisco Trial Lawyers Association.

**LEXI J. HAZAM**, Admitted to practice in California, 2003; U.S. Court of Appeals for the Second Circuit, 2008; U.S. Court of Appeals for the Seventh Circuit, 2006; U.S. Court of Appeals for the Eighth Circuit, 2008; U.S. District Court, Northern District of California, 2003; U.S. District Court, Southern District of CA, 2013; U.S. District Court, Western District of Michigan, 2017. *Education*: Stanford University (B.A., 1995, M.A., 1996), Phi Beta Kappa. University of California, Berkeley, School of Law (Berkeley Law) (J.D., 2001); *California Law Review* and *La Raza Law Journal* (Articles Editor); Berkeley Law Foundation Summer Grant for Public Service; Federal Practice Clinic; Hopi Appellate Clinic). *Prior Employment*: Law Clerk, Mexican American Legal Defense and Education Fund, 1999; Law Clerk, Judge Henry H. Kennedy, Jr., U.S. District Court for the District of Columbia, 2001-2002; Associate, Lieff Cabraser Heimann & Bernstein, LLP, 2002-2006; Partner, Lieff Global LLP, 2006-2008. *Honors & Awards*: Selected for inclusion by peers in *The Best Lawyers in America* in the field of "Mass Tort Litigation/Class Actions – Plaintiffs" and "Qui Tam Law," 2015-2020; "Lawdragon 500 Leading Plaintiff Financial Lawyers in America," Lawdragon, 2020; "Northern California Super Lawyer," *Super Lawyers*, 2015-2019; "Lawyer of the Year," *The Best Lawyers in America*, Mass Tort Litigation/Class Actions-Plaintiffs for San Francisco, 2017; "California Litigation Star," *Benchmark Litigation*, 2016; "California Future Star," *Benchmark Litigation*, 2015; "Consumer Attorney of the Year Finalist," Consumer Attorneys of California, 2015; Legal 500 recommended lawyer, *LegalEase*, 2013; "Northern California Rising Stars," *Super Lawyers*, 2009-2011, 2013. *Publications & Presentations*: "Supreme Court Review of Escobar," Qui Tam Litigation Group and "Opioid Litigation: the Next Tobacco?" Litigation at Sunrise, American Association for Justice Annual Convention, Boston, 2017; "Discovery Following the 2015 Federal Rules Amendments: What Does Proportionality Mean in the Class Action and Mass Tort Contexts?" ABA 4th Annual Western Regional CLE on Class Actions & Mass Torts, San Francisco, 2017; "Increasing the Number of Women & Minority Lawyers Appointed to Leadership Positions in Class Actions & MDLs," Duke Law Center for Judicial Studies Conference, Atlanta, 2017; "2015 Rules Amendments," "Search Methodology and Technology," "New Forms of Communications and Data Protection," Innovation in eDiscovery Conference, San Francisco, 2016; "Technology-Assisted Review: Advice for Requesting Parties," Practical

Law, October/November 2016; “Technology-Assisted Review,” Sedona Conference Working Group 1 Drafting Team, 2015; “The Benicar Litigation,” Mass Torts Made Perfect, Las Vegas, 2015; “The Benicar Litigation,” HarrisMartin’s MDL Conference, San Diego, 2015; “Now You See Them, Now You Don’t: The Skill of Finding, Retaining, and Preparing Expert Witnesses For Trial,” Women En Mass, Aspen; 2014. *Member*: American Association for Justice (Chair, Section on Toxic, Environmental, and Pharmaceutical Torts, 2017); American Association for Justice (Co-Secretary, Section on Qui Tam Litigation, 2016); Consumer Attorneys of California; Board of Governors, Consumer Attorneys of California (2015); Bar Association of San Francisco; San Francisco Trial Lawyers Association; State Bar of California.

**ROGER N. HELLER**, Admitted to practice in California, 2001; U.S. District Court, Northern District of California, 2001; U.S. District Court, Eastern District of California, 2017; U.S. District Court, District of Colorado, 2015; U.S. Court of Appeals for the Second Circuit, 2017; U.S. Court of Appeals for the Ninth Circuit, 2001. *Education*: Columbia University School of Law (J.D., 2001); Columbia Law Review, Senior Editor. Emory University (B.A., 1997). *Prior Employment*: Extern, Honorable Michael Dolinger, U.S. District Court, Southern District of New York, 1999; Associate, O’Melveny & Myers LLP, 2001-2005; Senior Staff Attorney, Disability Rights Advocates, 2005-2008. *Honors & Awards*: “Northern California Super Lawyer,” *Super Lawyers*, 2013-2019; “Partners Council Rising Star,” National Consumer Law Center, 2015; “Rising Star,” *Law 360*, 2014-2015; “Finalist for Consumer Attorney of the Year,” Consumer Attorneys of California, 2012-2013; “Trial Lawyer of the Year Finalist,” Public Justice, 2012; “Northern California Rising Star,” *Super Lawyers*, 2011-2012; Harlan Fiske Stone Scholar, 1998-2001. *Publications & Presentations*: Co-author, Fighting For Troops on the Homefront, Trial Magazine (September 2006). *Member*: American Bar Association; Bar Association of San Francisco; Consumer Attorneys of California; State Bar of California; Advisory Committee Member, Santa Venetia Community Plan.

**DANIEL M. HUTCHINSON**, Admitted to practice in California, 2005; U.S. District Court, Central District of California, 2012; U.S. District Court, Southern District of California, 2012; U.S. Court of Appeals for the Eleventh Circuit, 2018; U.S. Court of Appeals for the First Circuit, 2012; U.S. Court of Appeals for the Ninth Circuit, 2006; U.S. District Court, Northern District of California, 2006; U.S. Court of Appeals for the Fourth Circuit, 2008; U.S. District Court Eastern District of Wisconsin, 2013; U.S. District, Northern District of Illinois, 2014. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D., 2005), Senior Articles Editor, *African-American Law & Policy Report*, Prosser Prizes in Constitutional Law and Employment Law; University of California, Berkeley, School of Law (Berkeley Law) Teaching & Curriculum Committee (2003-2004); University of California, Berkeley Extension (Multiple Subject Teaching Credential, 2002); Brown University (B.A., 1999), Mellon Mays Fellowship (1997-1999). *Prior Employment*: Judicial Extern to the Hon. Martin J. Jenkins, U.S. District Court, Northern District of California, 2004; Law Clerk, Lewis & Feinberg, P.C., 2003-2004; Teacher, Oakland Unified School District, 1999-2002. *Honors & Awards*: Selected for inclusion by peers in *The Best Lawyers in America* in the field of “Employment Law—Individuals,” 2020; “Northern California Super Lawyer,” *Super Lawyers*, 2013-2019; “Rising Star,” *Law360*, 2014; Legal 500 recommended lawyer, *LegalEase*, 2013; “50 Lawyers on the Fast Track,” *The Recorder*, 2012; “Northern California Rising Stars,” *Super Lawyers*, 2009-2012. *Publications & Presentations*: Panelist, “Ascertainability isn’t a thing. Or is it?” Impact

Fund Class Action Conference, February 2019; Panelist, “Employment Discrimination Class Actions Post-*Dukes*,” Consumer Attorneys of California 50th Annual Convention (2011); “Ten Points from *Dukes v. Wal-Mart Stores, Inc.*,” 20(3) *CADS Report 1* (Spring 2010); Panelist, “Rethinking Pro Bono: Private Lawyers and Public Service in the 21st Century,” UCLA School of Law (2008); Author and Panelist, “Pleading an Employment Discrimination Class Action” and “EEO Litigation: From Complaint to the Courthouse Steps,” ABA Section of Labor and Employment Law Second Annual CLE Conference (2008); Co-Presenter, “Rule 23 Basics in Employment Cases,” Strategic Conference on Employment Discrimination Class Actions (2008). *Member*: American Bar Association (Section of Labor & Employment Law Leadership Development Program, 2009 - 2010); Association of Business Trial Lawyers (Leadership Development Committee, 2008 - 2010); Bar Association of San Francisco (Vice Chair, Cybersecurity and Privacy Law Section); Consumer Attorneys of California; Lawyer’s Committee for Civil Rights of the San Francisco Bay Area (Board Chair, 2015; Chair-Elect, 2014; Board Secretary, 2011 - 2013; Board of Directors, 2009 - Present); National Bar Association; National Employment Lawyers Association; State Bar of California.

**SHARON M. LEE**, Admitted to practice in New York, 2002; U.S. District Court, Southern District of New York, 2003; U.S. District Court, Eastern District of New York, 2003; Washington State, 2005; U.S. District Court, Western District of Washington, 2015. *Education*: St. John’s University School of Law (J.D. 2001); *New York International Law Review*, Notes & Comments Editor, 2000-2001; St. John’s University (M.A. 1998); St. John’s University (B.A. 1997). *Awards and Honors*: “Lawdragon 500 Leading Plaintiff Financial Lawyers in America,” Lawdragon, 2020. *Prior Employment*: Milberg Weiss & Bershad, LLP, 2003-2007. *Publications & Presentations*: Author, *The Development of China’s Securities Regulatory Framework and the Insider Trading Provisions of the New Securities Law*, 14 N.Y. Int’l L.Rev. 1 (2001); Co-author, *Post-Tellabs Treatment of Confidential Witnesses in Federal Securities Litigation*, 2 J. Sec. Law, Reg. and Compliance 205 (3d ed. 2009). *Member*: American Bar Association; Asian Bar Association of Washington; Washington State Bar Association; Washington State Joint Asian Judicial Evaluation Committee.

**BRUCE W. LEPLA**, Admitted to practice in California, 1976; New York, 1978; Colorado, 2006; U.S. Court of Appeals Ninth Circuit, 1976; U.S. District Court Central District of California, 1976; U.S. District Court Eastern District of California, 1976; U.S. District Court Northern District of California, 1976; U.S. District Court Southern District of New York, 2015. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D., M.G. Reade Scholarship Award); University of California at Berkeley (M.S., Law and Economics, Quantitative Economics); Yale University (B.A., *magna cum laude*, Highest Honors in Economics). *Prior Employment*: California-licensed Real Estate Broker (2009-present); FINRA and California-licensed Registered Investment Adviser (2008-present); Chairman, Leppla Capital Management LLC (2008-present); Chairman, Susquehanna Corporation (2006-present); Partner, Lieff Cabraser Heimann & Bernstein, LLP (2004-2008), Counsel (2002-2003); CEO and President, California Bankers Insurance Services Inc., 1999-2001; CEO and President, Redwood Bank (1985-1998), CFO and General Counsel (1981-1984); Brobeck, Phleger & Harrison (1980); Davis Polk & Wardwell (1976-80). *Publications*: Author or co-author of 11 different U.S. and International patents in electronic commerce and commercial product design, including “A Method for Storing and Retrieving Digital Data Transmissions,”

United States Patent No. 5,659,746, issued August 19, 1997; “*Stay in the Class or Opt-Out? Institutional Investors Are Increasingly Opting-Out of Securities Class Litigation*,” Securities Litigation Report, Vol. 3, No. 8, September 2006, West LegalWorks; reprinted by permission of the author in Wall Street Lawyer, October 2006, Vol. 10, No. 10, West LegalWorks; “*Selected Waiver: Recent Developments in the Ninth Circuit and California, Part 1*,” Elizabeth J. Cabraser, Joy A. Kruse and Bruce W. Leppla; Securities Litigation Report, May 2005, Vol. I, No. 9, pp. 1, 3-7; “*Selected Waiver: Recent Developments in the Ninth Circuit and California, Part 2*,” Elizabeth J. Cabraser, Joy A. Kruse and Bruce W. Leppla; Securities Litigation Report, June 2005, Vol. I, No. 10, pp. 1, 3-9; Author, “*Securities Powers for Community Banks*,” California Bankers Association Legislative Journal (Nov. 1987). *Teaching Positions*: Lecturer, University of California at Berkeley, Haas School of Business, Real Estate Law and Finance (1993-96); Lecturer, California Bankers Association General Counsel Seminars, Lending Documentation, Financial Institutions Litigation and similar topics (1993-96). *Panel Presentations*: Union Internationale des Avocats, Spring Meeting 2010, Frankfurt, Germany, “*Recent Developments in Cross-Border Litigation*,” Union Internationale des Avocats, Winter Meeting 2010, Park City, Utah, “*Legal and Economic Aspects of Securities Class and Opt-out Litigation*,” EPI European Pension Fund Summit, Montreux, Switzerland, “*Legal and Global Economic Implications of the U.S. Subprime Lending Crisis*,” May 2, 2008; Bar Association of San Francisco, “*Impact of Spitzer’s Litigation and Attempted Reforms on the Investment Banking and Insurance Industries*,” May 19, 2005; Opal Financial Conference, National Public Fund System Legal Conference, Phoenix, AZ, “*Basic Principles of Securities Litigation*,” January 14, 2005; American Enterprise Institute, “*Betting on the Horse After the Race is Over—In Defense of Mutual Fund Litigation Related to Undisclosed After Hours Order Submission*,” September 30, 2004. *Member*: American Association for Justice; Bar Association of San Francisco, Barrister’s Club, California Bankers Association, Director, 1993 – 1999, California State Small Business Development Board, 1989 – 1997, Community Reinvestment Institute, Founding Director, 1989 – 1990, National Association of Public Pension Attorneys, New York State Bar Association, San Francisco Chamber of Commerce, Leadership Council, 1990 – 1992, State Bar of California, Union Internationale des Avocats, Winter Corporate Governance Seminar, Seminar Chairman, 2012; University of California at Berkeley, University of California, Berkeley, School of Law (Berkeley Law) Alumni, Board of Directors, 1993 – 1996, *Wall Street Lawyer*, Member, Editorial Board, Yale University Alumni Board of Directors, Director, 2001 - 2005.

**JASON L. LICHTMAN**, Admitted to practice in Illinois, 2006; New Jersey, 2011; New York, 2011; U.S. Supreme Court, 2012; District of Columbia, 2007; U.S. Court of Appeals, Second Circuit, 2016; U.S. Court of Appeals, Third Circuit, 2012; U.S. Court of Appeals, Fifth Circuit, 2016; U.S. Court of Appeals, Sixth Circuit, 2010; U.S. Court of Appeals, Seventh Circuit, 2011; U.S. Court of Appeals, Ninth Circuit, 2012; U.S. Court of Appeals, Tenth Circuit, 2014; U.S. Court of Appeals, Eleventh Circuit, 2013; U.S. District Court, Northern District of Illinois, 2006; U.S. District Court, New Jersey, 2011; U.S. District Court, Northern District of Ohio, 2010; U.S. District Court, Eastern District of New York, 2012, U.S. District Court, Southern District of New York, 2012; U.S. Court of Appeals Federal Circuit, 2015; U.S. District Court, Eastern District of Wisconsin, 2014; U.S. District Court, Eastern District of Texas, 2016. *Education*: University of Michigan Law School (J.D., *cum laude*, 2006), Campbell Moot Court Executive Board; Clarence T. Darrow Scholar; Northwestern University (B.A. in Economics,



2000). *Prior Employment*: Judicial Law Clerk to Honorable Kathleen M. O'Malley, United States District Court, Northern District of Ohio, 2008-2010; Litigation Associate, Howrey LLP, 2006-2008; Summer Associate, Howrey LLP, 2005; Summer Associate, Reed Smith LLP, 2004. *Awards & Honors*: "Rising Star," Consumer Protection, *Law360*, 2017; "Super Lawyer for New York Metro," *Super Lawyers*, 2017-2018; "Rising Star for New York Metro," *Super Lawyers*, 2013-2016. *Member*: American Association for Justice; Public Justice; Chair, Class Action Committee, Public Justice; Sedona Conference. *Publications and Presentations*: Contributing Author, "Ninth Circuit Reshapes California Consumer-Protection Law," American Bar Association (July 2012).

**SARAH R. LONDON**, Admitted to practice in California, 2009; U.S. District Court, Northern District of California, 2009; U.S. Court of Appeals for the Ninth Circuit, 2009; U.S. District Court, Central District of California, 2010; U.S. Court of Appeals for the Eleventh Circuit, 2012. *Education*: National Institute for Trial Advocacy, Building Trial Skills: Boston (Winter 2013); University of California, Berkeley, School of Law (Berkeley Law) (J.D., 2009), Order of the Coif, National Runner-Up Constance Baker Motley Moot Court Competition; Northwestern University (B.A., *cum laude*, 2002). *Prior Employment*: Public Policy Manager, Planned Parenthood of Kansas and Mid-Missouri (2004-2006). *Publications & Presentations*: "Reproductive Justice: Developing a Lawyering Model," *Berkeley Journal of African-American Law & Policy* (Volume 13, Numbers 1 & 2, 2011); "Building the Case for Closing Argument: Mass Torts," Presentation at Consumer Attorneys of California Annual Conference (Fall 2014). *Awards & Honors*: Selected for inclusion by peers in The Best Lawyers in America in the fields of "Mass Tort Litigation/Class Actions - Plaintiffs," 2017-2020; "Rising Star for Northern California," *Super Lawyers*, 2012-2019; "Street Fighter of the Year Award Finalist," Consumer Attorneys of California, 2015; Coro Fellow in Public Affairs (St. Louis, 2002-2003). *Member*: American Association for Justice (Executive Committee Member, Section on Toxic, Environmental, and Pharmaceutical Torts, 2016); The Bar Association of San Francisco; Consumer Attorneys of California (Board of Governors 2012-2013); San Francisco Trial Lawyers Association; State Bar of California; Bar Association San Francisco; American Association for Justice; YWCA San Francisco and Marin County (Board of Directors 2014-2016).

**ANNIKA K. MARTIN**, Admitted to practice in New York, 2005; U.S. District Court, Southern District of New York, 2005; U.S. District Court Eastern District of New York, 2005. *Education*: Law Center, University of Southern California (J.D., 2004); Review of Law & Women's Studies; Jessup Moot Court; Medill School of Journalism, Northwestern University (B.S.J., 2001); Stockholm University (Political Science, 1999). *Publications & Presentations*: Faculty Member, "Mass Tort MDL Certificate Program," Duke Law School Bolch Judicial Institute, March 2019; Speaker, "Certifying a Class on Women's Issues – Pay Equity, Sexual Assault, and More," Women's Issues in Litigation Conference, Santa Monica, CA, October 25, 2018; Co-founder and Producer, "Complex Litigation E-Discovery Forum; Speaker, "Proportionality: What's Happened since the Amendments," Minneapolis, MN, September 28, 2018; Producer & Speaker, "Getting the Most Out of Your Team," AAJ Class Action Litigation Group CLE, Denver, CO, July 18, 2018; Speaker, "Careful What You Wish For: Protecting Data Security in Discovery," ABA 12th Annual National Institute on E-Discovery, Chicago, IL, May 18, 2018; Speaker, "Class Certification," HB Class Action Mastery Conference, New York, NY, May 9, 2018; Producer & Faculty Member, AAJ Effective Legal Writing Workshop, New York, NY,

April 12-13, 2018; Co-Editor-in-Chief, “The Sedona Conference Federal Rule of Civil Procedure 34 Primer,” 19 Sedona Conf. J. 447, March 2018; aserSpeaker, “Lawyers as Managers,” Emory Law’s Institute for Complex Litigation & Mass Claims Leadership Conference - Atlanta, GA, January 19, 2018; Speaker, “From Terabytes to Binders: Fusing Discovery and Advocacy Strategies,” Georgetown Law’s 14th Annual Advanced eDiscovery Institute - Washington DC, November 17, 2017; Co-Editor-in-Chief & Steering Committee Liaison, “The Sedona Conference Federal Rule of Civil Procedure 34 Primer,” The Sedona Conference Working Group Series, September 2017; Drafting Team Member, “The Sedona Conference Commentary on Proportionality in Electronic Discovery,” The Sedona Conference Journal, Volume 18, May 2017; Producer & Moderator, “The Future of Class Actions,” AAJ Class Action Litigation Group seminar – Nashville, TN, May 11, 2017; Producer & Speaker, “Examining Amended Rule 34,” The Sedona Conference Working Group 1 Mid-Year Meeting – Minneapolis, MN, May 4-5, 2017; Speaker, “The Economic Influence and Role of the Class Representative – Ethical and Policy Issues,” Class Action Money & Ethics Conference – New York, NY, May 1, 2017; Producer & Speaker, “Diversity in Law: The Challenges and How to Overcome Them,” AAJ Education webinar, March 27, 2017; Co-chair, “Staying Ahead of the eDiscovery Curve: Retooling Your Practice Under the New Federal Rules,” 10th Annual Sedona Conference Institute Program on eDiscovery, March 2-3, 2017; Faculty Member, “The Sedona Conference eDiscovery Negotiation Training: Practical Cooperative Strategies,” Miami, FL, February 8-9, 2017; Speaker, “Proportionality: What’s Happened since the Amendments,” Western Trial Lawyers Association CLE, Steamboat Springs, CO, February 2017; “Quality In, Quality Out,” Trial Magazine, January 2017; Testified before the Federal Rules Advisory Committee concerning proposed amendments to Federal Rule 23, Phoenix, AZ, January 4, 2017; Profiled in “Women of Legal Tech: From Journalism to Law”, LegalTech News – December 8, 2016; Speaker, “Closure Mechanisms,” Federal Judicial Center / Judicial Panel on Multidistrict Litigation Conference, Atlanta, GA, December 15, 2016; Speaker, “Getting Selected for Leadership – What Decisionmakers Look For and How to Overcome Common Barriers,” Emory Law Insitute for Complex Litigation & Mass Claims, Atlanta, GA, December 14, 2016; Producer & Speaker, “Mitigating Explicit and Implicit Bias in Associate Recruitment and Retention,” AAJ Hot Topics: Diversity in the Law, Charlotte, NC, November 30, 2016; Speaker, “The New Rules x 1 Year: Sanctions,” Georgetown Law Advanced E-Discovery Institute, Washington DC, November 10-11, 2016; Faculty Member, AAJ Effective Legal Writing Workshop, Washington DC, November 3-4, 2016; Speaker, “Proportionality under the Amended FRCP 26”, Complex Litigation E-Discovery Forum, Minneapolis, MN, September 25, 2016; Speaker, “Proportionality: What’s Happened since the Amendments,” Complex Litigation E-Discovery Forum, Minneapolis, MN, September 23, 2016; Moderator, “Who Will Write Your Rules—Your State Court or the Federal Judiciary?,” Pound Civil Justice Institute Forum for State Appellate Court Judges, Los Angeles, CA, July 23, 2016; Producer, Moderator & Speaker, “Dissecting the U.S. Supreme Court Decision in Spokeo, Inc. v. Robins,” American Association for Justice webinar, May 26, 2016; Moderator & Speaker, “Consumer Class Actions,” HB Litigation Conference, San Juan, PR, May 4, 2016; Faculty Member, The Sedona Conference eDiscovery Negotiation Training: Practical Cooperative Strategies, Washington, DC, March 1-2, 2016; Producer & Speaker, “The 2015 Amendments to the Federal Rules of Civil Procedure,” New York, NY, February 9, 2016; “How to Stop Worrying and Love Predictive Coding,” Trial Magazine, January 2016; Speaker, “How Will New Rule 26(b)(1) on Proportionality Impact Search and the Use of Search Technology?,” Innovation in E-Discovery Conference, New York, NY, December 9, 2015; Speaker, “New Forms of

Communication,” Innovation in E-Discovery Conference, New York, NY, December 9, 2015; Speaker, “2015 Amendments to Federal Civil Rules,” Tennessee Bar Association CLE, Nashville, TN, December 2, 2015; “Discovery Proportionality Guidelines and Practices,” 99 *Judicature*, no. 3, Winter 2015, at 47–60 (Complex Litigation Drafting Team Leader); Speaker, “Check Your Sources: Understanding the Technical Aspects of Data Collection”, Georgetown Advanced E-Discovery Institute, Washington, DC, November 19, 2015; Speaker, “The Contentious Battle over Search Protocols in e-Discovery”, Association of Certified E-Discovery Specialists webinar, October 8, 2015; Speaker, “Proportionality in Preservation and Discovery,” The Sedona Conference Working Group 1 Mid-Year Meeting, Dallas, TX, April 30, 2015; Speaker, “Ethical Challenges in eDiscovery: Representing Clients Responsibly,” The Sedona Conference Institute, Nashville, TN, March 20, 2015; Speaker, “Issue Classes under Rule 23,” Western Trial Lawyers Association CLE, Squaw Valley, NV, February 2015; Speaker, “Issue Classes under Rule 23,” American Association for Justice Winter Convention, Palm Desert, CA, February 24, 2015; “An Introduction to Issue Classes under Rule 23(c)(4),” American Association for Justice Winter Convention published materials, February 2015; Speaker, “Shifting and Sharing the Costs of Preservation and Discovery: How, When, and Why,” Bloomberg BNA webinar, November 18, 2014; Speaker, “Application of Proportionality in Preservation and Discovery,” The Sedona Conference All Voices Meeting, New Orleans, LA, November 5, 2014; Speaker, “A Tour of TAR (Technology-Assisted Review),” The Sedona Conference All Voices Meeting, New Orleans, LA, November 7, 2014; Speaker, “Data Privacy and Security Are Front and Center in Litigation News – Substantive Claims and eDiscovery Issues Abound,” Georgetown Advanced E-Discovery Institute, Tysons Corner, VA, November 21, 2014; Interviewed re class action litigation regarding defective products on China Central Television for China’s national “Consumer Protection Week” feature programming – CCTV, March 15, 2014; Organizer & Speaker, “Introduction to TAR,” Lief Cabraser Heimann & Bernstein CLE, New York, NY, August 18, 2014; Speaker, “Motions to Strike Class Allegations Using ‘Predominance’,” Strafford webinar, August 6, 2014; “Wit and Wisdom,” *Trial Magazine*, Volume 49, No. 12, December 2013; Speaker, “Status of Subsistence Claims in BP Oil Spill Settlement,” American Association for Justice Annual Convention, San Francisco, CA, July 2013; “Stick a Toothbrush Down Your Throat: An Analysis of the Potential Liability of Pro-Eating Disorder Websites,” *Texas Journal of Women & the Law*, Volume 14 Issue 2, Spring 2005; “The Gift of Legal Vision,” *USC Law*, Spring 2003; “Welcome to Law School,” monthly column on [www.vault.com](http://www.vault.com), 2001 - 2004. *Awards and Honors*: “Lawdragon 500 Leading Plaintiff Financial Lawyers in America,” Lawdragon, 2020; “Super Lawyer for New York Metro,” *Super Lawyers*, 2018-2019; “40 and Under Hot List, Benchmark Litigation, 2018; “Rising Star for Class Action Law, *Law360*, 2018; Certificate of Recognition, American Association for Justice, 2018; “Leaders in the Field - Litigation: E-Discovery,” *Chambers USA*, 2017; “Rising Star for New York Metro,” *Super Lawyers*, 2013-2015; Wiley W. Manuel Award for Pro Bono Legal Services awarded by the State Bar of California for voluntary provision of legal services to the poor, 2005. *Member*: American Association for Justice (Co-Chair, Class Action Litigation Group, 2016); American Association for Justice (Steering Committee of the Public Education Committee); Barrister of the New York American Inn of Court; Emory University Law School Institute for Complex Litigation & Mass Claims (Next Generation Advisory Board Member); Georgetown Law Advanced E-Discovery Institute (Advisory Board and Planning Committee); New York City Bar Association; New York County Lawyer’s Association; New York State Bar Association; Swedish American Bar Association; The Sedona Conference Working Group 1 (Steering Committee Member).

*Languages:* Swedish (fluent); French (DFA1-certified in Business French); Spanish (conversational).

**MICHAEL J. MIARMI**, Admitted to practice New York, 2006; U.S. District Court, Eastern District of New York, 2012; U.S. District Court, Southern District of New York, 2012; U.S. Court of Appeals for the Second Circuit, 2011; U.S. Court of Appeals for the Third Circuit, 2007; U.S. Court of Appeals for the Sixth Circuit; U.S. Court of Appeals for the Eighth Circuit, 2007; U.S. Supreme Court, 2011. *Education:* Fordham Law School (J.D., 2005); Yale University (B.A., *cum laude*, 2000). *Prior Employment:* Milberg Weiss LLP, Associate, 2005-2007. *Awards & Honors:* “Rising Star for New York Metro,” *Super Lawyers*, 2013-2017. *Publications & Presentations:* Co-Author with Steven E. Fineman, “The *Basics* of Obtaining Class Certification in Securities Fraud Cases: U.S. Supreme Court Clarifies Standard, Rejecting Fifth Circuit’s ‘Loss Causation’ Requirement,” *Bloomberg Law Reports* (July 5, 2011). *Member:* State Bar of New York; New York State Trial Lawyers Association; Public Justice Foundation; American Bar Association; New York State Bar Association.

**DAVID RUDOLPH**, Admitted to practice in California, 2004; U.S. District Court, Northern District of California, 2008; U.S. District Court, Southern District of California, 2008; U.S. Court of Appeals for the Ninth Circuit, 2009; U.S. Court of Appeals for the Federal Circuit, 2012. *Education:* University of California, Berkeley, School of Law (Berkeley Law) (J.D. 2004); Moot Court Board; Appellate Advocacy Student Advisor; Berkeley Technology Law Journal; Berkeley Journal of International Law; Rutgers University (Ph.D. Program, 1999-2001); University of California, Berkeley (B.A. 1998). *Awards & Honors:* “Lawdragon 500 Leading Plaintiff Financial Lawyers in America,” Lawdragon, 2020; “Outstanding Private Practice Antitrust Achievement,” American Antitrust Institute, 2017. *Prior Employment:* Associate, Quinn Emanuel Urquhart & Sullivan, LLP, 2008-2012; Law Clerk to the Honorable Sandra Brown Armstrong, U.S. District Court for the Northern District of California, 2007-2008.

**DANIEL E. SELTZ**, Admitted to practice in New York, 2004; U.S. District Court, Southern District of New York, 2005; U.S. District Court, Eastern District of New York, 2011; U.S. Court of Appeals for the First Circuit, 2011; U.S. Court of Appeals for the Fourth Circuit, 2013; U.S. Court of Appeals for the Ninth Circuit, 2011. *Education:* New York University School of Law (J.D., 2003); *Review of Law and Social Change*, Managing Editor; Hiroshima University (Fulbright Fellow, 1997-98); Brown University (B.A., *magna cum laude*, Phi Beta Kappa, 1997). *Awards & Honors:* “Lawdragon 500 Leading Plaintiff Financial Lawyers in America,” Lawdragon, 2020; Super Lawyers, 2016-2018. *Prior Employment:* Law Clerk to Honorable John T. Nixon, U.S. District Court, Middle District of Tennessee, 2003-04. *Publications & Presentations:* Co-Author with Jordan Elias, “The Limited Scope of the Ascertainability Requirement,” American Bar Association, Section of Litigation, March 2013; Panelist, “Taking and Defending Depositions,” New York City Bar, May 20, 2009; Contributing Author, *California Class Actions Practice & Procedures* (Elizabeth J. Cabraser, Editor-in-Chief, 2008); “Remembering the War and the Atomic Bombs: New Museums, New Approaches,” in *Memory and the Impact of Political Transformation in Public Space* (Duke University Press, 2004), originally published in *Radical History Review*, Vol. 75 (1998); “Issue Advocacy in the 1998 Congressional Elections,” with Jonathan S. Krasno (Urban Institute, 2001); *Buying Time: Television Advertising in the 1998 Congressional Elections*, with Jonathan S. Krasno (Brennan

Center for Justice, 2000); “Going Negative,” in *Playing Hardball*, with Kenneth Goldstein, Jonathan S. Krasno and Lee Bradford (Prentice-Hall, 2000). *Member*: American Association for Justice; State Bar of New York.

**ANNE B. SHAVER**, Admitted to practice in California, 2008; Colorado, 2008; U.S. District Court, Northern District of California, 2009; U.S. Court of Appeals for the Second Circuit, 2012; U.S. Supreme Court, 2013; U.S. Court of Appeals of the Ninth Circuit, 2009. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D., 2007), Order of the Coif; University of California, Santa Cruz (B.A. *cum laude*, 2003), Phi Beta Kappa. *Awards & Honors*: “Rising Star for Northern California,” *Super Lawyers*, 2013-2019; “40 & Under Hot List,” Benchmark Litigation, 2018, “Top Labor & Employment Lawyers,” Daily Journal, 2018; “Plaintiff Employment Lawyers,” Lawdragon 500, 2018. *Prior Employment*: Law Clerk to Honorable Betty Fletcher, U.S. Court of Appeals for the Ninth Circuit, 2008-2009; Davis, Graham & Stubbs, LLP, Litigation Associate, 2008; Public Defender’s Office of Contra Costa County, 2007; Davis, Cowell & Bowe, LLP, Summer Law Clerk, 2006; Centro Legal de la Raza, Student Director, Workers’ Rights Clinic, 2005-2006; Human Rights Watch, Legal Intern, 2005. *Publications*: “Winning Your Class Certification Motion Post-Brinker,” Consumer Attorneys of California, November 2013 (panelist); “Counseling HR on National Origin & Language Issues in the Workplace,” ABA Labor & Employment Section, November 2012 (moderator); “*U.S. v. Fort* and the Future of Work-Product in Criminal Discovery,” 44 Cal. W. L. Rev. 127, 12293 (Fall 2007); “Rule 23 Basics,” Impact Fund Class Action Training Institute, May 2011; “A Place At The Table? Recent Developments in LGBT Rights,” ABA Labor & Employment Section Conference, April 2012 (moderator); “Transgender Workplace Issues After the EEOC’s Landmark Macy Ruling,” Bar Association of San Francisco, September 2012 (moderator); CAOC, “Latest Developments in Employment and Wage and Hour Law,” February 25, 2014 (speaker). *Member*: Bar Association of San Francisco; Consumer Attorneys of California; National Employment Lawyers Association; American Bar Association Equal Employment Opportunity Committee (Co-Chair); Programs Committee.

**KATHERINE LUBIN BENSON**, Admitted to practice in California, 2008; Ninth Circuit Court of Appeals; U.S. District Court, Northern District of California; U.S. District Court, Southern District of California; U.S. District Court, Central District of California. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D., 2008); University of California, Berkeley, School of Law (Berkeley Law) Mock Trial Team, 2006-2008; *First Place*, San Francisco Lawyer’s Mock Trial Competition. University of California Los Angeles (B.A., Political Science, minor in Spanish, *cum laude*); Phi Beta Kappa; UCLA Honors Program; Political Science Departmental Honors; GPA 3.8. Universidad de Sevilla (2003). *Awards & Honors*: “Rising Star for Northern California,” *Super Lawyers*, 2016-2019; “40 and Under Hot List,” Benchmark Litigation, 2018. *Prior Employment*: Associate, Orrick, Herrington & Sutcliff, LLP, 2008-2013; Summer Associate, Orrick, Herrington & Sutcliff, LLP, 2007; Judicial Extern to Honorable Dean D. Pregerson, 2006. *Member*: American Bar Association; State Bar of California; Board of Directors, Northern District Court Practice Program; Board of Directors, East Bay Community Law Center.

**KEVIN R. BUDNER**, Admitted to practice in California; U.S. Court of Appeals, Seventh Circuit, 2016; U.S. Court of Appeals, Ninth Circuit, 2016; U.S. District Court, Northern

District of California, 2014; U.S. District Court, Central District of California, 2014; U.S. District Court of Colorado, February 25, 2014. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D. 2012); American Jurisprudence Award in Advanced Legal Research (first in class); Prosser Prize in Negotiation (second in class); Edwin A. Heafey, Jr. Trial Fellowship Recipient; Board of Advocates Trial Team Member; American Association of Justice Trial Competition, 2012 National Semi-finalist, 2011 Regional Finalist; *Berkeley Journal of International Law*, Senior Editor. University of California Hastings College of the Law (2009-2010); CALI and Witkins Awards (first in class); Wesleyan University (B.A., Political Science, 2005). *Honors & Awards*: “Trial Lawyer of the Year,” Public Justice, 2019; “Trial Lawyer Excellence Award,” Law Bulletin, 2019; “Rising Star for Northern California,” Super Lawyers, 2019; “California Lawyer of the Year,” California Daily Journal, 2018; “Consumer Attorney of the Year Finalist,” Consumer Attorneys of California, 2017; “40 and Under Hot List”, Benchmark Litigation, 2018. *Prior Employment*: Judicial Clerk to U.S. District Judge Barbara M.G. Lynn, 2012-2013; Certified Student Counsel, East Bay Community Law Center, 2011-2012; Research Assistant, Duckworth Peters Lebowitz Olivier, LLP, 2011-2012; Summer Associate, Lieff Cabraser Heimann & Bernstein, LLP, 2011-2012; Judicial Extern to U.S. District Judge Phyllis J. Hamilton, 2010; Homeless Policy Assistant, Office of Mayor Gavin Newsom, 2009; Project Manager, Augustyn & Co. 2007-2009; Visiting Professor, University of Liberal Arts Bangladesh, 2006-2007; Researcher, Rockridge Institute, 2005, 2006. *Languages*: Spanish (proficient), Portuguese (proficient), Bengali (basic). *Publications*: Co-Author, “Play Ball: Potential Private Rights of Action Emerging From the FIFA Corruption Scandal,” 11 Business Torts & RICO News 1 (Summer 2015). *Member*: American Association for Justice, Bar Association of San Francisco, Consumer Attorneys of California, State Bar of California, San Francisco Trial Lawyers Association.

**PHONG-CHAU G. NGUYEN**, Admitted to practice in California, 2012; U.S. District Court, Northern District of California, 2013; U.S. District Court, Central District of California, 2013; U.S. Court of Appeals for the Ninth Circuit, 2013. *Education*: University of San Francisco School of Law (J.D. 2012); Development Director, USF Moot Court Board; Merit Scholar; Zief Scholarship Recipient; University of California, Berkeley (B.A., Highest Honors; Distinction in General Scholarship, 2008). *Honors & Awards*: “Rising Star for Northern California,” Super Lawyers, 2018-2019; “40 and Under Hot List,” Benchmark Litigation, 2018, 2019; “California Lawyer of the Year,” California Daily Journal, 2018; “Outstanding Volunteer for Pro Bono Work,” Justice & Diversity Center of the Bar Association of San Francisco, 2018; “Consumer Attorney of the Year Finalist,” Consumer Attorneys of California, 2017. *Prior Employment*: Attorney, Minami Tamaki, 2013; Post-Bar Law Clerk, Velton Zegelman PC, 2012; Law Clerk, Minami Tamaki, 2011-2012; Housing and Economic Rights Advocates, 2011; Greenlining Institute, 2008-2009, 2012. *Member*: State Bar of California; Asian American Bar Association for the Greater Bay Area; Barristers Club of the San Francisco Bar Association, Board of Directors; San Francisco Trial Lawyers Association.

**MELISSA GARDNER**, Admitted to practice in California, 2013; New York, 2013; U.S. District Court, Northern District of California, 2013; Central District of California, 2019. *Education*: Harvard Law School (J.D. 2011); Student Attorney, Harvard Prison Legal Assistance Project and South Brooklyn Legal Services; Semi-Finalist, Harvard Ames Moot Court Competition; *Harvard International Law Journal*. Western Washington University (B.A.

*magna cum laude*, 2005). *Awards & Honors*: “Rising Star for Northern California,” *Super Lawyers*, 2017-2019. *Prior Employment*: Associate, Emery Celli Brinckherhoff & Abady (2012); Law Clerk, South Brooklyn Legal Services (2011-2012); Peace Corps Volunteer, China (2005-2008). *Publications*: Co-Author, “Play Ball: Potential Private Rights of Action Emerging From the FIFA Corruption Scandal,” 11 *Business Torts & RICO News* 1 (Summer 2015). *Member*: American Association for Justice; American Bar Association; Bar Association of San Francisco; California Women Lawyers; Consumer Attorneys of California; Ms. JD; State Bar of New York; State Bar of California.

## OF COUNSEL

**ROBERT L. LIEFF**, Admitted to practice in California, 1966; U.S. District Court, Northern District of California and U.S. Court of Appeals, Ninth Circuit, 1969; U.S. Supreme Court, 1969; U.S. Court of Appeals, Seventh Circuit, 1972; U.S. Tax Court, 1974; U.S. District Court, District of Hawaii, 1986. *Education*: Columbia University (M.B.A., 1962; J.D., 1962); Cornell University; University of Bridgeport (B.A., 1958). Member, Columbia Law School Dean’s Council; Member, Columbia Law School Board of Visitors (1992-2006); Member, Columbia Law School Center on Corporate Governance Advisory Board (2004). *Awards & Honors*: AV Preeminent Peer Review Rated, Martindale-Hubbell; Selected for inclusion by peers in *The Best Lawyers in America* in fields of “Mass Tort Litigation/Class Actions – Plaintiffs,” 2015-2020; “Super Lawyer for Northern California,” *Super Lawyers*, 2005-2009, “*Lawdragon* Finalist,” *Lawdragon*, 2005. *Member*: Bar Association of San Francisco; State Bar of California (Member: Committee on Rules of Court, 1971-74; Special Committee on Multiple Litigation and Class Actions, 1972-73); American Bar Association (Section on Corporation, Banking and Business Law); Lawyers Club of San Francisco; San Francisco Trial Lawyers Association; California Trial Lawyers Association; Consumer Attorneys of California; Fight for Justice Campaign.

**LYDIA LEE**, Admitted to practice in Oklahoma 1983; U.S. District Court, Western and Eastern Districts of Oklahoma; U.S. Court of Appeals, 10th Circuit. *Education*: Oklahoma City University, School of Law (J.D., 1983); University of Central Oklahoma (B.A., 1980). *Prior Employment*: Partner, Law Office of Lydia Lee (2005-2008); Partner, Oklahoma Public Employees Retirement System (1985-2005); Associate, law firm of Howell & Webber (1983-1985). *Publications & Presentations*: “QDROs for Oklahoma’s Public Pension Plans,” *Oklahoma Family Law Journal*, Vol. 13, September, 1998; Co-Author, “Special Problems in Dividing Retirement for Employees of the State of Oklahoma,” *OBA/FLS Practice Manual*, Chapter 27.3, 2002; Featured Guest Speaker, *Saturday Night Law*, KTOK Radio; Contributor and Editor, INFRE Course Books for CRA program. *Member*: Ruth Bader Ginsberg Inn of Court (2015-present), Outstanding Master of the Bench (2016-2017); Edmond Neighborhood Alliance Board of Directors (2005-Present), President (2012-2013, 2006-2007); Oklahoma Bar Association, Member (1983-present); OBA Women in Law Committee (2007-2013); Bench and Bar Committee (2013-present); National Association of Public Pension Attorneys (1988-Present), President (2002-2004), Vice-President (2001-2002), Executive Board member (1998-2004), Chair of Benefits Section, Emeritus Board member (2004); Edmond Planning Commission (2008-2010); Central Edmond Urban Development Board (2006-2008); Midwest City Regional Hospital, Board of Governors, Served on Physician/Hospital Organization Board, Pension and

Insurance Trust Committees, and Chairman of Woman's Health Committee (1992-1996); City of Midwest City, Planning Commission (1984-1998), Chairman (1990-1995), Vice-Chairman (1987-1990), Served on Capital Improvement Committee, Airport Zoning Commission (Tinker AFB), and Parkland Review Board, served on Midwest City Legislative Reapportionment Committee (1991).

## ASSOCIATES

**EVAN J. BALLAN**, Admitted to practice in California, 2017; U.S. Court of Appeals, Fourth Circuit, 2018; U.S. District Court, Northern District of California, 2018. *Education*: University of Michigan Law School (J.D. Magna cum laude, Order of the Coif, 2017); Articles Editor, Michigan Law Review; McGill University (B.A., 2010). *Publications*: Protecting Whistleblowing (and Not Just Whistleblowers), Note, 116 Mich. L. Rev. 475 (2017). *Prior Employment*: Clerk to the Honorable Albert Diaz of the U.S. Court of Appeals for the Fourth Circuit. *Member*: State Bar of California.

**FACUNDO BOUZAT**, Admitted to practice in California, 2017; U.S. District Court, Northern District of California, 2017; U.S. District Court, Central District of California, 2019. *Education*: University of Michigan Law School (J.D. 2017); Michigan Law Review, Associate Editor; Judge Avern Cohn Summer Fellowship; Vice-President, ACLU Michigan Law Chapter; Bowling Green State University (B.A., summa cum laude, 2013). *Publications*: American Medical Tourism: Regulating a Cure that Can Damage Consumer Health, 25 L. Consumer L. Rev. 319 (2013); The Contingent Ethics of Market Transactions: Linking the Regulation of Business to Specific Forms of Markets, 6 Charleston L. Rev. 163 (2012); Changing Demographics and Language: A New Challenge to Legal Services Programs, 26 J. Mgmt. Info. Exchange (Winter Issue) 9 (2011). *Member*: State Bar of California.

**WILSON M. DUNLAVEY**, Admitted to practice in California, 2015; U.S. Court of Appeals, Ninth Circuit, 2016; U.S. District Court, Central District of California, 2016; U.S. District Court, Northern District of California, 2016; U.S. District Court, Middle District of North Carolina, 2016. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D. 2015); Berkeley Technology Law Journal, Associate Editor; University of California, Berkeley, School of Law (Berkeley Law) Queer Caucus, Co-Chair; Board of Advocates Moot Court Team. Humboldt University in Berlin (Ph.D., *cum laude*, Modern History, 2015; Dual M.A., *Magister Artium*, History and Philosophy, 2015); Friedrich-Naumann Foundation; Master's and Ph.D. Fellow; Queer Initiative, Director; Student Government, Executive Counsel. St. John's College (B.A., History of Math and Science, Philosophy, 2003); Faculty Toast Prize; Delegate Council. *Honors & Awards*: "Rising Star for Northern California," Super Lawyers, 2019; "California Lawyer of the Year," California Daily Journal, 2018; "Consumer Attorney of the Year Finalist," Consumer Attorneys of California, 2017; "Outstanding Private Practice Antitrust Achievement," American Antitrust Institute, 2017. *Prior Employment*: Summer Associate, McDermott Will & Emery (2014); Law Clerk, Transgender Law Center (2014); Legal Research and Writing Teaching Assistant, First Year Skills Program, UC Berkeley School of Law (2013-2014); Judicial Extern to the Honorable William A. Alsup, U.S. District Court for the Northern District of California (2013); Legal Counselor, Berkeley Workers' Rights Clinic (2012-2013). *Member*: State Bar of California.



**ADAM GITLIN**, Admitted to practice in California, 2017; New York, 2009; U.S. District Court, Central District of California, 2018; U.S. District Court, Southern District of California, 2018. *Education*: University of Michigan Law School (J.D., 2007), Executive Editor and Editorial Board Member, University of Michigan Law Review. Princeton University (A.B., 2003). *Honors & Awards*: "Rising Star for Northern California," Super Lawyers, 2019. *Publications & Presentations*: The Justice Department's Voter Fraud Scandal: Lessons (with Wendy Weiser), New York: Brennan Center for Justice (January 2017); Lecturer, "Voter Intimidation and Discrimination in the 2016 Election: Rhetoric and Reality," U.S. Presidential Election of 2016 Conference on Domestic & International Aspects, Inter-Disciplinary Center, Herzliya, Israel (January 2017); Lecturer, "Modernizing Elections," Washington House of Representatives State Government Committee (January 2017); Dangers of "Ballot Security" Operations: Preventing Intimidation, Discrimination, and Disruption (with Wendy Weiser), New York: Brennan Center for Justice (August 2016); Automatic Motor-Voter Registration Now Law in Four States, BillMoyers.com (May 2016); Lecturer, "Nonpartisan Voter Education Workshop," Nassau County, NY (October 2016); Lecturer, "Voting in 2016: The Good, the Bad, and the Potentially Very Ugly," Westchester Women's Bar Association, White Plains, NY (September 2016); Witness, Voting Rights Town Hall Meeting: "Setting the Democracy Agenda," Hon. John Conyers & Hon. Brenda Lawrence, U.S. House of Representatives, Detroit, MI (June 2016); Witness, Congressional Forum: "Fragile at fifty: The urgent need to strengthen and restore the Voting Rights Act," Hon. Nydia Velazquez, Hon. Hakeem Jeffries, and Hon. Grace Meng, U.S. House of Representatives Democratic Outreach and Engagement Task Force, New York, NY (May 2016); Witness, Hearing on SB 350 [automatic voter registration bill], Senate Education, Health, and Environmental Affairs Committee, Maryland Senate (February 2016); Christie Misses a Golden Opportunity for the Garden State, The Huffington Post (November 2015); Panelist, "Voting Rights Panel," SiX National Legislator Conference, Washington, DC (October 2015). *Prior Employment*: Counsel, Brennan Center for Justice at NYU School of Law (2015-2017); Trial Attorney, U.S. Department of Justice Antitrust Division, Litigation I Section (2008-2015); Law Clerk to Judge Noël A. Kramer, District of Columbia Court of Appeals (2007-2008).

**AVERYS. HALFON**, Admitted to practice in New York, 2016; District of Columbia, 2017; U.S. Court of Appeals for the Sixth Circuit, 2017; U.S. Court of Appeals for the Second Circuit, 2017; U.S. District Court, Eastern District of New York, 2018. *Education*: Harvard Law School (J.D. *cum laude* 2015); Editor-in-Chief, Harvard Law & Policy Review; Dean's Scholar Prizes in Law and the Political Process, Transnational Corruption, and Environmental Law. Stanford University (B.A. 2010). *Prior employment*: Law Clerk to the Honorable Jane B. Stranch of the U.S. Court of Appeals for the Sixth Circuit (2016-2017); Fellow, Cohen Milstein Sellers & Toll, PLLC (2015-2016). *Member*: American Association of Justice; New York State Academy of Trial Lawyers.

**ANDREW KAUFMAN**, Admitted to practice in New York, 2013; Tennessee, 2015; U.S. District Court, Middle District of Tennessee, 2015. *Education*: Harvard Law School (J.D. *cum laude*, 2012); Executive Editor, *Harvard Law and Policy Review*; Dean's Scholar Prizes in Federal Courts, Civil Procedure, and Legislation & Regulation. Carleton College (B.A. *magna cum laude*, Political Science, 2007). *Professional Associations & Memberships*: Member, Nashville Bar Foundation Leadership Forum, 2017 – 2018, *Publications*: "Spokeo Still

Standing: No Sign of a Circuit Split” (with Nicholas Diamand), *Law360*, 2016; “Spotlight on Spokeo: A Win for Consumers” (with Nicholas Diamand), *Law360*, 2016; “Lochner for the Executive Branch: The Torture Memo as Anticanon,” 7 *Harv. L. & Pol’y Rev.* 199 (2013); “American Foreign Policy Opinion in 2004: Exploring Underlying Beliefs,” 27 *Am. Rev. of Pol.* 295 (2007). *Prior Employment*: Law clerk to the Honorable Martha Craig Daughtrey, U.S. Court of Appeals, Sixth Circuit (2014-15); Law Clerk to the Honorable Stephen Glickman, D.C. Court of Appeals (2013-14); Fellow, Public Citizen Litigation Group (2012-13).

**MICHELLE LAMY**, Admitted to practice in California, 2015; U.S. Court of Appeals for the Ninth Circuit, 2017; U.S. District Court, Northern District of California, 2017; U.S. District Court, Western District of Wisconsin, 2016. *Education*: Stanford Law School (J.D. 2015); Gerald Gunther Prize for Outstanding Performance in Research and Legal Writing; Gerald Gunther Prize for Outstanding Performance in Statutory Interpretation; Executive Board, Stanford Journal of Civil Rights & Civil Liberties. College of Arts & Sciences, Boston College (B.A. *summa cum laude*, 2009); Phi Beta Kappa; Dean’s List First Honors, Dean’s Scholar - Economics; Rev. Robert Cheney Economics Scholar. *Prior Employment*: Law Clerk to the Honorable Thelton E. Henderson, U.S. District Court for the Northern District of California. *Member*: American Bar Association; State Bar of California. *Honors & Awards*: “Rising Star for Northern California,” Super Lawyers, 2019.

**DANIEL R. LEATHERS**, Admitted to practice in New Jersey, 2010; New York, 2010; Pennsylvania, 2009; U.S. Court of Appeals, 3rd Circuit, 2012; U.S. District Court, District of New Jersey, 2010; U.S. District Court, Eastern District of New York, 2012; U.S. District Court, Southern District of New York, 2012; U.S. District Court, Eastern District of Wisconsin, 2013. *Education*: Case Western Reserve University Law School, Cleveland, Ohio (J.D. *cum laude*, 2009), Case Western Reserve Journal of International Law, Executive Articles Editor; Pennsylvania State University (B.A., History & Journalism, 2005). *Professional Associations*: American Association of Justice; American Bar Association; New Jersey Association of Justice. *Honors & Awards*: “Rising Star for New York Metro Area in Class Action/Mass Torts,” Super Lawyers, 2013, 2014, 2015, 2016, 2017; “Rising Star for New Jersey in Class Action/Mass Torts,” Super Lawyers, 2019; Federal Bar Association Award for Excellence in Constitutional Law, 2009; International Academy of Trial Lawyers Award for Overall Trial Advocacy Excellence, 2009; CALI Excellence for the Future Awards: Trial Tactics, 2009; Constitutional Law II, 2007. *Prior Employment*: Clerk to the Honorable Carol Higbee, New Jersey Superior Court Civil Division Presiding Judge (deceased). *Member*: New Jersey State Bar Association; New York State Bar Association; Pennsylvania State Bar Association.

**MICHAEL LEVIN-GESUNDHEIT**, Admitted to practice in California, 2013; U.S. District Court, District of New Mexico, 2017; U.S. District Court, Northern District of California, 2015; U.S. Court of Appeals for the Second Circuit, 2019; U.S. Court of Appeals for the Ninth Circuit, 2018. *Education*: Stanford Law School (J.D. 2013), Managing Editor, *Stanford Law & Policy Review*; Gerald Gunther Prize for Outstanding Performance in Intellectual Property. Harvard University (A.B. *magna cum laude*, 2008). *Professional Associations*: American Bar Association, Equal Employment Opportunity Committee; Bar Association of San Francisco; Consumer Attorneys of California. *Prior Employment*: Law Clerk to the Honorable Jacqueline

Nguyen, Ninth Circuit Court of Appeals (2014-2015); Law Clerk to the Honorable Garland Burrell, Jr., U.S. District Court, Sacramento, California (2013-2014).

**KATHERINE MCBRIDE**, Admitted to practice in New York, 2016. *Education*: Stanford Law School (J.D. pro bono distinction 2015) (Levin Center Public Interest Fellow; Stanford Law Association; Stanford Journal of International Law; Iraqi Legal Education Initiative Rule of Law Project; Policy Director, Iraqi Refugee Assistance Project; Student Leader, DACA Pro Bono Project). Boston College (B.A. summa cum laude, 2011) (Phi Beta Kappa, Alpha Sigma Nu). *Prior employment*: Judicial Clerk to Judge I. Leo Glasser of the U.S. District Court for the Eastern District of New York; Ford Foundation Public Interest Fellow, Human Rights First. *Member*: State Bar of New York.

**KELLY MCNABB**, Admitted to practice in Minnesota, 2012; New York, 2015; U.S. District Court, District of Minnesota, 2012. *Education*: University of Minnesota Law School (J.D. cum laude 2012); Managing/Research Editor, *Minnesota Law Review*, 2010-2012; University of Minnesota Twin Cities College of Liberal Arts (B.A. 2008). *Honors & Awards*: “Rising Star for NY Metro,” Super Lawyers, 2016-2017; Attorney of the Year – Pritzker Trial Team, *Minnesota Lawyer*, 2014. *Publications*: “The Relevant Scope of General Causation: Internal Company Documents and Communications,” *American Association for Justice Newsletter*, 2018 ; “What ‘Being a Watchdog’ Really Means: Removing the Attorney General from the Supervision of Charitable Trusts,” *Minnesota Law Review*, 2012. *Prior Employment*: Pritzker Olsen, P.A., Attorney, 2012-2014. *Member*: American Association for Justice, Minnesota Association for Justice, Minnesota Women Lawyers.

**JOHN T. NICOLAOU**, Admitted to practice in New York, 2013. *Education*: Columbia Law School (J.D., 2012), James Kent Scholar (2011, 2012), Harlan Fiske Stone Scholar (2010); Northwestern University (M.A., 2009); Vanderbilt University (B.A. summa cum laude, 2008). *Publications*: Note, Whistle While You Work: How the False Claims Act Amendments Protect Internal Whistleblowers, 2011 Colum. Bus. L. Rev. 531 (2011). *Prior Employment*: Boies Schiller Flexner, LLP. *Member*: State Bar of New York.

**VALERIE COMENENCIA ORTIZ**, Admitted to practice in California, 2018. *Education*: Yale Law School (J.D. 2018), Articles Editor, *Yale Journal of International Law*; Community Service Chair, Black Law Students Association & Latino Law Students Association; Vice President for Membership and Community Engagement, American Constitution Society. Columbia University, School of International and Public Affairs (M.A. 2015). Columbia University (B.A. 2014). *Prior Employment*: Jerome N. Frank Legal Services Organization; Asylum Seeker Advocacy Project. *Member*: State Bar of California.

**SEAN A. PETTERSON**, Admitted to practice in New York, 2016; U.S. District Court, Eastern District of New York, 2017; U.S. District Court, Southern District of New York, 2017. *Education*: New York University School of Law (J.D., 2015); Senior Quorum Editor, Journal of Legislation and Public Policy; Robert McKay Scholar; Brandeis University (B.A., Summa Cum Laude 2011). *Prior Employment*: Civil Litigation Extern, U.S. District Court for the Southern District of New York; Boies Schiller Flexner, LLP. *Member*: State Bar of New York.

**YAMAN SALAHI**, Admitted to practice in California, 2013; U.S. District Court, Central District of California, 2013; U.S. District Court, Northern District of California, 2014; U.S. Court of Appeals, Ninth Circuit, 2013. *Education*: Yale Law School (J.D. 2012); University of California, Berkeley (B.A. 2009). *Prior Employment*: Judicial Clerk to Judge Edward M. Chen in the U.S. District Court for the Northern District of California; Arthur Liman Fellow, American Civil Liberties Union of Southern California; National Security and Civil Rights program, Advancing Justice-Asian Law Caucus. *Awards & Honors*: Kathi Pugh Award for Exceptional Mentorship, U.C. Berkeley School of Law; American Antitrust Institute's 2017 Antitrust Enforcement Award for Outstanding Antitrust Litigation Achievement in Private Law Practice in *In re Cipro Cases I & II*. *Member*: State Bar of California.

**MIKE SHEEN**, Admitted to practice in California, 2012; U.S. District Court, Northern District of California, 2013; U.S. District Court, Southern District of California, 2013; U.S. Court of Appeals, Ninth Circuit, 2018; U.S. Court of Appeals, Federal Circuit, 2015. *Education*: University of California, Berkeley, School of Law (Berkeley Law) (J.D. 2012); Articles Editor (2010-2012), Executive Editor (2011-2012), *Berkeley Technology Law Journal*; Senior Articles Editor, *Asian American Law Journal*; Student Member, Berkeley Law Admissions Committee; Funding Officer, U.C. Berkeley Graduate Assembly. University of California, Berkeley (B.A. 2004). *Prior Employment*: Judicial Clerk to Judge Dale A. Drozd of the U.S. District Court for the Eastern District of California; Milbank, Tweed, Hadley & McCloy LLP. *Member*: State Bar of California.

**ABBY R. WOLF**, Admitted to practice in California, 2016; U.S. Court of Appeals, 4th Circuit, 2017. *Education*: University of California, Davis School of Law (J.D. 2016) (Senior Articles Editor, *Business Law Journal*; Co-Chair, King Hall Women's Law; Member of Civil Rights Clinic; Four Witkin Awards for Excellence). University of California, Berkeley (B.A. 2011) (Phi Alpha Theta). *Prior employment*: Judicial Clerk to Judge Joseph R. Goodwin of the U.S. District Court for the Southern District of West Virginia. *Member*: State Bar of California.

**TISEME ZEGEYE**, Admitted to practice in California, 2018; New York, 2013; U.S. Court of Appeals for the 2nd Circuit, 2014; U.S. Court of Appeals for the Ninth Circuit, 2014; U.S. Supreme Court, 2016. *Education*: New York University School of Law (J.D. 2011), BLAPA Kim Barry '98 Memorial Graduation Prize for Academic Excellence and Commitment to International and Human Rights Work; Dean's Scholarship. The College of William and Mary (B.A. *cum laude*, 2008). *Prior Employment*: Staff Attorney, Center for Reproductive Rights, New York; Legal Fellow, American Civil Liberties Union Women's Rights Project. *Member*: American Bar Association, Labor & Employment Law Section (Employee-side Vice-Chair of the Member Services Committee); American Constitution Society Bay Area Lawyer Chapter (Board Member); Equal Rights Advocates (Litigation Committee Member).

Notice on the Firm's AV Rating: AV is a registered certification mark of Reed Elsevier Properties, Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies. Martindale-Hubbell is the facilitator of a peer review process that rates lawyers. Ratings reflect the confidential opinions of members of the Bar and the Judiciary. Martindale-Hubbell Ratings fall into two categories—legal ability and general ethical standards.



# **EXHIBIT B**

**IN RE CAPACITORS ANTITRUST LITIGATION**  
 Case No. 3:14-cv-03264-JD; MDL No. 3:17-md-02801-JD

**EXHIBIT B**  
**LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP**

**Hours and Lodestar on a Historical Basis**  
**April 1, 2018 through August 12, 2019**

- |                    |  |  |   |   |   |
|--------------------|--|--|---|---|---|
| <b>Categories:</b> | 1) Legal Research<br>2) Investigation / Factual Research<br>3) Discovery<br>4) Document Review<br>5) Pleadings, Briefs & Motions | 6) Class Certification<br>7) Summary Judgment<br>8) Appeals<br>9) Court Appearance and Prep<br>10) Experts | 11) Settlements & Mediation<br>12) Case Management<br>13) Class Notice<br>14) Trial Prep<br>15) Trial | <b><u>TITLE</u></b><br><b><u>ABBRV:</u></b> | (P) Partner<br>(A) Associate<br>(FLR) Foreign Language Reviewer<br>(DR) Document Reviewer<br>(SPL) Senior Paralegal<br>(PL) Paralegal<br>(LC) Law Clerk |
|--------------------|--|--|---|---|---|

ATTORNEYS (P, A, CA, CFL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	CUMULATIVE LODESTAR
Rudolph, David (P)			117.50													117.50	\$650.00	\$76,375.00
Glitin, Adam (A)									0.20			0.20				0.40	\$510.00	\$204.00
Jones, Karen (SA)				37.00												37.00	\$350.00	\$12,950.00
Tanaka, Tom (CA)				228.50												228.50	\$350.00	\$79,975.00
SUB-TOTAL	0.00	0.00	117.50	265.50	0.00	0.00	0.00	0.00	0.20	0.00	0.00	0.20	0.00	0.00	0.00	383.40		\$169,504.00

NON-ATTORNEYS (LC, SPL, PL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	PREVIOUS LODESTAR
Hisun, Rim (PL)				25.20												25.20	\$350.00	\$8,820.00
Troxel, Brian (PL)			15.80		0.20							1.20				17.20	\$375.00	\$6,450.00
Troxel, Brian (PL) (2019)												0.10				0.10	\$390.00	\$39.00
SUB-TOTAL	0.00	0.00	15.80	25.20	0.20	0.00	0.00	0.00	0.00	0.00	0.00	1.30	0.00	0.00	0.00	42.50		\$15,309.00
GRAND TOTAL:	0.00	0.00	133.30	290.70	0.20	0.00	0.00	0.00	0.20	0.00	0.00	1.50	0.00	0.00	0.00	425.90		\$184,813.00

# **EXHIBIT C**



*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT C**

LIEFF, CABRASER, HEIMANN & BERNSTEIN. LLP

Expenses Incurred

April 1, 2018 through August 12, 2019

<b>EXPENSE CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Costs / Filing Fees	\$
Experts / Consultants	\$
Shipping Costs / Federal Express / UPS	\$
Postage / U.S. Mail	\$
Service of Process	\$
Messenger / Delivery	\$11.15
Hearing Transcripts	\$
Investigation	\$
Lexis / Westlaw / PACER	\$55.90
Photocopies – In House	\$1,452.80
Photocopies – Outside	\$
Telephone / Telecopier	\$7.21
Travel – Transportation	\$
Travel - Hotels	\$
Travel – Meals	\$
<b>TOTAL:</b>	\$1,527.06

BACKUP  
MATERIAL  
SUBMITTED  
FOR IN  
CAMERA  
REVIEW

# **EXHIBIT 13**

**GLANCY PRONGAY & MURRAY LLP**

Lee Albert  
230 Park Avenue, Suite 530  
New York, NY 10169  
Telephone: (212) 682-5340  
Fax: (212) 84-0988  
[lalbert@glancylaw.com](mailto:lalbert@glancylaw.com)

*Class Counsel for Indirect Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**IN RE CAPACITORS ANTITRUST  
LITIGATION**

**THIS DOCUMENT RELATES TO:**

**All Indirect Purchaser Actions**

**Case No. 3:14-cv-03264-JD  
MDL No. 3:17-md-02801-JD**

**DECLARATION OF LEE ALBERT IN  
SUPPORT OF CLASS COUNSEL'S  
APPLICATION FOR ATTORNEYS'  
FEES AND REIMBURSEMENT OF  
COSTS SUBMITTED ON BEHALF OF  
GLANCY PRONGAY & MURRAY LLP**

**Date:  
Time: 10:00 a.m.  
Place: Courtroom 11, 19<sup>th</sup> Floor**

Judge: Hon. James Donato

1 I, Lee Albert, declare and state as follows:

2 1. I am a Partner of Glancy Prongay & Murray LLP, Counsel for Indirect Purchaser  
3 Plaintiffs (“IPPs” or “Plaintiffs”) in this action. I submit this declaration in support of Class  
4 Counsel’s application for attorneys’ fees and reimbursement of expenses reasonably incurred in  
5 connection with the services rendered in this litigation on behalf of the class. I make this  
6 declaration based on my personal knowledge and if called as a witness, I could and would  
7 competently testify to the matters stated herein. The time expended preparing this Declaration is  
8 not included.

9 2. During the pendency of the litigation, Glancy Prongay & Murray LLP, acted as  
10 supporting class counsel to IPPs. Glancy Prongay & Murray LLP has prosecuted this litigation  
11 solely on a contingent-fee basis, and has been at risk that it would not receive any compensation for  
12 prosecuting claims against the defendants. While Glancy Prongay & Murray LLP devoted its time  
13 and resources to this matter, it has foregone other legal work for which it would have been  
14 compensated. Attached hereto as **Exhibit A** is a copy of Glancy Prongay & Murray LLP  
15 curriculum vitae.

16 3. During the course of this litigation, Glancy Prongay & Murray LLP has been  
17 involved in the following activities on behalf of IPPs at the request of and under the direction of  
18 Interim Lead Counsel:

- 19 a) reviewed, analyzed and coded extensive documents produced by Defendants in the  
20 course of discovery which were produced in Japanese language and attending  
21 numerous teleconference discovery issues;

22 4. Attached hereto as **Exhibit B** is my firm’s total hours and lodestar, computed at  
23 historical rates, from April 1, 2018 through August 12, 2019. The total number of hours spent by  
24 Glancy Prongay & Murray LLP during this period of time was 807.5, with a corresponding  
25 historical lodestar of \$282,862.50. This summary was prepared from contemporaneous, daily time  
26 records regularly prepared and maintained by Glancy Prongay & Murray LLP. The lodestar  
27 amount reflected in Exhibit A is for work assigned by Lead Counsel, and was performed by  
28 professional staff at my law firm for the benefit of the IPP Class.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

I, Adam J. Zapala, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/ Adam J. Zapala  
Adam J. Zapala

# **EXHIBIT A**



**GLANCY PRONGAY & MURRAY LLP**  
ATTORNEYS AT LAW

LOS ANGELES OFFICE

1925 CENTURY PARK EAST  
SUITE 2100  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE (310) 201-9150  
FACSIMILE (310) 201-9160

NEW YORK OFFICE

230 PARK AVENUE  
SUITE 530  
NEW YORK, NY 10169  
TELEPHONE (212) 682-5340  
FACSIMILE (212) 884-0988

BERKELEY OFFICE

1808 SIXTH STREET  
BERKELEY, CA 94710  
TELEPHONE (415) 972-8160  
FACSIMILE (415) 972-8166

**FIRM RESUME**

**Glancy Prongay & Murray LLP** (the “Firm”) has represented businesses, investors, and consumers for nearly 25 years. With offices in New York City, Los Angeles, and Berkeley, the Firm has successfully prosecuted class action cases and complex litigation in federal and state courts throughout the country. As Lead Counsel or as a member of Plaintiffs’ Counsel Executive Committees, the Firm has recovered billions of dollars for parties wronged by corporate fraud and anti-competitive conduct. Indeed, the Institutional Shareholder Services unit of RiskMetrics Group has recognized the Firm as one of the top plaintiffs’ law firms in the United States in its Securities Class Action Services report for every year since the inception of the report in 2003. The Firm’s efforts have been publicized in major newspapers such as the *Wall Street Journal*, the *New York Times*, and the *Los Angeles Times*.

Glancy Prongay & Murray’s commitment to high quality and excellent personalized services has boosted its national reputation, and we are now recognized as one of the premier plaintiffs’ firms in the country. The Firm works tenaciously on behalf of clients to produce significant results and generate lasting corporate reform.

The Firm’s integrity and success originate from our attorneys, who are among the brightest and most experienced in the field. Our distinguished litigators have an unparalleled track record of investigating and prosecuting corporate wrongdoing. The Firm is respected for both the zealous advocacy with which we represent our clients’ interests as well as the highly-professional and ethical manner by which we achieve results. We are ideally positioned to pursue antitrust litigation, securities litigation, consumer litigation, and derivative and corporate takeover litigation. The Firm’s outstanding accomplishments are the direct result of the exceptional talents of our attorneys and employees.

## SECURITIES GROUP

GLANCY PRONGAY & MURRAY LLP is a leader in obtaining relief for investors affected by corporate securities fraud.

Frequently, public companies misrepresent their financial condition artificially inflates the price of their securities. When the true financial condition of these companies is revealed, the stock price plummets, and investors – many of whom are public and private retirement funds who are entrusted with their members' money who have invested for their retirement – suffer financially. Conversely, corporate insiders often profit from their knowledge of adverse company information by selling their securities before the company discloses such information to the market.

The Firm has a strong commitment to help investors injured by corporate wrongdoing. Demonstrating this commitment to assist injured investors and to restore integrity in the financial markets, the Firm aggressively represents the interests of investors in securities litigation.

GLANCY PRONGAY & MURRAY LLP and its lawyers have represented a variety of domestic and international public and private institutions, including West Virginia Investment Management Board, Deka Bank, Dyson Capital Management, City of Sterling Heights Police and Fire Retirement Fund, City of Dearborn Heights Police and Fire Retirement Fund, City of Livonia, City of Roseville Employee Retirement System, St. Clair Shores Police and Fire Retirement Fund, City of Westland Police and Fire Retirement Fund, Quaker Mutual, Saratoga Advantage Trust Energy & Basic Materials Portfolio, Saratoga Advantage Trust Mid Capitalization Portfolio, Pennsylvania Avenue Partners, Directors Financial, Sapphire & Winston Capital, City of Farmington, Palm Beach Capital, Nurol Menkol Kiyemetler A.S., PELO a.s., Frankfurt Trust, Pioneer Investment Management SGR S.A., Goose Hill Capital LLC, and First New York Securities LLC, Houlihan & Co. LLC, and Camelot Event Driven Fund.

The Firm is currently Lead or Co-Lead Counsel in *In re Deutsche Bank AG Sec. Litig.* (S.D.N.Y.); *In re Horsehead Holding Corp. Sec. Litig.* (D. Del.); and *Mild v. PPG Indus.* (C.D. Cal.). In addition, the Firm represents a private investor in an opt-out action involving the failed AbbVie-Shire merger.

Appointed as Lead or Co-Lead by judges throughout the United States, GLANCY PRONGAY & MURRAY LLP has achieved significant recoveries for class members, including:

### ***In re Yahoo! Inc. Sec. Litig.*, N.D. Cal., Case No. 17-cv-373**

In reaching an \$80 million settlement for a class of stock purchasers, the firm achieved the first significant settlement in a suit brought by shareholders under Section 10(b) of the Securities Exchange Act of 1933 based on a company's alleged failure to disclose adequately cybersecurity risks and incidents. GLANCY PRONGAY & MURRAY LLP was Co-Lead Counsel.

***The City of Farmington Hills Employees Retirement System v. Wells Fargo Bank, N.A., D. Minn. Case No. 10-cv-04372***

The Class's claims were for breaches of fiduciary duty, breaches of contract, and violations of the Minnesota Prevention of Consumer Fraud Act (Minn. Stat. § 325F.69). The lawsuit alleged that through its administration of its securities lending program, Wells Fargo breached its contractual agreements with and fiduciary duties to the Class and violated the Minnesota Prevention of Consumer Fraud Act. Specifically, the Class Action alleged that CFHERS and other Class members entered into securities lending agreements and other agreements with Wells Fargo. Pursuant to such agreements, Wells Fargo loaned CFHERS's and Class members' securities to third party borrowers in return for cash collateral. In its complaint, CFHERS alleged that Wells Fargo acted imprudently by investing and maintaining the securities lending collateral in high risk, long-term securities on behalf of members of the Class, which violated the express terms and principle objectives of the securities lending agreements. The alleged high risk, long-term securities included, but were not limited to, structured investment vehicles, including Cheyne and Victoria, mortgage-backed securities, other asset-backed securities, and corporate bonds for such companies as Lehman Brothers and Bear Stearns. Finally, CFHERS alleged that Wells Fargo's improper conduct as the administrator of the securities lending program caused substantial losses to CFHERS and members of the Class. On the eve of trial, the case settled for \$62.5 million.

***Mercury Interactive Corporation Securities Litigation, N.D. Cal. Case No. 5:05-cv-3395***

Mercury made a series of public disclosures revealing that an investigation was being conducted into possible unreported backdating of stock options. As these disclosures of potential wrongdoing at Mercury became more serious, it was announced that the CEO, CFO, and General Counsel would be resigning because they had been aware of, participated in, and benefitted from repeated instances of illegal stock options backdating. Mercury's stock price dropped significantly in reaction to these announcements, and created a huge, unfair loss to investors. Serving as Co-Lead Counsel, GLANCY PRONGAY & MURRAY LLP achieved a recovery for investors of over \$117 million.

***Real Estate Associates Securities Litigation, C.D. Cal. Case No. 98-cv-07035***

In 1998 the individual defendants caused consent solicitation statements to be sent to the limited partners of each of the Real Estate Associates partnerships. The consent solicitations allegedly contained statements which were false and misleading and failed to disclose certain material information, violating Sections 14(a) and Rule 14a-9 of the Securities and Exchange Act of 1934. The complaint sought declaratory and injunctive relief for violations of federal and state law and compensatory and punitive damages for breach of common law fiduciary duties. A recovery of \$83 million was achieved for investors.

***Conseco, Inc. Securities Litigation, S.D. Ind. Case No. 1:02-cv-1332***

The Complaint alleged Conseco, its CEO, President and CFO violated Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and S.E.C. Rule 10b-5. Plaintiffs claimed Conseco made material omissions and misleading statements concerning problems with Conseco's

liquidity and the Company's manufactured-homes financing business. Although defendants were in possession of materially adverse information about Conseco's liquidity problems and problems with the collectability of the Company's mobile home loans, they failed to fully disclose the information to investors, causing Conseco's stock price to become artificially inflated. GLANCY PRONGAY & MURRAY LLP achieved a \$41.5 million recovery for investors.

***Robb v. FitBit Inc., Securities Litigation, N.D. Cal. Case No. 16-cv-00151***

In this securities fraud class action, GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement of \$33 million.

***Gilat Satellite Networks, Ltd. Securities Litigation, E.D.N.Y. Case No. 02-cv-1510***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement of \$20 million.

***Lapin v. Goldman Sachs, S.D.N.Y. Case No. 04-cv-02236***

The Complaint alleged violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 and S.E.C. Rule 10b-5. This case stems from a financial securities firm's alleged conflicts of interest. The conflict alleged pitted the firm's securities analysts against the firm's actual or potential investment banking clients. It was alleged that this conflict of interest, which was not disclosed by the firm to its shareholders, artificially inflated the price of the firm's stock purchased during the relevant time period. Defendants engaged in a series of undisclosed acts and practices that created conflicts of interest for their research analysts with respect to investment banking consideration. These practices were allegedly used to help Goldman compete for Initial Public Offering ("IPO") business, which "resulted in lucrative banking fees and the promise of future investment banking and related businesses such as fees from secondary offerings, making bridge loans and other corporate financing transactions, and advising on mergers and acquisitions." GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement of \$29 million.

***Heritage Bond Litigation, C.D. Cal. Case No. 02-ml-1475***

The Firm recovered in excess of \$28 million in a global settlement in 2005 for defrauded investors. The bond issues involved in this case included Danforth Health Facilities Corporation, Tarrant County Health Facilities Development Corporation, City of Mexico Beach, Florida, City of Chicago, Illinois and Desert Hot Springs Public Authority in California.

***Livent, Inc. Noteholders Litigation, S.D.N.Y. Case No. 98-cv-7161***

This was a securities class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the class and achieved a settlement of \$27 million.

***ECI Telecom Ltd. Securities Litigation, E.D. Va. Case No. 01-cv-913***

In 2001, the Eastern District of Virginia District Court appointed the Firm Lead Counsel to prosecute this case on behalf of ECI investors. In the Second Amended Complaint, plaintiffs alleged ECI fraudulently engaged in a premature revenue recognition scheme, which violated both Generally Accepted Accounting Principles and ECI's own accounting policies. Following the District Court's denial of the defendants' motions to dismiss, GLANCY PRONGAY & MURRAY LLP began extensive discovery and was able to negotiate a settlement of \$21.75 million for ECI investors.

***Lumenis, Ltd. Securities Litigation, S.D.N.Y. Case No. 02-cv-1989***

GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel and achieved a settlement valued at over \$20 million.

***In re Penn West Petroleum Ltd. Securities Litigation, S.D.N.Y. Case No. 14-cv-6046***

GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel on behalf of a class of investors of Penn West Securities purchasers alleging claims under section 10(b) of the Securities Exchange Act of 1934. The case settled for \$19.4 million.

***In Re Turkcell Iletisim A.S. Securities Litigation, S.D.N.Y. Case No. 00-cv-08913***

Attorneys now at GLANCY PRONGAY & MURRAY LLP served as Lead Counsel and achieved a settlement of \$19.2 million for a case against a Turkish telecom company involving its IPO on the NYSE.

***Wilson v. LSB Indus. Securities Litigation, S.D.N.Y. Case No. 15-cv-7614***

GLANCY PRONGAY & MURRAY LLP served as Lead Counsel on behalf of a class of purchasers of LSB securities pursuant to section 10(b) of the Securities Exchange Act of 1934. The case settled for \$18.45 million.

***Infonet Services Corporation Securities Litigation, C.D. Cal. Case No. 01-cv-10456***

On April 4, 2002, the Central District of California District Court appointed the Firm Co-Lead Counsel to represent Infonet investors. The Complaint alleged defendants violated Sections 11, 12(a)(2) and 15 of the Securities Act of 1933, and Sections 10(b) and 20A of the Securities Exchange Act of 1934 and S.E.C. Rule 10b-5. Specifically, shortly before the Infonet IPO in December 1999, Infonet acquired AUCS. The acquisition transaction was disguised as a management agreement, which would allow Infonet to switch AUCS's clients over to Infonet without having to use the business assets of AUCS. GLANCY PRONGAY & MURRAY LLP achieved a settlement for investors of \$18 million.

***ESC Medical Systems, Ltd. Securities Litigation, S.D.N.Y. Case No. 98-cv-7530***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as sole Lead Counsel for the damaged Class and achieved a settlement valued in excess of \$17 million.

***Musicmaker.com Securities Litigation, C.D. Cal. Case No. 00-cv-02018***

The Firm was appointed Lead Counsel on June 21, 2000, to represent a class of Musicmaker shareholders. The Complaint alleged Musicmaker violated Sections 10(b), 20A and 20(a) of the Securities Exchange Act of 1934 and S.E.C. Rule 10b-5, as well as Sections 11, 12 and 15 of the Securities Act of 1933. After defeating defendants' motions to dismiss, the Firm engaged in extensive settlement negotiations, which resulted in an almost \$14 million recovery for the plaintiffs.

***Leap Securities Litigation, S.D. Cal. Case No. 07-cv-2245***

This was a securities class action in which GLANCY PRONGAY & MURRAY LLP served as Liaison Counsel for the class and achieved a settlement of \$13.75 million for investors.

***Lason, Inc. Securities Litigation, E.D. Mich. Case No. 99-cv-76079***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel and recovered almost \$13 million for damaged shareholders.

***Inso Corp. Securities Litigation, D. Mass. Case No. 00-cv-10305***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$12 million.

***National Techteam Securities Litigation, E.D. Mich. Case No. 97-cv-74587***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$11 million.

***KPNQwest Securities Litigation, S.D.N.Y. Case No. 02-cv-07951***

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement for investors worth \$11 million.

***Jenson v. First Trust Corporation, C.D. Cal. Case No. 05-cv-3124***

GLANCY PRONGAY & MURRAY LLP filed its complaint in 2005, was appointed sole lead counsel, and achieved an \$8.5 million settlement in a very difficult case involving a trustee's

potential liability for losses incurred by investors in a Ponzi scheme. Kevin Ruf of the Firm also successfully defended in the 9<sup>th</sup> Circuit Court of Appeals the trial court's granting of class certification in this case.

***Ramp Networks, Inc. Securities Litigation*, N.D. Cal. Case No. 00-cv-3645**

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$7 million.

***Plumbing Solutions Inc. v. Plug Power*, E.D.N.Y. Case No. 00-cv-5553**

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the class and achieved a settlement of \$5 million.

***Ree v. Procom Technologies, Inc.*, S.D.N.Y. Case No. 02-cv-7613**

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement of \$2.7 million for investors.

***Capri v. Comerica, Inc.*, E.D. Mich. Case No. 09-cv-13201**

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the Class and achieved a settlement of \$2.7 million.

***Tatz v. Nanophase Technologies Corporation*, N.D. Ill. Case No. 01-cv-8440**

This was a securities fraud class action in which GLANCY PRONGAY & MURRAY LLP served as Co-Lead Counsel for the class and achieved a settlement of \$2.5 million for investors.

## ANTITRUST PRACTICE GROUP

GLANCY PRONGAY & MURRAY LLP has established a significant antitrust practice. Anti-competitive behavior interferes with the operation of economic markets. The prevalence of price-fixing and market-allocation cases has increased at both the national and international levels. As government criminal investigations increase, civil litigation increasingly becomes important as a supplement to redress such misconduct.

The Firm's Antitrust Practice Group focuses upon representing individuals and entities who have been victimized by unlawful monopolization, price-fixing, market allocation, and other anti-competitive conduct. The Firm has prosecuted significant antitrust cases and has helped individuals and businesses recover billions of dollars. Prosecuting civil antitrust cases under federal and state laws throughout the country, the Firm's Antitrust Practice Group represents consumers, businesses, and Health and Welfare Funds and seeks injunctive relief and damages for violations of antitrust and commodities laws. The Firm has served as lead or co-lead counsel in numerous multi-district litigation antitrust cases and have won substantial settlements for plaintiffs in such cases. For instance, the Firm filed the initial landmark antitrust lawsuit against all of the major NASDAQ market makers and served on Plaintiffs' Counsel's Executive Committee in *In re Nasdaq Market-Makers Antitrust Litigation*, which recovered \$900 million for investors. The Firm was currently Co-Lead Counsel in *In re Korean Ramen Direct Antitrust Litigation* pending in the Northern District of California which went to trial in November 2018.

GLANCY PRONGAY & MURRAY LLP and its antitrust lawyers have represented large and medium private corporations and health and welfare funds in both Direct and Indirect Purchaser Litigation, including Tiffin Motor Homes, Inc., The Rice Co., Inc., Purdy Bros. Trucking Co., Inc., East Valley Water District, TC Construction Corp., AGS Devices Co., Ace Marine Rigging & Supply, Inc., Chandler Packaging, Inc., Trans Pak, Inc., White Oak Fund, LLP, Plumbers & Pipefitters Local 178 Health & Welfare Fund, United Firefighters Assn., United Fire Officers Assn., Carleton Trucking Co., Inc., Teamsters Local 237 Welfare Fund, The Plaza Market, and OM Commercial Neenah Oil, Inc.

The Firm's major cases include:

***Sullivan v. DB Investments***, in which the Firm served as settlement Co-Lead counsel. De Beers had exploited its market dominance to inflate the price of rough diamonds and inflated the price of diamonds down the line. De Beers suffered a default judgment and then negotiated with Plaintiff's Counsel to reach a settlement of \$295,000,000.

***In re Korean Ramen Antitrust Litig. (13-cv-4115 N.D. Cal.)***. The Firm was lead counsel for direct purchaser plaintiffs. After obtaining class certification and defeating defendants' summary judgment, a jury trial was held and tried to verdict.

***In re Korean Airlines Antitrust Litig. (MDL 1891 C.D. Cal.)***, in which the Firm served as Lead Counsel for a class of purchasers of trans-pacific airline tickets to Korea. The case settled for \$65 million.



***In re Urethane Chemical Antitrust Litig.*** (MDL 1616, D. Kan. 2004). The case was an antitrust price fixing case, in which the Firm served as Co-Lead counsel resulting in a settlement of \$33 million.

***In re Western States Wholesale Natural Gas Litig.*** (MDL 1566 D. Nev.) (\$25 Million settlement).

***In re Fresh and Process Potatoes Antitrust Litig.*** (MDL 2186 D. Idaho), where the Firm was Co-Lead counsel for indirect purchasers of potatoes. The case settled for \$5.5 million.

***In re Playmobil Products Antitrust Litig.*** (95-cv-2896 E.D.N.Y.) (attorneys at the Firm were Lead Counsel in case involving retail price maintenance agreements violating the Sherman Act).

***In re Disposable Contact Lens Litig.*** (BC113271 Cal.) (attorneys at the Firm represented a class of purchasers of disposable contact lenses in California and obtained a reversal in the appellate court of a denial of class certification).

***In re Time Warner Antitrust Litig.*** (09-cv-7747 S.D.N.Y.) (attorneys at the Firm were Co-Lead Counsel in case involving illegal tying of the products).

Currently, the Firm has Lead or Committee roles in many federal lawsuits prosecuted by plaintiffs seeking damages for antitrust violations in major industries, including:

***In re North Sea Brent Crude Oil Futures Litig.*** (13-md-02475 S.D.N.Y.).

***In re Commodity Exchange, Inc., Gold Futures and Options Trading Litig.*** (14-md-02548 S.D.N.Y.).

***In re National Football League's "Sunday Ticket" Antitrust Litig.*** (15-ml-2668 C.D. Cal.).

The Firm is also active in case involving anti-competitive schemes to keep generic drugs off the market. Currently the Firm is on the executive committee in ***In re Actos End Payor Antitrust Litig.*** (13-cv-9244 S.D.N.Y.). The Firm has had a major role in ***In re Aggrenox Antitrust Litigation*** (14-cv-2516 (D. Conn.) (settlement of \$54,000,000 pending); ***In re Solodyn*** (MDL 2503 D. Mass.) (settlement of \$43,000,000 pending); and ***In re Opana ER Antitrust Litig.***, (14-cv10150 N.D. Ill.). The firm also represents class members in ***In re Niaspan*** (13-cv-04863 E.D. Pa.); and ***In re Sensipar Antitrust Litig.*** (19-cv-8561 D.N.J.).

The Firm is currently involved in ***In re Generic Pharmaceuticals Pricing Antitrust Litig.*** (16-md-2427 E.D. Pa.) which has been filed against a number of generic drug manufacturers for price fixing generic drugs.

In addition to ***Brent Oil***, the Firm is currently prosecuting many market manipulation cases involving violations of antitrust and commodities laws, including ***Sullivan v. Barclays PLC*** (manipulation of Euribor rate), ***In re Foreign Exchange Benchmark Rates Antitrust Litig.***, ***In re Gold Futures & Options Trading Litig.***, ***In re LIBOR***, ***In re Platinum & Palladium Antitrust Litig.***, ***Sonterra Cap. Master Fund v. Credit Suisse Group AG*** (Swiss Libor rate

manipulation), *Twin City Iron Pension Fund v. Bank of Nova Scotia* (manipulation of treasury securities), and *Ploss v. Kraft Foods Group* (manipulation of wheat prices).

The Firm currently also has a major role in:

*In re Heating Control Panel Direct Purchaser Action (12-md-02311 E.D. Mich.)* (price-fixing action involving direct purchasers of heating control panels vehicles).

*Kleen Products v. Packaging Corp. of Amer. (10-cv-05711 N.D. Ill.)* (price-fixing action involving direct purchasers of containerboard-partial settlement for \$375,000,000).

*In re Cathode Ray Tube (CRT) Antitrust Litig. (MDL 2496 N.D. Cal.)* (price-fixing action involving direct purchasers of cathode ray tubes).

*In re Instrument Panel Clusters Direct Purchaser Action (12-md-02311 E.D. Mich.)* (price-fixing action involving direct purchasers of instrument panel clusters).

In addition to the foregoing, the Firm also represents clients in:

*In re Payment Card Interchange Fee and Merchant Discount Litig. (MDL 1720 E.D.N.Y)*

*In re Domestic Airline Travel Antitrust Litig. (15-MC-1404 D.D.C. )*

*In re Liquid Aluminum Sulfate Antitrust Litig. (15-cv-6799 D.N.J.)*

*In re Dental Supplies Antitrust Litig. (15-cv-696 E.D.N.Y.)*

*In re Capacitors Antitrust Litig. (14-cv-3264 N.D. Cal.)*

*In re LIBOR-Based Financial Instruments Antitrust Litig. (11-md-2262 S.D.N.Y.)*

*In re Occupational Safety Systems Cases (12-cv-600 E.D. Mich.)*

*In re NCAA Student-Athlete Name & Likeness Licensing Litig. (9-cv-1967 N.D. Cal.)*

## CONSUMER LITIGATION

GLANCY PRONGAY & MURRAY LLP successfully litigated on behalf of consumers throughout the United States. Individuals in our society work hard to provide for their families and deserve to rely upon truthful information when purchasing products and services. Accordingly, we fight for consumers when corporations attempt to deceive or take advantage of customers. Consumer fraud occurs when a customer buys a product that does not perform as represented or advertised, or purchases services that are not the same as represented or advertised.

The Firm is committed to protecting and defending the rights of defrauded consumers. Our Consumer Practice Group focuses upon companies that reap millions of dollars in profits by misrepresenting their products or services. In many instances, class actions provide the only viable avenue to vindicate his or her rights as a consumer. Accordingly, the Firm has taken a leading role in many of the most significant federal and consumer fraud cases throughout the country. Indeed, the Firm's Consumer Practice Group has obtained outstanding results for consumers. For example, in *Pascussi v. Airtouch Communications*, a cellular phone service provider improperly charged all of its Michigan customers for certain calls. Through our class action lawsuit, the Firm recovered a settlement of \$30 million for injured consumers. The Firm's Consumer Practice Group similarly represents consumers nationwide in a variety of important consumer cases and has achieved significant results through our efforts.

We have achieved many significant recoveries including:

***Naevus Int'l. v. AT&T Corp.*, N.Y. Supreme Case No. 602191/1999**

Attorneys now at the Firm represented a class of consumers who subscribed to AT&T's Digital One Rate wireless service. The case eventually settled for benefits worth \$40 million.

***Pascussi v. Airtouch Communications*, 2004 WL 3511400**

This was a consumer case against Airtouch Communications regarding claims against a cellular phone service provider improperly charging all of its Michigan customers for certain calls. GLANCY PRONGAY & MURRAY LLP recovered a settlement of \$30,000,000 for class members.

***Shin v. BMW of North America*, 2009 WL 2163509**

After GLANCY PRONGAY & MURRAY LLP defeated defendants' motion to dismiss, the case settled on very favorable terms for class members including free replacement of cracked wheels for their BMW vehicles.

***Esslinger v. HSBC Bank Nevada, N.A.*, E.D. Pa. Case No. 10-cv-03213**

This case was on behalf of HSBC credit card holders who paid for "payment protection" services. A \$23,500,000 settlement was approved in 2013.

***Villefranche v. HSBC Bank Nevada, N.A., C.D. Cal. Case No. 09-cv-3639***

After defeating defendants' motion to dismiss, the case resulted in a 100% recovery to class members who were improperly charged a higher rate of interest on their credit cards.

***In Re Discover Payment Protection Plan Marketing and Sales Practices Litigation, N.D. Ill. Case No. 10-cv-06994***

Brought on behalf of Discover credit card holders for deceptive sales and marketing practices. The case settled for \$10,500,000.

## **CORPORATE MERGERS & ACQUISITIONS LITIGATION**

Through our Corporate Mergers & Acquisitions Litigation Practice Group, the Firm is heavily active in securities fraud prevention. The Firm brings actions on behalf of shareholders of companies that have entered into management-led buyouts, mergers, tender-offers, or other business combinations. Corporate directors - who are required to act as fiduciaries for shareholders - sometimes breach their fiduciary duties because of material conflicts or other issues. The Firm has litigated numerous cases on behalf of shareholders who have been treated unfairly or received inadequate consideration in a merger or business combination. The Firm's efforts have resulted in millions of dollars in increased consideration for shareholders, the disclosure of material information enabling shareholders to better assess the fairness of proposed transactions, and significant structural changes to merger agreements designed to protect and maximize shareholder value.

Lawyers at GLANCY PRONGAY & MURRAY LLP have been active in scores of cases such as these, including litigation involving takeovers of Claire's Stores, Inc., Charlotte Russe Holding, Inc., BJ Services, Co., Hearst-Argyle Television, Inc., Medarex, Inc., Centerplate, Inc., Sirna Therapeutics, Inc., Chaparral Resources, Inc., The Topps Company, Inc., Genentech, Inc., Jacuzzi Brands, Inc.; Burlington Northern Santa Fe; Black & Decker Inc., 3Com Corp.; Alcon, Inc., XTO Energy, Inc.; Continental Airlines, Inc.; Facet Biotech Corp.; Infogroup Inc.; Double-Take Software, Inc.; Iowa Telecom. Serv., Inc.; Maine & Maritimes Corp.; Millipore Corp.; American Italian Pasta Corp.; Argon ST. Inc.; ATC Tech. Corp.; Northstar Neuroscience, Inc.; Abraxis Bioscience Inc.; Trubion Pharmaceuticals, Inc.; Pactiv Corp.; Polymer Group, Inc.; Citadel Broadcasting Corp.; Hewitt Associates, Inc.; Thermadyne Holdings Corp.; Wainwright Bank & Trust Co.; Jo-Ann Stores, Inc.; NYMagic, Inc.; NYSE Euronext; Smurfit-Stone Container Corp.; RAE Systems, Inc.; Actel Corp.; ArcSight, Inc.; Pride Int'l Inc.; Nat'l Semiconductor Corp.; OptionsXpress Corp.; LaBarge, Inc.; K-Sea Trans. Partners, LLC; The Gymboree Corp.; Frontier Oil Corp.; Emergency Medical Services Corp.; Tomotherapy Inc.; Del Monte Foods Co.; Warner Music Group Corp.; Smart Modular Techs., Inc.; Int'l Coal Group; and Interactive Data Corp.

## **DERIVATIVE & CORPORATE GOVERNANCE LITIGATION**

GLANCY PRONGAY & MURRAY LLP has a robust Derivative & Corporate Governance Litigation Practice. Many corporate officers and directors engage in misconduct that wastes corporate assets, undermines faith in the financial markets, and diminishes the trust of shareholders. The Firm's fervent commitment to corporate accountability has enabled us to seek governance reforms that will align the interests of management with those of shareholders. Our efforts also serve to deter fraud and other corporate wrongdoing.

Throughout our Derivative & Corporate Governance Litigation Practice Group, the Firm is focused upon restoring accountability, preserving corporate assets, improving transparency, and protecting shareholder value. Because shareholder derivative actions often result in significant corporate governance reforms that have a positive impact on the long-term interests of shareholders, we utilize such litigation to demand accountability on behalf of our clients. Through these efforts, the Firm has worked to create important changes in corporate governance and to protect investors against future instances of securities fraud.

The Firm was involved in the News Corp. litigation, in the Delaware Chancery Court, in which News Corp. recovered \$139 million in insurance proceeds.

## PARTNERS

**LIONEL Z. GLANCY**, a graduate of University of Michigan Law School, is the founding partner of the Firm. After serving as a law clerk for United States District Judge Howard McKibben, he began his career as an associate at a New York law firm concentrating in securities litigation. Thereafter, he started a boutique law firm specializing in securities litigation, and other complex litigation, from the Plaintiff's perspective. Mr. Glancy has established a distinguished career in the field of securities litigation over the last fifteen years, having appeared and been appointed lead counsel on behalf of aggrieved investors in securities class action cases throughout the country. He has appeared and argued before dozen of district courts and a number of appellate courts. His efforts have resulted in the recovery of hundreds of millions of dollars in settlement proceeds for huge classes of shareholders. Well known in securities law, he has lectured on its developments and practice, including having lectured before Continuing Legal Education seminars and law schools.

Mr. Glancy was born in Windsor, Canada, on April 4, 1962. Mr. Glancy earned his undergraduate degree in political science in 1984 and his Juris Doctor degree in 1986, both from the University of Michigan. He was admitted to practice in California in 1988, and in Nevada and before the U.S. Court of Appeals, Ninth Circuit in 1989.

**BRIAN MURRAY** is admitted to the bars of Connecticut, New York, and the United States District Courts for the Southern, Eastern, Western, and Northern Districts of New York, the Eastern District of Michigan, the District of Connecticut, the District of Nebraska, the Eastern and Western Districts of Arkansas, the First, Second, and Fifth, and Ninth Circuit Courts of Appeal, and the United States Supreme Court. He received Bachelor of Arts and Master of Arts degrees from the University of Notre Dame in 1983 and 1986, respectively. He received a Juris Doctor degree, *cum laude*, from St. John's University School of Law in 1990. At St. John's, he was the Articles Editor of the ST. JOHN'S LAW REVIEW. Mr. Murray co-wrote: *Jurisdição Estrangeira Tem Papel Relevante Na De Fiesa De Investidores Brasileiros*, ESPACA JURIDICO BOVESPA (August 2008); *The Proportionate Trading Model: Real Science or Junk Science?*, 52 CLEVELAND ST. L. REV. 391 (2004-05); *The Accident of Efficiency: Foreign Exchanges, American Depository Receipts, and Space Arbitrage*, 51 BUFFALO L. REV.. 383 (2003); *You Shouldn't Be Required To Plead More Than You Have To Prove*, 53 BAYLOR L. REV. 783 (2001); *He Lies, You Die: Criminal Trials, Truth, Perjury, and Fairness*, 27 NEW ENGLAND J. ON CIVIL AND CRIMINAL CONFINEMENT 1 (2001); *Subject Matter Jurisdiction Under the Federal Securities Laws: The State of Affairs After Itoba*, 20 MARYLAND J. OF INT'L L. AND TRADE 235 (1996); *Determining Excessive Trading in Option Accounts: A Synthetic Valuation Approach*, 23 U. DAYTON L. REV. 316 (1997); *Catch-22 for Investors: Averaging Down Held to Preclude Fraud Remedies*, NEW YORK LAW JOURNAL (March 31, 2014); *Loss Causation Pleading Standard*, NEW YORK LAW JOURNAL (Feb. 25, 2005); *The PSLRA 'Automatic Stay' of Discovery*, NEW YORK LAW JOURNAL (March 3, 2003); and *Inherent Risk In Securities Cases In The Second Circuit*, NEW YORK LAW JOURNAL (Aug. 26, 2004). He also authored *Protecting The Rights of International Clients in U.S. Securities Class Action Litigation*, INTERNATIONAL LITIGATION NEWS (Sept. 2007); *Lifting the PSLRA "Automatic Stay" of Discovery*, 80 N. DAK L. REV. 405 (2004); *Aftermarket Purchaser Standing Under § 11 of the Securities Act of 1933*, 73 ST. JOHN'S L. REV. 633 (1999); *Recent Rulings Allow Section 11 Suits By Aftermarket Securities Purchasers*, NEW YORK LAW JOURNAL (Sept. 24, 1998); and *Comment, Weissmann v. Freeman:*

*The Second Circuit Errs in its Analysis of Derivative Copy-rights by Joint Authors*, 63 ST. JOHN'S L. REV. 771 (1989).

Mr. Murray was on the trial team that prosecuted a securities fraud case under Section 10(b) of the Securities Exchange Act of 1934 against Microdyne Corporation in the Eastern District of Virginia and he was also on the trial team that presented a claim under Section 14 of the Securities Exchange Act of 1934 against Artek Systems Corporation and Dynatach Group which settled midway through the trial.

Mr. Murray's major cases include

*In re Horsehead Holding Corp. Sec. Litig.*, No. 16-cv-292, 2018 WL 4838234 (D. Del. Oct. 4, 2018) (recommending denial of motion to dismiss securities fraud claims where company's generic cautionary statements failed to adequately warn of known problems for zinc processing plant); *In re Deutsche Bank Sec. Litig.*, 328 F.R.D. 71 (S.D.N.Y. 2018) (granting class certification for Securities Act claims and rejecting defendants' argument that class representatives' trading profits made them atypical class members); *Robb v. Fitbit Inc.*, 216 F. Supp. 3d 1017 (N.D. Cal. 2016) (denying motion to dismiss securities fraud claims where confidential witness statements sufficiently established scienter); *In re Eagle Bldg. Tech. Sec. Litig.*, 221 F.R.D. 582 (S.D. Fla. 2004), 319 F. Supp. 2d 1318 (S.D. Fla. 2004) (complaint against auditor sustained due to magnitude and nature of fraud; no allegations of a "tip-off" were necessary); *In re Turkcell Iletisim A.S. Sec. Litig.*, 209 F.R.D. 353 (S.D.N.Y. 2002) (defining standards by which investment advisors have standing to sue); *In re Turkcell Iletisim A.S. Sec. Litig.*, 202 F. Supp. 2d 8 (S.D.N.Y. 2001) (liability found for false statements in prospectus concerning churn rates); *Feiner v. SS&C Tech., Inc.*, 11 F. Supp. 2d 204 (D. Conn. 1998) (qualified independent underwriters held liable for pricing of offering); *Malone v. Microdyne Corp.*, 26 F.3d 471 (4th Cir. 1994) (reversal of directed verdict for defendants); and *Adair v. Bristol Tech. Systems, Inc.*, 179 F.R.D. 126 (S.D.N.Y. 1998) (aftermarket purchasers have standing under section 11 of the Securities Act of 1933). Mr. Murray also prevailed on an issue of first impression in the Superior Court of Massachusetts, in *Cambridge Biotech Corp. v. Deloitte and Touche LLP*, in which the court applied the doctrine of continuous representation for statute of limitations purposes to accountants for the first time in Massachusetts. 6 Mass. L. Rptr. 367 (Mass. Super. Jan. 28, 1997). In addition, in *Adair v. Microfield Graphics, Inc.* (D. Or.), Mr. Murray settled the case for 47% of estimated damages. *In the Qiao Xing Universal Telephone* case, claimants received 120% of their recognized losses.

Among his current cases, Mr. Murray is currently co-lead counsel in the two securities class actions: *In re Deutsche Bank Sec. Litig.* (S.D.N.Y.), and *In re Horsehead Holding Corp. Sec. Litig.* (D. Del.).

Mr. Murray served as a Trustee of the Incorporated Village of Garden City (2000-2002); Commissioner of Police for Garden City (2000-2001); Co-Chairman, Derivative Suits Subcommittee, American Bar Association Class Action and Derivative Suits Committee, (2007-2010); Member, Sports Law Committee, Association of the Bar for the City of New York, 1994-1997; Member, Litigation Committee, Association of the Bar for the City of New York, 2003-2007; Member, New York State Bar Association Committee on Federal Constitution and Legislation, 2005-2008; Member, Federal Bar Council, Second Circuit Committee, 2007-present.



Mr. Murray has been a panelist at CLEs sponsored by the Federal Bar Council and the Institute for Law and Economic Policy, at the German-American Lawyers Association Annual Meeting in Frankfurt, Germany, and is a frequent lecturer before institutional investors in Europe and South America on the topic of class actions.

**ROBERT V. PRONGAY** is a partner in the Firm's Los Angeles office where he focuses on the investigation, initiation, and prosecution of complex securities cases on behalf of institutional and individual investors. Mr. Prongay's practice concentrates on actions to recover investment losses resulting from violations of the federal securities laws and various actions to vindicate shareholder rights in response to corporate and fiduciary misconduct.

Mr. Prongay has extensive experience litigating complex cases in state and federal courts nationwide. Since joining the Firm, Mr. Prongay has successfully recovered millions of dollars for investors victimized by securities fraud and has negotiated the implementation of significant corporate governance reforms aimed at preventing the reoccurrence of corporate wrongdoing. Some recent cases in which the Firm was appointed as lead counsel that Mr. Prongay has worked on include:

- Representation of the lead plaintiffs in *Fuller v. Imperial Holdings*, a putative securities class action on behalf of investors alleging violations of the Securities Act of 1933 in connection with the company's \$189 million initial public offering. The lawsuit relates to misrepresentations and omissions about the company's business practices and involvement in illegal stranger-originated life insurance transactions. This matter is ongoing;
- Representation of the lead plaintiffs in *Curry v. Hansen Medical, Inc.*, a putative securities class action on behalf investors alleging violations of the Securities Exchange Act of 1934. The case relates to the company's restatement of several quarters of financial statements as a result of, among others, improper revenue recognition and accounting irregularities. The court recently upheld the sufficiency of the plaintiffs' allegations. This matter is ongoing;
- Representation of the lead plaintiffs in *Ho v. Duoyuan Global Water, Inc.*, a putative securities class action on behalf of investors alleging violations of the Securities Act of 1933 and the Securities Exchange Act of 1934. The case relates to misrepresentations and omissions about the financial condition and operations of a Chinese company publicly traded in the United States. The court recently upheld the sufficiency of the plaintiffs' allegations. This matter is ongoing;
- Representation of the lead plaintiff in *Crotteau v. Addus Homecare Corp.*, a securities class action on behalf of investors alleging violations of the Securities Act of 1933 in connection with the company's initial public offering. The case settled for \$3 million;
- Representation of the lead plaintiff in *Murdeshwar v. Search Media Holdings Ltd.*, a securities class action alleging violations of the Securities Exchange Act of 1934. During the course of the litigation, the court found that the lead plaintiff had adequately alleged that the proxy materials provided to the investors of the special-purpose acquisition company contained misstatements and omissions about the company being acquired. The case settled for \$2.75 million;

- Representation of the lead plaintiffs in *Mishkin v. Zynex Inc.*, a securities class action on behalf of investors alleging violations of the Securities Exchange Act of 1934. The case related to the company's restatement of its financial results and involved allegations that the company had engaged in a systematic scheme to over-bill insurance companies from which the company had routinely sought payment for the sale and rental of its products. After the court found the lead plaintiffs had adequately alleged violations of the federal securities laws, the case settled for \$2.5 million; and
- Representation of the plaintiff in *Binder v. Shacknai*, a shareholder derivative action alleging various breaches of fiduciary duty under state law by the board of directors of a publicly traded company in connection with the company's restatement of its historical financial results. The settlement of the action conferred substantial benefits on the corporation through the adoption of corporate governance reforms designed to protect the company and its shareholders against future instances of wrongdoing and broadly improve the corporate governance of the company.

Several of Mr. Prongay's cases have received national and regional press coverage. Mr. Prongay has been interviewed by journalists and writers for national and industry publications, ranging from *The Wall Street Journal* to the *Los Angeles Daily Journal*. Mr. Prongay recently appeared as a guest on Bloomberg Television where he was interviewed about the securities litigation stemming from the high-profile initial public offering of Facebook, Inc.

Mr. Prongay received his Bachelor of Arts degree in Economics from the University of Southern California and his Juris Doctor degree from Seton Hall University School of Law. Mr. Prongay is also an alumnus of the Lawrenceville School.

**LEE ALBERT** was admitted to the bars of the Commonwealth of Pennsylvania, the State of New Jersey, and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey in 1986. He received his B.S. and M.S. degrees from Temple University and Arcadia University in 1975 and 1980, respectively, and received his J.D. degree from Widener University School of Law in 1986. Upon graduation from law school, Mr. Albert spent several years working as a civil litigator in Philadelphia, PA. Mr. Albert has extensive litigation and appellate practice experience having argued before the Supreme and Superior Courts of Pennsylvania and has over fifteen years of trial experience in both jury and non-jury cases and arbitrations. Mr. Albert has represented a national health care provider at trial obtaining injunctive relief in federal court to enforce a five-year contract not to compete on behalf of a national health care provider and injunctive relief on behalf of an undergraduate university.

Currently, Mr. Albert represents clients in all types of complex litigation including matters concerning violations of federal and state antitrust and securities laws, mass tort/product liability and unfair and deceptive trade practices. Some of Mr. Albert's current major cases include *In re Korean Ramen Direct Antitrust Litig.* (N.D. Cal.) (Co-Lead Counsel); *In re National Football League Sunday Ticket Antitrust Litig.* (C.D. Cal.); *Staley, et al. v. Gilead Sciences, Inc.* (N.D. Cal.) (Executive Committee); *In Re Automotive Wire Harness Systems Antitrust Litigation* (E.D. Mich.); *In Re Heater Control Panels Antitrust Litigation* (E.D. Mich.); *Kleen Products v. Packaging Corp. of America* (N.D. Ill.); and *In re Actos End Payor Antitrust Litig.* (13-cv-9244 S.D.N.Y.) (Executive Committee). Previously, Mr. Albert had a significant role in *Marine*

*Products Antitrust Litigation* (C.D. Cal.) (Executive Committee); *Baby Products Antitrust Litigation* (E.D. Pa.); *In re ATM Fee Litigation* (N.D. Cal.); *In re Canadian Car Antitrust Litigation* (D. Me.); *In re Broadcom Securities Litigation* (C.D. Cal.); and has worked on *In re Avandia Marketing, Sales Practices and Products Liability Litigation* (E.D. Pa.); *In re Ortho Evra Birth Control Patch Litigation* (N.J. Super. Ct., Middlesex County); *In re AOL Time Warner, Inc. Securities Litigation* (S.D.N.Y.); *In re WorldCom, Inc. Securities Litigation* (S.D.N.Y.); and *In re Microsoft Corporation Massachusetts Consumer Protection Litigation* (Mass. Super. Ct.).

**KEVIN F. RUF** graduated from the University of California at Berkeley in 1984 with a Bachelor of Arts in Economics and earned his Juris Doctor degree from the University of Michigan in 1987. Mr. Ruf was admitted to the State Bar of California in 1988. Mr. Ruf was an associate at the Los Angeles firm Manatt Phelps and Phillips from 1988 until 1992, where he specialized in commercial litigation and was a leading trial lawyer among the associates there. In 1993, he joined the firm Corbin & Fitzgerald in order to gain experience in criminal law. There, he specialized in white collar criminal defense work, including matters related to National Medical Enterprises, Cynergy Film Productions, and the Estate of Doris Duke. Mr. Ruf joined the Firm in 2001 and has taken a lead trial lawyer role in many of the Firm's cases. In 2006, Mr. Ruf argued before the California Supreme Court in the case *Smith v. L'Oreal* and achieved a unanimous reversal of the lower court rulings; the case established a fundamental right of all California workers to immediate payment of all earnings at the conclusion of employment. In 2007, Mr. Ruf took an important case before the Ninth Circuit Court of Appeals, convincing the Court to affirm the lower court's certification of a class action in a fraud case (fraud cases have traditionally faced difficulty as class actions because of the requirement of individual reliance). Mr. Ruf has extensive trial experience, including jury trials, and considers his courtroom and oral advocacy skills to be his strongest asset as a litigator. Mr. Ruf currently acts as the Head of the Firm's Labor and Consumer Practice, and has extensive experience in securities cases as well. Mr. Ruf also has experience in real estate law and has been a Licensed California Real Estate Broker since 1999.

**GREGORY B. LINKH** works out of the New York office, where he concentrates on antitrust, securities, shareholder derivative, and consumer litigation. Greg graduated from the State University of New York at Binghamton in 1996 and from the University of Michigan Law School in 1999. While in law school, Greg externed with United States District Judge Gerald E. Rosen of the Eastern District of Michigan. Greg was previously associated with the law firms Dewey Ballantine LLP, Pomerantz Haudek Block Grossman & Gross LLP, and Murray Frank LLP.

Greg is the co-author of *Inherent Risk In Securities Cases In The Second Circuit*, NEW YORK LAW JOURNAL (Aug. 26, 2004); *Staying Derivative Action Pursuant to PSLRA and SLUSA*, NEW YORK LAW JOURNAL, P. 4, COL. 4 (Oct. 21, 2005) and the *SECURITIES REFORM ACT LITIGATION REPORTER*, Vol. 20, No. 3 (Dec. 2005).

Greg was one of the lead trial counsel in *In re Korean Ramen Direct Antitrust Litig.*, which was one of the rare antitrust class action cases to be tried to a jury verdict. Currently Greg's major cases include *In re Horsehead Holding Corp. Sec. Litig.*; and *In re Heating Control Panel Direct Purchaser Action* (12-md-02311 E.D. Mich.).

**JOSHUA L. CROWELL** concentrates his practice on prosecuting complex securities cases on behalf of investors. Currently, he is pursuing federal securities class actions against Hansen Medical, Inc., and Green Dot Corp.

Prior to joining Glancy Prongay & Murray LLP, Joshua was an associate at Labaton Sucharow LLP in New York, where he helped secure large federal securities class settlements in In re Countrywide Financial Corporation Securities Litigation (\$624 million) and the Oppenheimer Champion and Core Bond fund cases (\$100 million combined). He began his legal career as an Associate at Paul, Hastings, Janofsky & Walker LLP in New York, primarily representing clients in the financial industry in commercial litigation.

Prior to attending law school, Joshua was a Senior Economics Consultant at Ernst & Young LLP, where he priced intercompany transactions and calculated the value of intellectual property. Joshua received a J.D., *cum laude*, from The George Washington University Law School. During law school, he was an Associate of The George Washington Law Review and a member of the Mock Trial Board. He was also a law intern for Chief Judge Edward J. Damich of the United States Court of Federal Claims. Joshua earned a B.A. in International Relations from Carleton College.

**KARA M. WOLKE**'s practice spans consumer, labor, securities, and other complex class action prosecution. She has extensive experience in written appellate advocacy in both State and Federal Circuit Courts of Appeals, and has successfully argued before the Court of Appeal for the State of California.

Ms. Wolke graduated *summa cum laude* with a B.S.B.A. in Economics from The Ohio State University in 2001, and subsequently earned her J.D. (with honors) from Ohio State, where she was active in Moot Court and received the Dean's Award for Excellence during each of her three years. In 2005, she was a finalist in a national writing competition co-sponsored by the American Bar Association and the Grammy® Foundation. (published at 7 VAND. J. ENT. L. & PRAC. 411). Ms. Wolke is admitted to the State Bar of California, the Ninth Circuit Court of Appeals, as well as the United States District Courts for the Northern, Southern, and Central Districts of California.

**JONATHAN M. ROTTER** leads the Firm's intellectual property litigation practice. He recently served for three years as the first Patent Pilot Program Law Clerk at the United States District Court for the Central District of California. There, he assisted the Honorable S. James Otero, Andrew J. Guilford, George H. Wu, John A. Kronstadt, and Beverly Reid O'Connell with hundreds of patent cases in every major field of technology, from complaint to post-trial motions. Before his service to the court, Mr. Rotter practiced at an international law firm, where he argued appeals at the Federal Circuit, Ninth Circuit, and California Court of Appeal, as well as tried cases, argued motions, and managed all aspects of complex litigation. His cases involved diverse technologies in both "wet" and "dry" disciplines, and he excels at the critical skill of translating complex subject matter into a coherent story that can be digested by judges and juries.

In addition to intellectual property matters, Mr. Rotter has handled cases involving antitrust, securities, banking, real estate, government, business disputes, product liability, and professional liability. Mr. Rotter served as a law clerk to the Honorable Milan D. Smith, Jr., at the United States Court of Appeals for the Ninth Circuit. He also served as a volunteer criminal prosecutor for the Los Angeles City Attorney's Office.

Mr. Rotter graduated with honors from Harvard Law School in 2004. He served as an editor of the Harvard Journal of Law & Technology, and was selected to be a Fellow in Law and Economics at the John M. Olin Center for Law, Economics, and Business, and a Fellow in Justice, Welfare, and Economics at the Weatherhead Center For International Affairs. He graduated with honors from the University of California, San Diego in 2000 with a B.S. in molecular biology and a B.A. in music.

Mr. Rotter is admitted to practice before the United States Patent & Trademark Office, the United States Courts of Appeals for the Ninth and Federal Circuits, and the United States District Courts for the Northern, Central, and Southern Districts of California. He has written extensively on intellectual property issues, and has been honored for his work with legal service organizations.

**JOSEPH D. COHEN** has extensive complex civil litigation experience, and currently oversees the firm's settlement department, negotiating, documenting, and obtaining court approval of the firm's securities, merger, and derivative settlements.

Prior to joining the firm, Mr. Cohen successfully prosecuted numerous securities fraud, consumer fraud, antitrust and constitutional law cases in federal and state courts throughout the country. Cases in which Mr. Cohen took a lead role include: *Jordan v. California Dep't of Motor Vehicles*, 100 Cal. App. 4<sup>th</sup> 431 (2002) (complex action in which the California Court of Appeal held that California's Non-Resident Vehicle \$300 Smog Impact Fee violated the Commerce Clause of the United States Constitution, paving the way for the creation of a \$665 million fund and full refunds, with interest, to 1.7 million motorists); *In re Geodyne Res., Inc. Sec. Litig.* (Harris Cty. Tex.) (settlement of securities fraud class action, including related litigation, totaling over \$200 million); *In re Cmty. Psychiatric Centers Sec. Litig.* (C.D. Cal.) (settlement of \$55.5 million was obtained from the company and its auditors, Ernst & Young, LLP); *In re McLeodUSA Inc., Sec. Litig.* (N.D. Iowa) (\$30 million settlement); *In re Arakis Energy Corp. Sec. Litig.* (E.D.N.Y.) (\$24 million settlement); *In re Metris Cos., Inc., Sec. Litig.* (D. Minn.) (\$7.5 million settlement); *In re Landry's Seafood Rest., Inc. Sec. Litig.* (S.D. Tex.) (\$6 million settlement); and *Freedman v. Maspeth Fed. Loan and Savings Ass'n*, (E.D.N.Y) (favorable resolution of issue of first impression under RESPA resulting in full recovery of improperly assessed late fees).

Mr. Cohen was also a member of the teams that obtained substantial recoveries in the following cases: *In re: Foreign Exchange Benchmark Rates Antitrust Litig.* (S.D.N.Y.) (partial settlements of approximately \$2 billion); *In re Washington Mutual Mortgage-Backed Sec. Litig.* (W.D. Wash.) (settlement of \$26 million); *Mylan Pharm., Inc. v. Warner Chilcott Public Ltd. Co.* (E.D. Pa.) (\$8 million recovery in antitrust action on behalf of class of indirect purchasers of the prescription drug Doryx); *City of Omaha Police and Fire Ret. Sys. v. LHC Group, Inc.* (W.D.

La.) (securities class action settlement of \$7.85 million); and *In re Pacific Biosciences of Cal., Inc. Sec. Litig.* (Cal. Super. Ct.) (\$7.6 million recovery).

In addition, Mr. Cohen was previously the head of the settlement department at Bernstein Litowitz Berger & Grossmann LLP. While at BLB&G, Mr. Cohen had primary responsibility for overseeing the team working on the following settlements, among others: *In Re Merck & Co., Inc. Sec., Deriv. & "ERISA" Litig.* (D.N.J.) (\$1.062 billion securities class action settlement); *New York State Teachers' Ret. Sys. v. General Motors Co.* (E.D. Mich.) (\$300 million securities class action settlement); *In re JPMorgan Chase & Co. Sec. Litig.* (S.D.N.Y.) (\$150 million settlement); *Dep't of the Treasury of the State of New Jersey and its Division of Inv. v. Cliffs Natural Res. Inc., et al.* (N.D. Ohio) (\$84 million securities class action settlement); *In re Penn West Petroleum Ltd. Sec. Litig.* (S.D.N.Y.) (\$19.76 million settlement); and *In re BioScrip, Inc. Sec. Litig.* (\$10.9 million settlement).

**SUSAN G. KUPFER** is a partner in the Firm's Berkeley office. Ms. Kupfer joined the Firm in 2003 and received her A.B. degree from Mount Holyoke College in 1969 and her Juris Doctor degree from Boston University School of Law in 1973. She did graduate work at Harvard Law School and, in 1977, was named Assistant Dean and Director of Clinical Programs at Harvard, supervising and teaching in that program of legal practice and related academic components.

For much of her legal career, Ms. Kupfer has been a professor of law. Her areas of academic expertise are Civil Procedure, Federal Courts, Conflict of Laws, Constitutional Law, Legal Ethics, and Jurisprudence. She has taught at Harvard Law School, Hastings College of the Law, Boston University School of Law, Golden Gate University School of Law, and Northeastern University School of Law. From 1991 through 2002, she was a lecturer on law at the University of California, Berkeley, Boalt Hall, teaching Civil Procedure and Conflict of Laws. Her publications include articles on federal civil rights litigation, legal ethics, and jurisprudence. She has also taught various aspects of practical legal and ethical training, including trial advocacy, negotiation, and legal ethics, to both law students and practicing attorneys.

Ms. Kupfer previously served as corporate counsel to The Architects Collaborative in Cambridge and San Francisco, and was the Executive Director of the Massachusetts Commission on Judicial Conduct. She returned to the practice of law in San Francisco with Morgenstein & Jubelirer and Berman DeValerio LLP before joining the Firm.

Ms. Kupfer's practice is concentrated in complex antitrust litigation. She has served as Co-Lead Counsel in several multidistrict antitrust cases: *In re Photochromic Lens Antitrust Litig.* (MDL 2173, M.D. Fla. 2010); *In re Fresh and Process Potatoes Antitrust Litig.* (D. ID. 2011); *In re Korean Air Lines Antitrust Litig.* (MDL No. 1891, C.D. Cal. 2007); *In re Urethane Antitrust Litigation* (MDL 1616, D. Kan. 2004); *In re Western States Wholesale Natural Gas Litigation* (MDL 1566, D. Nev. 2005); and *Sullivan v. DB Investments* (D.N.J. 2004). She has been a member of the lead counsel teams that achieved significant settlements in: *In re Sorbates Antitrust Litigation* (\$96.5 million settlement); *In re Pillar Point Partners Antitrust Litigation* (\$50 million settlement); and *In re Critical Path Securities Litigation* (\$17.5 million settlement).

Ms. Kupfer is a member of the bar of Massachusetts and California, and is admitted to practice before the United States District Courts for the Northern, Central, Eastern, and Southern Districts

of California, the District of Massachusetts, the Courts of Appeals for the First and Ninth Circuits, and the U.S. Supreme Court.

**MARC L. GODINO** has extensive experience successfully litigating complex, class action lawsuits as a plaintiffs' lawyer. Mr. Godino has played a primary role in cases resulting in settlements of more than \$100 million. He has prosecuted securities, derivative, merger & acquisition, and consumer cases throughout the country in both state and federal court, as well as represented defrauded investors at FINRA arbitrations. Mr. Godino manages the Firm's consumer class action department.

While an associate with Stull Stull & Brody, Mr. Godino was one of the two primary attorneys involved in *Small v. Fritz Co.*, 30 Cal. 4th 167 (April 7, 2003), in which the California Supreme Court created new law in the State of California for shareholders that held shares in detrimental reliance on false statements made by corporate officers. The decision was widely covered by national media including *The National Law Journal*, the *Los Angeles Times*, the *New York Times*, and the *New York Law Journal*, among others, and was heralded as a significant victory for shareholders.

Recent successes with the Firm include: *In re Magma Design Automation, Inc. Securities Litig.*, Case No. 05-2394 (N.D. Cal.) (\$13,500,000 cash settlement for shareholders); *In re Hovnanian Enterprises, Inc. Sec. Litig.*, Case No. 08-cv-0099 (D.N.J.) (\$4,000,000 cash settlement for shareholders); *In re Skilled Healthcare Group, Inc. Sec. Litig.*, Case No. 09-5416 (C.D. Cal.) (\$3,000,000 cash settlement for shareholders); *In re Youbet.com, Inc. Shareholder Litig.*, Case No. BC426144 (L.A. Sup. Ct.) (settlement provided supplemental disclosures to shareholders in this merger action); *Burth v. MSC Software Corp.*, Case No. 30-2009-00282743 (Orange Cty. Sup. Ct.) (settlement provided supplemental disclosures to shareholders in this merger action); *Kelly v. Phiten USA, Inc.*, Case No. 11-67 (S.D. Iowa) (\$3.2 million dollar cash settlement in addition to injunctive relief); *Shin v. BMW of North America*, 2009 WL 2163509 (C.D. Cal. July 16, 2009) (after defeating a motion to dismiss, the case settled on very favorable terms for class members including free replacement of cracked wheels); *Payday Advance Plus, Inc. v. MIVA, Inc.*, Case No. 06-1923 (S.D.N.Y.) (\$3,936,812 cash settlement for class members); *Villefranche v. HSBC Bank Nevada, N.A.*, Case No. 09-3693 (C.D. Cal.) (after defeating a motion to dismiss, the case resulted in 100% recovery to class members); *Esslinger v. HSBC Bank Nevada, N.A.*, Case No. 10-03213 (E.D. Pa.) (\$23.5 million settlement pending final approval); *In re Discover Payment Protection Plan Marketing and Sales Practices Litig.*, Case No. 10-06994 (\$10.5 million settlement pending final approval).

Other published decisions include: *In re 2TheMart.com Sec. Litig.*, 114 F. Supp. 2d 955 (C.D. Cal. 2002) (motion to dismiss denied); *In re Irvine Sensors Sec. Litig.*, 2003 U.S. Dist. LEXIS 18397 (C.D. Cal. 2003) (motion to dismiss denied); *Shin v. BMW of North America*, 2009 WL 2163509 (C.D. Cal. July 16, 2009) (motion to dismiss denied); *In re Toyota Motor Corp. Hybrid Brake Marketing, Sales, Practices and Products Liability Litig.*, 2011 WL 6189467 (C.D. Cal. Dec. 13, 2011) (motion to compel arbitration denied).

Mr. Godino received his undergraduate degree from Susquehanna University with a Bachelor of Science degree in Business Management. He received his Juris Doctor degree from Whittier Law School in 1995.

Mr. Godino is admitted to practice before the State of California, the United States District Courts for the Central, Northern, and Southern Districts of California, the District of Colorado, and the Ninth Circuit Court of Appeals.

**EX KANO S. SAMS II** earned his Bachelor of Arts degree in Political Science from the University of California Los Angeles. Mr. Sams earned his Juris Doctor degree from the University of California Los Angeles School of Law, where he served as a member of the *UCLA Law Review*. After law school, Mr. Sams practiced class action civil rights litigation on behalf of plaintiffs. Subsequently, Mr. Sams was a partner at Coughlin Stoia Geller Rudman & Robbins LLP (currently Robbins Geller Rudman & Dowd LLP) – the largest plaintiffs’ class action firm in the country – where his practice focused on securities and consumer class actions on behalf of investors and consumers.

Mr. Sams has served as lead counsel in dozens of securities class actions, shareholder derivative actions, and complex litigation cases throughout the United States. In conjunction with the efforts of co-counsel, Mr. Sams briefed and successfully obtained the reversal in the Ninth Circuit of an order dismissing class action claims brought pursuant to Sections 11 and 15 of the Securities Act of 1933. *Hemmer Group v. SouthWest Water Co.*, No 11-56154, 2013 WL 2460197 (9th Cir. June 7, 2013). In another securities case that he actively litigated, Mr. Sams assisted in a successful appeal before a Fifth Circuit panel that included former United States Supreme Court Justice Sandra Day O’Connor sitting by designation, in which the court unanimously vacated the lower court’s denial of class certification, reversed the lower court’s grant of summary judgment, and issued an important decision on the issue of loss causation in securities litigation: *Alaska Electrical Pension Fund v. Flowserve Corp.*, 572 F.3d 221 (5th Cir. 2009). The case settled for \$55 million.

Mr. Sams has also obtained other significant results. Notable examples include: *Forbush v. Goodale*, No. 33538/2011, 2013 WL 582255 (N.Y. Sup. Feb. 4, 2013) (denying motions to dismiss in a shareholder derivative action); *Curry v. Hansen Med.*, No. C 09-5094 CW, 2012 WL 3242447 (N.D. Cal. Aug. 10, 2012) (upholding securities fraud complaint; case settled for \$8.5 million); *Wilkof v. Caraco Pharm. Labs.*, 280 F.R.D. 332 (E.D. Mich. 2012) (granting class certification); *Puskala v. Koss Corp.*, 799 F. Supp. 2d 941 (E.D. Wis. 2011) (upholding securities fraud complaint); *Mishkin v. Zynex Inc.*, Civil Action No. 09-cv-00780-REB-KLM, 2011 WL 1158715 (D. Colo. Mar. 30, 2011) (denying defendants’ motion to dismiss securities fraud complaint); *Wilkof v. Caraco Pharm. Labs.*, No. 09-12830, 2010 WL 4184465 (E.D. Mich. Oct. 21, 2010) (upholding securities fraud complaint and cited favorably by the Eighth Circuit in *Public Pension Fund Grp. v. KV Pharm. Co.*, 679 F.3d 972, 981-82 (8th Cir. 2012)); and *Tsirekidze v. Syntax-Brilliant Corp.*, No. CV-07-02204-PHX-FJM, 2009 WL 2151838 (D. Ariz. July 17, 2009) (granting class certification; case settled for \$10 million).

Additionally, Mr. Sams has successfully represented consumers in class action litigation. Mr. Sams worked on nationwide litigation and a trial against major tobacco companies, and in statewide tobacco litigation that resulted in a \$12.5 billion recovery for California cities and counties in a landmark settlement. He also was a principal attorney in a consumer class action against one of the largest banks in the country that resulted in a substantial recovery and a change in the company’s business practices. Mr. Sams also participated in settlement



negotiations on behalf of environmental organizations along with the United States Department of Justice and the Ohio Attorney General's Office that resulted in a consent decree requiring a company to perform remediation measures to address the effects of air and water pollution.

Mr. Sams is a member of the Los Angeles County Bar Association, the John M. Langston Bar Association, the Consumer Attorneys of California, the Association of Business Trial Lawyers, and Public Justice. Mr. Sams regularly volunteers at the Brookins Legal Clinic at Brookins Community A.M.E. Church to provide pro bono legal services to low-income and underrepresented individuals in South Central Los Angeles. Mr. Sams also serves as a mentor to law students through the John M. Langston Bar Association.

**CASEY E. SADLER** graduated from the University of Southern California, Gould School of Law and joined the Firm in 2010. While attending law school, Mr. Sadler externed for the Enforcement Division of the Securities and Exchange Commission, spent a summer working for P.H. Parekh & Co. -- one of the leading appellate law firms in New Delhi, India -- and was a member of USC's Hale Moot Court Honors Program.

Mr. Sadler is an associate in the Firm's Los Angeles office and he concentrates in securities and consumer litigation. Mr. Sadler is admitted to the State Bar of California, and the United States District Courts for the Northern, Southern, and Central Districts of California.

**LESLEY F. PORTNOY** joined the firm in 2014. He has represented clients throughout the country in securities litigation and class actions. Mr. Portnoy has previously served as counsel to investors in Bernard L. Madoff securities, assisting the SIPC trustee Irving Picard in recovering money on behalf of defrauded investors. During law school, he worked in the New York Supreme Court Commercial Division, the Second Circuit Court of Appeals, and the New York City Law Department. Mr. Portnoy has represented pro bono clients in New York and California.

**MATTHEW M. HOUSTON**, a partner in the firm's New York office, graduated from Boston University School of Law in 1988. Mr. Houston is an active member of the Bar of the State of New York and an inactive member of the bar for the Commonwealth of Massachusetts. Mr. Houston is also admitted to the United States District Courts for the Southern and Eastern Districts of New York and the District of Massachusetts, and the Second, Seventh, Ninth, and Eleventh Circuit Court of Appeals of the United States. Mr. Houston repeatedly has been selected as a New York Metro Super Lawyer.

Mr. Houston has substantial courtroom experience involving complex actions in federal and state courts throughout the country. Mr. Houston was co-lead trial counsel in one the few ERISA class action cases taken to trial asserting breach of fiduciary duty claims against plan fiduciaries, *Brieger v. Tellabs, Inc.*, No. 06-CV-01882 (N.D. Ill.), and has successfully prosecuted many ERISA actions, including *In re Royal Ahold N.V. Securities and ERISA Litigation*, Civil Action No. 1:03-md-01539. Mr. Houston has been one of the principal attorneys litigating claims in multi-district litigation concerning employment classification of pickup and delivery drivers and primarily responsible for prosecuting ERISA class claims resulting in a \$242,000,000 settlement; *In re FedEx Ground Package Inc. Employment Practices Litigation*, No. 3:05-MD-527 (MDL 1700). Mr. Houston recently presented argument before the Eleventh Circuit Court of Appeals on behalf of a class of Florida pickup and delivery drivers obtaining a reversal of the lower

court's grant of summary judgment. Mr. Houston represented the interests of Nevada and Arkansas drivers employed by FedEx Ground obtaining significant recoveries on their behalf. Mr. Houston also served as lead counsel in multi-district class litigation seeking to modify insurance claims handling practices; *In re UnumProvident Corp. ERISA Benefits Denial Actions*, No. 1:03-cv-1000 (MDL 1552).

Mr. Houston has played a principal role in numerous derivative and class actions wherein substantial benefits were conferred upon plaintiffs: *In re: Groupon Derivative Litigation*, No. 12-cv-5300 (N.D. Ill. 2012) (settlement of consolidated derivative action resulting in sweeping corporate governance reform estimated at \$159 million); *Bangari v. Lesnik, et al.*, No. 11 CH 41973 (Illinois Circuit Court, County of Cook) (settlement of claim resulting in payment of \$20 million to Career Education Corporation and implementation of extensive corporate governance reform); *In re Diamond Foods, Inc. Shareholder Litig.*, No. CGC-11-515895 (California Superior Court, County of San Francisco) (\$10.4 million in monetary relief including a \$5.4 million clawback of executive compensation and significant corporate governance reform); *Pace American Shareholder Litig.*, 94-92 TUC-RMB (securities fraud class action settlement resulting in a recovery of \$3.75 million); *In re Bay Financial Securities Litig.*, Master File No. 89-2377-DPW, (D. Mass.) (settlement of action based upon federal securities law claims resulting in class recovery in excess of \$3.9 million); *Goldsmith v. Tech. Solutions Co.*, 92 C 4374 (N.D. Ill. 1992) (recovery of \$4.6 million as a result of action alleging false and misleading statements regarding revenue recognition).

In addition to numerous employment and derivative cases, Mr. Houston has litigated actions asserting breach of fiduciary duty in the context of mergers and acquisitions. Mr. Houston has been responsible for securing millions of dollars in additional compensation and structural benefits for shareholders of target companies: *In re Instinet Group, Inc. Shareholders Litig.*, C.A. No. 1289 (Del. Ch.); *Jasinover v. The Rouse Co.*, Case No. 13-C-04-59594 (Maryland Circuit Court); *McLaughlin v. Household Int'l, Inc.*, Case No. 02 CH 20683 (Ill. Circuit Court); *Sebesta v. The Quizno's Corp.*, Case No. 2001 CV 6281 (Col. District Court); *Crandon Capital Partners v. Kimmel*, C.A. No. 14998 (Del. Ch.); and *Crandon Capital Partners v. Kimmel*, C.A. No. 14998 (Del. Ch. 1996) (settlement whereby acquiring company provided an additional \$10.4 million in merger consideration).

**DANIELLA QUITT**, a partner in the firm's New York office, graduated from Fordham University School of Law in 1988, is a member of the Bar of the State of New York, and is also admitted to the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second, Fifth, and Ninth Circuits.

Ms. Quitt has extensive experience in successfully litigating complex class actions from inception to trial and has played a significant role in numerous actions wherein substantial benefits were conferred upon plaintiff shareholders, such as *In re Safety-Kleen Corp. Stockholders Litig.*, (D.S.C.) (settlement fund of \$44.5 million); *In re Laidlaw Stockholders Litig.*, (D.S.C.) (settlement fund of \$24 million); *In re UNUMProvident Corp. Sec. Litig.*, (D. Me.) (settlement fund of \$45 million); *In re Harnischfeger Ind.* (E.D. Wisc.) (settlement fund of \$10.1 million); *In re Oxford Health Plans, Inc. Deriv. Litig.*, (S.D.N.Y.) (settlement benefit of \$13.7 million and corporate therapeutics); *In re JWP Inc. Sec. Litig.*, (S.D.N.Y.) (settlement fund of \$37 million); *In re Home Shopping Network, Inc., Deriv. Litig.*, (S.D. Fla.) (settlement benefit

in excess of \$20 million); *In re Graham-Field Health Products, Inc. Sec. Litig.*, (S.D.N.Y.) (settlement fund of \$5.65 million); *Benjamin v. Carusona*, (E.D.N.Y.) (prosecuted action on behalf of minority shareholders which resulted in a change of control from majority-controlled management); *In re Rexel Shareholder Litig.*, (Sup. Ct. N.Y. County) (settlement benefit in excess of \$38 million); and *Croyden Assoc. v. Tesoro Petroleum Corp.*, (Del. Ch.) (settlement benefit of \$19.2 million).

In connection with the settlement of *Alessi v. Beracha*, (Del. Ch.), a class action brought on behalf of the former minority shareholders of Earthgrains, Chancellor Chandler commented: “I give credit where credit is due, Ms. Quitt. You did a good job and got a good result, and you should be proud of it.”

Ms. Quitt has focused her practice on shareholder rights and ERISA class actions but also handles general commercial and consumer litigation. Ms. Quitt serves as a member of the S.D.N.Y. ADR Panel and has been consistently selected as a New York Metro Super Lawyer.

**BENJAMIN I. SACHS-MICHAELS**, a partner in the firm’s New York office, graduated from Benjamin N. Cardozo School of Law in 2011. His practice focuses on shareholder derivative litigation and class actions on behalf of shareholders and consumers.

While in law school, Mr. Sachs-Michaels served as a judicial intern to Senior United States District Judge Thomas J. McAvoy in the United States District Court for the Northern District of New York and was a member of the Cardozo Journal of Conflict Resolution.

Mr. Sachs-Michaels is a member of the Bar of the State of New York. He is also admitted to the United States District Courts for the Southern and Eastern Districts of New York and the United States Court of Appeals for the Second Circuit.

#### **SENIOR COUNSEL**

**JASON L. KRAJCER** is senior counsel in the firm’s Los Angeles office. He specializes in complex securities cases and has extensive experience in all phases of litigation (fact investigation, pre-trial motion practice, discovery, trial, appeal).

Prior to joining Glancy Prongay & Murray LLP, Mr. Krajcer was an associate at Goodwin Procter LLP where he represented issuers, officers, and directors in multi-hundred million and billion dollar securities cases. He began his legal career at Orrick, Herrington & Sutcliffe LLP, where he represented issuers, officers, and directors in securities class actions, shareholder derivative actions, and matters before the SEC.

Mr. Krajcer is admitted to the State Bar of California, the Bar of the District of Columbia, the United States Supreme Court, the Ninth Circuit Court of Appeals, and the United States District Courts for the Central and Southern Districts of California.

## ASSOCIATES

**GARTH A. SPENCER** joined the firm in 2016 and is based in the New York office. His work includes securities, antitrust, and consumer litigation. Mr. Spencer also works on whistleblower matters. Mr. Spencer received his B.A. in Mathematics from Grinnell College in 2006. He received his J.D. in 2011 from Duke University School of Law, where he was a staff editor on the Duke Law Journal. From 2011 until 2014 he worked in the tax group of a large, international law firm. Since 2014 he has worked on tax whistleblower matters. Immediately prior to joining Glancy Prongay & Murray, Mr. Spencer attended New York University where he received an LL.M. in Taxation.

**BRIAN D. BROOKS** joined the New York office of Glancy Prongay & Murray LLP in 2019, specializing in antitrust, consumer, and securities litigation. Prior to joining the firm, Mr. Brooks was an active member of the trial team for the class in *In re: Nexium Antitrust Litigation*, the first post-*Actavis* reverse-payment case to be tried to verdict. He was also an active member of the litigation team in the *In re: Provigil*, *In re: Prograf*, and *In re: Miralax* antitrust matters, which collectively settled for more than \$600 million, as well as the *In re: Suboxone* and *In re: Niaspan* antitrust matters, which are still pending. Mr. Brooks received his B.A. from Northwestern State University of Louisiana in 1998 and his J.D. from Washington and Lee School of Law in 2002, and is admitted to practice in New York and Louisiana.

**LEANNE HEINE SOLISH** joined Glancy Prongay & Murray LLP in 2012. Leanne graduated *summa cum laude* from Tulane University with a B.S.M. in Accounting and Finance in 2007, and she received her J.D. from the University of Texas School of Law in 2011. While attending law school, Leanne was an editor for the Texas International Law Journal, a student attorney for the Immigration and Worker Rights Clinics, and she externed with MALDEF and the Texas Civil Rights Project. Leanne is a member of the Beta Gamma Sigma Business Honors Society. She is a registered CPA in Illinois, and was admitted to the California State Bar in 2011.

**THOMAS J. KENNEDY** works out of the New York office, where he concentrates on securities, antitrust, and consumer litigation. He received a Juris Doctor degree from St. John's University School of Law in 1995. At St. John's, he was a member of the ST. JOHN'S JOURNAL OF LEGAL COMMENTARY. Tom graduated from Miami University in 1992 with a Bachelor of Science degree in Accounting and has passed the CPA exam. Tom was previously associated with the law firm Murray Frank LLP.

**JARED F. PITT** joined Glancy Prongay & Murray LLP in 2012, specializing in securities, consumer, and anti-trust litigation. Prior to joining the firm, Mr. Pitt was an associate at Willoughby Doyle LLP and was a senior financial statement auditor for KMPG LLP where he earned his CPA license. Jared had a significant role in the *Solodyn Antitrust Litig.*

Jared earned his J.D. from Loyola Law School in 2010. Prior to attending law school he graduated with honors from both the University of Michigan's Ross School of Business and USC's Marshall School of Business where he received a Masters of Accounting.

**CHRISTOPHER FALLON** joined the firm in 2013 specializing in securities, consumer, and anti-trust litigation. Prior to joining the firm, Mr. Fallon was a contract attorney with O'Melveny

& Myers LLP working on anti-trust and business litigation disputes. He is a Certified E-Discovery Specialist through the Association of Certified E-Discovery Specialists (ACEDS).

Mr. Fallon earned his J.D. and a Certificate in Dispute Resolution from Pepperdine Law School in 2004. While attending law school, Christopher worked at the Pepperdine Special Education Advocacy Clinic and interned with the Rhode Island Office of the Attorney General. Prior to attending law school, he graduated from Boston College with a Bachelor of Arts in Economics and a minor in Irish Studies, then served as Deputy Campaign Finance Director on a U.S. Senate campaign.

**DANIELLE L. MANNING** joined the firm in 2016. Ms. Manning received her Bachelor of Arts degree with honors in Environmental Analysis from Claremont McKenna College. Ms. Manning received her Juris Doctor degree from the University of California Los Angeles School of Law, where she served as Chief Managing Editor of the *Journal of Environmental Law and Policy*. While attending law school, Ms. Manning externed for the Honorable Laurie D. Zelon in the California Court of Appeal and interned for the California Department of Justice, Office of the Attorney General. Prior to law school, Ms. Manning worked as a paralegal in a large law firm.

**JENNIFER M. LEINBACH** joined the firm in 2016. Prior to joining the firm, Ms. Leinbach served for nearly five years as a judicial law clerk for a number of judges in the Central District of California. As a judicial law clerk, Ms. Leinbach was responsible for assisting these judges with case management, preparing for hearings and trial, and drafting rulings. Ms. Leinbach worked on a variety of different cases, including cases involving financial fraud, insolvency and complex civil litigation. Ms. Leinbach was also responsible for assisting those judges, sitting by designation, on appellate cases.

Ms. Leinbach graduated *magna cum laude* from Vermont Law School and was a member of *Vermont Law Review*, where she focused on environmental law issues. During law school, Ms. Leinbach served as a judicial extern in the District of Vermont. She obtained her undergraduate degree *cum laude* from Pepperdine University.

**ALEXA MULLARKY** joined the Firm in 2015. Ms. Mullarky graduated *cum laude* from the University of Washington with a Bachelor of Arts degree in Law, Societies, and Justice. Ms. Mullarky received her Juris Doctor degree from the USC Gould School of Law, where she was a member of the Hale Moot Court Honors Program Executive Board. While attending law school, Ms. Mullarky interned in the legal department of Southern California Edison, a Fortune 500 company, where she worked in energy regulations.

**CHARLES H. LINEHAN** joined the Firm in 2015. Mr. Linehan graduated *summa cum laude* from the University of California, Los Angeles with a Bachelor of Arts degree in Philosophy and a minor in Mathematics. Mr. Linehan received his Juris Doctor degree from the UCLA School of Law, where he was a member of the UCLA Moot Court Honors Board. While attending law school, Mr. Linehan participated in the school's First Amendment Amicus Brief Clinic (now the Scott & Cyan Banister First Amendment Clinic) where he worked with nationally recognized scholars and civil rights organizations to draft amicus briefs on various Free Speech issues.

**MELISSA WRIGHT** joined the Firm in 2014. Melissa received her J.D. from the UC Davis School of Law in 2012, where she was a board member of Tax Law Society and externed for the California Board of Equalization's Tax Appeals Assistance Program focusing on consumer use tax issues. Melissa also graduated from NYU School of Law, where she received her LL.M. in Taxation in 2013.

**DANA K. VINCENT** received her J.D. in 2002 from Georgetown University Law Center in Washington D.C. and her B.A. cum laude from Spellman College in 1995. Dana also earned an M.A. in Economics from the New School in 1999, where she was the Aaron Diamond Fellow. Ms. Vincent has served as a Law Clerk to the Hon. Sterling Johnson, Jr. of Brooklyn, NY, and has significant experience in the New York Office of the Attorney General where she served as an Assistant Attorney General from 2003-2006. She was a consultant to the Marshall Project, an online journalism organization focusing on U.S. Criminal Justice issues.

**MEHRDAUD JAFARNIA** received his J.D. in 2001 from Southwestern University School of Law, having earlier earned a B.A. in Political Science/International Relations from the University of California at Los Angeles (UC Regents Merit Scholarship Award and the Vance Burch Scholarship). Mr. Jafarnia served as a Staff Attorney for the 9th Circuit Court of Appeals and has represented financial institutions in adversary and evidentiary proceedings in the Bankruptcy Courts.

**VAHE MESROPYAN** joined the firm in 2018 and focuses his practice on litigating securities class actions. Immediately prior to joining the firm, Mr. Mesropyan served as a judicial law clerk for multiple judges in the U.S. District Court for the Central District of California. Prior to his clerkship, Mr. Mesropyan was an associate at Crowell & Moring LLP, where he represented Fortune 500 companies in complex antitrust matters.

Mr. Mesropyan received his J.D. from the University of California, Irvine School of Law as a Dean's Merit Scholarship recipient. While in law school, he clerked for the Federal Trade Commission, Consumer Protection Unit and served as an extern for the Internal Revenue Service, Office of Chief Counsel.

**NOREEN R. SCOTT** received her J.D. in 2002 from Tulane Law School and earned a B.A. in Economics from Emory University in 1999. She served as a law clerk to the Hon. Charles R. Jones on the Louisiana State Court of Appeal, and has extensive experience prosecuting complex class action cases.

**NATALIE S. PANG** is an associate in the firm's Los Angeles office. Ms. Pang has advocated on behalf of thousands of consumers during her career. Ms. Pang has extensive experience in case management and all facets of litigation: from a case's inception through the discovery process—including taking and defending depositions and preparing witnesses for depositions and trial—mediation and settlement negotiations, pretrial motion work, trial and post-trial motion work.

Prior to joining the firm, Ms. Pang lead the mass torts department of her last firm, where she managed the cases of over two thousand individual clients. There, Ms. Pang worked on a wide variety of complex state and federal matters which included cases involving pharmaceutical

drugs, medical devices, auto defects, toxic torts, false advertising, and uninhabitable conditions. Ms. Pang was also trial counsel in the notable case, *Celestino Acosta et al. v. City of Long Beach et al.* (BC591412) which was brought on behalf of residents of a mobile home park built on a former trash dump and resulted in a \$39.5 million verdict after an eleven-week jury trial in Los Angeles Superior Court.

Ms. Pang received her J.D. from Loyola Law School. While in law school, Ms. Pang received a Top 10 Brief Award as a Scott Moot Court competitor, was chosen to be a member of the Scott Moot Court Honor's Board, and competed as a member of the National Moot Court Team. Ms. Pang was also a Staffer and subsequently an Editor for Loyola's Entertainment Law Review as well as a Loyola Writing Tutor. During law school, Ms. Pang served as an extern for: the Hon. Rolf Treu (Los Angeles Superior Court), the Los Angeles City Attorney's Office, and the Federal Public Defender's Office. Ms. Pang obtained her undergraduate degree from the University of Southern California and worked in the healthcare industry prior to pursuing her career in law.

#### OF COUNSEL

**PETER A. BINKOW** has prosecuted lawsuits on behalf of consumers and investors in state and federal courts throughout the United States. He served as Lead or Co-Lead Counsel in many class action cases, including: *In re Mercury Interactive Sec. Litig.* (\$117.5 million recovery); *Schleicher v. Wendt* (Conseco Securities litigation - \$41.5 million recovery); *Lapin v Goldman Sachs* (\$29 million recovery); *In re Heritage Bond Litigation* (\$28 million recovery); *In re National Techteam Sec. Litig.* (\$11 million recovery for investors); *In re Lason Inc. Sec. Litig.* (\$12.68 million recovery), *In re ESC Medical Systems, Ltd. Sec. Litig.* (\$17 million recovery); and many others. In *Schleicher v Wendt*, Mr. Binkow successfully argued the seminal Seventh Circuit case on class certification, in an opinion authored by Chief Judge Frank Easterbrook. He has argued and/or prepared appeals before the Ninth Circuit, Seventh Circuit, Sixth Circuit and Second Circuit Courts of Appeals.

Mr. Binkow joined the Firm in 1994, became a partner in 2002, and took Of Counsel status in 2015. He was born on August 16, 1965 in Detroit, Michigan. Mr. Binkow obtained a Bachelor of Arts degree from the University of Michigan in 1988 and a Juris Doctor degree from the University of Southern California in 1994.

**MARK S. GREENSTONE** concentrates on consumer, financial fraud, and employment-related class actions. Possessing significant law and motion and trial experience, Mr. Greenstone has represented clients in multi-million dollar disputes in California state and federal courts, as well as the Court of Federal Claims in Washington, D.C.

Mr. Greenstone received his training as an associate at Sheppard, Mullin, Richter & Hampton LLP where he specialized in complex business litigation relating to investment management, government contracts and real estate. Upon leaving Sheppard Mullin, Mr. Greenstone founded an internet-based company offering retail items on multiple platforms nationwide. He thereafter returned to law bringing a combination of business and legal skills to his practice.

Mr. Greenstone graduated Order of the Coif from the UCLA School of Law. He also received his undergraduate degree in Political Science from UCLA, where he graduated Magna Cum Laude and was inducted into the Phi Beta Kappa honor society.

Mr. Greenstone is a member of the Consumer Attorneys Association of Los Angeles, the Santa Monica Bar Association and the Beverly Hills Bar Association. He is admitted to practice in state and federal courts throughout California.

**ROBERT I. HARWOOD** graduated from William and Mary Law School in 1971, and has specialized in securities law and securities litigation since beginning his career in 1972 at the Enforcement Division of the New York Stock Exchange. Mr. Harwood was a founding member of Harwood Feffer LLP. He has prosecuted numerous securities, class, derivative, and ERISA actions. He is a member of the Trial Lawyers' Section of the New York State Bar Association and has served as a guest lecturer at trial advocacy programs sponsored by the Practicing Law Institute. In a statewide survey of his legal peers published by Super Lawyers Magazine, Mr. Harwood has been consistently selected as a "New York Metro Super Lawyer." Super Lawyers are the top five percent of attorneys in New York, as chosen by their peers and through the independent research. He is also a Member of the Board of Directors of the MFY Legal Services Inc., which provides free legal representation in civil matters to the poor and the mentally ill in New York City. Since 1999, Mr. Harwood has also served as a Village Justice for the Village of Dobbs Ferry, New York.

Commenting on Mr. Harwood's abilities, in *In re Royal Dutch/Shell Transport ERISA Litigation*, (D.N.J.), Judge Bissell stated: "the Court knows the attorneys in the firms involved in this matter and they are highly experienced and highly skilled in matters of this kind. Moreover, in this case it showed. Those efforts were vigorous, imaginative and prompt in reaching the settlement of this matter with a minimal amount of discovery . . . . So both skill and efficiency were brought to the table here by counsel, no doubt about that."

Likewise, Judge Hurley stated in connection with *In re Olsten Corporation Securities Litigation*, No. 97 CV-5056 (E.D.N.Y. Aug. 31, 2001), wherein a settlement fund of \$24.1 million was created: "The quality of representation here I think has been excellent." Mr. Harwood was lead attorney in *Meritt v. Eckerd*, No. 86 Civ. 1222 (E.D.N.Y. May 30, 1986), where then Chief Judge Weinstein observed that counsel conducted the litigation with "speed and skill" resulting in a settlement having a value "in the order of \$20 Million Dollars." Mr. Harwood prosecuted the *Hoening v. Aylsworth* class action litigation in the United States District Court for the Western District of Texas (No. SA-86-CA-939), which resulted in a settlement fund of \$18 million and received favorable comment in the August 14, 1989 edition of *The Wall Street Journal* ("*Prospector Fund Finds Golden Touch in Class Action Suit*" p. 18, col. 1). Mr. Harwood served as co-lead counsel in *In Re Interco Incorporated Shareholders Litigation*, Consolidated C.A. No. 10111 (Del. Ch.) (May 25, 1990), resulting in a settlement of \$18.5 million, where V.C. Berger found, "This is a case that has an extensive record that establishes it was very hard fought. There were intense efforts made by plaintiffs' attorneys and those efforts bore very significant fruit in the face of serious questions as to ultimate success on the merits."

Mr. Harwood served as lead counsel in *Morse v. McWhorter* (Columbia/HCA Healthcare Securities Litigation) (M.D. Tenn.), in which a settlement fund of \$49.5 million was created for



the benefit of the Class, as well as *In re Bank One Securities Litigation*, (N.D. Ill.), which resulted in the creation of a \$45 million settlement fund. Mr. Harwood also served as co-lead counsel in *In re Safety-Kleen Corp. Stockholders Litigation*, (D.S.C.), which resulted in a settlement fund of \$44.5 million; *In re Laidlaw Stockholders Litigation*, (D.S.C.), which resulted in a settlement fund of \$24 million; *In re AIG ERISA Litigation*, (S.D.N.Y.), which resulted in a settlement fund of \$24.2 million; *In re JWP Inc. Securities Litigation*, (S.D.N.Y.), which resulted in a \$37 million settlement fund; *In re Oxford Health Plans, Inc. Derivative Litigation*, (S.D.N.Y.), which resulted in a settlement benefit of \$13.7 million and corporate therapeutics; and *In re UNUMProvident Corp. Securities Litigation*, (D. Me.), which resulted in the creation of settlement fund of \$45 million. Mr. Harwood has also been one of the lead attorneys in litigating claims in *In re FedEx Ground Package Inc. Employment Practices Litigation*, No. 3:05-MD-527 (MDL 1700), a multi-district litigation concerning employment classification of pickup and delivery drivers which resulted in a \$242,000,000 settlement.

**STAN KARAS**, of counsel in the Los Angeles office, is an experienced class action attorney, who works on every stage of such cases from pleading challenges to class certification proceedings to trial and appeal. He is also an experienced trial lawyer, including as first chair. Among other successes, he obtained a \$3 million jury verdict for a client, along with a finding that the defendant was liable for punitive damages. In another trial, the court granted non-suit in favor of Mr. Karas's client after he delivered the opening argument.

Mr. Karas started his legal career at Paul Hastings Janofsky and Walker, where he handled complex commercial and real estate litigation. Subsequently, he joined Quinn Emanuel Urquhart & Sullivan, where he specialized in class actions, both on the plaintiff and the defense side, as well as intellectual property litigation. Mr. Karas then worked at a plaintiff-side class action firm where he obtained tens of millions of dollars in settlements on behalf of his clients.

Mr. Karas is a graduate of Stanford University, where he received a degree in History and Literature and was elected to Phi Beta Kappa. He graduated from Boalt Hall School of Law at UC Berkeley. In law school, Mr. Karas served as Articles Editor of the California Law Review and Notes and Comments Editor of the Berkeley Technology Law Journal. Mr. Karas has published on class action and privacy law issues including Privacy, Identity, Databases, 52 AM. U. L. REV. 393 (2002) and The Role of Fluid Recovery in Consumer Protection Litigation, 90 CAL. L. REV. 959 (2002).

# **EXHIBIT B**

**IN RE CAPACITORS ANTITRUST LITIGATION**  
**Case No. 3:14-cv-03264-JD; MDL No. 3:17-md-02801-JD**

**EXHIBIT B**  
**GLANCY PRONGAY & MURRAY LLP**

**Hours and Lodestar on a Historical Basis**  
**April 1, 2018 through August 12, 2019**

- |                    |                                     |                              |                             |               |                                 |
|--------------------|-------------------------------------|------------------------------|-----------------------------|---------------|---------------------------------|
| <b>Categories:</b> | 1) Legal Research                   | 6) Class Certification       | 11) Settlements & Mediation | <u>TITLE</u>  | (P) Partner                     |
|                    | 2) Investigation / Factual Research | 7) Summary Judgment          | 12) Case Management         | <u>ABBRV:</u> | (A) Associate                   |
|                    | 3) Discovery                        | 8) Appeals                   | 13) Class Notice            |               | (FLR) Foreign Language Reviewer |
|                    | 4) Document Review                  | 9) Court Appearance and Prep | 14) Trial Prep              |               | (DR) Document Reviewer          |
|                    | 5) Pleadings, Briefs & Motions      | 10) Experts                  | 15) Trial                   |               | (SPL) Senior Paralegal          |
|                    |                                     |                              |                             |               | (PL) Paralegal                  |
|                    |                                     |                              |                             |               | (LC) Law Clerk                  |

ATTORNEYS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	CUMULATIVE LODESTAR
(P, A, CA, CFL)																		
Lee Albert (P)												0.50				0.50	\$825.00	\$412.50
Edward Ahn (CA)				807.00												807.00	\$350.00	\$282,450.00
Name (A)																0.00	\$0.00	\$0.00
Name (CA)																0.00	\$0.00	\$0.00
Name (FLR)																0.00	\$0.00	\$0.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>807.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.50</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>807.50</b>		<b>\$282,862.50</b>
<b>NON-ATTORNEYS</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>CUMULATIVE HOURS</b>	<b>HOURLY RATE</b>	<b>PREVIOUS LODESTAR</b>
(LC, SPL, PL)																		
Name (LC)																0.00	\$0.00	\$0.00
Name (SPL)																0.00	\$0.00	\$0.00
Name (PL)																0.00	\$0.00	\$0.00
Name (PL)																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>		<b>\$0.00</b>
<b>GRAND TOTAL:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>807.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.50</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>807.50</b>		<b>\$282,862.50</b>

# **EXHIBIT C**

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT C**

GLANCY PRONGAY &amp; MURRAY LLP

Expenses Incurred

April 1, 2018 through August 12, 2019

<b>EXPENSE CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Costs / Filing Fees	\$
Experts / Consultants	\$
Shipping Costs / Federal Express / UPS	\$16.02
Postage / U.S. Mail	\$
Service of Process	\$
Messenger / Delivery	\$
Hearing Transcripts	\$
Investigation	\$
Lexis / Westlaw / PACER	\$
Photocopies – In House	\$
Photocopies – Outside	\$
Telephone / Telecopier	\$
Travel – Transportation	\$
Travel - Hotels	\$
Travel – Meals	\$
<b>TOTAL:</b>	<b>\$16.02</b>

BACKUP  
MATERIAL  
SUBMITTED  
FOR IN  
CAMERA  
REVIEW

# **EXHIBIT 14**

1 GUIDO SAVERI (22349)  
2 *guido@saveri.com*  
3 R. ALEXANDER SAVERI (173102)  
4 *rick@saveri.com*  
5 CADIO ZIRPOLI (179108)  
6 *cadio@saveri.com*  
7 DAVID HWU (281780)  
8 *dhwu@saveri.com*  
9 **SAVERI & SAVERI, INC.**  
10 706 Sansome Street  
11 San Francisco, CA 94111  
12 Telephone: (415) 217-6810  
13 Facsimile: (415) 217-6813

14 *Class Counsel for Indirect Purchaser Plaintiffs*

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **SAN FRANCISCO DIVISION**

18 **IN RE: CAPACITORS ANTITRUST**  
19 **LITIGATION**

20 **THIS DOCUMENT RELATES TO:**

21 **All Indirect Purchaser Actions**

22 **Case No. 3:14-cv-03264-JD**  
23 **MDL No. 3:17-md-02801**

24 **DECLARATION OF R. ALEXANDER**  
25 **SAVERI IN SUPPORT OF CLASS**  
26 **COUNSEL'S APPLICATION FOR**  
27 **ATTORNEYS' FEES AND**  
28 **REIMBURSEMENT OF COSTS**  
**SUBMITTED ON BEHALF OF SAVERI**  
**& SAVERI, INC.**

**Date: January 23, 2020**  
**Time: 10:00 a.m.**  
**Place: Courtroom 11, 19<sup>th</sup> Floor**

Judge: Hon. James Donato



1 I, R. ALEXANDER SAVERI, declare and state as follows:

2 1. I am the managing partner of Saveri & Saveri, Inc. (hereinafter referred to as “the  
3 Saveri Firm”), Counsel for Indirect Purchaser Plaintiffs (“IPPs” or “Plaintiffs”) in this action. I  
4 submit this declaration in support of Class Counsel’s application for attorneys’ fees and  
5 reimbursement of costs reasonably incurred in connection with the services rendered in this  
6 litigation on behalf of the class. I make this declaration based on my personal knowledge and if  
7 called as a witness, I could and would competently testify to the matters stated herein. The time  
8 expended preparing this Declaration is not included.

9 2. I have reviewed the Court’s October 31, 2014 Order Appointing Interim Lead Class  
10 Counsel (Dkt. 319) (“Order”), including in particular the Order’s provisions regarding fees, costs  
11 and expenses. The Firm has adhered to those provisions.

12 3. During the pendency of the litigation, the Saveri Firm acted as supporting class  
13 counsel to IPPs. The Saveri Firm has prosecuted this litigation solely on a contingent-fee basis,  
14 and has been at risk that it would not receive any compensation for prosecuting claims against the  
15 defendants. While the Saveri Firm devoted its time and resources to this matter, it has foregone  
16 other legal work for which it would have been compensated. Attached as Exhibit A is a copy of  
17 Saveri & Saveri, Inc.’s curriculum vitae.

18 4. During the course of this litigation, the Saveri Firm has been involved in the  
19 following activities on behalf of IPPs at the request and under the direction of Lead Counsel: The  
20 Saveri Firm was the primary IPP contact and took the lead in discovery related matters concerning  
21 the search and production of documents with the five defendants who were exclusively film  
22 capacitor manufacturers (Shinyei, Taitsu, Okaya, Nitsuko, and Soshin). The meet and confer  
23 process with these defendants included negotiating custodians, search terms, responses to requests  
24 for production of documents and interrogatory responses. The Saveri Firm handled the negotiations  
25 with third party distributors (Mouser, TTI, Sager, Newark Element 14, and Allied Electronics) for  
26 transactional data for the experts. The Saveri Firm prepared for and defended three class  
27 representative depositions (Michael Brooks, Steve Wong, and J&O Electronics). The Saveri Firm  
28 prepared for and took 30(b)(6) depositions (Nichicon, Taitsu and Elna) and merits depositions for

1 the Taitso, Elna, Hitachi, Sanyo, Holystone, Matsuo, Nichicon, NCC, Rubycon, and NEC Tokin  
2 defendants. In addition, the Saveri Firm participated in witness proffers for several defendants. The  
3 Saveri Firm also worked on the motion for class certification, including the review and analysis of  
4 expert reports. Additionally, the Saveri Firm has been involved in negotiations for and compelling  
5 production of ESI and the review of foreign language documents. One of the Saveri attorneys is  
6 fluent in Japanese, Chinese, and English. He was involved in developing search terms and  
7 document review protocols for search and review of foreign language documents and the  
8 preparation and taking of foreign language-speaking witness depositions, including in Taipei, Hong  
9 Kong, and Tokyo. Finally, the Saveri Firm has prepared a Request for Entry of Default against  
10 Defendant Toshin Kogyo, Ltd.

11 5. Attached hereto as Exhibit B is my firm's total hours and lodestar, computed at  
12 historical rates, from April 1, 2018 through August 12, 2019. The total number of hours spent by  
13 the Saveri Firm during this period of time was **528.30**, with a corresponding historical lodestar of  
14 **\$342,607.50**. This summary was prepared from contemporaneous, daily time records regularly  
15 prepared and maintained by the Saveri Firm. The lodestar amount reflected in Exhibit B is for work  
16 assigned by Lead Counsel, and was performed by professional staff at the Saveri Firm for the  
17 benefit of the IPP Class.

18 6. All of the services performed by the Saveri Firm in connection with this litigation  
19 were reasonably necessary in the prosecution of this case. There has been no unnecessary  
20 duplication of services for which the Saveri Firm now seeks compensation. The hourly rates for the  
21 attorneys and professional support staff in my firm included in Exhibit B are the usual and  
22 customary hourly rates charged by the Saveri Firm.

23 7. The Saveri Firm has expended a total of **\$13,495.11** in unreimbursed costs in  
24 connection with the prosecution of this litigation from April 1, 2018 through August 12, 2019.  
25 These costs are itemized in the chart attached hereto as Exhibit C. These costs were incurred on  
26 behalf of IPPs by the Saveri Firm on a contingent basis and have not been reimbursed. The costs  
27 incurred in this action are reflected on the books and records of my firm. These books and records  
28

1 are prepared from expense vouchers, check records and other source materials and represent an  
2 accurate recordation of the expenses incurred. These firm costs are separate and apart from any  
3 costs incurred through the litigation fund.

4 8. From April 1, 2018 through August 12, 2019, the Saveri Firm contributed \$215,000  
5 to the litigation fund.

6 9. I have reviewed the time and costs reported by my firm in this case which are  
7 included in this declaration, and I affirm that they are true and accurate to the best of my  
8 knowledge.

9 I declare under penalty of perjury under the laws of the United States of America that the  
10 foregoing is true and correct.

11  
12 Executed on October 15, 2019 at San Francisco, California.

13  
14 /s/ R. Alexander Saveri  
15 R. ALEXANDER SAVERI  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

I, Adam Zapala, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/  
Adam Zapala

# **EXHIBIT A**

**SAVERI & SAVERI, INC.**  
706 SANSOME STREET  
SAN FRANCISCO, CALIFORNIA 94111  
Telephone: (415) 217-6810  
Facsimile: (415) 217-6813

**SAVERI & SAVERI, INC.**, an AV-rated law firm, was established in 1959. The firm engages in Antitrust and Securities litigation, Product Defect cases, and in general civil and trial practice. For 60 years the firm has specialized in complex, multidistrict, and class action litigation.

---

For the past 15 years the Saveri firm has specialized in prosecuting antitrust claims against the largest electronic manufacturers in the world. Beginning in 2003, the Saveri Firm was appointed by the Honorable Phyllis J. Hamilton as Co-Lead Counsel for the Direct Purchaser Class in *In re Dynamic Random Access Memory Antitrust Litigation*, MDL No. 1486 (Judge Hamilton), United States District Court, Northern District of California. On the eve of trial the case was settled for \$325,000,000. Since that time the Saveri firm has held a leadership position or assisted in actively litigating nearly every major electronics antitrust class action in the Northern District of California. See *In re Static Random Access Memory (SRAM) Antitrust Litigation*, MDL No. 1819 (appointed to Steering Committee); *In re Flash Memory Antitrust Litigation*, No. 4:07-CV-00086 SBA (appointed Co-Lead Counsel); *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827; *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917 (appointed Lead Counsel); *In re Optical Disk Drive (ODD) Antitrust Litigation*, MDL No. 2143 (appointed Lead Counsel); *In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (appointed Co-Lead Counsel); *In re Capacitors Antitrust Litigation*, Master File No. 14-cv-03264 JD, United States District Court, Northern District of California; *In re Resistors Antitrust Litigation*, Master File No. 15-cv-03820 JD, United States District Court, Northern District of California; *In re Inductors Antitrust Litigation*, Master File No. 18-cv-00198 EJD, United States District Court, Northern District of California.

***PARTNERS***

**R. ALEXANDER SAVERI**, born San Francisco, California, July 22, 1965; admitted to bar, 1994, California and U.S. District Court, Northern District of California; 1995, U.S. Court of Appeals, Ninth Circuit; 2000, U.S. District Court, Southern District of California and U.S. District Court, Central District of California; 2012, U.S. Court of Appeals, Third Circuit. *Education*: University of Texas at Austin (B.B.A., Finance 1990); University of San Francisco School of Law (J.D., 1994), University of San Francisco Maritime Law Journal 1993–1994. *Member*: State Bar of California; American Bar Association (Member, Antitrust Section); Association of Trial Lawyers of America; University of San Francisco Inn of Court; National Italian American Bar Association; University of San Francisco Board of Governors (2003–2006); Legal Aid Society (Board of Directors).

Mr. Saveri is the managing partner of Saveri & Saveri, Inc. After graduating from law school, he began working for his father and uncle at Saveri & Saveri, P.C. on antitrust and complex litigation. The current practice of Saveri & Saveri, Inc. emphasizes class action antitrust litigation.

He has the highest rating in Martindale Hubbell, namely, “AV.”

Mr. Saveri has served or is serving as court-appointed Co-Lead or Liaison Counsel in the following cases:

***In re Lithium Ion Batteries Antitrust Litigation***, Case No. 13-md-2420-YGR, United States District Court, Northern District of California. Mr. Saveri serves as one of three Co-Lead counsel in an antitrust class action on behalf of direct purchasers of lithium ion batteries.

***In re California Title Insurance Antitrust Litigation***, Case No. 08-01341 JSW, United States District Court, Northern District of California (antitrust class action involving federal antitrust laws and California statutory law for unlawful practices concerning payments for title insurance in California).

***In re Intel Corp. Microprocessor Antitrust Litigation***, MDL No. 05-1717 (JJF) United States District Court, District of Delaware (antitrust class action on behalf of all consumers in the United States that indirectly purchased Intel x86 microprocessors).

***In re Vitamin C Antitrust Litigation***, MDL No. 06-1738 (DTG)(JO), United States District Court, Eastern District Of New York (antitrust class action on behalf of all California indirect purchasers of vitamin C).

***In re Polychloroprene Antitrust Cases***, J.C.C.P. No. 4376, Los Angeles Superior Court (antitrust class action on behalf of all California indirect purchasers of polychloroprene rubber).

***In re NBR Cases***, J.C.C.P. No. 4369, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of NBR).

***Carpinelli v. Boliden AB***, Master File No. CGC-04-435547, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of copper tubing).

***Competition Collision Center, LLC v. Crompton Corporation***, Case No. CGC-04-431278, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of plastic additives).

***In re Urethane Cases***, J.C.C.P. No. 4367, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of urethane and urethane chemicals).

***The Harman Press v. International Paper Co.***, (Consolidated Cases) Master File No. CGC-04-432167, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of publication paper).

***In re Label Stock Cases***, J.C.C.P. No. 4314, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of high pressure label stock).

***Richard Villa v. Crompton Corporation***, Consolidated Case No. CGC-03-419116, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of EPDM).

***Russell Reidel v. Norfalco LLC***, Consolidated Case No. CGC-03-418080, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of sulfuric acid).

***Smokeless Tobacco Cases I–IV***, J.C.C.P. Nos. 4250, 4258, 4259 and 4262, San Francisco Superior Court (certified antitrust class action on behalf of California consumers of smokeless tobacco products).

***Electrical Carbon Products Cases***, J.C.C.P. No. 4294, San Francisco Superior Court (Private Entity Cases) (antitrust class action on behalf of California indirect purchasers of electrical carbon products).

***The Vaccine Cases***, J.C.C.P. No. 4246, Los Angeles Superior Court (medical monitoring class action on behalf of children exposed to mercury laden vaccines).

***In re Laminate Cases***, J.C.C.P. No. 4129, Alameda Superior Court (antitrust class action on behalf of California indirect purchasers of high pressure laminate).

***Compact Disk Cases***, J.C.C.P. No. 4123, Los Angeles Superior Court (antitrust class action on behalf of California consumers of prerecorded compact disks).

***Sorbate Prices Cases***, J.C.C.P. No. 4073, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of sorbate).

***In re Flat Glass Cases***, J.C.C.P. No. 4033, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of flat glass products).

***Vitamin Cases***, J.C.C.P. No. 4076, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of vitamins).

***California Indirect Purchaser MSG Antitrust Cases***, Master File No. 304471, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of Monosodium Glutamate).

***In re Aspartame Indirect Purchaser Antitrust Litigation***, Master Docket No. 06-1862-LDD, United States District Court, Eastern District of Pennsylvania (antitrust class action on behalf of California indirect purchasers of aspartame); and

***GM Car Paint Cases***, J.C.C.P. No. 4070, San Francisco Superior Court (class action on behalf of all California owners of General Motors vehicles suffering from paint delamination).

***GUIDO SAVERI***, born San Francisco, California, June 10, 1925; admitted to bar, 1951, California. *Education*: University of San Francisco (B.S., *summa cum laude*, 1947; LL.B., *summa cum laude*, 1950). *Member*: Bar Association of San Francisco; State Bar of California; American Bar Association (Member, Antitrust Section); Lawyers Club of San Francisco.

Mr. Saveri is a senior partner in the firm of Saveri & Saveri, Inc. He started the firm in 1959 and associated with Joseph L. Alioto, Esq., San Francisco, California, in the practice of antitrust and other corporate litigation. After law school in 1951 and up until the forming of his firm in 1959 he was associated with the law firm of Pillsbury, Madison & Sutro, San Francisco, California.

He has the highest rating in Martindale Hubbell, namely, “AV.”



Mr. Saveri has testified before the Federal Judiciary Committee on antitrust matters and has lectured on antitrust matters before The Association of Trial Lawyers of America, the Federal Practice Institute, and other lawyer associations. Mr. Saveri has also written various periodicals on antitrust topics. Mr. Saveri was named the 2007 Antitrust Lawyer of the Year by the State Bar of California's Antitrust and Unfair Competition Law Section.

From the time he started his firm in 1959, Mr. Saveri has devoted practically all of his time to antitrust and other corporate and complex litigation. He has actively participated in antitrust cases involving the electronics industry, electrical industry, the water meter industry, scrap metal industry, liquid asphalt industry, dairy products industry, typewriter industry, vanadium industry, pipe-fitting industry, grocery business, liquor industry, movie industry, animal-raising business, chemical industry, snack food industry, paper label industry, chrysanthemum industry, drug industry, sugar industry, records industry, industrial gas industry, wheelchair industry, rope industry, copper tubing industry, folding cartons industry, ocean shipping industry, pancreas gland industry, corrugated container industry, glass container industry, fine paper industry, food additives industry, prescription drugs industry, medical x-ray film industry, computer chips and many others.

***RICHARD SAVERI***, Partner, 1951–1999.

***LISA SAVERI***, born San Francisco, California, April 10, 1956; admitted to bar, 1983, California and U.S. District Court, Northern District of California; 1987, U.S. District Court, Eastern District of California; 2002, U.S. Court of Appeals, Ninth Circuit, U.S. District Court, Central District of California and U.S. District Court, Southern District of California. *Education*: Stanford University (A.B. Economics, 1978); University of San Francisco School of Law (J.D., 1983), University of San Francisco Law Review. *Member*: State Bar of California. *Experience*: Legal Extern, Hon. Eugene F. Lynch, Judge, U.S. District Court, Northern District of California (1982); Associate, Pillsbury Madison & Sutro (1983–1992); San Francisco Public Defender's Office (Summer 1989). *Publications*: G. Saveri & L. Saveri, Pleading Fraudulent Concealment In An Antitrust Price Fixing Case: Rule 9(b) v. Rule 8, 17 U.S.F. L. Rev. 631 (1983); L. Saveri, Implications of the Class Action Fairness Act for Antitrust Cases: From Filing Through Trial, 15 No. 1, *Competition: J. of the Antitrust and Unfair Competition Law Section of the State Bar of California* 23 (2006); L. Saveri & Co-Author, Does the Cartwright Act Have A Future?, 17 No. 2, *Competition: J. of the Antitrust and Unfair Competition Law Section of the State Bar of California* 31 (2008); L. Saveri & Co-Authors, Chapter 21: Class Actions in Competition and Consumer Protections Cases in *California State Antitrust and Unfair Competition Law* 773-822 (Cheryl Lee Johnson, ed., Matthew Bender & Co., 2009) and 2010 update; L. Saveri & Co-Authors, Chapter 22: Indirect Purchaser Actions in *California State Antitrust and Unfair Competition Law* (Cheryl Lee Johnson, ed., Matthew Bender & Co., Supp. 2010); LexisNexis Corporate & Securities Law Community Podcast, *Class Actions in Competition and Consumer Protection Cases* (Recorded Sept. 21, 2010). *Professional Affiliations*: U. S. District Court, Northern District of California, Special Master, Standing Committee on Professional Conduct (appointment)(2008–2011); State Bar of California, Antitrust and Unfair Competition Law Section, Executive Committee, Member (appointment) (2005–2010), Secretary (2007–2009),

First Vice-Chair (2009–2010), Advisory Committee (2010–present). *Honors & Distinctions:* Recognized by *Best Lawyers*, 2019.

**CADIO ZIRPOLI**, born Washington D.C., September 1, 1967; admitted to bar, 1995, California and U.S. District Court, Northern District of California; 2015, U.S. Court of Appeals, Ninth Circuit. *Education:* University of California, Berkeley (B.A., 1989); University of San Francisco School of Law (J.D., *cum laude*, 1995). *Experience:* Assistant District Attorney, City and County of San Francisco 1996–2000. *Member:* State Bar of California.

Mr. Zirpoli has an AV Preeminent Peer Review Rating on Martindale-Hubbell, and was named a “Super Lawyer for Northern California” in 2010, 2014–2019 (Top 100 Northern California Super Lawyers, 2018 and 2019). He was recognized by *Best Lawyers* in 2019.

---

**OF COUNSEL**

**GEOFFREY C. RUSHING**, born San Jose, California, May 21, 1960; admitted to bar, 1986, California and U.S. District Court, Northern District of California. *Education:* University of California, Berkeley (A.B. with honors, 1982); University of California, Berkeley, Boalt Hall (J.D., 1986). *Member:* State Bar of California.

---

**ASSOCIATES**

**MATTHEW D. HEAPHY**, born Hartford, Connecticut, December 4, 1974, admitted to bar, 2003, California and U.S. District Court, Northern District of California. *Education:* Wesleyan University (B.A., 1997); University of San Francisco School of Law (J.D., *cum laude*, 2003), University of San Francisco Law Review, International & Comparative Law Certificate, with Honors. *Publications:* Comment: The Intricacies of Commercial Arbitration in the United States and Brazil: A Comparison of Two National Arbitration Statutes, 37 U.S.F. L. Rev. 441 (2003); M. Heaphy & Co-Author, Does the United States Really Prosecute its Servicemembers for War Crimes? Implications for Complementarity Before the ICC, 21 Leiden J. Int’l L. 165 (March 2008); M. Heaphy, The United States and the 2010 Review Conference of the Rome Statute of the ICC, 81 Int’l Rev. Penal L. 77 (2010). *Member:* State Bar of California. *Languages:* French, Italian.

**MELISSA SHAPIRO**, born Los Angeles, California, May 27, 1980, admitted to bar, 2006, California and U.S. District Court, Northern and Central Districts of California. *Education:* University of Southern California (B.A., 2002); Pepperdine University School of Law (J.D., 2005), Pepperdine Law Review. *Publication:* Comment, Is Silica the Next Asbestos? An Analysis of the Sudden Resurgence of Silica Lawsuit Filings, 32 Pepp. L. Rev. 983 (2005).

**DAVID HWU**, born Stanford, California, November 20, 1985; admitted to bar, 2012, California and U.S. District Court, Northern District of California. *Education:* University of California, Berkeley (B.A., 2008); University of San Francisco School of Law (J.D., 2011).

*Member:* State Bar of California. *Languages:* Chinese, Japanese. *Honors & Distinctions:* Named to the Super Lawyers Northern California Rising Stars List, 2018 and 2019.

**SARAH VAN CULIN**, born London, England, September 2, 1985, admitted to bar, 2013, California; 2015, U.S. District Court, Northern District of California. *Education:* University of Nottingham (B.A., English, 2007); University of San Francisco School of Law (J.D., *cum laude*, 2013), Editor in Chief, University of San Francisco Law Review, Business Law Certificate, with Honors. *Member:* State Bar of California, Antitrust, UCL and Privacy Section; American Bar Association, Section of Antitrust Law; Bar Association of San Francisco, Antitrust and Business Regulation Section. *Honors & Distinctions:* Named to the Super Lawyers Northern California Rising Stars List, 2018 and 2019.

**ANJALEE BEHTI**, born San Francisco, California, September 13, 1992, admitted to bar, 2018, California and U.S. District Court, Northern District of California. *Education:* University of California, Irvine (B.A., Political Science and Government, 2014); University of San Francisco School of Law (J.D., *cum laude*, 2018), University of San Francisco Law Review. *Publication:* Comment: Trump's Ruthless Expansion of the Mexico City Policy Threatens Reproductive Health Abroad, 53 U.S.F. L. Rev. 117 (2019). *Member:* State Bar of California; Asian American Bar Association, Civil Rights Committee. *Experience:* Judicial Extern, Hon. Edward M. Chen, Judge, U.S. District Court, Northern District of California (2017).

**CHARLES T. SWEENEY**, born Portsmouth, New Hampshire, July 12, 1988, admitted to bar, 2019, California and U.S. District Court, Northern District of California. *Education:* Loyola Marymount University (B.A., Recording Arts, 2012); University of San Francisco School of Law (J.D., 2018); Intellectual Property Law Certificate, with Honors. *Member:* State Bar of California. *Experience:* Judicial Intern, Hon. Cathy L. Waldor, Magistrate Judge, U.S. District Court, District of New Jersey (2017).

---

### **LEGAL ASSISTANTS**

**ALYSSA WEAVER** (Paralegal), born San Mateo, California, August 10, 1989. *Education:* City College of San Francisco (A.S. 2015).

### **ADDITIONAL LEADERSHIP POSITIONS**

The following are some of the class actions in which Mr. Guido Saveri actively participated:

***Nisley v. Union Carbide and Carbon Corp.***, 300 F. 2d 561 (10th Cir. 1960), and ***Continental Ore. Co. v. Union Carbide and Carbon Corp.***, 370 U.S. 690 (1962). In 1960, Mr. Saveri was one of the trial attorneys in the above cases which are the forerunners of present class action litigation and are responsible not only for Rule 23 as it exists today but also for some of the more important rulings in the field of antitrust law. The *Nisley* case was a class action tried

before a jury both on liability and damages and resulted in a verdict for the named plaintiffs and the entire class. It is considered one of the leading cases on class actions, is often referred to as a model for the trial of class actions, and has been followed in those antitrust class action cases which have gone to trial.

***Sacramento Municipal Utility District v. Westinghouse Elec. Corp.***, 1962 Trade Case. ¶ 70,552 (N.D. Cal. 1962). Mr. Saveri was one of the principal attorneys in several cases which have come to be known as the *Electrical Equipment* cases. In 1961–1965, Mr. Saveri represented such clients as the State of Washington, Sacramento Municipal Utility District and Modesto Irrigation District. Mr. Saveri was one of the attorneys who tried several of these cases and did very extensive work under a coordinated program instituted by the Murrah Committee under the direction of the then Chief Justice of the United States. This Committee later became the Judicial Panel for Multi-District Litigation. As a result of his experience in these cases, he participated in drafting proposed legislation creating the Panel on Multi-District Litigation.

***Nurserymen's Exchange v. Yoda Brothers, Inc.***, before Judge George R. Harris in San Francisco. Mr. Saveri was the sole attorney for a class of 10,000 chrysanthemum growers. This case was settled for substantial sums.

***City of San Diego v. Rockwell Manufacturing Co.***, before Judge George H. Boldt of San Francisco. Mr. Saveri was Liaison and Lead Counsel in the above case involving water meters. This case was settled for substantial sums.

***In re Private Civil Treble Damage Actions Against Certain Snack Food Companies***, Civil No. 70-2121-R, in the United States District Court, Central District of California. Mr. Saveri was the lead attorney for the retail grocers' class comprised of all retail grocers in the states of California, Nevada, and Arizona certified by Judge Real involving the snack food industry. The case was settled for substantial sums.

***In re Sugar Antitrust Litigation***, MDL No. 201, in the United States District Court for the Northern District of California, before Judges Boldt and Cahn. Mr. Saveri was the lead attorney for the retail grocer classes in the Western Sugar litigation. In this litigation, he was a member of the Executive Committee, Steering Committee and Settlement Committee. This case settled for more than \$35,000,000.

***Sun Garden Packing Co. v. International Paper Co., et al.***, C-72-52, United States District Court in San Francisco. In 1972 Mr. Saveri filed the first price fixing class action against the paper industry. He was the sole attorney representing all purchasers of lithograph paper labels in the United States. The lithograph paper labels case was settled at a substantial figure. The lithograph paper labels case was responsible for subsequent government indictments in lithograph paper labels, folding cartons, small paper bags, and corrugated containers.

***In re Folding Carton Antitrust Litigation***, MDL No. 250, Eastern District of Illinois, Judges Will and Robson. Mr. Saveri was a member of the Executive Committee, Vice Chairman of Discovery and a member of the Trial Team in this action involving a horizontal conspiracy to fix prices for folding cartons. The case was settled for more than \$200,000,000.

***In re Coordinated Pretrial Proceedings in Antibiotic Antitrust Actions***, MDL No. 10, 4-72 Civ 435; Judge Lord, United States District Court, District of Minnesota, Fourth Division. Mr. Saveri was the attorney for the institutional class and consumer class for the States of Utah and Hawaii. These actions were settled for substantial sums.

***Building Service Union Health & Welfare Trust Fund v. Chas. Pfizer & Co.***, No. 4-71 Civ. 435; No. 4-71 Civ. 413, before Judge Lord in Minneapolis, Minnesota. Mr. Saveri was the sole attorney for a class of 9,000 health and welfare trust funds in the United States in this antitrust action against the drug companies. In 1974–1975 this class action went to trial before two juries at the same time and in the same court on liability and damages for the entire class and lasted ten months. It was settled for a substantial sum. Mr. Saveri was the sole attorney representing the plaintiff health and welfare trust fund class at trial.

***In re Corrugated Container Antitrust Litigation***, MDL No. 310, Southern District of Texas. Horizontal price fixing action. The case was settled for more than \$400,000,000.

***In re Fine Paper Antitrust Litigation***, MDL No. 325, Eastern District of Pennsylvania. Mr. Saveri was a member of the Executive Committee and the trial team. The case was settled for approximately \$80,000,000.

***In re Ocean Shipping Antitrust Litigation***, MDL No. 395, Southern District of New York. Mr. Saveri was a member of the Steering Committee and the Negotiating Committee. The firm understands this case was the first class action settlement involving claims by foreign companies. Mr. Saveri was appointed an officer of the New York Federal District Court to audit foreign claims in Europe. The case was settled for approximately \$79,000,000.

***In re Corn Derivatives Antitrust Litigation***, MDL No. 414, United States District Court for the District of New Jersey. Mr. Saveri was Chairman of the Steering Committee and Executive Committee.

***In re Coconut Oil Antitrust Litigation***, MDL No. 474, Northern District of California. Mr. Saveri was Co-Lead Counsel.

***In re Intel Securities Litigation***, No.C-79-2168A, Northern District of California, Judge Aguilar. Mr. Saveri was a member of the Steering Committee.

***O'Neill Meat Co. v. Eli Lilly and Co.***, No. 30 C 5093, United States District Court for the Northern District of Illinois, Judge Holderman. Mr. Saveri was Co-Lead Counsel for the class in this antitrust litigation involving pancreas glands.

***United National Records, Inc. v. MCA, Inc.***, No.82 C 7589, United States District Court for the Northern District of Illinois; Mr. Saveri was a member of the Steering Committee in this records antitrust litigation. The class recovered \$26,000,000 in cash and assignable purchase certificates.

***In re Industrial Gas Antitrust Litigation***, No. 80 C 3479, United States District Court for the Northern District of Illinois. Mr. Saveri was a member of the Steering Committee. The class recovered more than \$50,000,000.

***Superior Beverages, Inc. v. Owens-Illinois***, No. 83-C512, United States District Court for the Northern District of Illinois; Mr. Saveri was a member of the Executive Committee in this antitrust litigation involving the price fixing of glass containers. The class recovered in excess of \$70,000,000 in cash and coupons.

***In re Washington Public Power Supply Securities Litigation***, MDL No. 551, (W.D. Wash.).Mr. Saveri was one of the court appointed attorneys for the class.

***In re Ask Computer Systems Securities Litigation***, No. C-85-20207 (A) RPA, United States District Court for the Northern District of California. Mr. Saveri was Co-Lead Counsel for the class.

***Big D. Building Corp. v. Gordon W. Wattles.***, MDL No. 652, United States District Court for the Middle District of Pennsylvania. Mr. Saveri was a member of the Steering Committee and Settlement Committee in this price fixing class action involving the rope industry.

***In re Insurance Antitrust Litigation***, MDL No. 767, Judge Schwarzer, United States District Court for the Northern District of California. Mr. Saveri was Administrative Liaison Counsel and a member of the Steering Committee.

***In re Sun Microsystems Securities Litigation***, No. C-89-20351 RMW, United States District Court for the Northern District of California; Mr. Saveri was Co-Lead Counsel.

***In re Infant Formula Antitrust Litigation***, MDL No. 878, United States District Court for the Northern District of Florida, Tallahassee Division. Mr. Saveri was one of the principal attorneys. The case was settled for \$125,760,000.

***In re Carbon Dioxide Industry Antitrust Litigation***, MDL No. 878, Case No. 92-940 PHB, United States District Court for the Middle District of Florida, Orlando Division. Mr. Saveri was a member of the Steering Committee. The class recovered \$53,000,000 and achieved significant therapeutic relief for the class.

***In re Medical X-Ray Film Antitrust Litigation***, No.CV 93-5904, FB, United States District Court for the Eastern District of New York. Mr. Saveri was a member of the Steering Committee.

***In re Baby Food Antitrust Litigation***, No. 92-5495 NHP, in the United States District Court for the District of New Jersey. Mr. Saveri was a member of the Steering Committee.

***In re Brand Name Prescription Drugs Antitrust Litigation***, MDL No. 997, Case No. 94-C-897 CPK, United States District Court, Northern District of Illinois, Eastern Division. Mr. Saveri was Co-Lead Counsel on behalf of approximately 50,000 retail pharmacies nationwide alleging an illegal cartel between seventeen drug manufacturers and six drug wholesalers in preventing discounts to retail pharmacies. The case was tried for eight weeks. The case was settled for \$700,000,000 in cash and \$25,000,000 in product. Mr. Saveri was one of four lead trial lawyers.

***In re Citric Acid Antitrust litigation***, MDL No. 1092, C-95-2963 FMS, United States District Court, Northern District of California. Mr. Saveri was Co-Lead Counsel representing a certified class of purchasers of citric acid throughout the United States against the citric acid manufacturers for violations of the Sherman Act for fixing the price of citric acid in the United States and around the world. The case was settled for \$86,000,000.

***In re Methionine Antitrust Litigation***, MDL No. 1311 CRB, United States District Court, Northern District of California. A nationwide class action on behalf of direct purchasers of methionine alleging price-fixing. Saveri & Saveri, Inc. served as Co-Lead Counsel in this litigation. The case was settled for \$107,000,000.

***In re Managed Care Litigation***, MDL No. 1334, Master File No. 00-1334-MD (Judge Moreno), United States District Court, Southern District of Florida. The Saveri Firm served as a

member of the Executive Committee representing the California Medical Association, Texas Medical Association, Georgia Medical Association and other doctors against the nation's HMOs for violations of the Federal RICO Act. The case was settled with benefits approximating \$1 billion dollars.

***In re Dynamic Random Access Memory Antitrust Litigation***, MDL No. 1486 (Judge Hamilton), United States District Court, Northern District of California. Mr. Saveri served as Co-Lead Counsel on behalf of direct purchasers of dynamic random access memory (DRAM) alleging a nationwide class for price-fixing. The case settled for more than \$325 million in cash.

***In re Flash Memory Antitrust Litigation***, No. C 07-0086 SBA (Judge Armstrong), United States District Court, Northern District of California. Mr. Saveri served as Co-Lead Counsel on behalf of direct purchasers of flash memory (Flash) alleging a nationwide class for price-fixing.

***In re Cathode Ray Tube (CRT) Antitrust Litigation***, MDL No. 1917, Case No. C 07-5944 SC (Judge Conti) United States District Court, Northern District of California. Mr. Saveri serves as Lead Counsel on behalf of direct purchasers of cathode ray tubes (CRTs) alleging a nationwide class for price-fixing.

***In re Optical Disk Drive (ODD) Products Antitrust Litigation***, MDL No. 2143, 10-md-02143-RS (Judge Seeborg), United States District Court, Northern District of California. Mr. Saveri served as Chair of the Committee of Direct Purchaser Plaintiffs' Counsel on behalf of direct purchasers of optical disk drives (ODDs) alleging a nationwide class for price-fixing.

## **CLASS ACTION LITIGATION**

The following are some additional class action cases in which the firm of Saveri & Saveri, Inc. actively participated as class counsel:

***In re NASDAQ Market-Makers Antitrust Litigation***, MDL No. 1023, United States District Court, Southern District of New York. A nationwide class action on behalf of purchasers of securities on the NASDAQ market alleging a violation of the Sherman Act for fixing the spread between the quoted buy and sell prices for the securities sold on the NASDAQ market.

***In re Potash Antitrust Litigation***, MDL No. 981, United States District Court, District of Minnesota, Third Division. A class action on behalf of all direct purchasers of potash throughout the United States alleging a horizontal price fix.

***In re Airline Ticket Commission Antitrust Litigation***, MDL No. 1058, United States District Court, District of Minnesota. A class action alleging that the major airlines conspired to fix travel agents' commission rates.

***Pharmaceutical Cases I, II & III***, J.C.C.P. Nos. 2969, 2971 & 2972, San Francisco Superior Court. A certified class action on behalf of all California consumers against the major drug manufacturers for fixing the price of all brand name prescription drugs sold in California.

***Perish v. Intel Corp.***, Civ. No. 755101, Santa Clara Superior Court. A nationwide class action on behalf of purchasers of Intel Pentium chips alleging consumer fraud and false advertising.

***In re Carpet Antitrust Litigation***, MDL No. 1075, United States District Court, Northern District of Georgia, Rome Division. A nationwide class action on behalf of all direct purchasers of polypropylene carpet alleging a horizontal price fix.

***In re California Indirect-Purchaser Plasticware Antitrust Litigation***, Civ. Nos. 961814, 963201, 963590, San Francisco Superior Court. A class action on behalf of indirect purchasers of plasticware alleging price-fixing.

***In re Worlds of Wonder Securities Litigation***; No.C-87-5491 SC, United States District Court, Northern District of California.

***Pastorelli Food Products, Inc. v. Pillsbury Co., et al.***, No. 87C 20233, United States District Court, Northern District of Illinois.

***Red Eagle Resources Corp., et al. v. Baker Hughes Incorporated, et al.***, No. 91-627 (NWB) (Drill Bits Litigation) United States District Court, Southern District of Texas, Houston Division.

***In re Wirebound Boxes Antitrust Litigation***, MDL No. 793, United States District Court, District of Minnesota, Fourth Division. A nationwide class action on behalf of purchasers of wirebound boxes alleging a horizontal price fix.

***In re Bulk Popcorn Antitrust Litigation***, No. 3-89-710, United States District Court, District of Minnesota, Third Division. A nationwide class action on behalf of direct purchasers of bulk popcorn alleging price-fixing.

***Nancy Wolf v. Toyota Sales, U.S.A. and Related Cases***, No. C 94-1359, MHP, 1997 WL 602445 (N.D. Cal. 1997), United States District Court, Northern District of California. A

***Mark Notz v. Ticketmaster - Southern, and Related Cases***, No. 943327, San Francisco Superior Court. A consumer class action alleging a territorial allocation in violation of the Cartwright Act.

***Neve Brothers v. Potash Corp.***, No. 959867, San Francisco Superior Court. A class action alleging price-fixing on behalf of indirect purchasers of potash in California.

***In re Chrysler Corporation Vehicle Paint Litigation***, MDL No. 1239. Nationwide class action on behalf of owners of delaminating Chrysler vehicles.

***Miller v. General Motors Corp.***, Case No. 98 C 7836, United States District Court, Northern District of Illinois. Nationwide class action alleging a defective paint process which causes automobile paint to peel off when exposed to ordinary sunlight.

## **ANTITRUST LITIGATION**

The following list outlines some of the antitrust litigation in which the firm of Saveri & Saveri has been involved:

1. ***Union Carbide & Carbon Corp. v. Nisley***, 300 F. 2d 561 (10th Cir. 1960)
2. ***Continental Ore. Co. v. Union Carbide and Carbon Corp.***, 370 U.S. 690 (1962)
3. ***Public Service C. of N.M. v. General Elec. Co.***, 315 F.2d 306 (10th Cir. 1963)



4. *State of Washington v. General Elec. Co.*, 246 F. Supp. 960 (W.D. Wash. 1965)
5. *Nurserymen's Exchange v. Yoda Brothers, Inc.*
6. *Bel Air Markets v. Foremost Dairies Inc.*, 55 F.R.D. 538 (N.D. Cal. 1972)
7. *In re Western Liquid Asphalt Case*, 487 F.2d 191 (9th Cir. 1973)
8. *In re Gypsum Cases*, 386 F. Supp. 959 (N.D. Cal. 1974)
9. *City of San Diego v. Rockwell Manufacturing Co.*
10. *In re Private Civil Treble Damage Actions Against Certain Snack Food Companies*, Civil No. 70-2121-R
11. *In re Sugar Antitrust Litigation*, MDL No. 201, 559 F.2d 481 (9th Cir. 1977)
12. *Sun Garden Packing Co. v. International Paper Co.*, No. C-72-52
13. *In re Folding Carton Antitrust Litigation*, MDL No. 250
14. *In re Coordinated Pretrial Proceedings in Antibiotic Antitrust Actions*, No. 4-72 Civ 435, 410 F. Supp. 706 (D. Minn. 1975)
15. *Building Service Union Health & Welfare Trust Fund v. Chas. Pfizer & Company*, No. 4-71 Civ. 435; No. 4-71 Civ. 413 (D. Minn.) (Judge Lord)
16. *In re Fine Paper Antitrust Litigation*, MDL No. 325
17. *In re Armored Car Antitrust Litigation*, CA No. 78-139A, 472 F. Supp. 1357 (N.D. Ga. 1979)
18. *In re Ocean Shipping Antitrust Litigation*, MDL No. 395, 500 F. Supp. 1235 (3d Cir. 1984)
19. *In re Corn Derivatives Antitrust Litigation*, MDL No. 414, 500 F. Supp. 1235 (1980)
20. *In re Coconut Oil Antitrust Litigation*, MDL No. 474
21. *Garside v. Everest & Jennings Intern.*, 586 F. Supp. 389 (D.C. Cal. 1984)
22. *Lorries Travel & Tours, Inc. v. SFO Airporter Inc.*, 753 F.2d 790 (9th Cir. 1985)
23. *O'Neill Meat Co. v. Eli Lilly and Company*, No. 30 C 5093
24. *In re Records and Tapes Antitrust Litigation*, No.82 C 7589, 118 F.R.D. 92 (N.D. Ill 1987)
25. *In re Industrial Gas Antitrust Litigation*, No. 80 C 3479, 100 F.R.D. 280 (N.D. Ill 1987)
26. *Matter of Superior Beverages/Glass Container Consolidated Pretrial*, No. 83-C512, 137 F.R.D. 119 (N.D. Ill 1990)
27. *Big D. Building Corp. v. Gordon W. Wattles*, MDL No. 652
28. *In re Insurance Antitrust Litigation*, MDL No. 767
29. *In re Wirebound Boxes Antitrust Litigation*, MDL No. 793
30. *In re Domestic Air Transp. Antitrust Litigation*, MDL No. 861, 144 F.R.D. 421 (N.D. Ga. 1992)

31. *In re Infant Formula Antitrust Litigation*, MDL No. 878
32. *Finnegan v. Campeau Corp.*, 915 F.2d 824 (2d Cir. 1990)
33. *In re Carbon Dioxide Industry Antitrust Litigation*, MDL No. 940, 155 F.R.D. 209
34. *In re Medical X-Ray Film Antitrust Litigation*, No. CV 93-5904, FB
35. *In re Bulk Popcorn Antitrust Litigation*, 792 F. Supp. 650 (D. Minn. 1992)
36. *In re Baby Food Antitrust Litigation*, No. 92-5495, NHP
37. *In re Potash Antitrust Litigation*, MDL No. 981
38. *In re Brand Name Prescription Drugs Antitrust Litigation*, MDL No. 997, 94 C 897 (N.D. Ill.) (Judge Kocoras)
39. *In re Citric Acid Antitrust Litigation*, MDL No. 1092
40. *In re NASDAQ Market-Makers Antitrust Litigation*, MDL No. 1023
41. *In re Airline Ticket Commission Antitrust Litigation*, MDL No. 1058
42. *Pharmaceutical Cases I, II & III*, J.C.C.P. Nos. 2969, 2971 & 2972, San Francisco Superior Court
43. *In re Carpet Antitrust Litigation*, MDL No. 1075
44. *In re California Indirect-Purchaser Plastic Ware Antitrust Litigation*, Nos. 961814, 963201, 963590, San Francisco Superior Court
45. *Pastorelli Food Products, Inc. v. Pillsbury Co.*, No. 87C 20233
46. *Red Eagle Resources Corp. v. Baker Hughes Inc.*, No. 91-627 (NWB) (Drill Bits Litigation)
47. *Mark Notz v. Ticketmaster - Southern, and Related Cases*, No. 943327, San Francisco Superior Court
48. *Neve Brothers. v. Potash Corp.*, No. 959867, San Francisco Superior Court
49. *Food Additives (Citric Acid) Cases*, J.C.C.P. No. 3625, Master File No. 974-120
50. *Biljac v. Bank of America*
51. *Diane Barela v. Ralph's Grocery Co.*, No. BC070061, Los Angeles Superior Court
52. *Leslie K. Bruce v. Gerber Products Co.*, No. 948-857, San Francisco Superior Court
53. *In re California Indirect Purchaser Medical X-Ray Film Antitrust Litigation*, Master File No. 960886
54. *Lee Bright v. Kanzaki Specialty Papers, Inc.*, No. 963-598, San Francisco Superior Court
55. *Neve Brothers v. Potash Corporation of America*, No. 959-767, San Francisco Superior Court
56. *Gaehwiler v. Sunrise Carpet Industries Inc.*, No. 978345, San Francisco Superior Court
57. *In re Commercial Tissue Products Antitrust Litigation*, MDL No. 1189
58. *Sanitary Paper Cases I and II*, J.C.C.P. Nos. 4019 & 4027

59. *Gaehwiler v. Aladdin Mills, Inc.*, No. 300756, San Francisco Superior Court
60. *In re Flat Glass Antitrust Litigation*, MDL No. 1200
61. *Flat Glass Cases*, J.C.C.P. No. 4033
62. *Sorbate Prices Cases*, J.C.C.P. No. 4073
63. *In re Stock Options Trading Antitrust Litigation*, MDL No. 1283
64. *In re Vitamin Antitrust Litigation*, MDL No. 1285
65. *In re Sorbates Direct Purchaser Antitrust Litigation*, Master File No. C 98-4886 CAL
66. *Vitamin Cases*, J.C.C.P. No. 4076
67. *In re PRK/Lasik Consumer Litigation*, Master File No. CV 772894, Santa Clara Superior Court
68. *In re Nine West Shoes Antitrust Litigation*, Master File No. 99-CV-0245 (BDP)
69. *Food Additives (HFCS) Cases*, J.C.C.P. No. 3261
70. *In re Toys “R” Us Antitrust Litigation*, MDL No. 1211
71. *Cosmetics Cases*, J.C.C.P. No. 4056
72. *In re Methionine Antitrust Litigation*, MDL No. 1311
73. *Bromine Cases*, J.C.C.P. No. 4108
74. *Fu’s Garden Restaurant v. Archer-Daniels-Midland*, No. 304471, San Francisco Superior Court
75. *Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives and Composites, Inc.*, No. CV 99-07796 GHK
76. *In re Monosodium Glutamate Antitrust Litigation*, MDL No. 1328
77. *California Indirect Purchaser Auction House Cases*, Master Case No. 310313
78. *In re Cigarette Antitrust Litigation*, MDL No. 1342
79. *Cigarette Price Fixing Cases*, J.C.C.P. No. 4114
80. *Microsoft Cases*, J.C.C.P. No. 4106
81. *Compact Disk Cases*, J.C.C.P. No. 4123
82. *In re Compact Disc Minimum Advertised Price Antitrust Litigation*, MDL No. 1361
83. *In re Ciprofloxacin Hydrochloride Antitrust Litigation*, MDL No. 1383
84. *In re Buspirone Antitrust Litigation*, MDL No. 1413
85. *In re K-Durr Prescription Drug Antitrust Litigation*, MDL No. 1419
86. *Carbon Cases*, J.C.C.P. Nos. 4212, 4216 and 4222
87. *In re Polychloroprene Antitrust Cases*, J.C.C.P. No. 4376
88. *In re Urethane Cases*, J.C.C.P. No. 4367

89. ***The Harman Press v. International Paper Co.***, Consolidated Cases, Master File No. CGC-04-432167
90. ***In re Label Stock Cases***, J.C.C.P. No. 4314
91. ***Richard Villa v. Crompton Corp.***, Consolidated Case No. CGC-03- 419116, San Francisco Superior Court
92. ***Russell Reidel v. Norfalco LLC***, Consolidated Case No. CGC-03-418080, San Francisco Superior Court
93. ***Smokeless Tobacco Cases I-IV***, J.C.C.P. Nos. 4250, 4258, 4259, & 4262, San Francisco Superior Court
94. ***Natural Gas Antitrust Cases***, J.C.C.P. No. 4312
95. ***In re Western States Wholesale Natural Gas Litigation***, MDL No. 1566
96. ***In re Automotive Refinishing Paint Cases***, J.C.C.P. No. 4199
97. ***In re Tableware Antitrust Litigation***, Master File No. C-04-3514 VRW, United States District Court, Northern District of California
98. ***In re Credit/Debit Card Tying Cases***, J.C.C.P. No. 4335
99. ***In re NBR Cases***, J.C.C.P. No. 4369
100. ***Competition Collision Center, LLC v. Crompton Corp.***, No. CGC-04-431278, San Francisco Superior Court
101. ***In re Urethane Chemicals Antitrust Litigation***, MDL No. 1616
102. ***In re Rubber Chemicals Antitrust Litigation***, MDL No. 1648
103. ***Carpinelli v. Boliden AB***, Master File No. CGC-04-435547, San Francisco Superior Court
104. ***Automobile Antitrust Cases I and II***, J.C.C.P. Nos. 4298 and 4303
105. ***In re Currency Conversion Fee Antitrust Litigation***, MDL No. 1409
106. ***In re Dynamic Random Access Memory (DRAM) Antitrust Litigation***, MDL No. 1486
107. ***In re Publication Paper Antitrust Litigation***, MDL No. 1631
108. ***In re Insurance Brokerage Antitrust Litigation***, MDL No. 1663
109. ***In re Hydrogen Peroxide Antitrust Litigation***, MDL No. 1682
110. ***In re Intel Corp. Microprocessor Antitrust Litigation***, MDL No. 1717
111. ***In re Air Cargo Shipping Services Antitrust Litigation***, MDL No. 1775
112. ***In re International Air Transportation Surcharge Antitrust Litigation***, MDL No. 1793
113. ***Carbon Black Cases***, J.C.C.P. No. 4323
114. ***Madani v. Shell Oil Co.***, No. 07-CV-04296 MJJ
115. ***In re Static Random Access Memory (SRAM) Antitrust Litigation***, MDL No. 1819
116. ***In re Flash Memory Antitrust Litigation***, No. 4:07-CV-00086 SBA

117. *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827
118. *In re Korean Air Lines Co., Ltd., Antitrust Litigation*, MDL No. 1891
119. *In re Fasteners Antitrust Litigation*, MDL No. 1912
120. *In re Transpacific Passenger Air Transportation Antitrust Litigation*, MDL No. 1913
121. *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917
122. *In re Chocolate Confectionary Antitrust Litigation*, MDL No. 1935
123. *In re Flat Glass Antitrust Litigation (II)*, MDL No. 1942
124. *In re Municipal Derivatives Antitrust Litigation*, MDL No. 1950
125. *In re Aftermarket Filters Antitrust Litigation*, MDL No. 1957
126. *In re Puerto Rican Cabotage Antitrust Litigation*, MDL No. 1960
127. *In re Hawaiian and Guamanian Cabotage Antitrust Litigation*, MDL No. 1972
128. *In re California Title Insurance Antitrust Litigation*, No. 08-01341 JSW
129. *In re Optical Disk Drive (ODD) Antitrust Litigation*, MDL No. 2143
130. *Kleen Products LLC v. Packaging Corporation of America*, No. 10-5711
131. *In re Automotive Parts Antitrust Litigation*, MDL No. 2311
132. *In re On-Line Travel Company (OTC)/Hotel Booking Antitrust Litigation*, MDL No. 2405
133. *In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420
134. *In re Capacitors Antitrust Litigation*, Master File No. 14-cv-03264 JD, United States District Court, Northern District of California
135. *In re Resistors Antitrust Litigation*, Master File No. 15-cv-03820 JD, United States District Court, Northern District of California
136. *In re Inductors Antitrust Litigation*, Master File No. 18-cv-00198 EJD, United States District Court, Northern District of California.

# **EXHIBIT B**

**IN RE CAPACITORS ANTITRUST LITIGATION**  
 Case No. 3:14-cv-03264-JD; MDL No. 3:17-md-02801-JD  
**TIME REPORT - (To be submitted on the 3rd of every month)**

Firm Name: SAVERI & SAVERI, INC. Reporting Period: April 1, 2018 through August 12, 2019

- |   |  |   |   |
|---|--|---|---|
| <b>Categories:</b><br>1) Legal Research<br>2) Investigation / Factual Research<br>3) Discovery<br>(Written / Deposition Taking & Defending / Meet & Confer / etc.)<br>4) Document Review<br>(Including for depo prep, class cert, experts, liability issues, jurisdictional issues, and meetings re doc review)<br>5) Pleadings, Briefs & Motions | 6) Class Certification<br>7) Summary Judgment<br>8) Appeals<br>9) Court Appearance and Prep<br>10) Experts | 11) Settlements & Mediation<br>12) Case Management<br>13) Class Notice<br>14) Trial Prep<br>(Exhibit & Witness List/Jury Instruction/Vior Dire/Opening Statements/Closing Arguments/Demonstratives/etc.)<br>15) Trial | <b>TITLE</b><br><b>ABBRV:</b><br>(P) Partner<br>(A) Associate<br>(LC) Law Clerk<br>(SPL) Senior Paralegal<br>(PL) Paralegal |
|---|--|---|---|

ATTORNEYS (P, A)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	PREVIOUS HOURS	CURRENT HOURS	CUMULATIVE HOURS	HOURLY RATE	PREVIOUS LODESTAR	CURRENT LODESTAR	CUMULATIVE LODESTAR
Guido Saveri (P)	0.00	0.00	1.00	0.00	21.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	22.30	22.30	\$950.00	\$0.00	\$21,185.00	<b>\$21,185.00</b>
Cadio Zirpoli (P)	0.00	0.00	242.70	0.00	2.70	0.00	0.00	0.00	3.00	0.00	1.80	0.00	0.00	0.00	0.00	0.00	250.20	250.20	\$775.00	\$0.00	\$193,905.00	<b>\$193,905.00</b>
David Hwu (A)	0.00	0.00	151.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	151.20	151.20	\$525.00	\$0.00	\$79,380.00	<b>\$79,380.00</b>
Matthew Heaphy (A)	0.00	0.00	0.00	0.00	4.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.30	4.30	\$600.00	\$0.00	\$2,580.00	<b>\$2,580.00</b>
Sarah Van Culin (A)	0.00	0.00	72.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	72.50	72.50	\$475.00	\$0.00	\$34,437.50	<b>\$34,437.50</b>
Anjalee Behti (A)	0.00	0.00	27.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27.80	27.80	\$400.00	\$0.00	\$11,120.00	<b>\$11,120.00</b>
SUB-TOTAL	0.00	0.00	495.20	0.00	28.30	0.00	0.00	0.00	3.00	0.00	1.80	0.00	0.00	0.00	0.00	0.00	528.30	528.30		\$0.00	\$342,607.50	<b>\$342,607.50</b>
NON-ATTORNEYS (LC, SPL, PL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	PREVIOUS HOURS	CURRENT HOURS	CUMULATIVE HOURS	HOURLY RATE	PREVIOUS LODESTAR	CURRENT LODESTAR	CUMULATIVE LODESTAR
SUB-TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		\$0.00	\$0.00	\$0.00
GRAND TOTAL:	0.00	0.00	495.20	0.00	28.30	0.00	0.00	0.00	3.00	0.00	1.80	0.00	0.00	0.00	0.00	0.00	528.30	528.30		\$0.00	\$342,607.50	<b>\$342,607.50</b>

# **EXHIBIT C**



*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT C**

Saveri &amp; Saveri, Inc.

Expenses Incurred

April 1, 2018 through August 12, 2019

<b>EXPENSE CATEGORY</b>	<b>AMOUNT INCURRED</b>
Court Costs / Filing Fees	\$
Experts / Consultants	\$
Shipping Costs / Federal Express / UPS	\$
Postage / U.S. Mail	\$
Service of Process	\$
Messenger / Delivery	\$
Hearing Transcripts	\$2,188.90
Investigation	\$
Lexis / Westlaw / PACER	\$
Photocopies – In House	\$663.00
Photocopies – Outside	\$
Telephone / Telecopier	\$
Travel – Transportation (Airfare, Ground, Parking, etc.)	\$6,061.55
Travel - Hotels	\$4,038.35
Travel – Meals	\$543.31
<b>TOTAL:</b>	<b>\$13,495.11</b>

BACKUP  
MATERIAL  
SUBMITTED  
FOR IN  
CAMERA  
REVIEW

# **EXHIBIT 15**

1 SEAN TAMURA-SATO (Cal. SBN 254092)  
seant@minamitamaki.com  
2 LISA P. MAK (Cal. SBN 260281)  
lmak@minamitamaki.com  
3 **MINAMI TAMAKI LLP**  
360 Post Street, 8th Floor  
San Francisco, CA 94108  
4 Tel. (415) 788-9000  
5 Fax (415) 398-3887

6 *Class Counsel for Indirect Purchaser Plaintiffs*

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11  
12 **IN RE CAPACITORS ANTITRUST**  
13 **LITIGATION**

14  
15 **THIS DOCUMENT RELATES TO:**

16 **All Indirect Purchaser Actions**

17  
18 **Case No. 3:14-cv-03264-JD**  
19 **MDL No. 3:17-md-02801-JD**

20  
21 **DECLARATION OF SEAN TAMURA-**  
22 **SATO IN SUPPORT OF CLASS**  
23 **COUNSEL'S APPLICATION FOR**  
24 **ATTORNEYS' FEES AND**  
25 **REIMBURSEMENT OF COSTS**  
26 **SUBMITTED ON BEHALF OF MINAMI**  
27 **TAMAKI LLP**

28  
**Date:**  
**Time: 10:00 a.m.**  
**Place: Courtroom 11, 19<sup>th</sup> Floor**

**Judge: Hon. James Donato**

1 I, Sean Tamura-Sato, declare and state as follows:

2 1. I am a Partner of Minami Tamaki LLP, Counsel for Indirect Purchaser Plaintiffs  
3 (“IPPs” or “Plaintiffs”) in this action. I submit this declaration in support of Class Counsel’s  
4 application for attorneys’ fees and reimbursement of expenses reasonably incurred in connection  
5 with the services rendered in this litigation on behalf of the class. I make this declaration based on  
6 my personal knowledge and if called as a witness, I could and would competently testify to the  
7 matters stated herein. The time expended preparing this Declaration is not included.

8 2. During the pendency of the litigation, Minami Tamaki LLP acted as supporting  
9 class counsel to IPPs. Minami Tamaki LLP has prosecuted this litigation solely on a contingent-  
10 fee basis, and has been at risk that it would not receive any compensation for prosecuting claims  
11 against the defendants. While Minami Tamaki LLP devoted its time and resources to this matter, it  
12 has foregone other legal work for which it would have been compensated. Attached hereto as  
13 **Exhibit A** is a copy of Minami Tamaki LLP curriculum vitae.

14 3. During the course of this litigation, Minami Tamaki LLP has been involved in the  
15 following activities on behalf of IPPs at the request of and under the direction of Interim Lead  
16 Counsel: Work on oppositions to Motions to Dismiss, work on motion for preliminary approval of  
17 class action settlements, meet and confer with third parties regarding responses to subpoenas,  
18 preparing discovery responses for class representative Steve Wong, prepare for and defend  
19 deposition of class representative Steve Wong, factual research regarding Defendants Nippon  
20 Chemi-Con and Panasonic, and electronic document review.

21 4. Attached hereto as **Exhibit B** is my firm’s total hours and lodestar, computed at  
22 historical rates, from April 1, 2018 through August 12, 2019. The total number of hours spent by  
23 Minami Tamaki LLP during this period of time was 2.6, with a corresponding historical lodestar of  
24 \$1,235.00. This summary was prepared from contemporaneous, daily time records regularly  
25 prepared and maintained by Minami Tamaki LLP. The lodestar amount reflected in Exhibit A is  
26 for work assigned by Lead Counsel, and was performed by professional staff at my law firm for the  
27 benefit of the IPP Class.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5. All of the services performed by Minami Tamaki LLP in connection with this litigation were reasonably necessary in the prosecution of this case. There has been no unnecessary duplication of services for which Minami Tamaki LLP now seeks compensation. The hourly rates for the attorneys and professional support staff in my firm included in Exhibit A are the usual and customary hourly rates charged by Minami Tamaki LLP.

6. Minami Tamaki LLP has expended a total of \$24.05 in unreimbursed costs in connection with the prosecution of this litigation from April 1, 2018 through August 12, 2019. These costs are itemized in the chart attached hereto as Exhibit C. These costs were incurred on behalf of IPPs by Minami Tamaki LLP on a contingent basis and have not been reimbursed. The costs incurred in this action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and represent an accurate recordation of the costs incurred. These firm costs are separate and apart from any costs incurred through the litigation fund.

7. I have reviewed the time and costs reported by my firm in this case which are included in this declaration, and I affirm that they are true and accurate to the best of my knowledge.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 14, 2019 at San Francisco, California.

/s/ Sean Tamura-Sato  
Sean Tamura-Sato

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

I, Adam J. Zapala, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/ Adam J. Zapala  
Adam J. Zapala

# **EXHIBIT A**





Minami Tamaki LLP is a San Francisco-based law firm serving clients in the areas of Consumer and Employment Rights, Corporate and Nonprofit Counseling, Immigration, Personal Injury, and Entertainment.

Our attorneys have been recognized as “Super Lawyers” by *Law & Politics* magazine, named to the Top 500 lawyers in the country list by *LawDragon* magazine, as some of the best attorneys in the Bay Area by *Bay Area Lawyer* Magazine, and as the inaugural Asian Pacific American Law Firm of the Year by the National Asian Pacific American Bar Association.

Our firm’s work has been spotlighted in national, local, and legal media, including *The New York Times*, *Washington Post*, *San Francisco Chronicle*, 60 Minutes, ABC, CBS, NBC, CNN, Fox, Court TV, *Daily Journal*, and *The Recorder*.

Minami Tamaki LLP combines small firm service with large firm legal expertise. Our attorneys have won historic and precedent-setting legal cases, and have served as leaders in their respective areas of the law.

Our notable legal cases include:

- The successful reopening of the landmark U.S. Supreme Court case of *Korematsu v. the United States* (overturning Fred Korematsu’s criminal conviction for refusing government exclusion orders aimed at Japanese Americans during WWII based on the prosecution’s misrepresentations and falsified evidence presented to the United States Supreme Court in 1944) that led to reparations for interned Japanese Americans;
- A class-action lawsuit against LCD panel manufacturers in Asia for overcharging their customers resulting in the largest antitrust monetary recovery in history for consumers;
- The *Popov vs. Hayashi* case (dispute over Barry Bonds’ record-breaking 73rd home run ball);
- *Demmons vs. City and County of San Francisco* (class action that desegregated the San Francisco Fire Department);
- *Donnelly vs. U.S. Department of Agriculture* (class action on behalf of women against sexual harassment in the U.S. Forest Service).

Partners have served as presidents or chairs of the Northern California Chapter of the American Immigration Lawyers Association, Workplace Fairness, the California Attorney

360 Post Street 8th Floor San Francisco CA 94108



Phone: 415 788 9000 Fax: 415 398 3887

Business & Non-Profit Counseling | Consumer & Employee Rights



Immigration & Nationality Law | Personal Injury



General's Asian Pacific Advisory Committee, the federal Civil Liberties Public Education Fund, Chinese for Affirmative Action, and the Asian Pacific Bar of California.

Our attorneys currently serve as, or have been, members of the board of directors or board of advisors of the American Immigration Council, National Employment Lawyers Association, the American Civil Liberties Union, the Asian Law Caucus, Asian Pacific Islander Outreach, the Japanese American Chamber of Commerce of Silicon Valley, the Glide Foundation, Kimochi, Inc., the Lawyers' Committee for Civil Rights, Kristi Yamaguchi's Always Dream Foundation and the Japanese American National Museum, and many other organizations.

Minami Tamaki LLP attorneys are regularly called upon to serve on committees for the selection of state and federal judges and as commissioners on state and federal commissions and have volunteered services, time, and effort to improving our local, state, and national communities.

# **EXHIBIT B**

**IN RE CAPACITORS ANTITRUST LITIGATION**  
**Case No. 3:14-cv-03264-JD; MDL No. 3:17-md-02801-JD**

**EXHIBIT B**  
**MINAMI TAMAKI LLP**

**Hours and Lodestar on a Historical Basis**  
**April 1, 2018 through August 12, 2019**

- |                    |                                     |                              |                             |               |                                 |
|--------------------|-------------------------------------|------------------------------|-----------------------------|---------------|---------------------------------|
| <b>Categories:</b> | 1) Legal Research                   | 6) Class Certification       | 11) Settlements & Mediation | <u>TITLE</u>  | (P) Partner                     |
|                    | 2) Investigation / Factual Research | 7) Summary Judgment          | 12) Case Management         | <u>ABBRV:</u> | (A) Associate                   |
|                    | 3) Discovery                        | 8) Appeals                   | 13) Class Notice            |               | (FLR) Foreign Language Reviewer |
|                    | 4) Document Review                  | 9) Court Appearance and Prep | 14) Trial Prep              |               | (DR) Document Reviewer          |
|                    | 5) Pleadings, Briefs & Motions      | 10) Experts                  | 15) Trial                   |               | (SPL) Senior Paralegal          |
|                    |                                     |                              |                             |               | (PL) Paralegal                  |
|                    |                                     |                              |                             |               | (LC) Law Clerk                  |

ATTORNEYS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	CUMULATIVE LODESTAR
(P, A, CA, CFL)																		
Sean Tamura-Sato				0.10	0.20						1.00	1.30				2.60	\$475.00	\$1,235.00
Name (P)																0.00	\$0.00	\$0.00
Name (A)																0.00	\$0.00	\$0.00
Name (CA)																0.00	\$0.00	\$0.00
Name (FLR)																0.00	\$0.00	\$0.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.10</b>	<b>0.20</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1.00</b>	<b>1.30</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>2.60</b>		<b>\$1,235.00</b>
<b>NON-ATTORNEYS</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>CUMULATIVE HOURS</b>	<b>HOURLY RATE</b>	<b>PREVIOUS LODESTAR</b>
(LC, SPL, PL)																		
Name (LC)																0.00	\$0.00	\$0.00
Name (SPL)																0.00	\$0.00	\$0.00
Name (PL)																0.00	\$0.00	\$0.00
Name (PL)																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>		<b>\$0.00</b>
<b>GRAND TOTAL:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.10</b>	<b>0.20</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1.00</b>	<b>1.30</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>2.60</b>		<b>\$1,235.00</b>

# **EXHIBIT C**

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT C**

MINAMI TAMAKI LLP

Expenses Incurred

April 1, 2018 through August 12, 2019

EXPENSE CATEGORY	AMOUNT INCURRED
Court Costs / Filing Fees	\$
Experts / Consultants	\$
Shipping Costs / Federal Express / UPS	\$24.05
Postage / U.S. Mail	\$
Service of Process	\$
Messenger / Delivery	\$
Hearing Transcripts	\$
Investigation	\$
Lexis / Westlaw / PACER	\$
Photocopies – In House	\$
Photocopies – Outside	\$
Telephone / Telecopier	\$
Travel – Transportation	\$
Travel - Hotels	\$
Travel – Meals	\$
<b>TOTAL:</b>	\$24.05

BACKUP  
MATERIAL  
SUBMITTED  
FOR IN  
CAMERA  
REVIEW

# **EXHIBIT 16**



1 The Miller Law Firm, P.C.  
2 950 W. University Drive, Suite 300  
3 Rochester, MI 48307  
4 (248) 841-2200

5  
6  
7 *Class Counsel for Indirect Purchaser Plaintiffs*

8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11 **IN RE CAPACITORS ANTITRUST**  
12 **LITIGATION**

13 **THIS DOCUMENT RELATES TO:**

14 **All Indirect Purchaser Actions**

15 **Case No. 3:14-cv-03264-JD**  
16 **MDL No. 3:17-md-02801-JD**

17 **DECLARATION OF SHARON S.**  
18 **ALMONRODE IN SUPPORT OF CLASS**  
19 **COUNSEL'S APPLICATION FOR**  
20 **ATTORNEYS' FEES AND**  
21 **REIMBURSEMENT OF COSTS**  
22 **SUBMITTED ON BEHALF OF THE**  
23 **MILLER LAW FIRM, P.C.**

24 **Date:**  
25 **Time: 10:00 a.m.**  
26 **Place: Courtroom 11, 19<sup>th</sup> Floor**

27 **Judge: Hon. James Donato**

1 I, Sharon S. Almonrode, declare and state as follows:

2 1. I am a Partner of The Miller Law Firm, P.C., Counsel for Indirect Purchaser  
3 Plaintiffs (“IPPs” or “Plaintiffs”) in this action. I submit this declaration in support of Class  
4 Counsel’s application for attorneys’ fees and reimbursement of expenses reasonably incurred in  
5 connection with the services rendered in this litigation on behalf of the class. I make this  
6 declaration based on my personal knowledge and if called as a witness, I could and would  
7 competently testify to the matters stated herein. The time expended preparing this Declaration is  
8 not included.

9 2. During the pendency of the litigation, The Miller Law Firm, P.C., acted as  
10 supporting class counsel to IPPs. The Miller Law Firm, P.C. has prosecuted this litigation solely  
11 on a contingent-fee basis, and has been at risk that it would not receive any compensation for  
12 prosecuting claims against the defendants. While The Miller Law Firm, P.C. devoted its time and  
13 resources to this matter, it has foregone other legal work for which it would have been  
14 compensated. Attached hereto as **Exhibit A** is a copy of The Miller Law Firm, P.C. curriculum  
15 vitae.

16 3. During the course of this litigation, The Miller Law Firm, P.C. has been involved in  
17 the following activities on behalf of IPPs at the request of and under the direction of Interim Lead  
18 Counsel:

19 We have participated in the extensive discovery that has been produced in this case,  
20 including discovery of Angstrom, Inc. and defendants. That includes responding to  
21 document requests, requests for admissions and interrogatories. We conducted  
22 investigation related to the purchases made by plaintiff for purposes of discovery. We  
23 conducted meetings and reviews at the client’s facilities. We analyzed data related to  
24 the plaintiff’s claims. We have conducted depositions of Defendants’ witnesses. We  
25 prepared Angstrom’s President for deposition and attended deposition. We have  
26 reviewed Japanese language documents and prepared memoranda regarding same.

27 4. Attached hereto as **Exhibit B** is my firm’s total hours and lodestar, computed at  
28 historical rates, from April 1, 2018 through August 12, 2019. The total number of hours spent by  
The Miller Law Firm, P.C. during this period of time was 47.10, with a corresponding historical  
lodestar of \$28,321.00. This summary was prepared from contemporaneous, daily time records

1 regularly prepared and maintained by The Miller Law Firm, P.C. The lodestar amount reflected in  
2 Exhibit A is for work assigned by Lead Counsel, and was performed by professional staff at my  
3 law firm for the benefit of the IPP Class.

4 5. All of the services performed by The Miller Law Firm, P.C. in connection with this  
5 litigation were reasonably necessary in the prosecution of this case. There has been no unnecessary  
6 duplication of services for which The Miller Law Firm, P.C. now seeks compensation. The hourly  
7 rates for the attorneys and professional support staff in my firm included in Exhibit B are the usual  
8 and customary hourly rates charged by The Miller Law Firm, P.C. for its services in similar  
9 contingent antitrust class action matters for the period submitted. The Firm's hourly rates (or  
10 materially similar hourly rates) have been accepted by courts in other class actions.

11 6. The Miller Law Firm, P.C. has expended a total of \$505.75 in unreimbursed costs in  
12 connection with the prosecution of this litigation from April 1, 2018 through August 12, 2019.  
13 These costs are itemized in the chart attached hereto as **Exhibit C**. These costs were incurred on  
14 behalf of IPPs by The Miller Law Firm, P.C. on a contingent basis and have not been reimbursed.  
15 The costs incurred in this action are reflected on the books and records of my firm. These books  
16 and records are prepared from expense vouchers, check records and other source materials and  
17 represent an accurate recordation of the costs incurred. These firm costs are separate and apart  
18 from any costs incurred through the litigation fund.

19 7. I have reviewed the time and costs reported by my firm in this case which are  
20 included in this declaration, and I affirm that they are true and accurate to the best of my  
21 knowledge.

22 I declare under penalty of perjury under the laws of the United States of America that the  
23 foregoing is true and correct.

24  
25 Executed on October 14, 2019 at Rochester, Michigan.

26  
27 /s/ Sharon S. Almonrode  
Sharon S. Almonrode

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

I, Adam J. Zapala, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/ Adam J. Zapala  
Adam J. Zapala

# **EXHIBIT A**

# **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**

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

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

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



### E. POWELL MILLER, CEO

✉ [EPM@millerlawpc.com](mailto:EPM@millerlawpc.com)

E. Powell Miller has been named one of the Top 10 lawyers in Michigan for ten consecutive years, from 2009-2019, by Super Lawyers Magazine, and in 2010, he was the sole recipient of the Best Lawyers - Lawyer of the Year in the category of Bet-The-Company Litigation – Detroit Area for 2010. He was also named Best Lawyers – Lawyer of the Year in the category of Bet-The-Company Litigation – Detroit Area for 2016, in the category of Securities Litigation in 2017, and in the category of Antitrust Litigation in 2019. Previously, he was recognized as one of the Top 100 lawyers in Michigan in 2006, 2007, and 2008, and 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 a 10/10 from AVVO a public rating system and is ranked as only one of ten in Michigan in the top ten by Chairman USA.

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 and Indiana.

Mr. Miller recently won a trial in a high profile, multi-million dollar lawsuit on behalf of a Fortune 100 automotive supplier. In fact, he has never lost a trial – with eleven consecutive victories, including verdicts in excess of \$5 million, \$10 million and \$23 million. Mr. Miller has also obtained in excess of \$1 billion in settlements over the last few years. These settlements are regularly among the top two or three in Michigan each year.

Mr. Miller currently 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.

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.

**Georgetown University, B.A., 1983**

**Wayne State University Law School, J.D., 1986**

# THE MILLER LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**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 nine years, Ms. Almonrode has been named a Super Lawyer. For the past seven 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 six 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**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**MARC L. NEWMAN, PARTNER**

✉ [MLN@millerlawpc.com](mailto:MLN@millerlawpc.com)

Marc L. Newman was named as one of the Top 100 Attorneys in Michigan every year from 2008-2019 by Super Lawyers Magazine. In 2019, he was named as the Lawyer of the Year by Best Lawyers in the area of Securities Litigation for the Oakland County region. He has been named to America's Top 100 High Stakes Litigators® and to Best Lawyers in America, since 2013. Mr. Newman has earned Martindale-Hubbell's highest rating, AV® Preeminent™ 5/5.0 for legal ethics and ability.

Mr. Newman concentrates his practice on complex business litigation of all types, including contract cases, automotive supply chain disputes, securities fraud, shareholder and partnership disputes, and real estate litigation.

Marc has successfully tried numerous trials in both state and federal courts, and has litigated cases in courts throughout Michigan, New York, Delaware, Pennsylvania, Arkansas, Colorado, Georgia, and Tennessee. In negotiating settlements, Mr. Newman has obtained exceptional results, including several multi-million dollar settlements in favor of his clients. One of his trials was featured in the "Article of the Week" in 2006 in the Michigan Lawyers Weekly for his defense of a client for which he obtained the involuntary dismissal of the plaintiff's lawsuit and sanctions against the plaintiff in the amount of \$750,000, by demonstrating that the plaintiff and a material witness conspired to commit perjury. His cases are routinely featured in the Michigan Lawyers Weekly among the top settlements in Michigan.

Mr. Newman graduated from the University of Michigan Law School in 1994. He is a 1991 graduate of Michigan State University's James Madison College.

Mr. Newman has co-authored several articles in the Michigan Bar Journal, including Still Keeping The Faith: The Duty of Good Faith, 76 Mich B.J. 1190 (Nov. 1997), dealing with various issues in contract law. He is a Fellow of the Oakland County Bar Foundation, and he regularly serves as a judge at the University of Michigan Law School Henry M. Campbell Moot Court Competition.

**Michigan State University, B.A., 1991**  
**(James Madison College)**

**University of Michigan Law School, J.D., 1994**



THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**ANN L. MILLER, PARTNER**

✉ [ALM@millerlawpc.com](mailto:ALM@millerlawpc.com)

Ann L. Miller is a partner at The Miller Law Firm. Ms. Miller has been recognized as a Michigan Super Lawyer by Super Lawyer Magazine in 2019, 2018, 2017, 2016, 2015, 2014 and 2013. In 2019, she was recognized by Michigan Super Lawyer Magazine as being in the top 50 Women Lawyers in Michigan. She graduated, magna cum laude, from Wayne State University Law School in 1989. Ms. Miller graduated fifth in her class and was named to the honor society, Order of the Coif. Ms. Miller received a Gold Key Award for maintaining a perfect 4.0 grade point average in the

1987-1988 academic years. She also earned American Jurisprudence Awards for attaining the highest grade in the following courses: Torts, Constitutional Law, and Conflicts of Law.

After law school, Ms. Miller worked as a pre-hearing attorney at the Michigan Court of Appeals and then as an attorney specializing in labor-employment law and employment discrimination. Ms. Miller has co-authored several articles that have appeared in the Michigan Bar Journal and other publications.

Ms. Miller concentrates her practice on all types of business and commercial litigation, including labor-employment law, employment discrimination and overtime and minimum wage issues under the Fair Labor Standards Act.

**University of Michigan, BA, 1986**

**Wayne State University, JD, 1989**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**MARTHA J. OLJNYK, PARTNER**

✉ [MJO@millerlawpc.com](mailto:MJO@millerlawpc.com)

Martha J. Olijnyk focuses her efforts in the areas of business and commercial litigation, including complex litigation, complex contracts, automotive supplier counseling and litigation, non-competition agreements, and shareholder and partnership disputes. She also practices in the areas of class action litigation and bankruptcy on both the creditor and debtor sides. Since 2012, Ms. Olijnyk has led the firm's Automotive Supplier Dispute Resolution and Litigation Practice area. Ms. Olijnyk has achieved excellent results at trial and arbitration, as well as in negotiating settlements. Her clients range from Fortune 500 companies to small local businesses and individuals.

Ms. Olijnyk's work has been recognized by Michigan Lawyers Weekly and Crain's Detroit Business. Michigan Lawyers Weekly named Ms. Olijnyk to its list of Women in the Law, Class of 2019 for her commitment to excellence in the practice of law. Crain's Detroit Business named Ms. Olijnyk as one of its inaugural Notable Women Lawyers in Michigan for 2017. Michigan Super Lawyers magazine has also honored Ms. Olijnyk, naming her to its lists of Michigan's Top 100 Lawyers, Top 50 Business Lawyers, top 50 Women Lawyers, and Top 25 Women Business Lawyers in the period 2014-2019. She was first recognized as a Michigan Super Lawyer in 2013 and as Rising Star in the area of Business Litigation in 2009. In 2014, she also became a Fellow with the Oakland County Bar Foundation.

Ms. Olijnyk practices in the State and Federal trial courts throughout Michigan and has argued before the Michigan Court of Appeals and the Second Circuit Court of Appeals in New York. Ms. Olijnyk is admitted to practice in Michigan, the Eastern and Western District Courts of Michigan, including the Bankruptcy Court for the Eastern District of Michigan, the Sixth Circuit Court of Appeals, and the Supreme Court of the United States.

She graduated, *cum laude*, from Wayne State University Law School in 1999 where she received an Arthur F. Lederle Scholarship. She graduated, *summa cum laude*, from Wayne State University with a B.A. in Political Science and Economics. As an undergraduate, Ms. Olijnyk was inducted into the David Mackenzie Honor Society as well as Phi Beta Kappa and Golden Key Honor Societies. She also competed in NCAA Division-I Fencing as an undergraduate and as a law student.

Ms. Olijnyk is active in several professional and community organizations. She was President of the Rochester Bar Association and was the Dean for the Metropolitan Detroit Alumni Senate of Delta Theta Phi Law Fraternity International. Ms. Olijnyk has been a Barrister member of The Oakland County Bar Association Americans Inns of Court from 2011-2017. She also serves on the Paint Creek Trailways Commission and has regularly volunteered as a mock trial judge for the Michigan Center for Civic Education.

REPRESENTATIVE MATTERS

- ❖ Obtained full dismissal of a tool maker's claims for damages exceeding \$500,000 dollars against a Tier 1 automotive supplier

**THE MILLER LAW FIRM**

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200

- ❖ Successfully defended a claim for tens of millions of dollars brought by a Tier 2 automotive supplier against the replacement Tier 2 supplier and the Tier 1. The original Tier 2 alleged misappropriation of trade secrets, breach of contract, theft, and tortious interference with contract. Obtained an arbitration award that the replacement Tier 2 and the Tier 1 were not liable on any of the claims and the claimant was awarded nothing.
- ❖ Settled a case for a Tier 1 automotive supplier, obtaining six figures from its raw material supplier who refused to honor purchase orders to supply raw material. The settlement was reached after Miller Law successfully proved liability against the raw material supplier at trial.
- ❖ Obtained temporary restraining orders in several matters over the years, ordering Tier 2 suppliers to continue supply at contract prices after their attempt to extract higher prices due to fluctuations in raw material prices.
- ❖ Represented a Tier 1 automotive supplier who set off over \$700,000 in charge backs for expedited supply due to Tier 2 delay. Obtained a total victory in favor of its client at arbitration, with the arbitrator validating the set off.
- ❖ Obtained a jury verdict in favor of client manufacturer on a liability issue related to product raw materials and successfully defended verdict on appeal.
- ❖ Obtained over \$2 million award on behalf of international supplier of HVAC equipment.
- ❖ Provided training for client's purchasing department to help document relationships, avoid issues before they arise, and deal with problems once in place.
- ❖ Drafted and updated purchasing terms and conditions, award letters, and exit agreements.
- ❖ Negotiated and advised clients on pre-litigation dispute resolution.

**Wayne State University, B.A., 1996**

**Wayne State University Law School, JD, 1999**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**DAVID B. VIAR, PARTNER**

✉ [DBV@millerlawpc.com](mailto:DBV@millerlawpc.com)

David B. Viar is an experienced trial and appellant advocate in disputes involving commercial transactions, trusts and estates, contract disputes and matrimonial law. Mr. Viar has handled a broad range of business litigation, including general breach of contract claims, minority shareholder freeze-out actions, sales representative terminations and commercial real estate brokerage commission disputes. Mr. Viar has tried several police misconduct and excessive force cases in the state and federal courts all resulting in decisive victories for his clients. He also served as the Shelby Township attorney for four years where he handled complex land use, zoning and employment issues.

Mr. Viar also represents commercial property owners and managers in landlord/tenant litigation and eviction proceedings. He is regularly involved in lawsuits concerning trademark and copyright, disloyal or unfair competition, misuse of trade secrets, and terminations involving companies and their employees, distributors and representatives.

Mr. Viar was appointed to the position of Public Administrator by Attorney General Mike Cox in 2004. He has extensive experience in the areas of trust administration and probate litigation.

In addition to his litigation experience, Mr. Viar frequently counsels individuals and businesses on a wide variety of issues including business formation, employment contracts and corporate governance.

Mr. Viar has earned Martindale-Hubbell's rating BV® Distinguished™ 4.4/5.

Mr. Viar is a 1986 graduate of Hillsdale College. He graduated from the University of Detroit Law School in 1989. Mr. Viar enjoys a reputation among judges and lawyers as an aggressive advocate committed to excellence in the practice of law. Mr. Viar has also participated in the American Inns of Court and he is an active member of the Federalist Society.

Mr. Viar is the head of The Miller Law Firm, P.C.'s Family Law and Probate Departments

**Hillsdale College, B.A., 1986**

**University of Detroit School of Law, J.D., 1989**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**KEVIN F. O'SHEA, PARTNER**

✉ [KFO@millerlawpc.com](mailto:KFO@millerlawpc.com)

Kevin F. O'Shea specializes in complex commercial litigation, including corporate shareholder disputes. Mr. O'Shea has been recognized as a one of the Top 100 Michigan Super Lawyers continuously since 2011 and one of the Top 50 Michigan Business Litigators annually since 2013. Mr. O'Shea has also been named to the Best Lawyers in America annually since 2016, and has been awarded Martindale-Hubbell's Pre-Eminent Attorney designation since 2011.

Mr. O'Shea graduated from Northwestern University in 1984 (Phi Beta Kappa) and attended Harvard Law School, where he served as an Editor of the Harvard Journal of Law and Public Policy, was selected as an Instructor in the Legal Research and Writing Program during his final two years, and graduated with honors in 1987. He then worked as an associate at Butzel Long in Detroit, handling complex commercial litigation, media and First Amendment cases, and insurance fraud matters, primarily in federal court.

During the early 1990s, Mr. O'Shea served as an Adjunct Professor at the University of Detroit School of Law teaching First Amendment law. He joined Ufer & Spaniola, P.C. in Bloomfield Hills in 1994, where he personally managed and supervised a wide variety of commercial litigation.

Mr. O'Shea published and edited a national legal reporter on First Amendment law, authored a series of articles on First Amendment law for the University of Notre Dame Law Review, and has been active on a number of nonprofit Boards. Kevin also wrote a monthly magazine column on fathering, founded a nonprofit organization promoting active fatherhood, and authored an award-winning parenting book. In 2005 he started a company providing prepackaged medications for children away from home at school and summer programs that now serves clients in dozens of states.

Mr. O'Shea has tried cases in a variety of federal and state courts and argued cases in the Michigan Court of Appeals, the U.S. Court of Appeals for the Second circuit, and the United States Court of Appeals for the Sixth Circuit, where he led a pro bono team that prevailed in a precedent-setting case involving the First Amendment, public speech, and handicap discrimination laws. In 2015, he won a \$16.5 million arbitration award, the largest in an employment case in Michigan history. Mr. O'Shea serves as a mediator for the U.S. District Court for the Eastern District of Michigan.

Mr. O'Shea is Chairman Emeritus of the Board of the Detroit Urban Debate League, a nonprofit organization that supports the creation of debate programs in under-served high schools and served as a member of the National Board of Directors of the Third Path Institute, a nonprofit organization that promotes work-family balance. Mr. O'Shea is also an active member of the Harvard Law School Alumni Association and was selected for a three-year term on the Oakland County Friend of the Court Advisory Committee.

**Northwestern University, 1984**

**Harvard Law School, 1987**

## 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 new downtown Detroit location. Hollowell specializes in complex commercial litigation and class action matters, municipal law, election law, corporate transactions and civil rights.

Hollowell is recognized by his peers in Michigan and at the national level as being at the top of the profession. He was elected as 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 is a recipient of the Wolverine Bar Association’s “President’s Award,” the highest honor that can be bestowed by the organization. Hollowell received the AV Preeminent Rating by Martindale-Hubbell, the “Highest possible rating in both legal ability and ethical standards, through a strenuous Peer Review Rating process which evaluates lawyers 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. Hollowell has served on the National N.A.A.C.P. Legal Committee by appointment of the Association’s Chair. He is a recipient of the “Exemplary Service” award, presented by his colleagues in the City of Detroit’s Office of the Corporation Counsel. At the end of his four-year tenure as the City of Detroit’s Corporation Counsel, the Detroit City Council presented Hollowell with its highest recognition, the “Testimonial Resolution.”

In private practice, Hollowell was retained by The Miller Law Firm to handle a significant federal class action matter: *Davidson v. Henkel of America, Inc.*, (2:12-cv-14103-LPZ-DRG) involving the loss of retirement pay sustained by the class through defendant’s failure to take advantage of available favorable tax treatment for applicable company retirees in its deferred compensation plan. Hollowell prevailed in the matter winning a 100% recovery for the class.

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, unanimously confirmed by the Detroit City Council, and sworn-in to office in January 2014. During this transformative period in the life of the City, he assumed the role of Director of the City’s 70-attorney Law Department and was 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.

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 the case that ended 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
- Collected \$20 million from bankruptcy consultants for overbilling

## THE MILLER LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200

- 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. This unit has 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 marihuana 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, 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."

During his tenure at the City, he served as a board member of the Downtown Development Authority as a Mayoral appointee, where he also chaired the DDA's 4.1(c) sub-committee overseeing the award of contacts exceeding \$500,000. He served as a Commissioner of the Detroit Election Commission and as a Trustee of the City's Police and Fire Pension Board.

Hollowell was a Shareholder at Butzel Long, P.C. and at Allen Brothers PLLC, practicing commercial litigation, business transactions, and municipal and election law. He was also General Counsel of the Detroit Branch N.A.A.C.P., where he litigated voting rights, redistricting, and equal access to education matters in the federal courts, including the U.S. Supreme Court (*Schuette v. Cantrell*, 572 U.S. 291; 134 S. Ct. 1623 (2014); Docket No. 12-682).

Hollowell served as Insurance Consumer Advocate for the State of Michigan by appointment of the Governor. Hollowell was appointed to Vice President Al Gore's litigation team in Miami (*pro hac vice*), under Kendall Coffey, during the 2000 Presidential Recount. He was the first African American Chair of the Michigan Democratic Party, and also served on the Democratic National Committee. He was elected to the Rules Committee of the 2016 Democratic National Convention. Hollowell was Treasurer for Jennifer Granholm's successful campaigns for Governor of Michigan and Michigan Attorney General.

Hollowell is a Member of the United States Supreme Court Bar, he is admitted to practice before the U.S. Court of Appeals for the Sixth Circuit, the U.S. District Court for the Eastern 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

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200

College in 1981 where he was elected commencement speaker by his fellow classmates. He is a graduate of the University of Detroit Jesuit High School and Academy, Class of 1977.

Hollowell is active in the community, having served on the boards of the Detroit Branch N.A.A.C.P., Cass Community Social Services, the Wolverine Bar Association, Marygrove College, Albion College, Wayne State University Medical School, Detroit Music Hall, the Nature Conservancy – Michigan Chapter, and the University of Detroit Jesuit High School and Academy.

Hollowell was born at Tripler Army Hospital in Honolulu, Oahu, Hawaii. He speaks Spanish, is an avid tennis player, has traveled widely, and plays acoustic guitar in a band called “the Meltones” with his son Melvin III. He has two children, Melvin III and Desiree, and two grandchildren, Jack and Allie. He lives in downtown Detroit.

**Albion College, B.A., 1981**

**University of Virginia School of Law, J.D., 2011**



THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**CHRISTOPHER D. KAYE, PARTNER**

✉ [CDK@millerlawpc.com](mailto:CDK@millerlawpc.com)

Christopher D. Kaye is a partner at The Miller Law Firm. He received his law degree in 2000 from the University of Michigan Law School, where he served as an Associate Editor on the Michigan Journal of International Law. He obtained his Bachelor of Arts Degree in Political Science from the University of Michigan with distinction in 1997.

Mr. Kaye was recognized by Super Lawyers Magazine as a Rising Star in 2010 and a Super Lawyer in Class Actions each year from 2014 through 2019.

Mr. Kaye's practice has included work on several major class action lawsuits, commercial disputes, and securities fraud litigation. He served on the trial team in *City of Farmington Hills Employees Retirement System v. Wells Fargo Bank, N.A.* in the United States District Court for Minnesota, which settled hours before jury selection with a \$62.5 million recovery for the investor class. He also performed significant work on *Board of Trustees of the City of Birmingham Employees' Ret. Sys., et al. v. Comerica Bank*, which resulted in an \$11 million class action settlement. Prior to joining The Miller Law Firm, Mr. Kaye served as an assistant township attorney and prosecutor, litigating multiple land use, constitutional, and taxation disputes.

He has practiced in state and federal courts throughout Michigan, and has conducted several trials as lead counsel or sole counsel. He has also appeared before the Michigan Tax Tribunal and advised developers seeking land use approvals from government authorities. In addition, he has handled several cases on appeal, successfully arguing before the Michigan Court of Appeals.

**University of Michigan, B.A., 1997, *with distinction***

**University of Michigan Law School, J.D., 2000**

## THE MILLER LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200

### LAWRENCE J. MURPHY, PARTNER

✉ [LJM@millerlawpc.com](mailto:LJM@millerlawpc.com)



Mr. Murphy possesses extensive business litigation experience in state and federal courts at both the trial and appellate levels and in alternative dispute resolution proceedings, including arbitration, mediation and facilitation. His broad range of litigation experience includes class actions, contract disputes, supply-chain litigation, injunction proceedings, computer hardware and software matters, Uniform Commercial Code cases, business torts, bankruptcy adversary proceedings, products liability defense, warranty claims, sales commission disputes and wrongful death/personal injury defense. Mr. Murphy has substantial experience representing original equipment manufacturers (OEMs) and suppliers in a wide variety of supply contract matters, recalls and warranty claims, claim-and-delivery actions, tooling and mold lien disputes, and other commercial matters.

#### BAR ADMISSIONS

- Michigan

#### COURT ADMISSIONS

- U.S. Court of Appeals for the Sixth Circuit
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Northern District of Ohio

#### PROFESSIONAL AFFILIATIONS

- State Bar of Michigan
- Federal Bar Association
- Oakland County Bar Association
- Counsel to Motor & Equipment Remanufacturers Association Sales and Marketing Council

#### EXPERIENCE

##### Automotive and Manufacturing

- Represented OEM and supplier clients in a wide variety of disputes, including claim-and-delivery actions, tooling and mold lien disputes, supply contract disputes, recalls and warranty claims
- Selected to lead litigation team defending dozens of arbitrations in multi-state proceedings filed by terminated franchisees. Through effective use of Legal Project Management, client benefited from the cases being completed under the client's budget established for the matters.
- Successfully protected manufacturer's just-in-time parts supply in multiple significant supply-chain disputes, including through the effective use of TROs and preliminary injunctions
- Obtained summary judgment establishing liability of a vehicle hauler in a multi-million dollar breach of contract claim brought by a manufacturer
- Obtained a favorable outcome for a tooling manufacturer and an assembly company in a suit brought by a specialty vehicle manufacturer
- Defended parts manufacturer in claims alleging liability for warranty costs associated with a customer satisfaction recall
- Represented manufacturer in favorable resolution of a WARN Act claim arising from plant closure

## THE MILLER LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200

- Defended a variety of manufacturers from sales commission disputes brought under the Michigan Sales Representative Act

### **Bankruptcy**

- Advised clients in adversary proceedings involving preference actions, fraudulent conveyance claims, and setoff and recoupment rights
- Represented judgment creditor in successful opposition to discharge of judgment in Chapter 7 proceeding

### **Business Torts**

- Represented corporation in successful tortious interference claim arising from breach of a distributorship agreement
- Advised individuals and corporation in defense of a complex fraudulent conveyance action arising from a corporate dissolution and transfer of assets

### **Class Action Defense**

- Defended clients from property and personal injury claims arising from alleged emissions and contaminations from their business operations
- Counseled manufacturer in defense of potential class action by customers arising from alleged misrepresentations and product defects

### **Contracts**

- Represented Fortune 500 company in successful defense of breach of contract and warranty claims arising from the sale of unique computer hardware/software system
- Obtained dismissal of suit alleging breach of joint venture agreement concerning resale of industrial machinery
- Represented leasing company in successful claim and delivery action to recover assets
- Prosecuted and defended noncompete and trade secret claims on behalf of corporations and individuals

### **Franchise Law**

- Successful multi-million dollar arbitration trial involving claims by a large franchisee against national franchisor for breach of franchise agreement arising from denial of approval of sale agreement.

### **Products Liability**

- Counseled silica supplier in defense of wrongful death products liability action allegedly arising from exposure to company's product
- Advised owner of industrial vehicles in injury/death suits arising from alleged product defects

### **Wrongful Death**

- Obtained dismissal of two multi-million dollar civil suits seeking to avoid application of Workers Disability Compensation Act and to recover directly against the employer

# THE MILLER LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200

## HONORS

- *The Best Lawyers in America*, 2011-2020
- *Michigan Super Lawyers*, 2013-2019
- *DBusiness*, Top Lawyers, 2010-2012, 2014 and 2015
- Martindale-Hubbell AV® Preeminent™ Peer Review Rated

University of Michigan, B.A. English (with distinction), 1989

Wayne State University Law School, J.D., 1992



THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**DEVON P. ALLARD, PARTNER**

✉ [DPA@millerlawpc.com](mailto:DPA@millerlawpc.com)

Devon P. Allard is a Partner at The Miller Law Firm. He concentrates his practice on litigation of all types, including contract cases, automotive and manufacturing disputes, employment issues, complex anti-trust litigation, class action cases, and creditors' rights. He has successfully represented clients in state, federal and commercial arbitration forums. In 2015, he was member of the trial team that won a \$16.5 million arbitration award, which is the largest award in an employment case in Michigan history.

Mr. Allard has been recognized as one of Michigan's "Rising Stars" by Super Lawyers Magazine, an attorney peer review survey several times, including the last five consecutive years.

Mr. Allard received his law degree from the University of Detroit Mercy School of Law in 2007. During law school, he was a Title Editor of the University of Detroit Mercy Law Review. Mr. Allard received a Bachelor of Arts degree in Political Science from Michigan State University. While a student at Michigan State, he also spent a summer as a Congressional Intern for U.S. Representative Nick Smith in Washington, D.C.

Mr. Allard is a member of the State Bar of Michigan, the U.S. District Court for the Eastern District of Michigan, and the Oakland County Bar Association. He is also an Associate Member of the Oakland County Bar Association Inns of Court Program.

**Michigan State University, B.A., 2003**

**University of Detroit Mercy School of Law, J.D., 2007**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**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 class actions, as well as commercial disputes, including cases involving breach of non-competition and non-solicitation agreements, shareholder oppression, fraudulent transfer claims, and intellectual property disputes involving royalties. Ms. Hughes has defended against U.S. Securities and Exchange Commission investigations and an enforcement action.

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 for claims brought under the civil enforcement provisions of ERISA, which resulted in a \$3.35 million settlement representing 100% recovery for the class. *See Davidson v. Henkel Corp.*, No. 12-cv-14103 (E.D. Mich.).

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. 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 and the U.S. District Court of the Eastern District of Michigan.

**University of Michigan, B.A., 2001**

**University of Illinois College of Law, J.D., 2005, *cum laude***

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**SETH D. GOULD, PARTNER**

✉ [SDG@millerlawpc.com](mailto:SDG@millerlawpc.com)

Seth D. Gould has over 25 years of experience successfully representing clients in complex business litigation cases of all types, including automotive supply chain disputes, bankruptcy proceedings, contract cases, shareholder disputes and securities litigation.

Seth has tried numerous cases to judges and juries in federal and state courts throughout Michigan, and has successfully represented clients in jurisdictions outside of Michigan such as Illinois, Indiana, Ohio, Iowa, Wisconsin, and New York.

Mr. Gould is recognized by his peers in Michigan Super Lawyers as one of the premier business litigation attorneys in Michigan. Mr. Gould has earned Martindale-Hubbell's highest rating, AV, for his legal ability and ethical standards. As Fellow of the Litigation Counsel of America, Mr. Gould is an invitation-only member of the trial lawyer honorary society. Membership is limited to 3,500 Fellows, representing less than one-half of one percent of American lawyers. The composition of the LCA is aggressively diverse, with recognition of excellence among American litigation and trial counsel across all segments of the bar.

Seth Gould graduated from the University of Michigan in 1987 with a Bachelor of Science in Industrial and Operations Engineering. He is a 1991 graduate of Wayne State Law School, *magna cum laude* and Order of the Coif (top 10% of his class), where he was Assistant Editor of the Wayne Law Review.

Mr. Gould also is an accomplished legal scholar and author. Mr. Gould has authored: "A Breach of Contract is Only a Breach of Contract: Defending Against Fraud, Negligence and Other Claims," Michigan Bar Journal, Vol. 76, No. 11, November 1999; "Responding to Credit Inquiries in a Troubled Loan Situation," The Secured Lender, Vol. 53, No. 1, Jan./Feb. 1998; "Conflicting Approaches to Recovery of Pre-Payment Premiums Under 506 (b)," American Bankruptcy Institute Journal, Vol. XVIII, No. 8, October 1997; "Unsecured Creditors' Entitlement to Post-Petition Interest in Solvent Debtor Bankruptcy: The Code's Silent Abrogation of a Pre-Code Doctrine," 37 Wayne Law Review, No. 4, Summer, 1991; "Bailment or Sale? A Suggested Analysis under the Uniform Commercial Code," Michigan Business Law Journal, Vol. 14, XIV, No. 3, 1992; and co-authored: "Defending a Preference Action," Michigan Bar Journal, July 1993, Vol. 72, No. 7, page 666.

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**LAUREN G. NORTHROP, PARTNER**

✉ [LGN@miller.law](mailto:LGN@miller.law)

Lauren G. Northrop is a partner at The Miller Law Firm. She received her law degree in 2005 from The Emory University School of Law, and her Bachelor of Science Degree in Anthropology, cum laude, from Vanderbilt

Prior to beginning her law career, Ms. Northrop worked at Electronic Data Systems at the GM Tech Center in Warren, Michigan as a training coordinator for the CMM Level 3 process team. During law school, she worked at the Southern Environmental Law Center in Atlanta Georgia

through Emory's Field Placement Program and was one of six law students selected to participate in the Turner Environmental Law Clinic, where she worked on various environmental cases and legislative projects in the greater Atlanta area.

She also worked for a summer at the Environmental Protection Agency's Office of Enforcement and Compliance Assurance in Washington D.C. and spent a semester studying international law at Trinity College in Dublin, Ireland.

She currently practices in the area of commercial and complex litigation.

**Vanderbilt University, B.S., 2000**

**Emory University School of Law, J.D., 2005**



THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200

**M. YOUSSEF ABDALLAH, ASSOCIATE**

✉ [MYA@millerlawpc.com](mailto:MYA@millerlawpc.com)



Mr. Youssef Abdallah is an Associate at The Miller Law Firm. His practice currently focuses on complex commercial and class action litigation.

Mr. Abdallah received his law degree from Wayne State University Law School in 2015, where he was an Arthur F. Lederle scholar and elected by faculty to the Order of the Coif. While at law school, he served as a judicial intern with the Honorable Judge Linda V. Parker, U.S. District Court for the Eastern District of Michigan, and as a student attorney with the Asylum and Immigration Law Clinic. He also worked as a law clerk for NORMA Group, a global market and technology leader in innovative joining-technology solutions. Mr. Abdallah received his B.A. with distinction at the University of Michigan-Dearborn, where he was elected the student body

vice president.

Prior to the practice of law, Mr. Abdallah gained considerable real estate experience as a licensed realtor. He also served as a community liaison in the Michigan House of Representatives for former State Representative Phil Cavanagh.

Mr. Abdallah is admitted to practice law in the State of Michigan and U.S. District Court for the Eastern District of Michigan.

**University of Michigan-Dearborn, B.A., 2012, *with Distinction***

**Wayne State University Law School, J.D., 2015, *Order of the Coif***

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300

ROCHESTER, MI 48307

248-841-2200



## **RICK A. DECKER, ASSOCIATE & eDISCOVERY DIRECTOR**

✉ [RAD@millerlawpc.com](mailto:RAD@millerlawpc.com)

Rick A. Decker is an associate at The Miller Law Firm. He concentrates his practice in complex commercial litigation, automotive supplier issues, and class action litigation. Mr. Decker has been the firm's eDiscovery Director for 3 years and has extensive experience managing large-scale discovery projects; he regularly attends eDiscovery seminars and maintains up to date knowledge of changes in eDiscovery-related law, including frequent reference to Sedona Conference publications.

Before joining The Miller Law Firm, Mr. Decker was the managing member of a small general practice law firm where he provided representation in general civil litigation, small business development, and criminal law; he has been successful in bench and jury trials. Mr. Decker has experience at the trial court and appellate court level. He worked in chambers at the Michigan Court of Appeals and completed a two-year term as a judicial law clerk at the 52-3 District Court of Michigan. Prior to law school, Mr. Decker had a distinguished career in the U.S. Navy; his final military assignment was as Program Manager and Fleet Liaison at Strategic Systems Program, Flight Systems Detachment in Cape Canaveral, Florida. Mr. Decker is a member of the Veterans of Foreign Wars.

Mr. Decker received his Bachelor of Arts in Legal Studies from the University of Central Florida, graduating summa cum laude in 2004 and his J.D., graduating cum laude, from the Thomas M. Cooley Law School in 2007. Mr. Decker is a member of the Phi Kappa Phi honor society.

Mr. Decker is admitted to practice in Michigan and in the U.S. District Court for the Eastern District of Michigan.

**University of Central Florida, B.A. summa cum laude, 2004**

**Thomas M. Cooley Law School, J.D., cum laude, 2007**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**DANIEL L. RAVITZ, ASSOCIATE**

✉ [DLR@miller.law](mailto:DLR@miller.law)

Daniel Ravitz is an associate at The Miller Law Firm. His practice currently focuses on complex commercial and class action litigation.

Mr. Ravitz received his law degree from Columbia Law School in 2016, where he was twice designated a James Kent Scholar for outstanding academic achievement. While in law school, he acted as Managing Editor of the *Human Rights Law Review*. He also served as a judicial extern for the Honorable Ronnie Abrams at the United States District Court for the Southern District of New York, as well as for the Honorable Vera M. Scanlon at the United States District Court for the Eastern District of New York. He also acted as a law clerk for the Federal Deposit Insurance Corporation and for the Manhattan Borough President, the Honorable Gale A. Brewer. Mr. Ravitz received his Bachelor of Arts degree from the Ford School of Public Policy at the University of Michigan in 2013, graduating with University Honors. Prior to joining the firm, Mr. Ravitz gained experience as an associate at Fensterstock & Partners LLP in New York, New York.

Mr. Ravitz is admitted to practice law in the States of Michigan and New York, and in the United States District Court for the Eastern District of Michigan.

**University of Michigan, BA – 2013**

**Columbia Law School, JD – 2016**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**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**



## ANGELA L. BALDWIN, ASSOCIATE

✉ [ALB@millerlawpc.com](mailto:ALB@millerlawpc.com)

Angela L. Baldwin is a litigation and transactional attorney for The Miller Law Firm Detroit where her practice focuses on complex business litigation, class action matters, municipal and regulatory law and corporate transactions. Ms. Baldwin comes to the practice with significant experience in the corporate world, as she spent eight years in senior management in the areas of supply chain and project management for Fortune 100 companies such as PepsiCo, where she managed brands such as Gatorade, Tropicana and Propel.

Immediately prior to joining The Miller Law Firm, Ms. Baldwin served as an Assistant Corporation Counsel for the City of Detroit, litigating complex commercial matters in the Federal and State courts on behalf of Mayor Mike Duggan's Administration, the Detroit City Council, Police and Fire and Transportation agencies in matters alleging constitutional violations, 28 U.S.C. Section 1983 matters, and other claims. Further, Ms. Baldwin handles cases arising out of the City of Detroit's post-Chapter 9 Bankruptcy, and adherence to the Plan of Adjustment, the requirements of the Financial Review Commission, and related matters involving the City's emergence from Receivership.

Ms. Baldwin is active in several community and professional organizations. Governor Rick Snyder recently appointed her to the State of Michigan's Hispanic Latino Commission. She was also appointed by Detroit Mayor Mike Duggan to serve on the Detroit Recreation Advisory Board. And Ms. Baldwin serves as manager for youth and non-profit participation for the 2018 Detroit NAACP Fight for Freedom Fund Dinner. Ms. Baldwin is an executive council member for the State Bar of Michigan Young Lawyers Section, the co-chair for the Federal Bar Association Eastern District Chapter's RISE Committee and a participant on the Endorsement Policy Committee of the Hispanic Bar Association of Michigan. Ms. Baldwin is also a member of the Wolverine Bar Association of Michigan and the Detroit Bar Association Inns of Court.

Ms. Baldwin earned her Juris Doctor from Michigan State College of Law where she competed nationally for MSU's National Moot Court Team. She earned her Bachelor of Arts degree from Central Michigan University where she was an active member of the Logistics Management Counsel Honor Society, a logistic consultant, and a recipient of the DaimlerChrysler Procurement and Supply Scholarship award. Ms. Baldwin is a native of Detroit, enjoys traveling, health and fitness.

**Central Michigan University, BA 2005**

**Michigan State University College of Law, JD 2016**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**PAIGE M. SZYMANSKI, ASSOCIATE**

✉ [PMS@millerlawpc.com](mailto:PMS@millerlawpc.com)

Paige M. Szymanski is an associate at The Miller Law Firm. Her practice currently focuses on complex commercial and class action litigation.

Ms. Szymanski received her Master of Laws from Georgetown University Law Center in Securities and Financial Regulation in 2017. While at Georgetown, Ms. Szymanski served as a graduate intern in the Office of General Counsel at the Securities Industry and Financial Markets Association, as well as the teaching assistant for various courses, including Complex Securities Investigations and Accounting for Lawyers. Ms. Szymanski received her law degree from Michigan State University College of Law in 2016, cum laude, where she received two Jurisprudence Awards for high achievement in the Investor Advocacy Clinic. She served as the Managing Editor of Articles for the Journal of Business and Securities Law and as the Marshal for Phi Alpha Delta Law Fraternity, International. While in law school, she served as an Honors Intern at the Securities and Exchange Commission in the Office of the Investor Advocate and as a Graduate Intern at the Financial Industry Regulatory Authority in the Office of General Counsel. Ms. Szymanski received her Bachelor of Arts degree in political science from the University of Michigan in 2013 where she was an active member of Zeta Tau Alpha Fraternity. Prior to joining the firm, Ms. Szymanski gained experience as an associate at Mika Meyers PLC in general practice.

Ms. Szymanski is admitted to practice law in the State of Michigan and in the Western District of Michigan.

**University of Michigan, B.A. 2013**

**Michigan State University College of Law, J.D. 2016**

**Georgetown University Law Center, Master of Laws 2017**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**ERIC J. MINCH, ASSOCIATE**

✉ [EJM@MillerLawPC.com](mailto:EJM@MillerLawPC.com)

Eric J. Minch is an associate at The Miller Law Firm. His practice currently focuses on complex commercial and class action litigation.

Eric received his undergraduate degree from Michigan State University and continued his education at the Michigan State University College of Law where he was awarded an academic based, full-tuition, scholarship. While in Law School, Eric was an Articles Editor on the Michigan State International Law Review and completed an intensive two-year litigation certification program. Additionally, Eric clerked for the Honorable Thomas P. Boyd in the 55th District Court and maintained a job as a law clerk at a small sized firm. Eric graduated from Law School in 2016, magna cum laude.

Prior to joining The Miller Law Firm, Eric worked in the Office of General Counsel for the Wayne County Third Judicial Circuit Court and eventually transitioned to a position, in the Business Court, as the Law Clerk to the Honorable Lita M. Popke's. In this role, Eric helped managed an active docket of over 500 civil cases. Additionally, Eric drafted Business Court opinions and orders on many issues of first impression. During his time at the Business Court, Eric viewed and assisted with all aspects of multiple jury trials.

Mr. Minch is admitted to practice law in the State of Michigan and U.S. District Court for the Eastern District of Michigan.

**Michigan State Univeristy, B.A., 2013**

**Michigan State University College of Law, J.D., 2016**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**STEVEN M. ZEHNDER, ASSOCIATE**

✉ [SMZ@millerlawpc.com](mailto:SMZ@millerlawpc.com)

Steven M. Zehnder is an associate at The Miller Law Firm. His areas of practice include various complex commercial, antitrust, and securities fraud cases and class action litigation. He also has experience with personal injury litigation, collective-bargaining disputes, tenant evictions, and criminal infractions.

During law school he worked as a Casework Assistant for the Oakland County Prosecutor's Office in both the Appellate and Juvenile Divisions. Prior to law school, Mr. Zehnder clerked for the Honorable Joan E.

Young in the Family Division of the Oakland County Sixth Circuit Court.

Mr. Zehnder graduated cum laude from Thomas M. Cooley Law School where he served as a Senior Associate Editor for Law Review. He also has a Bachelor of Arts Degree in Criminal Justice from Western Michigan University and a Master of Science Degree in Criminal Justice Administration from Boston University.

Mr. Zehnder is admitted to practice law in the State of Michigan. He is also an active member of the Brother Rice Warrior Bar Association.

**Thomas M. Cooley Law School, J.D., cum laude, 2010**

**Boston University, M.S., 2004**

**Western Michigan University, B.A., 2002**



THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**LOWELL D. JOHNSON, ASSOCIATE**

✉ [LDJ@millerlawpc.com](mailto:LDJ@millerlawpc.com)

Mr. Johnson is an associate at The Miller Law Firm. Mr. Johnson's practice is concentrated in complex commercial litigation, class action, anti-trust, and securities litigation. Mr. Johnson is admitted to practice in Michigan and Hawaii.

Mr. Johnson graduated Magna Cum Laude from the Thomas M. Cooley Law School, where he received multiple Certificates of Merit Awards for achieving the highest grade in the class, as well as Honor Roll and Dean's List each term. Mr. Johnson competed as an ABA NAAC National Moot Court Finalist and achieved national distinction after winning the regional competition while earning a "Best Brief" award. Prior to Law School, Mr. Johnson received his BBA in Accounting, Summa Cum Laude from Eastern Michigan University, and his MBA in finance, Summa Cum Laude from Eastern Michigan University.

Mr. Johnson has extensive financial and audit experience. He previously worked at Deloitte & Touche as an Audit Senior Manager where he gained SEC reporting experience. Additionally, Mr. Johnson was an Internal Audit Director for a Fortune 500 Corporation. He also had several Senior Corporate Financial Roles including Controller through Chief Financial Officer and Board of Directors' positions with multiple public corporations.

**Eastern Michigan University, B.B.A, M.B.A, summa cum laude, 1986**

**Thomas M. Cooley Law School, J.D., magna cum laude, 2010**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**NANCY DECKER, ASSOCIATE**

✉ [NKD@millerlawpc.com](mailto:NKD@millerlawpc.com)

Nancy Decker is an associate at The Miller Law Firm. She concentrates her practice in complex commercial litigation, securities fraud litigation, and class action litigation.

Ms. Decker graduated magna cum laude from Michigan State University College of Law in 2008 and earned her Bachelor of Arts Degree in Legal Studies from the University of Central Florida, summa cum laude, in 2004. Ms. Decker was also a registered nurse and practiced in the area of psychiatric nursing for over ten years prior to starting her legal career.

**University of Central Florida, B.A., 2004**

**Michigan State University College of Law, JD, 2008**

THE **MILLER** LAW FIRM

A PROFESSIONAL CORPORATION

[WWW.MILLER.LAW](http://WWW.MILLER.LAW)

950 WEST UNIVERSITY DR. SUITE 300  
ROCHESTER, MI 48307  
248-841-2200



**GREGORY A MITCHELL, ASSOCIATE**

✉ [GAM@millerlawpc.com](mailto:GAM@millerlawpc.com)

Gregory A. Mitchell is an associate attorney at The Miller Law Firm. Mr. Mitchell concentrates his practice in complex commercial litigation and consumer class actions.

Mr. Mitchell previously concentrated his practice in contractual disputes and real estate law, where he first-chaired trials, conducted depositions, and engaged in extensive motion practice.

Prior to joining The Miller Law Firm, Mr. Mitchell worked at a nationally recognized test preparation company as a director, manager, and faculty instructor, where he received several national awards for his performance as an instructor. Mr. Mitchell was credited with co-authoring multiple textbooks and training hundreds of instructors.

Mr. Mitchell graduated from the University of Michigan, where he received his Bachelor of Arts degree in Economics. He earned his Juris Doctor from the University of Illinois where he focused his studies on law and economics.

In his spare time, Mr. Mitchell has volunteered as a representative of the Special Education PAC of Rochester schools, including leading educational opportunities throughout the district and serving as Chairperson for a district-wide awards ceremony. He also has served as an executive board member of his local school's PTA.

Mr. Mitchell is admitted to practice in the State of Michigan and the United States District Court for the Eastern District of Michigan.

**University of Michigan, B.A., 2001**

**University of Illinois College of Law, J.D., 2005**

# **EXHIBIT B**

**IN RE CAPACITORS ANTITRUST LITIGATION**  
**Case No. 3:14-cv-03264-JD; MDL No. 3:17-md-02801-JD**

**EXHIBIT B**  
**THE MILLER LAW FIRM, P.C.**

**Hours and Lodestar on a Historical Basis**  
**April 1, 2018 through August 12, 2019**

- |                    |  |                                     |  |                      |  |
|--------------------|--|-------------------------------------|--|----------------------|--|
| <b>Categories:</b> | <b>1) Legal Research</b>                   | <b>6) Class Certification</b>       | <b>11) Settlements &amp; Mediation</b> | <b><u>TITLE</u></b>  | <b>(P) Partner</b>                     |
|                    | <b>2) Investigation / Factual Research</b> | <b>7) Summary Judgment</b>          | <b>12) Case Management</b>             | <b><u>ABBRV:</u></b> | <b>(A) Associate</b>                   |
|                    | <b>3) Discovery</b>                        | <b>8) Appeals</b>                   | <b>13) Class Notice</b>                |                      | <b>(FLR) Foreign Language Reviewer</b> |
|                    | <b>4) Document Review</b>                  | <b>9) Court Appearance and Prep</b> | <b>14) Trial Prep</b>                  |                      | <b>(DR) Document Reviewer</b>          |
|                    | <b>5) Pleadings, Briefs &amp; Motions</b>  | <b>10) Experts</b>                  | <b>15) Trial</b>                       |                      | <b>(SPL) Senior Paralegal</b>          |
|                    |  |                                     |  |                      | <b>(PL) Paralegal</b>                  |
|                    |  |                                     |  |                      | <b>(LC) Law Clerk</b>                  |

ATTORNEYS (P, A, CA, CFL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	CUMULATIVE LODESTAR
E. Powell Miller (P)											1.10	0.60				1.70	\$980.00	\$1,666.00
Sharon S. Almonrode (P)			0.90		1.90						3.30	3.00				9.10	\$945.00	\$8,599.50
Devon P. Allard (P)		0.70	0.60		6.20							10.10				17.60	\$650.00	\$11,440.00
Mariell R McLatcher (A)					3.10						1.40	0.40				4.90	\$475.00	\$2,327.50
Rick A. Decker (A)			1.30													1.30	\$465.00	\$604.50
William Kalas (A)						0.20					0.20					0.40	\$350.00	\$140.00
Mahde Abdallah (A)			0.20		0.20											0.40	\$320.00	\$128.00
Alexandra R Huntley (A)			0.80									10.60				11.40	\$295.00	\$3,363.00
																0.00	\$0.00	\$0.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.70</b>	<b>3.80</b>	<b>0.00</b>	<b>11.40</b>	<b>0.20</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>6.00</b>	<b>24.70</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>46.80</b>		<b>\$28,268.50</b>
NON-ATTORNEYS (LC, SPL, PL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	PREVIOUS LODESTAR
Sarah E. Dahlin (PL)												0.30				0.30	\$175.00	\$52.50
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.30</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.30</b>		<b>\$52.50</b>
<b>GRAND TOTAL:</b>	<b>0.00</b>	<b>0.70</b>	<b>3.80</b>	<b>0.00</b>	<b>11.40</b>	<b>0.20</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>6.00</b>	<b>25.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>47.10</b>		<b>\$28,321.00</b>

# **EXHIBIT C**

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT C**

The Miller Law Firm, P.C.

Expenses Incurred

April 1, 2018 through August 12, 2019

EXPENSE CATEGORY	AMOUNT INCURRED
Court Costs / Filing Fees	\$
Experts / Consultants	\$
Shipping Costs / Federal Express / UPS	\$
Postage / U.S. Mail	\$
Service of Process	\$
Messenger / Delivery	\$
Hearing Transcripts	\$
Investigation	\$
Lexis / Westlaw / PACER	\$
Photocopies – In House	\$505.75
Photocopies – Outside	\$
Telephone / Telecopier	\$
Travel – Transportation	\$
Travel - Hotels	\$
Travel – Meals	\$
<b>TOTAL:</b>	\$505.75

BACKUP  
MATERIAL  
SUBMITTED  
FOR IN  
CAMERA  
REVIEW



# **EXHIBIT 17**

1 MARC M. SELTZER (54534)  
mseltzer@susmangodfrey.com  
2 STEVEN G. SKLAVER (237612)  
ssklaver@susmangodfrey.com  
3 SUSMAN GODFREY L.L.P.  
1901 Avenue of the Stars, Suite 950  
4 Los Angeles, CA 90067-6029  
Phone: (310) 789-3100  
5 Fax: (310) 789-3150

6 VINEET BHATIA (00795976) (*Pro Hac Vice*)  
vbhatia@susmangodfrey.com  
7 SUSMAN GODFREY L.L.P.  
1000 Louisiana Street, Suite 5100  
8 Houston, Texas 77002-5096  
Telephone: (713) 653-7855  
9 Facsimile: (713) 654-3344

10  
11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN FRANCISCO DIVISION**  
14

15 **IN RE CAPACITORS ANTITRUST**  
16 **LITIGATION**

17  
18 **THIS DOCUMENT RELATES TO:**

19 **All Indirect Purchaser Actions**  
20  
21  
22  
23  
24

**Case No. 3:14-cv-03264-JD**  
**MDL No. 3:17-md-02801-JD**

**DECLARATION OF STEVEN G. SKLAVER IN SUPPORT OF CLASS COUNSEL'S APPLICATION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF COSTS SUBMITTED ON BEHALF OF SUSMAN GODFREY L.L.P.**

**Date:**  
**Time: 10:00 a.m.**  
**Place: Courtroom 11, 19<sup>th</sup> Floor**

Judge: Hon. James Donato

1 I, STEVEN G. SKLAVER , declare and state as follows:

2 1. I am a Partner of Susman Godfrey L.L.P., Counsel for Indirect Purchaser Plaintiffs  
3 (“IPPs” or “Plaintiffs”) in this action. I submit this declaration in support of Class Counsel’s  
4 application for attorneys’ fees and reimbursement of expenses reasonably incurred in connection  
5 with the services rendered in this litigation on behalf of the class. I make this declaration based on  
6 my personal knowledge and if called as a witness, I could and would competently testify to the  
7 matters stated herein. The time expended preparing this Declaration is not included.

8 2. During the pendency of the litigation, Susman Godfrey L.L.P., acted as supporting  
9 class counsel to IPPs. Susman Godfrey L.L.P has prosecuted this litigation solely on a contingent-  
10 fee basis, and has been at risk that it would not receive any compensation for prosecuting claims  
11 against the defendants. While Susman Godfrey L.L.P devoted its time and resources to this matter,  
12 it has foregone other legal work for which it would have been compensated. Attached hereto as  
13 **Exhibit A** is a copy of Susman Godfrey L.L.P curriculum vitae.

14 3. During the course of this litigation, Susman Godfrey L.L.P. has been involved in the  
15 following activities on behalf of IPPs at the request and under the direction of IPP Lead Counsel:  
16 translated, reviewed, analyzed, and issue-coded Japanese language documents, conducted legal  
17 research, conferred with counsel regarding scheduling of depositions, prepared for and attended  
18 depositions of Inoue and Kinoshita, and reviewed expert reports. During the time period covered  
19 by the current fee request, Susman Godfrey L.L.P. has been involved with the following activities  
20 on behalf of IPPs at the request and under the direction of IPP Lead counsel: conferring with class  
21 counsel concerning deposition assignments, file management tasks and reviewing and responding  
22 to emails from counsel regarding case issues.

23 4. During the course of this litigation, Susman Godfrey L.L.P. has been involved in the  
24 following activities on behalf of IPPs at the request and under the direction of IPP Lead Counsel:  
25 translated, reviewed, analyzed, and issue-coded Japanese language documents, conducted legal  
26 research, conferred with counsel regarding scheduling of depositions, prepared for and attended  
27 depositions of Inoue and Kinoshita, and reviewed expert reports.

1           5.       Attached hereto as **Exhibit B** is my firm's total hours and lodestar, computed at  
2 historical rates, from April 1, 2018 through August 12, 2019. The total number of hours spent by  
3 Susman Godfrey L.L.P during this period of time was 13.20, with a corresponding historical  
4 lodestar of \$4,555.00. This summary was prepared from contemporaneous, daily time records  
5 regularly prepared and maintained by Susman Godfrey L.L.P. The lodestar amount reflected in  
6 Exhibit A is for work assigned by Lead Counsel, and was performed by professional staff at my  
7 law firm for the benefit of the IPP Class.

8           6.       All of the services performed by Susman Godfrey L.L.P in connection with this  
9 litigation were reasonably necessary in the prosecution of this case. There has been no unnecessary  
10 duplication of services for which Susman Godfrey L.L.P now seeks compensation. The hourly  
11 rates for the attorneys and professional support staff in my firm included in Exhibit A are the usual  
12 and customary hourly rates charged by Susman Godfrey L.L.P

13           7.       Susman Godfrey L.L.P has expended a total of \$1.90 in unreimbursed costs in  
14 connection with the prosecution of this litigation from April 1, 2018 through August 12, 2019.  
15 These costs are itemized in the chart attached hereto as **Exhibit C**. These costs were incurred on  
16 behalf of IPPs by Susman Godfrey L.L.P. on a contingent basis and have not been reimbursed.  
17 The costs incurred in this action are reflected on the books and records of my firm. These books  
18 and records are prepared from expense vouchers, check records and other source materials and  
19 represent an accurate recordation of the costs incurred. These firm costs are separate and apart  
20 from any costs incurred through the litigation fund.

21           8.       I have reviewed the time and costs reported by my firm in this case which are  
22 included in this declaration, and I affirm that they are true and accurate to the best of my  
23 knowledge.

24           I declare under penalty of perjury under the laws of the United States of America that the  
25 foregoing is true and correct.

26  
27 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Executed on November 6, 2019 at Los Angeles, California.

/s/ Steven G. Sklaver  
STEVEN G. SKLAVER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ATTESTATION**

I, Adam J. Zapala, hereby attest, pursuant to United States District Court, Northern District of California Civil Local Rule 5-1(i)(3), that concurrence to the filing of this document has been obtained from the signatory hereto.

By: /s/ Adam J. Zapala  
Adam J. Zapala

# **EXHIBIT A**

**SUSMAN GODFREY L.L.P.**

WWW.SUSMANGODFREY.COM

SUITE 5100  
1000 LOUISIANA  
HOUSTON, TEXAS  
77002-5096  
(713) 651 - 9366

SUITE 3800  
1201 THIRD AVENUE  
SEATTLE, WASHINGTON  
98101-3000  
(206) 516 - 3880

SUITE 950  
1901 AVENUE OF  
THE STARS  
LOS ANGELES, CA  
90067-6029  
(310) 789-3100

32<sup>ND</sup> FLOOR  
1301 AVENUE OF THE  
AMERICAS  
NEW YORK, NEW YORK  
10019-6023  
(212) 336-8330

## CLASS ACTIONS

For over thirty-five years, Susman Godfrey has been one of the preeminent firms in the country in class action cases. We have secured billions of dollars in victories for our clients across many fields, including antitrust and price-fixing cases, securities litigation, consumer class actions, and products liability cases. From the Corrugated Container antitrust class action, where Steve Susman's team recovered \$500 million for the plaintiffs, to 2015's \$37.5 million class action win (\$23 million after fees and expenses) for a class of more than 7000 limited partners who invested in 12 oil and gas limited partnerships, the Firm has a tradition of winning results, against the fiercest adversaries, when the stakes are highest. Defendants have also recognized the expertise and prowess of the Firm in class action litigation and the Firm has been retained to represent Defendants in a number of high stakes class action cases.

Some of the other significant results in class action cases the Firm has handled include:

- In a seminal insurance class action filed in the Southern District of New York, resolved in September 2015, Susman Godfrey served as lead counsel in a case that challenged Phoenix Life Insurance Company's and PHL Variable Insurance Company's decision to raise the cost of insurance ("COI") nationwide on life insurance policy owners. After winning class certification and defeating two motions for class decertification and a motion for summary judgment, the case settled the day of the final Pretrial Conference - less than two months before trial. Settlement terms included: \$48.5 million cash fund (\$34 million after fees and expenses), COI freeze through 2020, and a covenant by Phoenix not to challenge the policies, worth \$9 billion in face value, when the policies mature on the grounds of lack of insurable interest or misrepresentations in the application. At the final approval hearing, the Court concluded: "I want to say publicly that I think this is an excellent settlement. I think this is a superb – this may be the best settlement pound for pound for the class that I've ever seen."
- A class of 800,000 Comcast cable subscribers represented in part by Susman Godfrey alleged that between Jan. 1, 2003 and Dec. 31, 2008, Comcast and other cable companies entered into subscriber swaps and acquisitions that deterred over-builder competition and enabled Comcast to raise prices to supracompetitive levels, in violation of sections 1 and 2 of the Sherman Act. The parties settled for \$50 million after remand of the case from the U.S. Supreme Court. Final settlement (after fees and expenses) is to be determined later in 2015.



- In May 2014 Susman Godfrey secured a \$19 million cash settlement for customers of two New York City tour bus companies (approximately \$12 million after fees and expenses), Coach USA Inc. and City Sights LLC, and their joint venture, Twin America LLC. The settlement ends an antitrust class action against the joint venture, which plaintiffs said eliminated competition between the two bus companies and artificially raised prices for passengers.
- In December 2013 Susman Godfrey attorneys secured \$86 million in settlements (approximately \$62 million after fees and expenses) when serving as co-lead counsel in litigation involving more than 70 class action cases on behalf of airline passengers who alleged that between January 1, 2000 and August 1, 2007, Korean Air Lines and Asiana Airlines conspired to fix the price of air travel between the United States and the Republic of Korea. The lawsuit asserted that the two airlines, in violation of federal antitrust laws, participated in meetings, conversations and communications during which they agreed to establish artificially high prices for air passenger travel.
- In July 2013 Toyota Motor Corporation agreed to pay benefits worth up to \$1.6 billion (approximately \$1.4 billion after fees and expenses) to settle multi-district class action litigation pending in federal court in Santa Ana, California. In the litigation, plaintiffs, represented by Susman Godfrey, asserted claims for economic losses associated with recalls for unintended acceleration problems in Toyota, Lexus and Scion vehicles.
- In March 2013, Susman Godfrey secured a jury verdict in an antitrust price-fixing class action brought on behalf of direct purchasers of vitamin C against two Chinese vitamin C manufacturers. The \$54.1 million verdict was tripled as required by law and after adjusting for \$32.5 million in settlements with other defendants (\$19.5 million net of fees and expenses), a final judgment of \$147 million was entered against the defendants. The judgment is now on appeal to the Second Circuit Court of Appeals.
- Susman Godfrey represented investors who were allegedly defrauded into purchasing securities issued by the parent of mortgage lender IndyMac Bank. The complaint alleged that IndyMac had misrepresented its financial health and the quality of its lending practices. In January 2013, after more than five years of intense, hard-fought litigation, the court granted final approval of a \$6.5 million recovery for the class (approximately \$4 million after fees and expenses).
- In *White, et al. v. NCAA*, Susman Godfrey served as co-lead counsel in an antitrust class action alleging that the NCAA violated the federal antitrust laws by restricting amounts of athletic based financial aid. The NCAA settled and paid, after fees and expenses, an additional \$218 million for use by current student-athletes to cover the costs of attending college and paid \$10 million to cover educational and professional development expenses for former student-athletes.
- Susman Godfrey has been appointed to serve as lead or co-lead counsel in over a dozen antitrust class actions since 1996. In appointing Susman Godfrey co-lead counsel in one such case, *In re Crude Oil*, Judge Pauley praised the firm's long history of serving as "lead counsel in hundreds of class actions, including complex antitrust actions." See *In re Crude Oil Commodity Futures Litig.*, No. 11-CV-3600 (WHP), 2012 WL 569195, at \*2 (S.D.N.Y. Feb. 14, 2012).

The information contained herein is revised frequently and is only accurate and current as of the date printed above. Please call us for the most recent edition.

# SUSMAN GODFREY L.L.P.



## Marc M. Seltzer Partner

Los Angeles  
(310) 789-3102  
mseltzer@susmangodfrey.com

### Overview

Marc Seltzer has practiced law for more than forty-five years, litigating complex cases in state and federal courts throughout the United States. Before joining Susman Godfrey, he was a principal in the law firm of Corinblit & Seltzer, a Professional Corporation. Marc Seltzer's relationship with the lawyers of Susman Godfrey began in the late 1970's, when he worked with Steve Susman on the *Corrugated Container* antitrust case. In the ensuing years, Mr. Seltzer joined forces with Susman Godfrey on a number of other cases. In February 1998, Marc Seltzer became a partner of the firm, and opened the firm's Los Angeles office. Since then, the firm's Los Angeles office has become one of the leading litigation boutiques in California.

Marc Seltzer's involvement in nationally prominent litigation began in the mid-1970's, when he was tapped by Jack Corinblit to work on the massive *Equity Funding* securities litigation. That case consisted of more than 100 consolidated class and individual cases, and was settled in 1976 for over \$60 million, then the largest recovery ever achieved in a securities fraud class action. See *In re Equity Funding Corp. of America Securities Litigation*, 438 F. Supp. 1303 (C.D. Cal. 1977). Later, in the 1980's, Mr. Seltzer was appointed by the Los Angeles federal court to serve as sole lead counsel to represent the plaintiff class in the *ZZZZ Best* securities fraud case. The *ZZZZ Best* fraud was described by the United States Attorney for the Central District of California as "the most massive and elaborate securities fraud perpetrated on the West Coast in over a decade," harking back to the *Equity Funding* case. The case resulted in several important published decisions sustaining plaintiffs' claims. See *In re ZZZZ Best Securities Litigation*, 864 F. Supp. 960 (C.D. Cal. 1994).

Since joining the firm, Mr. Seltzer has continued to represent both plaintiffs and defendants in a wide variety of high stakes cases. Among other prominent cases, Mr. Seltzer served as co-trial counsel with Steve Susman in representing Frank McCourt in his marital property litigation with his former wife which involved competing claims to ownership of the Los Angeles Dodgers. In 2015, Mr. Seltzer successfully argued the appeal taken by Ms. McCourt from the order denying her motion to set aside the settlement reached in that case.

In the *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, Marc Seltzer was appointed by the Court to serve as one of the co-lead counsel for the economic loss class action plaintiffs. After three years of hard fought litigation, an historic settlement was reached valued by the Court at approximately \$1.6 billion, with the class receiving net benefits valued at approximately \$1.4 billion.

Mr. Seltzer is currently leading Susman Godfrey's efforts as one of co-lead counsel for plaintiffs in *In re Automotive Parts Antitrust Litigation*, pending in the Detroit federal court. The United States Department

of Justice has called the cartels that are the subject of this litigation the largest group of price-fixing conspiracies ever uncovered. The cases have been partially settled for more than a billion dollars.

In 2019, Seltzer was named one of the "[Thought Leaders in Competition - Plaintiff](#)" by *Who's Who Legal* (Law Business Research Ltd). Seltzer is one of only seventeen lawyers in the United States and one of only twenty six lawyers across the world to receive this distinction.

In 2018, Seltzer was named one of thirty "[Top Plaintiffs Lawyers](#)" and one of the "[Top 100 Lawyers](#)" in California by the *Los Angeles Daily Journal*. Seltzer was honored twice in late 2017 for his ground-breaking antitrust work. In December, 2017, Seltzer was named an "[Competition MVP](#)" by *Law360* and in September 2017, Seltzer was named a "[Giant Slayer](#)" by *The Recorder* (ALM Publication). These recognition were in large part due to his leadership roles in *In re: Auto Parts* and *In re Animation Workers Antitrust Litigation*, the latter in which Seltzer took on the world's largest animation companies, including Disney, Pixar, Lucasfilm Ltd., Dreamworks and Sony, on behalf of animation employees and recovered nearly \$170 million.

In December 2013, Mr. Seltzer was named to *Law360's* annual list of legal "[MVPs.](#)" He was one of just three attorneys in the nation selected by *Law360* for recognition in the Class Action category. He has also been named to the *International Who's Who of Competition Lawyers & Economists*. Nominees were selected by *Global Competition Review* based upon "comprehensive, independent survey work with both general counsel and private practice lawyers worldwide." Seltzer has been named to this list many times, most recently in 2018.

Additionally, Mr. Seltzer's many significant class action achievements helped secure Susman Godfrey's recognition as *Law360's* "Class Action Group of the Year" in [2017](#) and [2018](#).

Over his many years of practice, Mr. Seltzer has also represented defendants in antitrust, securities, copyright, trademark, trade secret, unfair competition, class action and other complex litigation.

Mr. Seltzer has also been recognized for his service to the legal community.

## Education

- University of California at Berkeley (B.A., 1969)
- UCLA School of Law (J.D., 1972)

## Honors and Distinctions

- Recognized for [Outstanding Antitrust Litigation Achievement in Private Law Practice](#) by the [American Antitrust Institute](#) (2019) for work on *In re: Automotive Parts Antitrust Litigation*.
- Recognized on Lawdragon 500's 2019 list of the country's [Leading Plaintiff Financial Lawyers](#) (2019)
- Named one of the "[Thought Leaders in Competition - Plaintiff](#)" by *Who's Who Legal* (Law Business Research Ltd) - one of only seventeen lawyers in the U.S. and one of only twenty six lawyers across the world to receive this distinction (2019)
- Ranked by Martindale-Hubbe as a Judicial AV Preeminent Lawyer - the highest possible rating in both legal ability and ethical standards (2019)
- Selected as one of the [Top 100 Lawyers in California](#) in 2018 by *The Los Angeles Daily Journal*
- Selected as one of the [30 Top Plaintiff Lawyers](#) in all of California in 2018 by *The Los Angeles Daily Journal*

- Recognized by Chambers U.S. for Litigation: General Commercial (California, 2018)
- Named a “Leading Lawyers” for “Antitrust – Civil litigation/Class Actions – Plaintiff” by The Legal 500 (2018, 2019)
- Named to the Global Competition Review’s *Who’s Who Legal: Competition* – a guide to the world’s leading competition lawyers and economists (2018, 2019).
- Named a “[Giant Slayer](#)” by *The Recorder* (2017, ALM Publication)
- Named a “[Competition MVP](#)” by *Law360* (2017)
- Selected as one of the 30 [Top Plaintiff Lawyers in all of California in 2016](#) by *The Los Angeles Daily Journal*
- Named a “Super Lawyer” by Southern California Law & Politics magazine (2004-2019, Thomson Reuters)
- Named a Litigation Star by *Benchmark Litigation* (2014 – 2017)
- Named by *US News* as one of the *Best Lawyers in America* for Commercial Litigation and Litigation – Securities (Los Angeles, 2016-2020, *Woodward-White, Inc.*)
- Ranked by Martindale-Hubbe as an AV Preeminent Lawyer (2017 – 2019)
- Named a “[Class Action MVP](#)” by *Law360* (2013)
- Recipient, 2012 Jewish Federation of Los Angeles’ Bruce I. Hochman-Maimonides Torch of Justice Award
- Recipient, 2004 American ORT Jurisprudence Award
- Named one of Law Dragon’s 500 Leading Plaintiff’s Lawyers (2007)
- Named one of Law Dragon’s 100 Lawyers You Need To Know in Securities Litigation (2008)

## Books and Articles

- Co-author, California Federal Civil Rules (LexisNexis 2017)
- Co-author, California State Antitrust and Unfair Competition Law (Matthew Bender & Co. 2014), published by the Antitrust and Unfair Competition Law Section, State Bar of California
- “Choosing Between Class and Derivative Actions,” published in Second Annual Institute, Class and Derivative Litigation in the 1990’s — The New Frontier (Prentice Hall Law & Bus. 1991); and the same topic for subsequent Annual Institutes
- “Measures of Damages in Private Actions for Violations of the Federal Securities Laws: The Basic Rules and Selected Problems,” published in Securities Litigation 1990 (PLI 1990)
- “Shareholders’ Derivative Suits in Contests for Corporate Control,” published in Securities Litigation 1986: Prosecution and Defense Strategies (PLI 1986)

## Professional Associations and Memberships

- Past Vice-Chair of the Executive Committee, Antitrust and Unfair Competition Law Section, State Bar of California
- Past President and current member of the Board of Directors of the Ninth Judicial Circuit Historical Society
- Past President and current member of the Board of Directors of the Legal Aid Foundation of Los Angeles
- Life Member of the American Law Institute
- Member, Advisory Board of the American Antitrust Institute

- Member, The Chancery Club
- Member, Board of Directors of the American Constitution Society for Law and Policy
- Member, Board of Directors of the National Equal Justice Library
- Member, Board of Directors, American Friends of Hebrew University, Western Region
- Member, Board of Trustees of the Lawyers Committee for Civil Rights Under Law
- Member, Board of Directors of the Friends of the Los Angeles County Law Library
- Life Fellow of the American Bar Foundation
- Member, American Bar Association (and its Business Law, Antitrust Law, Torts and Insurance Law, and Litigation Sections)
- Member, Board of Counselors for Equal Justice Works

## Notable Representation

- In re: *Libor-Based Financial Instruments Antitrust Litigation*, Susman Godfrey serves as court-appointed co-lead counsel in this consolidated antitrust proceeding arising out of the LIBOR scandal. Seltzer is one of most senior members of the Susman Godfrey trial team in this litigation. Susman Godfrey represents the over-the-counter direct purchaser class, which was certified by the Court in 2018- the only one of several proposed classes to receive certification. Recent agreements with several defendants have brought settlements to date to nearly \$600 million. Each of the settling defendants has also agreed to cooperate in the ongoing litigation against the remaining non-settling defendants.
- *In re Animation Workers Antitrust Litigation*, consolidated class actions filed in San Jose federal court on behalf of animation workers who were allegedly subject to wage suppression as a result of “no poaching” agreements by their employers. Marc Seltzer and the firm were appointed to serve as co-lead counsel for the plaintiffs. Over \$168 million in settlements, before fees and expenses, were secured for the benefit of the class. Seltzer was named a “[Giant Slayer](#)” by *The Recorder* (2017, ALM Publication) for his work on this case.
- *In re Korean Air Lines Co., Ltd. Antitrust Litigation*, consisting of more than eighty consolidated antitrust class action cases pending in the Los Angeles federal court. Marc Seltzer was appointed by the Los Angeles federal court to serve as one of the co-lead counsel for the class. Plaintiffs alleged that the two airline company defendants conspired to fix the prices of tickets for travel between the United States and Korea. The case was settled for \$86 million in cash and travel vouchers, with the class receiving approximately \$60 million.
- *Schulein, et al. v. Petroleum Development Corp., et al.*, a case in which Marc Seltzer served as lead counsel for the plaintiffs in a class action brought in Santa Ana federal court on behalf of more than 7000 limited partners who invested in 12 oil and gas limited partnerships. Plaintiffs alleged the defendants made false and misleading statements and omitted material information regarding the value of the partnerships in proxy statements used to solicit votes in favor of mergers that cashed the plaintiffs out of their investments. After three years of hard fought litigation, the case was settled on the eve of trial for \$37.5 million, with the class receiving approximately \$24 million.
- *In re Structured Settlement Litigation*, a series of consolidated class actions were brought in the Los Angeles Superior Court in which Marc Seltzer served as one of the lead counsel for the plaintiffs. The plaintiffs were parties to structured settlements that resolved their personal injury and wrongful death cases. They were victimized years later by the alleged fraudulent conversion of U.S. Treasury bonds backing their settlements. The litigation was settled for approximately \$130 million. More than \$100 million was distributed to the class.
- *McGuire v. Dendreon Corp.*, consolidated securities fraud class action cases filed in Seattle federal court in which Marc Seltzer was appointed by the Court to serve as lead counsel for the class. Plaintiffs alleged

that defendants had made false and misleading statements about a new drug that the company planned to sell. The case was settled for \$16.5 million, with the class receiving approximately \$12 million.

- *Clark v. AdvanceMe, Inc.*, a class action brought in Los Angeles federal court challenging financial arrangements with retail merchants under California's laws against usury. Marc Seltzer served as lead counsel for the class. The case was settled for approximately \$23.4 million in cash and other economic consideration, with the class receiving approximately \$19 million.
- *CLRB Hanson Industries, LLC v. Google, Inc.*, a class action for alleged overcharging for advertising services which was settled for \$20 million, with the class receiving \$15 million. Marc Seltzer successfully argued the appeal from the judgment approving the settlement before the Ninth Circuit. See 465 Fed. Appx. 617 (9th Cir. 2012)
- *In Re Universal Service Fund Telephone Billing Practices Litigation*, an antitrust and breach of contract class action involving more than fifty consolidated cases in which Marc Seltzer served as co-lead counsel for plaintiffs. The case was settled as to one defendant for benefits to the class totaling \$25 million, and tried to a verdict as to the remaining defendant. The jury found in favor of defendant on the antitrust claim and returned a verdict in favor of plaintiffs on the breach of contract claim which was affirmed by the Tenth Circuit. The trial court issued numerous published decisions in this matter. See, e.g., *In Re Universal Service Fund Telephone Billing Practices Litigation*, 300 F. Supp.2d 1107 (D. Kan. 2003).
- *Masimo Corp. v. Tyco Healthcare Group L.P.*, an individual antitrust case for monopolization and restraint of trade in which Marc Seltzer served as co-trial counsel for the plaintiff. The case was tried to a verdict resulting in an award in favor of our client. A new trial was granted as to damages. On retrial, the Court awarded approximately \$45 million in damages (after trebling). The Ninth Circuit affirmed the liability verdict and damages award. See 350 Fed. Appx. 95 (9th Cir. 2009). Our client received a net recovery of approximately \$27 million.
- *White v. NCAA*, an antitrust class action brought in Los Angeles federal court challenging limitations on financial assistance provided by colleges and universities to student athletes. Marc Seltzer served as co-lead counsel for the plaintiff class. The case was settled for benefits netting the class approximately \$220 million, plus court-approved attorneys' fees and costs.
- *Livid Holdings, Ltd. v. Salomon Smith Barney, Inc.*, a securities fraud case brought on behalf of an investor in a start up company. Marc Seltzer was retained to represent the plaintiff on appeal following the dismissal of the action by the trial court, and was successful in overturning the dismissal of the case. See *Livid Holdings Ltd. v. Salomon Smith Barney, Inc.*, 416 F.3d 940 (9th Cir. 2005). The case was subsequently settled for a confidential amount.
- *In Motorcar Parts & Accessories Securities Litigation*, fourteen consolidated securities fraud class actions in which Marc Seltzer was appointed by the Los Angeles federal court to serve as lead counsel for the class. The case was settled for \$7.5 million. See *Z-Seven Fund, Inc. v. Motorcar Parts & Accessories*, 231 F.3d 1215 (9th Cir. 2000).
- *In re IDB Communications Group, Inc. Securities Litigation*, in which Marc Seltzer served as one of four co-lead counsel appointed by the Los Angeles federal court to represent the plaintiff class in more than twenty consolidated securities fraud class action cases. The case was settled for \$75 million.
- *In re Taxable Municipal Bond Securities Litigation*, in which four lawyers, including Marc Seltzer, served on Plaintiffs' Executive Committee, and together with plaintiffs' lead counsel, supervised and managed every aspect of the litigation. This litigation was a consolidated multi-district proceeding brought on behalf of defrauded purchasers of taxable municipal bonds. The case resulted in numerous reported decisions on important recurring issues arising under the federal securities laws. See, e.g., *In re Taxable Municipal Bond Litigation*, [1993 Transfer Binder] Fed. Sec. L. Rep. (CCH) 97,742 (E.D. La. 1993). After several years of intense litigation, the case was settled for approximately \$110 million.
- *Cowles v. Gannett Outdoor Co., Inc.*, of Southern California, coordinated class actions brought in Los Angeles federal court for an alleged conspiracy to suppress competition for leases for billboards sites in Southern California in violation of § 1 of the Sherman Act. Marc Seltzer served as co-lead counsel for the class. The case was settled for \$6.5 million.

- *Slaven v. B. P. America, Inc.*, a class action brought in Los Angeles federal court on behalf of fishermen and business owners for economic losses suffered as a result of the spill of more than 200,000 gallons of crude oil from a tanker off the coast of Huntington Beach, California that befouled coastal waters and nearby beaches. The case was brought under the Trans-Alaska Pipeline Authorization Act, admiralty law and the law of California, and resulted in several published decisions in the district court and the Ninth Circuit. See, e.g., *Slaven v. B. P. America, Inc.*, 973 F.2d 1468 (9th Cir. 1992). Marc Seltzer served as co-lead counsel for the class. The case was ultimately settled for \$4 million, plus court-approved attorneys' fees and costs.
- *In re Carnation Company Securities Litigation*, consolidated class actions for violation of the federal securities laws brought in Los Angeles federal court. The plaintiffs alleged that false denials were made relating to the potential takeover of Carnation Company by Nestle, S.A., before the merger of the two firms was announced. Marc Seltzer served as co-lead counsel for the class. The case was settled for \$13 million.
- *In re International Technology Securities Litigation*, consolidated securities class actions filed in Los Angeles federal court. The plaintiffs alleged that the Company's financial statements were materially misleading for failing to earlier write off or set up appropriate accounting reserves relating to the Company's off-site waste disposal operations. Marc Seltzer served as co-lead counsel for plaintiffs. The case was settled for \$12 million in cash and newly-issued securities.
- *Guenther v. Cooper Life Sciences, Inc.*, a combined stockholders class and derivative action brought in San Francisco federal court for alleged false and misleading statements regarding the Company's products and prospects. Marc Seltzer served as co-lead counsel for plaintiffs. The case was settled for \$9.85 million in cash plus non-cash economic benefits valued at \$8.3 million.
- *Heckmann v. Ahmanson*, consolidated class and derivative actions arising out of the alleged "greenmailing" of the Walt Disney Co. by Saul Steinberg. Marc Seltzer was one of the lead counsel for the class of stockholders. The case was settled after three weeks of trial for approximately \$60 million. See *Heckmann v. Ahmanson*, [1989 Transfer Binder] Fed. Sec. L. Rep. ¶ 94, 447 (Cal. Sup. Ct. April 12, 1989) (order denying summary judgment).
- *Financial Federation, Inc. v. Ashkenazy*, in which Marc Seltzer and his co-trial counsel successfully defended at trial an anti-takeover case brought by a financial institution in Los Angeles federal court under the federal securities laws and the RICO statute against persons who allegedly sought to take control of the institution. See *Financial Federation, Inc. v. Ashkenazy*, [1984 Transfer Binder] Fed. Sec. L. Rep. (CCH) 91,489 (C.D. Cal. 1983).
- *Green v. Occidental Petroleum Corp.*, in which Marc Seltzer, together with co-counsel, represented plaintiffs in consolidated securities fraud class action cases that established important precedent in the Ninth Circuit regarding the certification of plaintiff classes and the computation of damages in securities fraud cases. See *Green v. Occidental Petroleum Corp.*, 541 F.2d 1335 (9th Cir. 1976). The case was settled for \$12 million.
- *Wool v. Tandem Computers, Inc.*, a securities fraud class action in which Marc Seltzer played a leading role. One of the notable achievements in this case was a victory for the plaintiffs in the Ninth Circuit which established important precedent concerning the measure of damages recoverable in federal securities fraud class action cases, the standard for "controlling person" liability under the federal securities laws and the requirements for pleading fraud with the particularity specified under Rule 9(b), Fed.R. Civ. P. See *Wool v. Tandem Computers, Inc.*, 818 F.2d 1433 (9th Cir. 1987). Following the issuance of the Ninth Circuit's decision, the case was settled for \$16.5 million.
- *Plaine v. McCabe*, a securities class action, in which Marc Seltzer argued before the Ninth Circuit, obtaining a substantial victory for plaintiffs, and establishing significant precedent in the Ninth Circuit regarding the standards for liability and remedies for violations of tender offer disclosure rules under the federal securities laws. See *Plaine v. McCabe*, 797 F.2d 713 (9th Cir. 1986).
- *Biben v. Card*, consolidated securities fraud class actions where Marc Seltzer served as co-lead counsel for plaintiffs. The plaintiffs achieved substantial pretrial victories, including establishing the validity of

their claims under the federal securities laws against the defendants in that case. See *Biben v. Card*, [1984-1985 Transfer Binder] Fed. Sec. L. Rep. (CCH) 92,010 (W.D. Mo. 1985), on denial of motion for reconsideration, [1984-1985 Transfer Binder] Fed. Sec. L. Rep. (CCH) 92,083 (W.D. Mo. 1985). The case settled for approximately \$12 million.

- *Sanwa Bank California v. Facciani*, where Marc Seltzer was co-lead counsel for a plaintiff class in which settlements totaling approximately \$26 million in cash were obtained on behalf of defrauded investors who were victimized by an alleged Ponzi scheme.
- *In re California Indirect-Purchaser Infant Formula Antitrust Class Action Litigation*, comprised of several consolidated consumer class actions brought for alleged price-fixing of infant formula products. Marc Seltzer was appointed by the Court to serve as one of two co-lead counsel for plaintiffs and the class. The case was settled for approximately \$20 million.
- *Small v. Sunset Park*, where Marc Seltzer was lead counsel for a class of investors involving an alleged Ponzi scheme in which settlements totaling more than \$16.8 million were achieved (\$11.8 million net to the class), including \$12 million paid in settlement by a then “Big Five” accounting firm.
- *In re Applied Magnetics Corporation Securities Litigation*, consolidated securities fraud class actions, filed in Los Angeles federal court, where Marc Seltzer was appointed co-lead counsel for the class. Plaintiffs successfully defended against defendants’ motion to dismiss plaintiffs’ consolidated complaint. See *In re Applied Magnetics Corp. Sec. Litig.*, [1994-1995 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 98,345 (C.D. Cal. 1994). The case was subsequently settled.
- *Schneider v. Traweck*, federal and state court securities fraud class actions in which Marc Seltzer served as lead counsel for the plaintiffs. Significant victories were obtained on plaintiffs’ behalf in defeating motions to dismiss and in obtaining class certification. See *Schneider v. Traweck* [1990 Transfer Binder] Fed. Sec. L. Rep. (CCH) 95,419 and 95,505 (C.D. Cal. 1990). The case was settled for approximately \$14 million, \$10.8 million net to the class.
- *Johnson v. Boston*, where Marc Seltzer was co-lead counsel for a nationwide class of investors in promissory notes victimized by an alleged Ponzi scheme. Approximately \$20 million in settlements were obtained for the defrauded investors.
- *Lilienthal v. Levi Strauss & Co.*, an individual minority shareholder’s action for alleged breach of fiduciary duty by the majority owners, which resulted in a judgment after trial for the plaintiff providing for a recovery in excess of \$3 million. Plaintiff subsequently collected more than \$2 million net of attorneys’ fees. Marc Seltzer was co-trial counsel for the plaintiff with Jack Corinblit.



## SUSMAN GODFREY L.L.P.



Steven G. Sklaver

Partner

Los Angeles

(310) 789-3123

ssklaver@susmangodfrey.com

### Overview

Named one of [California's Lawyer Attorneys of the Year](#) in 2017 and selected as "Top Plaintiff Lawyers in all of California" in [2016](#) and [2017](#) by *The Daily Journal*, Steven Sklaver has secured substantial litigation victories for both plaintiffs and defendants. For plaintiffs, Sklaver was lead counsel for a certified class of insurance policy owners, helping them achieve what the Court in the Southern District of New York described as "the best settlement pound for pound for the class that I've ever seen." You can read the Court's statement in full [here](#). You can also read more about the case in The Deal's profile on the litigation [here](#). Sklaver was also lead trial and appellate counsel for investors against an insurance company that resulted in a complete victory and full pay-out of a \$20 million life insurance policy. A copy of the appellate court decision is available [here](#). To listen to Sklaver's appellate oral argument, click [here](#). That matter was the feature cover story of the [April 2012 California Lawyer](#).

Sklaver also represents the former members of the legendary rock group The Turtles in ***Flo & Eddie, Inc. v. Sirius XM Radio, Inc.*** (C.D. Cal.) in a certified class action lawsuit against Sirius XM that settled less than 48 hours before the jury trial was scheduled to begin. Sirius XM agreed to pay at least \$25.5 million (over \$16 million after fees and expenses) and royalties under a 10-year license that is valued up to \$62 million (over \$41 million after fees and expenses) as compensation for publicly performing without a license Pre-1972 sound recordings. The settlement was [approved by the Court](#), and has received widespread media coverage from publications such as [The New York Times](#), [Billboard](#), [The Hollywood Reporter](#), [Law360](#), [Rolling Stone](#), [Variety](#), [Reuters](#) and [Managing IP](#).

Within six months after the Sirius XM class action settled, so did Sklaver's [copyright class action](#) brought on behalf of artists owed mechanical royalties for compositions made available by Spotify, the leader in digital music streaming. [Spotify agreed to a class action settlement valued at over \\$112 million](#) (over \$95 million after fees and expenses), a settlement for which the district court granted final approval and remains subject to a pending appeal. You can read more about this matter in [Billboard](#).

Sklaver's many significant and widely covered class action results in 2016 helped secure Susman Godfrey's recognition as *Law360's* "Class Action Group of the Year" in early 2017. You can read that article announcing the award [here](#).

For defendants, Sklaver has handled numerous employment class actions across the country. He served, along with the Managing Partner of Susman Godfrey, as trial counsel for Wal-Mart, the world's largest retailer, trying a large employment class action in California. He also successfully defended and defeated class certification in numerous, substantial wage and hour matters for Alta-Dena Certified Dairy, LLC, dairy producers for Dean Foods, one of the leading food and beverage companies in the United States. Copies of the pro-employer decisions are available [here](#), [here](#), and [here](#).

Sklaver has tried complex commercial and class action disputes — including jury trials and bench trials in federal and state court, as well as arbitrations. Sklaver graduated cum laude from Dartmouth College, magna cum laude and Order of the Coif from Northwestern University School of Law, and clerked for Judge David Ebel on the United States Court of Appeals for the Tenth Circuit. Sklaver also won the National Debate Tournament for Dartmouth College, and is just one of four individuals in debate history to win three national championships at the high school and collegiate level. From 2010-2017, Sklaver has been recognized every year as a “Super Lawyer” in Southern California, awarded to no more than the top 5% of the lawyers in the state of California (Law & Politics Magazine, Thomson Reuters).

Sklaver currently serves on the Board of Directors for the Western Center on Law & Poverty, the Los Angeles Metropolitan Debate League, and the Association of Business Trial Lawyers. Sklaver was also selected as the 2016-2017 Ninth Circuit Judicial Conference Lawyer Representative.

## Education

- Dartmouth College (B.A., *cum laude*)
- Northwestern University School of Law (J.D., *magna cum laude* and Order of the Coif)

ov

## Clerkship

Law Clerk to the Honorable David M. Ebel, United States Court of Appeal for the Tenth Circuit

## Honors and Distinctions

- Named one of [California’s Lawyer Attorneys of the Year](#) in 2017 by *The Daily Journal*. Click [here](#) for a photo of Sklaver, along with co-counsel, receiving the award.
- Selected as 1 of the 30 [Top Plaintiff Lawyers in all of California in 2016](#) by *The Daily Journal*
- 2010-2018 listings of Southern California “Super Lawyers” awarded to no more than the top 5% of the lawyers in the state of California (Law & Politics Magazine, Thomson Reuters)
- Northwestern Law Review member and editor
- National Debate Tournament (NDT) collegiate championship winner

## Articles and Speeches

“Federal Power to Commandeer State Courts: Implications for the Theory of Judicial Federalism,” 32 *Ind. L. Rev.* 71 (1998) (with Martin H. Redish, Professor, Northwestern University School of Law).

## Speaking Engagements

- “Compliance Track: Cost of Insurance Litigation Overview” – The 24th Annual Fall Life Settlement and Compliance Conference (Orlando, Florida)
- “Cost of Insurance” – The Life Settlements Conference 2018 (New York City, NY)
- “Cost of Insurance: What Has Been Filed and Decided and What Will Happen Next?” Anticipating Tomorrow – A Symposium on Emerging Legal Issues in Life Insurance. (Philadelphia, PA)
- “Current COI Increases – What’s it All About? The Legal Perspective.” ReFocus2017 Conference (Las

Vegas, NV)

- “Litigation Update: Will the Arthur Kramer Insurable-Interest Decision Lift the Cloud Over Much of the Litigation in the Market?” The 2011 International Life Settlements Conference (London, England)
- “Seeking Interlocutory Appellate Review of Class-Certification Rulings: Tactics, Strategies, and Selected Issues.” Bridgeport 10th Annual Class Action Litigation Conference (Los Angeles, CA)
- PwC 2010 Securities Litigation Study Luncheon. (Los Angeles, CA)
- Life Settlement Litigation Update. 2010 Life Settlement Compliance Conference and Legal Round Table (Atlanta, GA)
- “Litigation: What are the Legal Trends Affecting the Market?” The Life Settlements Conference 2010 (Las Vegas, NV)

## Professional Associations and Memberships

- United States Supreme Court
- United States Court of Appeals for the Ninth and Tenth Circuits
- United States District Courts for the Central, Southern, Northern, and Eastern Districts of California and District of Colorado
- Admitted to state bars of Illinois, Colorado, and California
- Board of Directors, Los Angeles Metropolitan Debate League
- Board of Directors, Western Center on Law & Poverty

## Notable Representations

### Class Actions

- **Copyright Infringement:** Sklaver serves as co-lead counsel with the Gradstein & Marzano firm representing Flo & Eddie (the founding members of 70’s music group, The Turtles) along with a class of owners of pre-1972 sound recordings for copyright violations by music provider Sirius XM. The day before trial was to commence before a California jury in federal court in late 2016, Flo & Eddie reached a landmark settlement with Sirius XM on behalf of the class in a deal potentially worth \$99 million. The Court granted [final approval of the settlement](#) in May 2017. Click [here](#) for more. Sklaver with his co-leads were recently named “[California Lawyer Attorneys of the Year](#)” by *The Daily Journal* for their outstanding legal work on this case.
- In May 2017, Sklaver, as co-lead counsel with Gradstein Marzano, secured a deal valued at \$112 million to settle a class-action lawsuit with Spotify brought on behalf of music copyright owners. The suit alleged that Spotify made music available online without securing mechanical rights from the tracks’ composers. Under the terms of the deal, Spotify will pay songwriters \$43.45 million for past royalties, as well as commit to pay ongoing royalties that are valued at \$63 million. Read more about the case [here](#) and see Billboards coverage of it [here](#).
- **Insurance:** In a seminal insurance class action filed in the Southern District of New York, resolved in September 2015, Mr. Sklaver served as lead counsel in a case that challenged Phoenix Life Insurance Company’s and PHL Variable Insurance Company’s decision to raise the cost of insurance (“COI”) nationwide on life insurance policy owners. After winning class certification and defeating two motions for class decertification and a motion for summary judgment, the case settled the day of the final Pretrial Conference — less than two months before trial. Settlement terms included: \$48.5 million cash fund (\$34 million after fees and expenses), COI freeze through 2020, and a covenant by Phoenix not to

challenge the policies, worth \$9 billion in face value, when the policies mature on the grounds of lack of insurable interest or misrepresentations in the application. At the final approval hearing, the Court concluded, ***"I want to say publicly that I think this is an excellent settlement. I think this is a superb - this may be the best settlement pound for pound for the class that I've ever seen."*** You can read the statement in full on page 3 [here](#). You can also read more about the case in *The Deal's* feature on the matter [here](#).

- **Antitrust:** *In re Automotive Parts Antitrust Litigation*. In the largest price-fixing cartel ever brought to light, Mr. Sklaver and a team of Susman Godfrey lawyers run a massive MDL litigation in which the firm serves as co-lead counsel for a class of consumer plaintiffs in multidistrict price-fixing cases pending in a Detroit, Michigan federal court. The actions, alleging anti-competitive conduct, were brought by indirect purchasers of component parts included in over 20 million automobiles, and involve parts such as wire harnesses, instrument panel clusters, fuel senders, heater control panels and alternators. The Department of Justice has imposed fines exceeding \$2.6 billion pursuant to guilty plea agreements with some of the defendants, and its investigation is still ongoing. The Susman Godfrey team together with its co-lead counsel has defeated multiple motions to dismiss. Settlements have been reached with a certain defendants for a combined \$620 million thus far. Final settlement (after fees and expenses) has not yet been determined. The case remains ongoing against the remaining defendants.

## LIFE SETTLEMENTS

- Represented Jonathan Berck, as Trustee of the Rosamond Janis Insurance Trust in a \$5 million rescission claim brought by the Lincoln Life and Annuity Company of New York for alleged violations of New York's insurable interest laws and other "STOLI" (stranger originated life insurance) related claims. RESULT: Summary judgment granted in favor of my client. A copy of the summary judgment order is available [here](#).
- Won reversal in a \$20 million life settlement rescission lawsuit against Lincoln Life & Annuity Company of New York. Lincoln's lawsuit was based on allegations that the insurance policies lacked an insurable interest because they were procured by third-parties for investment purposes and because there were net worth and other misrepresentations in the applications. The appellate court ordered that the trial court enter judgment in favor of the trust. The appellate court also affirmed our trial court victory that Lincoln's fraud claim was time barred because the policies were incontestable. The case is *Lincoln Life & Annuity Co. of New York v. Jonathan Berck, as Trustee of the Jack Teren Insurance Trust*, Court of Appeal Case No. D056373 (Cal. Ct. App. May 17, 2011). A copy of the appellate court decision is available [here](#). To listen to Mr. Sklaver's appellate oral argument, [click here](#). The *Teren* case was the feature, cover story of the [April 2012 California Lawyer](#).
- Represents investors, trusts, trustees, brokers, and insureds in life settlement and STOLI litigation across the country against insurance companies seeking to rescind policies with face values worth more than \$125 million. Mr. Sklaver is also a frequent speaker and commentator on life settlement and STOLI litigation, in both [trade publications](#) and [conferences](#).

## FINANCIAL FRAUD

- Represented Royal Standard Minerals, which was the plaintiff in a federal securities lawsuit against a "group" of more than ten dissident shareholders for failing to file Schedule 13-D disclosures. RESULT: Preliminary injunction granted and final judgment entered that, among other things, required for three years the votes of all shares owned by any of the defendants to be voted as directed by the Board of Directors of my client.
- Represented plaintiff who held millions of WorldCom shares as an opt-out to the class in *In re WorldCom Securities Litig.* RESULT: Settled on confidential terms.
- Represented plaintiff Accredited Home Lenders in a TRO and breach of contract action over a wrongful default declared by Wachovia in a credit re-purchase agreement. RESULT: The case was resolved favorably, following the entry of a TRO.

- Represented Walter Hewlett in his challenge to the Hewlett-Packard/Compaq merger. In preparation for that trial, Mr. Sklaver deposed Compaq's former CEO Michael Capellas about his famous handwritten journal note which, describing the merger, stated "at our course and speed we will fail." Mr. Capellas was right.

## **EMPLOYMENT**

- Represented one of the world's largest retailers in the defense of a four month long jury trial, wage and hour class action pending in California. One of the world's largest retailers appointed Susman Godfrey L.L.P. to be its national trial counsel for wage and hour litigation.

## **ANTITRUST**

- Lead day-to-day lawyer for the class in *White, et al. v. NCAA*, a certified, antitrust class action alleging that the NCAA violated the federal antitrust laws by restricting amounts of athletic based financial aid. ESPN Magazine coverage of the lawsuit may be found [here](#). RESULT: The NCAA settled and paid an additional \$218 million for use by current student-athletes to cover the costs of attending college, paid \$10 million to cover educational and professional development expenses for former student-athletes, and enacted new legislation to permit Division I institutions to provide year-round comprehensive health insurance to student-athletes.

## **ENTERTAINMENT**

- Represented NAACP image award winner Morris Taylor "Buddy" Sheffield in his breach of contract lawsuit against ABC Cable Networks Group regarding the creation of *Hannah Montana*. RESULT: Defendant settled less than four weeks before trial.

## **PRO BONO**

- Appointed to represent Carl Petersen, who was charged by the United States Attorney's Office with being a felon in possession of a firearm — a charge that carries a five-year prison sentence and an 89% conviction rate. RESULT: Acquittal. Jury deliberation lasted less than four hours. Appointed by the United States Court of Appeals for the Tenth Circuit as appellate counsel in five cases, including: [United States v. Petersen](#); [United States v. Blaze](#) (specifically noting Mr. Sklaver's "good workmanship"); and [Sorrentino v. IRS](#) (appointed as amicus curiae by and for the Court)

# SUSMAN GODFREY L.L.P.



## Vineet Bhatia Partner

Houston  
(713) 653-7855  
vbhatia@susmangodfrey.com

### Overview

Vineet Bhatia is a seasoned, first-chair commercial trial lawyer with nearly 30 years of experience handling a wide variety of complicated, high-stakes disputes for plaintiffs and defendants. He has tried more than 15 cases to verdict or arbitration decision and has led dozens more that have resolved successfully for his clients before trial commenced.

*“His ability to absorb information is scary; his ability to weave together information is unbelievable. His ability to digest that stuff is fantastic and he has a keen legal mind. He is a brilliant strategist.”*  
- As quoted from Chambers 2018 USA Guide - Antitrust: Mainly Plaintiff

Mr. Bhatia’s renowned trial experience in bet-the-company cases has repeatedly led clients to call him to take over cases shortly before trial. In those situations, clients need a lawyer with a proven track record of consistent trial wins to represent them in their high-stakes litigation. A quick learner, Mr. Bhatia is adept at breaking down complex factual and legal disputes succinctly and convincingly to judges and juries. This skill is invaluable when he comes into a case shortly before trial.

*“Vineet has a knack for putting together a great story but without sacrificing an in-depth knowledge of the details of a case, no matter how complex it may be.”*  
- As quoted from Chambers 2016 USA Guide, State Regulatory & Litigation (Oil & Gas)

Mr. Bhatia has been hired to try lawsuits for numerous Fortune 500 companies, including ACE Limited, Genworth Financial, Great Plains Energy, KBR, LyondellBasell, Philip Morris, Walmart, and Westar Energy. He has also been hired by private equity firms and their portfolio companies, including Apollo and its portfolio company, Hexion Specialty Chemicals. Likewise, Bhatia has faced off against industry giants such as Bank of America, Tyco Healthcare Group, Genzyme Corporation, Wells Fargo, and Venezuela national oil company, PDVSA - and won.

In addition to representing corporate clients, Mr. Bhatia often represents individuals either in mass actions or class actions and smaller companies in their disputes with larger corporate defendants.

Mr. Bhatia’s practice has spanned the country. He has handled lawsuits or arbitrations in Arkansas, Arizona, California, Colorado, Florida, Kansas, Kentucky, Mississippi, Missouri, New York, New Jersey, Massachusetts, North Carolina, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, and Washington. His

cases have involved antitrust, breach of contract, fraud, theft of trade secrets, patent infringement, insurance coverage, environmental contamination, product liability litigation, the federal false claims act, and many other types of cases. Mr. Bhatia has also handled numerous arbitrations arising out of corporate transactions, including disputes related to purchase price adjustments, contingent compensation, and tax sharing agreements. He has also handled arbitrations in London in multiple insurance coverage disputes.

Mr. Bhatia graduated from the Columbia Law School in 1990, where he was a Harlan Fiske Stone Scholar and a Notes and Comments Editor on the *Columbia Law Review*. He started his career at Wachtell Lipton Rosen & Katz in New York City in 1991 and joined Susman Godfrey in 1996. He became a partner at Susman Godfrey a year later in 1997 and has served frequently on the firm's Executive Committee.

## Education

- Rice University (B.A. 1987)
- Columbia University School of Law (J.D. 1990)

## Clerkship

Law Clerk to The Honorable Jack B. Weinstein, United States District Court for the Eastern District of New York

## Notable Plaintiff-Side Victories

Mr. Bhatia has proved repeatedly that he is the lawyer to call when one is looking to secure a significant award from a legal dispute. A few of his high-stakes plaintiff-side litigation victories include:

- Serving as lead counsel to prosecute Peak Web Litigation Trust's \$100+ million claim against Machine Zone for breach of contract, fraud and theft of trade secrets in state court in San Jose, CA. The case was settled in December 2017 shortly before trial for a confidential amount.
- Serving as lead counsel in LyondellBasell's business interruption insurance claim arising out of Hurricane Ike, a matter that was litigated in a confidential arbitration in London. The case settled one day before the arbitration hearing was scheduled to commence. Mr. Bhatia led the settlement negotiations with insurers. The settlement amount is confidential, although LyondellBasell disclosed in SEC filings that it received in excess of \$100 million from its insurers.
- Serving as co-lead counsel in a \$100+ million breach of contract claim brought on behalf of Lyondell-Citgo Refining L.P. against PDVSA, the Venezuela national oil company, for breaching a long-term crude supply contract. The case was filed in the Southern District of New York and arose under New York and Venezuelan law. After defeating PDVSA's motion to dismiss the case under the "act of state" doctrine and completing extensive discovery in the United States and Venezuela, Mr. Bhatia obtained an adverse inference against PDVSA for refusing to produce documents, and, following that discovery sanction, filed a plaintiff-side motion for summary judgment. The case settled on confidential terms while that summary judgment motion was pending.
- Representing the world's largest retailer, Walmart, in its claims against tuna manufacturers for price-fixing in federal court in San Diego. Bhatia was responsible for the day-to-day handling of the case and led the settlement discussions with defendants. Walmart has now resolved all of its claims against the tuna manufacturers for confidential amounts, although one defendant did publicly disclose that it paid \$20.5 million to settle its role in the case. Read more on this case [here](#).
- Serving as lead counsel to two Kansas utilities involved in disputes over wind energy projects. In one

case, he represented KCP&L in an arbitration involving the purchase of wind energy. KCP&L prevailed on all claims in the arbitration. In a second case, he represented a Westar Energy subsidiary, in which his client prevailed on all claims and required the other side to pay attorney fees and costs.

- Being selected by a class of shareholders to serve as lead trial counsel in a securities action against Genzyme Corporation. On the eve of trial, Genzyme agreed to pay \$64 million to the class.
- Making a major contribution to one of 2005's Top Ten Verdicts in the United States, when he and firm founder, Steve Susman, obtained a \$140 million jury verdict (automatically trebled to \$420 million) in an antitrust case against Tyco Healthcare Group. The claims had been brought under the federal antitrust laws based on Tyco's anticompetitive practices that prevented Masimo from selling its competing pulse oximetry products to hospitals located in the United States. In 2006, the Court upheld the jury's findings of antitrust liability but ordered a new trial on damages. The Ninth Circuit Court of Appeals affirmed the liability verdict and the new damage award. Bhatia selected the jury and presented and cross-examined most of the witnesses at trial.
- Serving as co-lead counsel with the head of the firm's Los Angeles office, Marc Seltzer, representing a class of injured people whose reserves for future medical care and living expenses had been looted from trust funds. The suit was filed after the trustee stopped paying disbursements of settlement proceeds to over 250 seriously injured people and wrongful death claimants. In large part due to Mr. Bhatia's efforts, several large financial institutions paid more than \$100 million to settle consolidated class actions enabling plaintiffs to recover 100% of their losses.
- Winning an arbitration on behalf of Lyondell Chemical Company against Atlantic Richfield Company. The arbitration involved the breach of a long-term agreement to supply MTBE. After the arbitration decision, the parties agreed that ARCO should pay Lyondell \$21.5 million. Mr. Bhatia served as lead counsel in this case, and the result was featured in an article in the *National Law Journal* on the top plaintiff firms in the United States.
- Serving as lead counsel for Western Resources in a purchase price adjustment arbitration and related litigation against Westinghouse Electric Corporation. The arbitration and related case involved Western Resources's purchase of Westinghouse's home-monitored security business in December 1996. The terms of the settlement were confidential, although Western Resources disclosed, as required by the SEC, that it received \$37.5 million to resolve all the claims.

## Notable Defense-Side Wins

In addition to winning money for plaintiffs, Mr. Bhatia successfully has defended clients facing multi-million and multi-billion dollar claims. Here are a few examples:

- Most recently, in 2018, two months before trial, American engineering, procurement, and construction company, KBR, asked Mr. Bhatia to serve as lead counsel in a lawsuit in California state court filed against KBR's subsidiary, Wyle Laboratories. The lawsuit had been pending for three years, and the main claim against Wyle Labs was for theft of trade secrets. The plaintiff was seeking tens of millions in damages. Bhatia and his team mastered the complex facts of the case and developed legal defenses that had not been previously asserted by prior counsel. The case was then tried to a jury verdict, with the jury rejecting the trade secret claim and the Court striking nearly all of plaintiff's damages. The plaintiff was awarded less than \$250,000 by the jury (a tiny fraction of what they were seeking) and that amount is now being challenged in post-trial motions.
- Bhatia was part of a team selected to represent Walmart two months before trial, in a theft of trade secret case pending in Arkansas federal court. Mr. Bhatia put on several witness at trial and cross-examined the CEO of the plaintiff and plaintiff's damage expert. While the jury awarded damages to the plaintiff, over 95% of those damages were struck by the Court on post-trial motions. The record that Mr. Bhatia developed during cross-examination was cited extensively in the Court's ruling. The case is currently on appeal.



- During the financial crisis, Mr. Bhatia was hired by longtime client, Genworth Financial, to serve as lead counsel in a series of arbitrations involving mortgage fraud and negligent underwriting arising out of the housing downturn. In one of the cases, two weeks before arbitration proceedings were to begin, Mr. Bhatia's client resolved a dispute with a mortgage originator over \$500-plus million in bulk mortgage insurance. In addition to defending Genworth in such cases, he provided strategic advice to guide them through a multi-year litigation effort.
- Bhatia was serving as co-lead counsel to ConocoPhillips when a federal district court in San Antonio dismissed all claims by 53 plaintiffs suing the company as well as Rio Grande Resources, alleging that defendants' uranium mining and milling operations caused cancer and other medical ailments. Plaintiffs sought damages in excess of \$50 million plus punitive damages; they recovered nothing.
- Mr. Bhatia was selected by Philip Morris to be on a National Steering Committee to organize the defense of tobacco litigation brought by dozens of foreign countries. In that role, he also was charged with leading the defense of the cases brought in Texas. The cases in Texas and throughout the country were dismissed, and those dismissals were upheld on appeal. Philip Morris ended up paying nothing.

## Honors and Distinctions

- Recognized on Lawdragon 500's 2019 list of the country's [Leading Plaintiff Financial Lawyers](#) (2019)
- Recommended Lawyer, Antitrust:Civil Litigation and Class Actions, The Legal 500, (Legal 500), [2019](#)
- Recognized by The Best Lawyers in America for [Excellence in Commercial Litigation](#) (Woodward White Inc., 2018 - 2020)
- Featured in Lawdragon's 2018 cover story, "[Don't Mess With Texas - How Susman Godfrey Became America's Leading Trial Firm](#)"
- Named one of the "[500 Leading Lawyers in America](#)" by *Lawdragon* six years in a row ([2014](#), [2015](#), [2016](#), [2017](#), [2018](#), [2019](#))
- Ranked by Martindale-Hubble as an AV Preeminent Lawyer (2018 - 2019)
- Chambers USA Guide to America's Leading Lawyers - General Commercial Litigation (2009)
- Recognized as a Super Lawyer in 2006 by Texas Super Lawyers (Thomson Reuters) - an honor awarded to the top 5% of lawyers in Texas.
- Recognized as a Rising Star in 2004 and 2005 Texas Super Lawyers (Thomson Reuters) - an honor awarded to the top 2.5% of lawyers in the Texas.

## Professional Associations and Memberships

- Admitted to bar in 1991 (New York) and 1996 (Texas)
- State Bar of Texas
- American Bar Association; Litigation Section, Antitrust Section
- New York State Bar Association
- New York City Bar Association
- Texas Bar Association
- Houston Bar Association

## References

Checking references before you hire someone always makes sense. Mr. Bhatia invites you to ask clients, co-counsel and opposing counsel about his skills as a trial lawyer. If you need phone numbers for any of these individuals, they will be provided upon request.

### **Clients:**

- Mark Calvert – Cascade Capital (Peak Web Litigation Trust matter)
- Celia Bali — KBR, Inc.
- Diana Luo — Walmart Inc.
- Joseph Speelman — LyondellBasell
- Matt Cooper — Capital One (Genworth Financial matters).

### **Co-Counsel:**

- Michael Ioannou — Ropers Majeski
- Jess Askew — Kutak Rock
- Marc Wolinsky — Wachtell Lipton.

### **Opposing Counsel:**

- Orin Snyder — Gibson Dunn & Crutcher
- Robyn Crowther — Steptoe & Johnson

## Video

**Mr. Bhatia cross-examining two key Huntsman witnesses, in connection with Apollo and Hexion's multi-billion dispute with Huntsman.**



## Shawn L. Raymond

PARTNER

sraymond@susmangodfrey.com  
713-653-7817

My Perspective	1
Values	2
Work Ethic	3
Wins	4
What Other People Say	10
Public Service	15

“Whenever we have potential litigation issues, the first and only person I call is Shawn. I trust Shawn and his judgment, and as a client confidently rely on him.”

Tripp Wommack, President and Chief Executive Officer, Sagebrush Oil & Gas

### My Perspective

Whether it’s winning a \$162-million antitrust judgment, obtaining \$450 million in settlements in a False Claims Act case, or securing the voluntary dismissal of a \$300-million fraud case, I focus on all types of heavyweight litigation – for *both* plaintiffs and defendants. I bring a can-do attitude and a work ethic that never quits. My clients describe me as “a passionate advocate,” “a skilled tactician,” and “meticulous” in my preparation.

#### I’ve been fortunate enough to catch the attention of others:

- *Lawdragon, Inc.* included me on its 2019 Lawdragon 500 Leading Lawyers of America list. This comes on the heels of *Lawdragon, Inc.* featuring me in a December 2018 article titled “Lawyer Limelight: Shawn Raymond,” and in December of 2017 as part of its article titled “Don’t Mess with Texas: How Susman Godfrey Became America’s Leading Trial Firm.”
- I was named *The Best Lawyers in America*® 2018 Litigation – Antitrust “Lawyer of the Year” in Houston (*Best Lawyers*). Lightning struck twice as I received the same recognition in 2015.
- I was awarded the Outstanding Antitrust Litigation Achievement in Private Practice at the American Antitrust Institute’s 2018 Antitrust Enforcement Awards.

- In 2018, I was selected to the *Texas Super Lawyers* list for the fifth consecutive year. That follows eight consecutive years of recognition by *Texas Monthly* as a “Texas Rising Star,” including a 2008 cover story titled “How One Man Is Changing the U.S.” *Super Lawyers* and *Rising Stars* are published by *Law & Politics Magazine* (Thomson Reuters). *H-Texas Magazine* had named me a “Top Professional on the Fast Track” five years running (2004-08).
- I have been selected by my peers for inclusion in each edition of *The Best Lawyers in America*® (Woodward White, Inc.) since 2012.
- I have been ranked as one of the top 100 Lawyers in the Houston Region on the 2015 and 2014 *Texas Super Lawyers* list, which is published by *Law & Politics Magazine* (Thomson Reuters).
- Since 2014, I have been featured in either *Benchmark Plaintiffs: The Definitive Guide to America’s Leading Plaintiff Firms and Attorneys* or in *Benchmark Litigation* as a Future Star in the areas of general litigation and class action.
- In 2013, I was elected as President of the Federal Bar Association’s Southern District of Texas Chapter, which serves federal practitioners and the federal judiciary in all seven divisions of the Southern District of Texas.
- In 2011, *The Houston Business Journal* named me to its “40 Under 40” list for being among Houston’s next 40 leaders who excel in their industry, are respected business leaders, and show dynamic leadership in their community.
- In 2010, The Texas Young Lawyers Association presented me with the “I Am a Lawyer” Award in connection with a public service television campaign in which I was one of six featured attorneys.
- The year before that, I received the 2009 Woodrow B. Seals Outstanding Young Lawyer Award. Named in honor of a well-known federal judge, this award is given annually to one Houston attorney under the age of 38 who best represents professional excellence and service to clients, the community and the Bar.

**I also am humbled that recognition has come from outside the courthouse:**

Most recently, the Mayor of Houston proclaimed December 9 as “Shawn Raymond Day” in recognition of my decade-long service to the Houston Area Women’s Center’s mission of helping individuals affected by domestic and sexual violence.

The Houston Astros have honored me with the title “Hometown Hero” and a ceremonial first pitch. Given to one Houston-area citizen each month during the Major League Baseball season, this award recognizes those who have “gone over and beyond and performed extraordinary acts within their communities.” And about that ceremonial first pitch? An iffy strike.

## Values

“Shawn exhibits all the traits you would expect from a partner in one of the nation’s leading litigation boutique firms — zealous advocate, strategic thinker, charismatic and quick on his feet.”

Douglas L. Lawing, Former Senior Vice President and General Counsel, Copano Energ

We do not often talk about our values — those things that guide our lives. Let me share a few of mine.

When I was growing up, my Dad used to say to me, “There are two kinds of people in the world — problem finders and problem solvers. Which kind of person are you going to be?” He taught me never to identify a problem without finding a solution. I think about that when I am deciding whether to take on a new case. Can I solve the problem presented? I take only those cases to which the answer is a solid “yes.”

I got my passion for the law from my Dad, too. When I was in high school, he went bust because he did not have legal counsel. I vowed to become the best advocate I could be for those around me. When I do that today — whether it is in the skyscrapers of New York or Houston or in a classroom in Sunflower County, Mississippi — I bring to the fray cutting-edge knowledge and a passion for righting wrongs. That is what makes me feel good, and that is why I get results.

## Work Ethic

“I have never seen anyone work as hard as Mr. Raymond did on our behalf . . . His involvement and credibility were both cited by the jury as one of the most effective and positive aspects of our case.”

Alfred J. Brothers, Jr., Chief Executive Officer, Cavalry Investments, LLC

I’d like to think that my successes in and out of the courtroom are a product of my unyielding commitment to working hard. I was born in Honolulu, Hawaii, and grew up in Golden, Colorado. I attended The George Washington University in Washington, D.C., and graduated magna cum laude from GW’s Elliott School of International Affairs. During my senior year, I was elected Phi Beta Kappa and received the Wilbur J. Carr Prize in International Affairs.

Fresh out of GW, I joined the Teach for America program, which placed me in Sunflower County, Mississippi — perhaps best known for Fannie Lou Hamer and B.B. King — where I taught high school special education and social studies and coached the varsity football team to the state playoffs. Later, during law school, I co-founded the Sunflower County Freedom Project, which offers educational and leadership enrichment opportunities to teenagers living in the Mississippi Delta. It was my way of leaving a small legacy to the community that had taught me so much.

After finishing my two-year teaching commitment, I enrolled at the University of Texas School of Law. I was fortunate to be judged a champion of the Thad T. Hutcheson First-Year Moot Court Competition, and in my second year of law school my partner and I won the Gibbs & Bruns Moot Court Competition. In the meantime, the W.K. Kellogg Foundation awarded me a Child Welfare Fellowship, and I spent a summer working at the Mississippi Attorney General's Crimes Against Children Division.

Back at UT, I became Managing Editor of the Texas Law Review. After graduating from law school with honors, I journeyed to Galveston, Texas, where I clerked for a United States District Judge. Following my clerkship, I joined Susman Godfrey in 2000 and was elected partner a short four years later.

## Wins

I turn to Shawn and Susman Godfrey because they actually take cases to trial — and win. In my experience, when faced with having to try a case against Susman Godfrey, opposing counsel quickly find a more reasonable position in an effort to avoid trial.

Johnathan Short, General Counsel, IntercontinentalExchange, Inc.

**November 2018**—Erica Harris, Adam Carlis, and I defeated a nearly \$9 million title benefit arbitration claim brought against our energy client in connection with a purchase and sale agreement for oil and gas properties. The arbitrator not only disallowed in its entirety the other side's \$8.94 million title benefit claim, but awarded our client \$784,000 in title defect claims.

**June 2018**—Winning any case in front of the U.S. Supreme Court is a big deal, but securing a 9-0 decision makes victory at the highest court in the land even sweeter. That's what happened in our Vitamin C price fixing class action case. Justice Ginsburg wrote the unanimous opinion reversing the Second Circuit's dismissal of the \$162-million judgment that Jim Southwick, co-class counsel, and I secured in March 2013 following a three-week jury trial in federal court in Brooklyn, NY. The case now returns to the Second Circuit for further proceedings.

**November 2017**—Gaining zero traction with its insurance carriers in securing insurance coverage to defend itself against a government-led Foreign Corrupt Practices Act investigation and related lawsuits, Cobalt International hired Eric Mayer, Adam Carlis, Scott Fulford, and me to level the playing field. We secured multi-million dollar settlements from two insurance carriers.

**March 2017**—Geoff Harrison and I settled a \$20-million breach-of-contract lawsuit relating to an expansion of an ethylene and propylene chemical plant. Our petrochemical industry client alleged that the contractor, a global engineering services and construction company, breached the parties' engineering and procurement contract by failing to meet industry and contractual standards and failing to comply with its warranties. Armed with a detailed certificate of merit prepared by our professional engineering experts, we also alleged claims for negligence and

engineering malpractice based on the contractor's schedule mismanagement, delays, failure to use 3D laser scans, and problematic structural and isometric drawings. The settlement agreement does not allow disclosure of the parties' names or the settlement dollar amount.

**March 2017**—Vineet Bhatia, Krysta Kauble Pachman, and I won a \$6.3-million arbitration award for our energy client. All three arbitrators – including the other side's appointed arbitrator – went our way on every liability issue. At issue in this breach of contract case: whether our client, a large retail energy provider, had to pay the owner of a wind farm for energy that the wind farm did not generate due to reliability directives by a third party that controlled the transmission lines.

**June 2016**—On a pro-bono basis, I – along with several others at the firm – represented a refugee resettlement agency that successfully opposed the state of Texas' effort to block Syrian refugees from being placed in Texas. A Texas federal district court judge threw out the suit, ruling that the state of Texas didn't have a basis to enforce a consultation requirement found in the Refugee Act. The state of Texas subsequently dropped its appeal.

**November 2015**—In what is believed to be the largest settlement ever in U.S. history achieved by a single whistleblower in a False Claims Act case, Bill Carmody, Arun Subramanian, Matthew Berry, Steven Shepard, Elisha Barron, Andres Healy, and I teamed up with Vogel Slade & Goldstein, the U.S. Attorney's Office for the Southern District of New York, and a dozen different state attorneys general to secure a total of \$465 million in settlements from Novartis Pharmaceuticals Corp., Accredo Health Group, and Bioscrip Corp. The case involved claims that Novartis defrauded the Medicare and Medicaid programs by illegally paying kickbacks to pharmacies so that they would recommend to doctors and patients six of Novartis' specialty medications. I took key depositions in this historic case and handled much of the day-to-day case strategy throughout discovery, which involved tens of millions of pages of documents and dozens of depositions. FBI Assistant Director in Charge, Diego Rodriguez, noted that this “settlement with Novartis should serve as a warning to companies who choose to operate their businesses with kickbacks rather than honesty – those companies will pay more in the long run.” The *National Law Journal* named Susman Godfrey the 2016 winner of its “Elite Trial Lawyer” in the category of pharmaceuticals because of this “significant win.”

**July 2015**—Serving as co-lead counsel, Eric Mayer and I, working with Matthew Behncke, secured a complete summary judgment victory for their clients Quanta Services and Quanta's founder and former CEO and Chairman of the Board, John Colson, in a \$30 million lawsuit filed by Patrick Devaney and his consulting company, Trident Ventures, Inc. Devaney, a former Navy Seal, provided consulting services through Trident for Quanta from 2004 until 2012. I handled all facets of the legal strategy of the case, deposed Devaney and presented Colson and Quanta's current CEO for deposition. Over the course of the litigation, plaintiffs filed seven petitions asserting 18 causes of action against Quanta and Colson, most of which centered on their claim that plaintiffs were entitled to a partnership or joint venture interest worth millions in Quanta's international and government business. Quanta and Colson won summary judgment on all of plaintiffs' claims against them, and plaintiffs were ordered to pay costs.

**May 2014**—LyondellBasell Industries and its subsidiary Houston Refining LP hired Geoff Harrison, Trey Peacock, and me to conduct an internal investigation into what they ultimately concluded was a \$76+ million kickback scheme perpetrated by a former marine charter manager employee. We compiled substantial evidence establishing that the former employee and certain of his co-conspirators had engaged in tortious and illegal conduct in an international conspiracy involving conduct in Belize, the British Virgin Islands, Greece, Switzerland, the U.S., and Venezuela. They provided information and assistance to the U.S. Attorney’s office, which secured plea agreements from multiple participants in the kickback scheme, including multi-year prison sentences and \$139 million in civil forfeiture awards. They also filed civil lawsuits against several national and international defendants, asserted pre-lawsuit civil claims against other potential defendants, and handled associated insurance disputes, which, along with proceeds collected from the government forfeitures, led to the recovery of \$75+ million in cash and other consideration. I was actively involved in all aspects of the litigation, including briefing, discovery, and trial preparation.

**March 2013**—After a three-week jury trial in federal court in Brooklyn, NY, Jim Southwick and I, along with Boies Schiller and Hausfeld LLP, obtained a historic \$162 million judgment against two Chinese pharmaceutical companies for violating U.S. antitrust laws by fixing the price of Vitamin C exported to the United States. This is the first time a mainland Chinese company has been held liable for civil antitrust violations in a U.S. courthouse. The nine-figure-judgment came on the heels of a \$22.5 million settlement with two other co-conspirators that took place the day before closing arguments. The verdict received coverage in The New York Times and The Wall Street Journal. It even caught the attention of the Ministry of Commerce of the People’s Republic of China, which issued a statement suggesting “harm” to U.S. interests if the verdict is not overturned.

**November 2012**—Following a two-and-a-half year battle in a \$300 million case brought by the United States, Vineet Bhatia, Shawn Raymond, Rick Hess and I secured a complete victory for their client, KBR. After claiming that KBR had violated the False Claims Act by billing the Army for costs associated with armed private security contractors in Iraq, the United States gave up by filing a voluntary motion to dismiss – with no strings attached. The federal district court ordered the dismissal of all claims against KBR. I handled much of the day-to-day management of the case.

**October 2012**—In what may be the first time a Chinese company has settled a U.S. civil price-fixing cartel case, Jim Southwick and I, along with co-counsel from Boies Schiller & Flexner LLP and Hausfeld LLP, secured court approval – without a single objector – for a \$9.5 million settlement with Aland (Jiangsu) Nutraceutical Co. Ltd. in an antitrust price-fixing class action brought on behalf of direct purchasers of Vitamin C against Chinese Vitamin C manufacturers. I took the key deposition of the individual who served as Aland’s CEO during the relevant time.

**October 2012**—Hired by S&P 500 company Quanta Services, Inc. about one month before the Markman Hearing involving Quanta’s key patent known commercially as the LineMaster robotic arm, I took over the prosecution of this patent infringement case, which had been pending for nearly a year. Following my argument, the court issued a ruling that construed all of the terms at issue in favor of Quanta. Shortly thereafter, the defendants stipulated as to infringement, and the case settled.



**April 2012**—A three-member arbitrator panel issued a unanimous ruling in favor of a large electric utility company represented by Vineet Bhatia, Rob Safi, and me in a multi-million dollar breach of contract claim brought by the subsidiary of one of the world’s largest energy companies. The Panel also ordered the other side to pay nearly \$1 million in attorney fees and expenses. The claims arose from curtailments at a wind farm that were ordered by the regional grid operator. The other side sought millions of dollars in damages for power production losses as well as declaratory relief that would have required my client to pay for future curtailment losses, which likely would have amounted to tens of millions of dollars. Following a four-day arbitration hearing, the entire panel – including the arbitrator picked by the other side – rejected all of the other side’s claims and ordered it to pay every penny in attorney fees and arbitration expenses requested by my client – \$962,071.34 to be exact.

**March 2012**—After securing the dismissal of Oaktree Capital Management from a multi-million dollar fraud case just as the jury panel was about to enter the courtroom, Trey Peacock and I helped secure for the remaining defendant (the CEO of a Houston-based oil and gas company) a judgment notwithstanding the verdict that the Texas Court of Appeals upheld. The appellate court’s affirmance of the of the trial court’s dismissal was based entirely on evidence I presented to the jury and legal arguments Trey and I made to the court.

**July 2011**—The board of directors of a Fortune 1000 company asked Vineet Bhatia and me to evaluate the merits of a decade-old \$100+ million executive compensation case. After receiving this advice, the company immediately hired us to help lead the defense of the case, which was going to arbitration within 120 days. Their legal strategy resulted in the case settling favorably for the company prior to the start of the hearing.

**May 2010**—It’s one thing for a plaintiff to wave the white flag on the courthouse steps; it’s quite another thing for it to happen in the courtroom itself with a jury panel waiting in the hallway. That’s precisely what Trey Peacock and I made happen on May 19, 2010 for its client Oaktree Capital Management, one of the premier private equity firms in the United States.

As 48 potential jurors were about to enter the courtroom for jury selection, Trey and I won a dismissal with prejudice of all claims against Oaktree. The investment banker plaintiff had sought \$7+ million in damages for alleged fraud and breach of fiduciary duty based on the assertion that Oaktree and the CEO of a publicly traded oil and gas company had conspired to cut the plaintiff out of a \$40 million transaction.

In exchange for the dismissal with prejudice, Oaktree paid . . . nothing. Not one penny. And not anything else for that matter. Jim Ford, a Managing Director at Oaktree, called the result a “great outcome” and noted, “We were confident that the jury would find in our favor, but thanks to Trey’s and Shawn’s hard work and legal skills, we never had to find out. We were completely vindicated and able to avoid the cost and uncertainty inherent in any jury trial. We couldn’t be happier with their representation.”

Immediately after the plaintiff dismissed all claims against Oaktree, the remaining defendant hired Trey and I to help its current lawyers try the case.

**April 2009**—Following an intense, consolidated discovery period in which I deposed all key adverse witnesses in this \$14 million breach of contract case brought against Consentino USA – the maker of Silestone – by one of Consentino’s largest distributors, Trey Peacock and I settled the matter on terms that, while confidential, led Consentino’s founder and then President, Roberto Contreras, to comment: “You went above and beyond to secure a positive result. Your preparation was impeccable and you out-lawyered your opponent at every turn.”

**July 2008**—After the trial court certified a Texas-wide class action against The Hertz Corporation in connection with the company’s rental car fuel-service charge, Hertz asked Eric Mayer, Bill Merrill, and me to take the lead on the appeal, which we won. The Court of Appeals for the Thirteenth District Court of Texas reversed the trial court’s class certification order and decertified the class on all claims. I served as the primary author of Hertz’s appellate briefs.

**January 2008**—After a six-year battle, I secured final payment on settlements totaling more than \$2.86 million for 32 clients who received defective Sulzer acetabular shells during hip replacement surgery – a handful of these clients underwent revision surgery to have their defective hip implant removed. After factoring in litigation costs and legal fees, the clients netted more than \$1.68 million.

**August 2007**—Steve Susman and I, along with New York co-counsel, won the appeal of a trial court’s order granting summary judgment for their client, IntercontinentalExchange, Inc. (“ICE”), in a copyright infringement case brought by the New York Mercantile Exchange, Inc. (“NYMEX”) in federal court in New York. The Second Circuit Court of Appeals upheld the dismissal of all of NYMEX’s claims against ICE.

**July 2007**—I led the Susman Godfrey trial team, which included Trey Peacock and Joe Grinstein, to secure a court-approved settlement for a group of plaintiffs who brought a collective action under the Fair Labor Standards Act for unpaid overtime. The case involved closing officers and escrow officers who worked for various subsidiaries of Cendant Settlement Services. Nearly 45% of all the individuals who received an opt-in notice elected to participate in the settlement.

**March 2007**—Ophelia Camiña and I obtained a plaintiff-side verdict in a fraud case brought against three defendants in state district court in Dallas, Texas. The jury found all three defendants liable for fraud or negligent misrepresentation and awarded actual and punitive damages against one of the defendants.

**August 2006**—On behalf of 4300 royalty and overriding royalty owners across the United States, Tom Paterson and I, along with New Mexico co-counsel, obtained a \$27.5 million settlement with ConocoPhillips for alleged underpayment of royalty on natural gas liquids produced from the San Juan Basin of northwestern New Mexico and processed at the New Blanco Plant near Bloomfield, New Mexico. The district court approved the settlement and awarded attorneys’ fees of \$7 million from the settlement fund.

**August 2006**—Along with Tom Paterson and co-counsel in New Mexico, I represented the New Mexico State Land Office and settled a lawsuit with OXY USA, Inc. and an affiliate for under-

payment for royalties allegedly owed to the state for CO<sub>2</sub> produced from the Bravo Dome CO<sub>2</sub> Unit in northeastern New Mexico. OXY agreed to pay \$11.6 million in cash to settle. In addition, OXY agreed to make changes to its methodology for calculating royalty payment by, among other things, tying the value of CO<sub>2</sub> for royalty purposes to the price of oil. The state's economic expert estimated that the value of those changes equaled approximately \$16.6 million, for a total settlement value of approximately \$28.2 million. The court awarded attorney's fees of \$1.4 million from the settlement. In a press release announcing the settlement, Commissioner of Public Lands Pat Lyon said, "This is a great day for New Mexico's school children, as they will benefit from this."

**March 2006**—In a case involving a missing urn at a Houston mausoleum that garnered local media attention, Neal Manne and I defended Congregation Beth Israel pro bono. Prior to trial, they secured a settlement that did not involve the Temple having to pay even a penny of damages. The Temple agreed to buy back two niches at the mausoleum for market value, and the plaintiffs agreed to give some of the repurchase money back to the Temple as a donation to a program for summer camp scholarships.

**September 2005**—Serving as lead counsel, Steve Susman and I won summary judgment for their client, IntercontinentalExchange, Inc. ("ICE"), in a copyright infringement case brought by the New York Mercantile Exchange, Inc. ("NYMEX") in federal court in New York. NYMEX claimed that ICE violated its intellectual property rights and sued for copyright infringement, service mark infringement, violation of the federal and New York State Anti-Dilution statutes, and tortious interference with contract. NYMEX sought tens of millions of dollars in damages and an order barring ICE from referencing NYMEX settlement prices. The court granted ICE'S motion for summary judgment and denied NYMEX'S cross motion for summary judgment.

**September 2005**—Less than a week before the start of a jury trial in Clayton, New Mexico, OXY USA, Inc. agreed to pay \$12 million to settle a class action lawsuit brought by Susman Godfrey's Thomas W. Paterson and me, along with New Mexico co-counsel, on behalf of a class of royalty owners who had leased mineral rights to OXY for the production of CO<sub>2</sub> at the Bravo Dome Unit in northeastern New Mexico. The \$12 million settlement, of which \$3.5 million was awarded for attorneys' fees, represented approximately 90% of the total amount of actual damages sought by the class. The settlement also required OXY to pay litigation expenses of \$400,000 and settlement administration expenses of \$200,000. Finally, OXY has agreed to change how it calculates plaintiffs' royalty on a going-forward basis. This change will result in a near doubling of the royalty amounts OXY was paying the class members before the filing of this lawsuit in 2004.

**June 2004**—I settled a RICO suit brought on behalf of my client, Equistar Chemical Company. The settlement amount equaled more than 100% of the damages Equistar suffered as a result of a scheme to steal stainless steel fittings and valves from the company's La Porte, Texas, warehouse.

**February 2004**—Bill Carmody and I secured a favorable settlement for a man whose left leg was nearly crushed when an 18-wheeler barreled on top of the car he was driving.

**August 2003**—Barry Barnett, Geoff Harrison, and I settled a \$120 million-plus breach of contract claim against Lucent Technologies, Inc. ten months after convincing the Fifth Circuit Court of Appeals to overturn the trial judge’s order dismissing the claims based on the pleadings. I handled much of the day-to-day discovery and mock tried the case for the client. The case settled shortly thereafter for a confidential amount.

**July 2003**—Steve Susman and I won a \$30 million jury verdict for Cavalry Investments L.L.C. against two Bank of America subsidiaries. As a second-year lawyer, I gave the opening statement and put on and cross examined half the witnesses. We alleged that the defendants breached their contract with Cavalry to sell a portfolio of subprime automobile loans. After a six-day trial, the jury found for Cavalry on every issue. The National Law Journal ranked this as the 36th largest verdict in the United States for 2003. The Texas Lawyer listed it as the 6th largest verdict in Texas for 2003. The case later settled for a confidential amount.

**February 2003**—Michael Lee, Carolyn Courville, and I settled a \$5 million breach of contract and fraud case against one of world’s largest finance companies for a confidential amount.

**September 2002**—Ophelia Camina and I represented Minnesota-based Famous Dave’s Barbeque company in a temporary injunction hearing against Colter’s, then the largest barbeque chain in North Texas. Colter’s had obtained a temporary restraining order that prevented Famous Dave’s from opening two of its restaurants. After expedited discovery and a four-day mini-trial, Ms. Camina and I persuaded the judge to deny Colter’s request for an injunction.

**April 2002** —In an arbitration that Neal Manne, Harry Susman, and I tried, we won a \$3 million arbitral award for three senior executives against Cambrian Capital Corp., a mezzanine finance venture owned by Mirubeni Corp., Dominion Capital, and Jefferies & Co. After a one-week trial, the executives won on their claim that Cambrian had breached an equity participation agreement. The arbitrator rejected all of Cambrian’s counterclaims.

## What Other People Say

**S**hawn and Susman Godfrey have been our go-to litigation counsel for all of our most significant, high-dollar and strategically important matters since before IntercontinentalExchange (ICE) became a publicly traded company in 2005.

I turn to Shawn and Susman Godfrey because they actually take cases to trial — and win. In my experience, when faced with having to try a case against Susman Godfrey, opposing counsel quickly find a more reasonable position in an effort to avoid trial.

I also value their versatility. Across both our defense and plaintiff work, Shawn and the Susman Godfrey team have achieved the same effective, efficient results.

***Johnathan Short, General Counsel, IntercontinentalExchange, Inc.***

**S**hawn – I want to thank you for your excellent representation of our company, Capital Title of Texas, in a very important legal matter recently. Facing a large Fortune 500 competitor, we frankly needed the best representation possible. Despite their impressive out-of-state legal team, I think that your firm and you were more than enough lawyer for them. Our successful conclusion of this matter was a result of your prowess as an effective litigator, hard work and nationwide reputation of Susman Godfrey as an excellent litigation firm. Thanks again for your work on our behalf.

***Bill Shaddock, Owner & CEO, Capital Title***

**S**hawn tries to connect with his client on a personal and professional basis. He has passion and conviction around winning his client’s case and he goes the distance on fact finding on every possible angle in his case.

***Jim O’Neil, Former CEO, Quanta Energy***

**D**ear Vineet, Shawn & Krysta – On behalf of the team at Kansas City Power & Light Company, I want to express our appreciation for the way your team handled the arbitration for KCP&L. You presented a very practical and honest perspective on the strengths and weaknesses of our case. The weekly status calls were a great way to keep the KCP&L team stay on top of deliverables and track the evolution of the arbitration. Your team dug in to understand the very technical nature of our dispute and put forth our best case. You also took the time to help us find an expert whose testimony became a crucial part of our case.

The talents and experience of the Susman team was apparent during the arbitration hearing. Despite some snarky comments and behavior from the other side, your team remained professional and courteous to all involved. This made an impression on us and the panel. It was a pleasure working with the Susman team.

***Denise M. Buffington, Director, Federal Regulatory Affairs and Corporate Counsel  
Kansas City Power & Light Company***

**I**n 2009 our business was “blindsided” with an unexpected lawsuit. We were caught completely off guard and really had no idea which way to turn. Fortunately, we were able to meet and present our situation to Shawn Raymond and Erica Harris – they truly worked as a “dynamic duo” on our behalf. They engaged the suing parties head on and in good faith. In less than sixty days the lawsuit was unconditionally dismissed and never went to trial!

Words cannot express the respect and gratitude I have for both of these brilliant lawyers. They routinely worked well into the night to bring resolve to this matter. If you want the best, I recommend Shawn and Erica.

***Rodney Stephenson, President, Trinity Retail Construction***

**N**othing makes me feel better than making the best of a bad situation.

In my dealing with Shawn Raymond, that is exactly what happened. I found myself in a bad situation (a lawsuit). Shawn and his team immediately and enthusiastically pursued all possible courses of action. Just the sincerity, the efficiency, the understanding, and the tolerance on the team helped me feel much better.

After months of hard effort, Shawn and his team fulfilled my dream of beating the other side, and having the lawsuit dismissed – truly making the very best of a bad situation!

I would highly recommend Shawn Raymond to help solve any legal problems you may find yourself in. I know that in the future, if I find myself in another bad situation, I will call on Shawn immediately.

***John Colson, Founder and Retired CEO and Executive Chairman, Quanta Services, Inc.***

**S**hawn Raymond, my lawyer for close to one year in conjunction with an employment arbitration, is a passionate advocate, a skilled tactician, and a person whose commitment to his client is enriched by his knowledge, sensitivity, and interest in the world swirling around him. . . .

While I have spent countless hours with lawyers in the course of my twenty-six year plus career in petroleum finance here in Houston, being placed in the position of having to hire a lawyer to enforce a personal bargain, and to defend oneself against the inevitable barrage of tactical counterclaims from a large corporate adversary, was daunting indeed. Shawn was meticulous in his preparation, and zealous in his efforts to ready me for depositions and trial, and worked hand in glove with all three of us to pull together all the facts to try the case.

Shawn was a steadying and calming influence. He infused all three of us with confidence that our case was rock solid and no stone had been left unturned. He was genuinely interested in us as people, and I felt he had real empathy for us as we battled through a grueling and intimidating process.

***Brian B. Hughes, Executive Director, Macquarie Bank Limited Houston***

**M**y consulting company had a major client who decided not to pay a hefty fee due under the terms of our contract, but who nonetheless claimed right and title to use—and was using—my company’s intellectual property. When I complained, the client CEO said: “You want to litigate? I’ve got over \$400 million in sales. How much you got?” I told him I had Susman Godfrey – and Shawn Raymond. Shawn thoroughly investigated the factual and legal issues surrounding this dispute and wrote a hard-hitting letter that Susman Godfrey sent to the CEO. As a result of Shawn’s involvement, my company got paid every single penny it was owed—without litigation. I’ve turned to Shawn in subsequent disputes because I know I can trust his opinion. “*Shawn est un véritable avocat.*”

***Gilbert Leistner, Chief Executive Officer, The Leistner Group LLC***

Not surprisingly, Shawn exhibits all the traits you would expect from a partner in one of the nation's leading litigation boutique firms – zealous advocate, strategic thinker, charismatic and quick on his feet. But in my experience, what sets Shawn apart is his tireless “hands on” approach and his empathetic nature. Shawn dives into the minutiae of every case and is involved in its every aspect, no matter how menial the task.

This dedication provides my company, as the client, with assurance that all relevant information has been thoroughly considered by the lead attorney and of the most effect representation possible. Also, many say that all great trial lawyers demonstrate an identification with humankind, that they have an empathetic talent that enables them to communicate and relate to a client, a witness, or a jury.

I have been continually impressed with the respect that Shawn shows everyone on my team and his ability to understand not just the litigation but also the context of the litigation in the overall business. As this and his dedication to public service exemplifies, I believe Shawn possesses an ability to empathize that not only serves the public but also makes him an exceptional attorney.

***Douglas L. Lawing, Senior Vice President and General Counsel, Copano Energy***

I have started and operate a number companies. I work with many lawyers, have very many lawyers in my family and indeed my wife and I have law degrees . . . . Whenever we have potential litigation issues the first and only person I call is Shawn. I trust Shawn and his judgment and as a client confidently rely on him.

***Tripp Wommack, President and Chief Executive Officer, Sagebrush Oil & Gas***

... The trial lasted approximately two weeks during which time I spent nearly 12 hours a day with Mr. Raymond and his colleagues. It was during this period that I got to know Mr. Raymond and had the opportunity to see him in action. . . . He was very well prepared and his preparation made a huge difference in the outcome of the case.

His insights into the trial process and tips for handling cross-examination were very valuable. During trial, Mr. Raymond presented the opening argument and handled a number of key witnesses including the experts that testified. He was very effective. Over the two week period, I have never seen anyone work as hard as Mr. Raymond did on our behalf. Throughout the entire trial, Mr. Raymond was constantly aware of everything that was going on . . . .

His involvement and credibility were both cited by the jury as one of the most effective and positive aspects of our case. He developed an excellent relationship with the judge. I believe that without Mr. Raymond's involvement we would not have been successful in this litigation. The jury ruled in favor of Cavalry on all issues of fact. In addition to the actual damages sought, the jury also awarded punitive damages to Cavalry of nearly \$45 million.

***Alfred J. Brothers, Jr., Chief Executive Officer, Cavalry Investments, LLC***

**S**hawn, it was great working with you and the rest of the Susman team. Given the financial implications of an adverse ruling, the outcome was important to Westar. Throughout the case you were extremely professional, and our “Gang of Six” who testified each came away very impressed with your preparation and presentation of Westar's positions. I was, too.

Everybody felt comfortable with giving their direct and cross testimony (and more than a few were a little disappointed that the other side failed to identify many of your “tough crossquestions”). You received rave reviews and several of our witnesses have reached out to both our General Counsel and me wanting to know “where the heck did we find those guys.” Too bad they didn’t get to sit through the whole thing – it was definitely an impressive showing.

What I saw you do to the other side’s damages witness was epic. You absolutely gutted the guy and left the other side with no viable damages model. It was a thing of beauty. That cross, along with your handling of every other aspect of the case, helps explain why we obtained a full victory! Thank you. And I look forward to working with you again.

***Lance Miller, Senior Corporate Counsel, Westar Energy, Inc.***

**I** could not have found a better attorney to represent me when I was blindsided with a claim by a venture capital group....

Shawn is absolutely on top of his game and a jewel for Susman Godfrey. Shawn was always available and well educated about the next steps.

Full of confidence and energy. I fully trust his skills to litigate and glad that he represented me.

***Shailesh Patel, CEO and Owner, River Oaks MRI & Diagnostic***

**S**hawn is the first person I would call if I had a case I could not afford to lose. He has the highest ethical standards of any attorney I know, and he is able to avoid the histrionics that add cost and delay to modern litigation. On top of that, his results are consistently exceptional.

***Aaron Morris, Associate General Counsel, Sunnova Energy Corporation***

**S**hawn is an outstanding trial lawyer and advocate, possessing every trait I want in an advisor – smart, responsive, unflappable, practical and solution-oriented. He maintains perspective and is collaborative when possible, but aggressive when necessary. We’ve relied on Shawn over the years and he has consistently delivered terrific results. I’m always grateful to have him in our corner.

***Martin Boskovich, Managing Director–Legal, Oaktree Capital Management, L.P.***



**S**hawn continuously demonstrates his commitment to creating the best outcome for his clients. His attention to detail, work ethic, and honesty are unsurpassed in the legal field. Equally important, he has a unique ability to break down complicated matters into clear, concise, and direct explanations, leaving you confident that you understand the intricacies of your legal matters. I have complete trust in Shawn for my legal advice.

*Michael MacGregor, CEO, IncubEx*

## Public Service & Professional Associations

“I think we do well to remember that there is nothing inevitable about the creation of the Sunflower County Freedom Project or the U.S. Public Service Academy. Those exist because Shawn was — and continues to be — determined to make them be.”

William Powers, Jr., Former President, The University of Texas at Austin

- Co-Founder, Sunflower County Freedom Project
- Executive Board Member, KIPP: Texas Public Schools
- Former Executive Board Member, KIPP: Houston Public Schools
- Co-Founder, U.S. Public Service Academy
- Past Board Chair, Houston Area Women’s Center
- Past President, The Federal Bar Association, Southern District of Texas Chapter
- Member, Steve Francis Foundation, College Scholarship Selection Committee
- Editor, *The Advocate*, State Bar of Texas Litigation Section Report
- Former member, Houston Independent School District Superintendent’s Public Engagement Committee
- American Bar Association
- Houston Bar Association
- Federal Bar Association
- State Bar of Texas
- State Bar of Arkansas

## Education

The George Washington University (B.A., magna cum laude, 1994)

The University of Texas School of Law (J.D., with honors, 1999)

## Judicial Clerkship

United States District Court for the Southern District of Texas, Galveston Division

## Articles and Speeches

*Where Are the Reasonable Efforts to Enforce the Reasonable Efforts Requirement?: Monitoring State Compliance Under the Adoption Assistance and Child Welfare Act of 1980*, The Texas Law Review, Volume 77, April 1999.

*Tackling E-Discovery on a Budget*, The Advocate, State Bar Litigation Section Report, Volume 51, Summer 2010.

## Shawn L. Raymond

Susman Godfrey LLP  
1000 Louisiana, Suite 5100 Houston, Texas 77002-5096

sraymond@susmangodfrey.com 713-653-7817

# **EXHIBIT B**

**IN RE CAPACITORS ANTITRUST LITIGATION**  
**Case No. 3:14-cv-03264-JD; MDL No. 3:17-md-02801-JD**

**EXHIBIT B**  
**SUSMAN GODFREY**

**Hours and Lodestar on a Historical Basis**  
**April 1, 2018 through August 12, 2019**

- |             |                                     |                              |                             |                |                                 |
|-------------|-------------------------------------|------------------------------|-----------------------------|----------------|---------------------------------|
| Categories: | 1) Legal Research                   | 6) Class Certification       | 11) Settlements & Mediation | <u>TITLE</u>   | (P) Partner                     |
|             | 2) Investigation / Factual Research | 7) Summary Judgment          | 12) Case Management         | <u>ABBREV:</u> | (A) Associate                   |
|             | 3) Discovery                        | 8) Appeals                   | 13) Class Notice            |                | (FLR) Foreign Language Reviewer |
|             | 4) Document Review                  | 9) Court Appearance and Prep | 14) Trial Prep              |                | (DR) Document Reviewer          |
|             | 5) Pleadings, Briefs & Motions      | 10) Experts                  | 15) Trial                   |                | (SPL) Senior Paralegal          |
|             |                                     |                              |                             |                | (PL) Paralegal                  |
|             |                                     |                              |                             |                | (LC) Law Clerk                  |

ATTORNEYS (P, A, CA, CFL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	CUMULATIVE LODESTAR
Seltzer, Marc M. (P)						0.80						0.20				1.00	\$1,500.00	\$1,500.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.80</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.20</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1.00</b>		<b>\$1,500.00</b>

NON-ATTORNEYS (LC, SPL, PL)	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	CUMULATIVE HOURS	HOURLY RATE	PREVIOUS LODESTAR
Jan Cobden (SPL)												10.20				10.20	\$275.00	\$2,805.00
Sarah Rabourn												2.00				2.00	\$125.00	\$250.00
																0.00	\$0.00	\$0.00
																0.00	\$0.00	\$0.00
<b>SUB-TOTAL</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>12.20</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>12.20</b>		<b>\$3,055.00</b>
<b>GRAND TOTAL:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.80</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>12.40</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>13.20</b>		<b>\$4,555.00</b>

# **EXHIBIT C**

*In re Capacitors Antitrust Litigation*

Case No. 3:14-cv-03264-JD

MDL No. 3:17-md-02801-JD

**EXHIBIT C**

SUSMAN GODFREY L.L.P.

Expenses Incurred

April 1, 2018 through August 12, 2019

EXPENSE CATEGORY	AMOUNT INCURRED
Court Costs / Filing Fees	\$
Experts / Consultants	\$
Shipping Costs / Federal Express / UPS	\$
Postage / U.S. Mail	\$
Service of Process	\$
Messenger / Delivery	\$
Hearing Transcripts	\$
Investigation	\$
Lexis / Westlaw / PACER	\$
Photocopies – In House	\$1.90
Photocopies – Outside	\$
Telephone / Telecopier	\$
Travel – Transportation	\$
Travel - Hotels	\$
Travel – Meals	\$
<b>TOTAL:</b>	\$1.90

BACKUP  
MATERIAL  
SUBMITTED  
FOR IN  
CAMERA  
REVIEW