

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANDREW MACKMIN, *et al.*,

Plaintiffs,

v.

VISA INC., *et al.*,

Defendants.

Civil Action No. 1:11-cv-1831-RJL
Assign Date: 8/4/2015
Description: Antitrust – Class Action

**MACKMIN CONSUMER PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR
AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF LITIGATION EXPENSES,
AND SERVICE AWARDS FOR CLASS REPRESENTATIVES**

Pursuant to Federal Rules of Civil Procedure 23(h) and 54(d)(2), the *Mackmin* Consumer Plaintiffs hereby move the Court for (1) an award of attorneys' fees in the amount of \$20,022,000, (2) reimbursement of reasonably incurred litigation expenses in the amount of \$10,000,000, and (3) service awards of \$10,000 for each of the two named representatives of the *Mackmin* Consumer Class. This motion is based on this notice of motion and motion, the accompanying memorandum of points and authorities, the declarations in support of the motion, any papers filed in reply, such oral and documentary evidence as may be presented at any hearing of this motion, and all papers and records on file in this matter.

Dated: February 25, 2022

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
MACKMIN CONSUMER PLAINTIFFS' MOTION FOR AWARD OF ATTORNEYS'
FEES, REIMBURSEMENT OF LITIGATION EXPENSES,
AND SERVICE AWARDS FOR CLASS REPRESENTATIVES**

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GLOSSARY OF TERMS

Term	Description
Bank of America	Defendants Bank of America, National Association, NB Holdings Corporation, and Bank of America Association.
Bank Defendants	Bank of America, Chase, and Wells Fargo.
Carlton Decl.	Declaration of Dennis W. Carlton, concurrently filed herewith.
Chase	Defendants Chase Bank USA, N.A., JPMorgan Chase & Co., and JPMorgan Chase Bank, N.A.
Class Counsel	Hagens Berman, Quinn Emanuel, and Mehri & Skalet.
Defendants	Bank Defendants and Non-Settling Defendants.
Dkt.	All “Dkt.” citations in this brief refer to docket entries in <i>Mackmin et al. v. Visa, Inc. et al.</i> , No. 1:11-cv-1831-RJL (D.D.C.), unless otherwise noted.
Frankel Decl.	Declaration of Alan S. Frankel, concurrently submitted herewith.
Hagens Berman	Hagens Berman Sobol Shapiro LLP.
Joint Decl.	Joint Declaration of Steve W. Berman and Stephen R. Neuwirth in Support of <i>Mackmin</i> Consumer Plaintiffs’ Notice of Motion and Motion for Award of Attorneys’ Fees, Reimbursement of Litigation Expenses, and Service Awards, concurrently submitted herewith.
MasterCard	Defendants Mastercard Inc. and Mastercard International Inc. d/b/a Mastercard Worldwide.
Mehri & Skalet	Mehri & Skalet, PLLC.
Non-Settling Defendants	Defendants Visa and MasterCard.
Quinn Emanuel	Quinn Emanuel Urquhart & Sullivan, LLP.
Plaintiffs or <i>Mackmin</i> Consumer Plaintiffs	Plaintiffs in <i>Mackmin et al. v. Visa, Inc. et al.</i> , No. 1:11-cv-1831-RJL (D.D.C.).
Skalet Decl.	Declaration of Steven A. Skalet, concurrently filed herewith.
Wells Fargo	Defendants Wells Fargo & Company and Wells Fargo Bank, N.A.
Visa	Defendants Visa Inc., Visa U.S.A. Inc., Visa International Service Association, and Plus System, Inc.

I. PRELIMINARY STATEMENT

After more than a decade of hard-fought litigation, Court-appointed Interim Co-Lead Counsel (“Class Counsel”) for the *Mackmin* Consumer Plaintiffs (“Plaintiffs”) secured settlements totaling \$66.74 million from the Bank of America Defendants, the Chase Defendants, and the Wells Fargo Defendants (collectively, the “Bank Defendants”). In light of the substantial risks and complex issues in this litigation, as well as the \$66.74 million common fund created for the Settlement Class, Plaintiffs respectfully request (1) an award of \$20,022,000 in attorneys’ fees—equal to 30 percent of the common fund; (2) reimbursement of \$10,000,000 to cover most (but not all) of the \$13,239,917 in out-of-pocket litigation expenses incurred in connection with prosecuting this litigation; and (3) service awards of \$10,000 for each of the two class representatives.

The \$66.74 million settlement fund from which fees, reimbursements, and service awards have been requested represents an excellent result for the class. This common fund is equivalent to 57.5% of the *maximum* single damages estimated for class transactions at the Bank Defendants’ ATMs. That percentage demonstrates the strength of Plaintiffs’ case and the settlements obtained. The Settlements also leave non-settling Defendants Visa and MasterCard (“Non-Settling Defendants”) jointly and severally liable for the remainder of Plaintiffs’ damages and secure cooperation from the Bank Defendants in the notice process and litigation. These strong results indicate that the requested fee award is fair and reasonable. That is particularly so in light of the significant challenges faced by Plaintiffs throughout this lengthy action, and the effective and efficient work of Class Counsel, who litigated this case on a purely contingent basis in this Court, the D.C. Circuit Court of Appeals, and the Supreme Court.

The requested 30-percent fee award is also reasonable when compared to awards in antitrust class actions in this district. *See, e.g., In re Vitamins Antitrust Litig.*, 2001 WL

34312839, at *9 (D.D.C. July 16, 2001) (awarding attorneys' fees equal to 33.7% of the \$365 million common fund); *In re Lorazepam & Clorazepam Antitrust Litig.*, 2003 WL 22037741, at *3, *9 (D.D.C. June 16, 2003) (in antitrust class action, awarding fees equal to 30 percent of \$35 million settlement fund). Recent scholarship confirms the reasonableness of Class Counsel's fee request. In a 2021 analysis for the 2020 Antitrust Annual Report, Professor Joshua Davis found that among antitrust class action settlements surveyed between 2009 and 2020, the median fee awarded for settlements between \$50 million and \$99 million was 30 percent.

Although not required in this Circuit, the reasonableness of the requested award is further confirmed by a "lodestar cross-check." Based on Class Counsel's lodestar of \$16,473,059 (calculated for this motion based on *historic* rates, *minus* a five-percent across-the-board reduction for billing judgment), the requested award would lead to a modest multiplier of 1.22.¹ That multiplier is well within the range of multipliers granted in similar cases, and lower than many.

Beyond fees, the expenses incurred were all critical to the representation of the Class. Most importantly, the largest category of expenses—the amount spent on economic experts, which constitutes more than 94 percent of the total costs—was essential to collecting the large amount of data needed for the experts' analyses, organizing that complex data into a usable database, and then analyzing the massive database and other documents presented in Professor Dennis Carlton's class certification reports. Even compared to other antitrust class actions, this litigation required an atypically high amount of expert work, as Professor Carlton and Dr. Alan Frankel explain in their declarations submitted concurrently with this Motion. Plaintiffs believe

¹ If Class Counsel used current billing rates to calculate their lodestar, as many courts (including this Court) have done, without any percentage reduction, the lodestar would be \$23,722,023, with the fee request leading to a *negative* multiplier of 0.84.

that the entire \$13,239,917 in expenses was reasonably incurred in connection with this litigation. Nonetheless, in this motion, Plaintiffs respectfully request reimbursement of only a portion of their incurred expenses, \$10,000,000.

Additionally, the requested \$10,000 service award to each of the two class representatives is also reasonable given their significant commitment to the Class and investment of time to this case. Plaintiffs respectfully request that their motion be granted.

II. BACKGROUND

A. The Bank Settlements were the product of more than a decade of determined litigation by Class Counsel.

1. Early victories in the D.C. Circuit and the Supreme Court made these settlements possible.

In October 2011, Plaintiffs filed this action on behalf of themselves and a putative class of consumers who overpaid for surcharges levied on “off-us” transactions throughout the nation at bank ATMs. *See* Dkt. 1. The Bank Defendants and their co-defendants, Visa and MasterCard, moved to dismiss the case, which Class Counsel, on Plaintiffs’ behalf, briefed and argued. The judge previously assigned to this case granted that motion (Dkt. 55) and denied Plaintiffs’ subsequent motion to amend their complaint (Dkt. 71).

Class Counsel appealed that order and briefed and argued the issue in the D.C. Circuit Court of Appeals. Those efforts resulted in a complete reversal of the dismissal order, with a published decision finding that Plaintiffs plausibly stated all elements of their antitrust claims against Defendants. *See Osborn v. Visa Inc.*, 797 F.3d 1057 (2015).

Defendants then petitioned for *certiorari* to the Supreme Court, which the Court granted. In the subsequent merits briefing, Class Counsel explained that, “[a]fter having persuaded [the Supreme Court] to grant certiorari” on a specific, narrow issue, Defendants chose instead “to rely on a different argument” to seek to overturn the D.C. Circuit Court of Appeal’s decision. The

Supreme Court agreed that Defendants overstepped and subsequently dismissed the appeal on the basis that the writ of *certiorari* had been improvidently granted. *See Visa Inc. v. Osborn*, 137 S. Ct. 289 (2016) (Mem.). As this history shows, Class Counsel had to brief complex and unique legal issues before three sets of courts before even proceeding with discovery on behalf of Plaintiffs. Without investing substantial resources in these early efforts, no recovery would have been possible.

2. Class Counsel engaged in substantial written discovery.

After remand to this Court, Class Counsel aggressively pursued discovery to develop Plaintiffs' claims. Before the Supreme Court had even granted *certiorari*, the parties undertook negotiations on a comprehensive case management order and pre-trial schedule. This resulted in a Joint Report on Scheduling Matters (Dkt. 99) in which Plaintiffs agreed to coordinate all three cases for discovery purposes to maximize efficiencies. Joint Decl. ¶ 13. Following an initial status conference, in which this Court encouraged the parties to work collaboratively (Dkt. 113), Class Counsel took the lead role in negotiating a protective order (Dkt. 112), ESI protocol (Dkt. 121), and expert discovery protocols (Dkt. 130). *Id.*

These extensively negotiated protocols set the stage for substantial, yet targeted, written and other discovery, which Class Counsel again took the lead role in pursuing and negotiating. Plaintiffs propounded 38 document requests and 8 interrogatories to both network defendants (Visa and MasterCard), along with 39 document requests and 6 interrogatories to each bank defendant (Bank of America, Chase, and Wells Fargo). *Id.* ¶ 14.

After multiple rounds of in-person, telephonic, and written meet-and-confer negotiations spanning the better part of a year, Defendants ultimately produced more than 239,422 documents, totaling 2,419,934 pages. As this is an antitrust case focusing on alleged overcharges, data productions were of particular importance, and following negotiations, Defendants

ultimately produced an enormous transactional dataset. With the assistance of their experts, Plaintiffs cleaned and processed this dataset so that it could be analyzed for purposes of class certification and merits analyses. *Id.* ¶ 15.

Third-party discovery was also essential in this case, because a single ATM transaction involves several different entities. Members of the Class transacted at ATMs operated by banks other than the Defendant banks, over ATM networks other than those operated by the Defendant networks, and, at times, those transactions were routed through various payment processing entities. None of these entities were parties to the case. Accordingly, both Plaintiffs and Defendants subpoenaed numerous third parties for records and data. As part of this effort, Class Counsel served 24 third-party subpoenas on ATM networks and ATM processors. Ultimately, Plaintiffs obtained more than 205,444 documents (constituting 677,299 pages) and substantial data productions, which Plaintiffs and their experts used to develop the case. *Id.* ¶ 16. In total, Plaintiffs' experts processed and analyzed over 3.5 terabytes of raw data from Defendants and third parties. Carlton Decl. ¶ 7.

Not all third-party materials were produced voluntarily. Class Counsel brought three motions to compel documents against four third parties. One of these motions was withdrawn after the subpoenaed party agreed to produce requested material. The remaining motions were briefed extensively, and argued, before they were transferred to this Court, where they were granted in full.² Joint Decl., ¶ 17. All told, these motions to compel yielded more than 200,000 documents and 600,000 pages of discovery material. *Id.*

² See Minute Order, *Mackmin et al. v. NYCE Payments Network, LLC*, 19-mc-00002 (D.D.C. June 5, 2019); Minute Order, *Mackmin et al. v. Visa, Inc.*, 19-mc-00018 (D.D.C. June 5, 2019).

3. Class Counsel took and defended more than 35 fact and expert depositions and took a lead role in case management.

To progress discovery in this matter, the Court convened regular “Gang of 8” conferences with counsel for all parties. Class Counsel participated in and helped lead every conference for the plaintiff side, and worked extensively with the parties in advance to narrow the issues presented to the Court. Through Class Counsel’s efforts, this process moved discovery forward on multiple fronts and, among other things, also resulted in briefing parameters for class certification that facilitated a fulsome showing from Plaintiffs. Joint Decl. ¶ 18.

Depositions proceeded apace. All told, Class Counsel took and participated in over 35 depositions. *Id.* ¶ 19. Class Counsel deposed the executives most involved in Defendants’ ATM businesses, as well as multiple Rule 30(b)(6) designees. In expert discovery, Class Counsel also deposed an economic expert and an industry expert who supplied reports opposing class certification. Class Counsel also prepared extensively for, and defended, the depositions of the named Plaintiff class representatives (Andrew Mackmin and Sam Osborn), as well as Plaintiffs’ economic expert, Professor Carlton. *Id.*

4. Class Counsel and their experts engaged in extensive expert discovery and analysis that was critical to prosecuting this complex action.

From the very start, expert analysis was essential to this litigation. The existence of the “non-discrimination” pricing rules (“NDRs”) Plaintiffs challenge was never in dispute; rather, the question has always been whether the rules have anticompetitive effects and cause classwide impact. These are questions that cannot fully be answered without sustained economic expert analysis. All parties in this litigation, both plaintiffs and defendants, have retained one or more seasoned economic experts, given this reality. *Id.* ¶ 20.

Class Counsel retained multiple experts, some of which acted in a consulting role and one of which, Professor Carlton, provided testimony. To provide industry analysis and data support,

Plaintiffs retained Dr. Alan Frankel, founder and chair of Coherent Economics, as well as a team of Coherent economists to assist in his work. As their testifying and class certification expert, Plaintiffs retained Professor Dennis Carlton of Compass Lexecon. Plaintiffs split the expert work to maximize efficiencies. Dr. Frankel and his team provided invaluable insight into the ATM industry, along with data analysis. This foreground work allowed Professor Carlton to focus on liability, class certification, and damages issues, which required an enormous amount of data-specific analysis, along with a broader review of the case documents and economic literature. *Id.* ¶ 21.

Overall, this litigation required an atypically high amount of expert work, particularly due to the large amount and nature of data bearing on Plaintiffs' claims. As noted above, it was not enough just to obtain Defendants' documents and data, a task that would have been labor-intensive in its own right. Both Plaintiffs and Defendants also subpoenaed data and documents from two dozen third parties, which magnified the amount of work exponentially. While this data was essential to Professor Carlton's damages analysis, stitching it together required an incredible amount of hands-on analysis. *Id.* ¶ 22; *see* Carlton Decl. ¶¶ 6-9; Frankel Decl. ¶¶ 6-9.

All of this work culminated in Professor Carlton's report supporting Plaintiffs' motion for class certification. The report covered the waterfront of liability and damages issues and concluded that all could be established with common proof. To estimate damages, Professor Carlton constructed a regression model to estimate the relationship between net-interchange and surcharges. He then applied the output of that model to the extensive data Plaintiffs collected to estimate classwide damages. Joint Decl. ¶ 23.

5. Class Counsel completed thorough class certification briefing.

On September 20, 2019, following extensive discovery, Plaintiffs filed their motion for class certification, supported by the Carlton expert report discussed above. *See* Dkt. 177-13, 177-

113. In their class certification motion, Plaintiffs showed, among other things, that Defendants' adoption of the NDRs reduced price competition and increased costs to ATM operators across the ATM industry. Professor Carlton demonstrated that this industry-wide elevation in marginal costs resulted in an industry-wide elevation in surcharges (*i.e.*, consumer prices), which all or virtually all Class members paid and suffered injury as a result. *See* Dkt. 177-13 at 29-45 (discussing Professor Carlton's conclusions).

On February 18, 2020, the Visa and MasterCard Defendants filed their opposition to Plaintiffs' motion for class certification. Dkt. 203. The Bank Defendants did not join this opposition because just prior to its filing, they agreed in principle to settlements with Plaintiffs (though the negotiations leading to the final settlement agreements continued until August 2020). *See* Section II.B.5, *infra*. The opposition to class certification was supported by Professor Glenn Hubbard, as well as by industry expert, Anthony Hayes. Dkt. 203. After deposing Professor Hubbard and Mr. Hayes, Plaintiffs filed their class certification reply brief, supported by the rebuttal report of Professor Carlton, wherein he refuted the criticisms of Professor Hubbard and reconstructed more than 100 regressions Professor Hubbard had supplied to show that, properly specified using all available data, they actually *supported* the propriety of certifying the proposed class. Dkt. 217, 248.

Unlike in most cases where the reply memorandum ends the class certification briefing, that was not the case here. Unsatisfied by the state of play after Plaintiffs' reply brief and Professor Carlton's rebuttal report, Visa and MasterCard filed on September 24, 2020 a motion for leave to file a sur-reply alongside a proposed sur-reply brief and a 278-page sur-rebuttal report by Professor Hubbard. Dkt. 220. Class Counsel then filed an opposition to Defendants' motion for leave to file a sur-reply, explaining that Visa and MasterCard identified nothing

“new” in Professor Carlton’s reply warranting a sur-reply; rather, they simply sought to (unsuccessfully) rehabilitate Professor Hubbard’s analysis that Professor Carlton’s showed was flawed and actually supported class certification. Dkt. 221. After this October 1, 2020 brief, the class certification briefing closed. The Court then granted Plaintiffs’ motion on August 4, 2021. Dkt. 234.

B. Arm’s-length settlement negotiations resulted in settlements that deliver assured and significant monetary relief to the Class, as well as cooperation in the ongoing litigation against Visa and MasterCard.

1. Plaintiffs engaged in extensive settlement negotiations with the Bank Defendants.

Class Counsel and counsel for the Bank Defendants first discussed potential settlement in January 2018, in a mediation before Layn Phillips, one of the nation’s foremost mediators. At that time, before any major discovery had occurred, the parties were unable to reach resolution. Joint Decl. ¶ 27. In mid-2019, after the parties had engaged in substantial discovery, including discovery strongly supporting Plaintiffs’ case, the Chase Defendants and Plaintiffs began to discuss settlement again. *Id.*

In the midst of these discussions, Plaintiffs filed their motion for class certification in September 2019. After numerous exchanges about the scope of the settlement negotiations, and with Defendants’ opposition to Plaintiffs’ class certification motion due in the beginning of 2020, Plaintiffs and the Chase Defendants agreed to have another mediation session with Judge Phillips, and did so in December 2019. *Id.* ¶ 28. That full-day mediation resulted in a settlement that Plaintiffs and the Chase Defendants agreed to in principle. *Id.* Plaintiffs subsequently offered similar settlement terms to the other Bank Defendants, each of whom accepted Plaintiffs’ offer. *Id.* Plaintiffs then negotiated with the Bank Defendants to ensure that the key terms of the

settlements protected the Settlement Class, executing terms sheets with the Bank Defendants in the middle of March 2020. *Id.*

The parties then engaged in numerous negotiation sessions regarding long-form settlement agreements. Those negotiations included specifics about the information and assistance the Bank Defendants would provide to Plaintiffs regarding, *inter alia*, class notice and the payment of settlement funds to members of the proposed Settlement Class. *Id.* ¶ 29. That process, which took many months, resulted in the long-form Settlement Agreements signed in August 2020. Dkt. 250-2, Exs. A, C, E. Throughout, Bank Defendants' counsel, who are highly experienced and capable, vigorously advocated their clients' positions in the settlement negotiations. Joint Decl. ¶ 29. Class Counsel, who were well-informed of the facts and issues concerning liability and damages and the relative strengths and weaknesses of each side's litigation position, as well as the importance of obtaining cooperation and assistance from the Bank Defendants, just as vigorously advocated Plaintiffs' positions. *Id.*

2. The Bank Settlements deliver substantial monetary and non-monetary relief to the Class.

Pursuant to the Settlement Agreements, the Bank Defendants will collectively make cash payments of \$66.74 million, with the Bank of America Defendants paying \$26,420,000, the Wells Fargo Defendants paying \$20,820,000, and the Chase Defendants paying \$19,500,000.

The Bank Defendants agreed to assist the process of providing notice and payment of settlement funds to members of the proposed Settlement Class (thereby reducing costs), including by:

- Providing information reasonably available to help Co-Lead Class Counsel identify potential members of the proposed Settlement Class, including contact information for those individuals or entities; and
- Making reasonable and good faith efforts to cooperate with Plaintiffs' claims administrator and other third party service providers with respect to notice, claims processing, and claims distribution by providing information regarding the Bank

Defendants' respective ability to facilitate notice and direct payments to members of the proposed Settlement Class.

Dkt. 250-2, Exs. A, C & E ¶ 10(b). Prominent among the Bank Defendants' cooperation is that they collectively agreed to produce email addresses for millions of potential members of the proposed Settlement Class for use in the direct notice program. Joint Decl. ¶ 31. The Bank Defendants ultimately produced a total of 87.68 million unique email addresses to the Settlement Administrator. *Id.*

The Bank Defendants also agreed to assist in the litigation by authenticating and otherwise establishing the admissibility of their documents for use at trial. Dkt. 250-2, Exs. A, C & E ¶ 10(a). In addition, the Bank Defendants have stipulated to certification of the Settlement Class, which is substantively identical to the litigation class definition proposed in Plaintiffs' motion for class certification. *Compare id.*, Exs. A, C & E ¶ 3(a), *with* Dkt. 177-13 at 2. Each proposed Settlement Class is identical, with the Settlement Class defined as:

All individuals and entities that paid an unreimbursed ATM Access Fee directly to any Bank Defendant or Alleged Bank Co-Conspirator for a Foreign ATM Transaction using an ATM card issued by a financial institution in the United States to withdraw cash at an ATM located in the United States at any time from October 1, 2007 to the date of the Preliminary Approval Order.

Dkt. 250-2, Exs. A, C & E ¶ 3(a). In exchange for the consideration described above, members of the proposed Settlement Class for each Bank Defendant group will release the respective Bank Defendants from claims that were or could have been alleged in this Action. *Id.* ¶ 9.³ Claims against the Non-Settling Defendants (Visa and MasterCard) are not released by the settlements,

³ The full text of the proposed release, including the limitations thereof, is set forth in the Settlement Agreements. Dkt. 250-2, Exs. A, C & E ¶¶ 2(ff)-(hh), ¶ 2(rr), ¶ 9.

and these Non-Settling Defendants remain jointly and severally liable for all damages alleged, minus an offset for the settlement amounts.

C. Further proceedings and the current state of play.

On October 5, 2020, Plaintiffs moved for preliminary approval of the settlements with the Bank Defendants and to direct notice to the Settlement Class, which was only a few days after the class certification briefing closed, as discussed *supra* in Section II.B.5. Dkt. 222. Prior to issuing a decision on the preliminary approval motion, on August 4, 2021 this Court issued orders granting Plaintiffs' motion for class certification, as well as the class certification motions of the other two plaintiff groups. Dkt. 234, 235, *amended order* at Dkt. 238. Following the class certification orders, Visa and MasterCard filed petitions under Rule 23(f) for permission to appeal the class certification orders, which after subsequent briefing, the D.C. Circuit granted. *See In re: Visa Inc., et al.*, No. 21-8005 (D.C. Cir. Oct. 1, 2021), Doc. 1916425.

On September 23, 2021, after completion of the 23(f) briefing but before the D.C. Circuit's order granting the petition, this Court denied without prejudice Plaintiffs' motion for preliminary approval of the Bank Settlements as partially moot in light of the Court's order certifying the class and appointing class counsel. *See* Minute Order on Motion for Settlement (Sept. 23, 2021). Plaintiffs filed their renewed motion for preliminary approval of the Bank Settlements and to direct notice to the Settlement Class on October 15, 2021. Dkt. 250. This Court issued an order granting the renewed motion on November 12, 2021. Dkt. 252.

As ordered by this Court, notice to the Settlement Class commenced on December 10, 2021. Joint Decl. ¶ 36. In the meanwhile, Plaintiffs and the Visa and MasterCard Defendants are briefing the class certification appeal before the D.C. Circuit Court of Appeals. *Id.*

III. ARGUMENT

The *Mackmin* Consumer Plaintiffs respectfully request an award of \$20.022 million in attorneys' fees—equal to 30 percent of the \$66.74 million common fund obtained by the Bank Settlements. Although the D.C. Circuit does not require it, if this Court applies a lodestar crosscheck, the requested fee award would result in a modest 1.22 multiplier of Class Counsel's lodestar at historical rates of \$16,473,058,⁴ not including fees spent on this motion, or fees Plaintiffs will incur through final approval, settlement distribution, and appeals. Plaintiffs also request reimbursement of expenses incurred in connection with this litigation of \$10 million, which is close to \$3.24 million *less* than the expenses actually incurred by Class Counsel, \$13,239,917. Finally, Plaintiffs request that this Court grant service awards of \$10,000 to each of the two class representatives.

A. Class Counsel's fee request is fair and reasonable.

The Bank Settlements at issue are common fund, non-reversionary settlements. A court's ultimate duty when determining attorneys' fees in common fund litigation is to ensure that the request is reasonable in light of the overall facts of the case. *Hensley v. Eckerhart*, 461 U.S. 424, 433 (1983); *Swedish Hosp. Corp. v. Shalala*, 1 F.3d 1261, 1265 (D.C. Cir. 1993). In class actions, the common fund doctrine “allows a party who creates, preserves, or increases the value of a fund in which others have an ownership interest to be reimbursed from that fund for litigation expenses incurred, including counsel fees.” *Swedish Hosp.*, 1 F.3d at 1265; *see also In*

⁴ In order to offer as conservative a number as possible, Class Counsel have preemptively reduced their lodestar across-the-board by 5%. Class Counsel also reports their lodestar at *historical* billing rates, even though courts frequently calculate lodestar using *current* (and thus typically higher) billing rates. *See, e.g., In re Nifedipine Antitrust Litig.*, 2011 WL 13392312, at *1 (D.D.C. Jan. 31, 2011) (Leon, J.) (calculating lodestar with current hourly rates); *see also infra* at n.10.

re Black Farmers Discrimination Litig., 856 F. Supp. 2d 1, 39 (D.D.C. 2011). As the Supreme Court has recognized, the doctrine is based on the concept that “persons who obtain the benefit of a lawsuit without contributing to its cost are unjustly enriched at the successful litigant’s expense.” *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980). The doctrine is “designed to spread the costs of litigation among all the beneficiaries of an identifiable fund.” *Bebchick v. Wash. Metro. Area Transit Com.*, 805 F.2d 396, 402 (D.C. Cir. 1986).

The D.C. Circuit has joined other circuits in “concluding that a percentage-of-the-fund method is the appropriate mechanism for determining the attorney fees award in common fund cases.” *Swedish Hosp.*, 1 F.3d at 1271; *accord In re Fed. Nat’l Mortg. Ass’n Sec. Derivative, & “ERISA” Litig.*, 4 F. Supp. 3d 94, 110 (D.D.C. 2013) (Leon, J.); *In re Vitamins Antitrust Litig.*, 2001 WL 34312839, at *2 (“[T]his Circuit requires the percentage of the recovery method in common fund cases . . .”).

Courts do so because the percentage-of-recovery method “directly aligns the interests of the Class and its counsel and it provides a powerful incentive for the efficient prosecution and early resolution of litigation, which clearly benefits both litigants and the judicial system.” *In re Lorazepam*, 2003 WL 22037741, at *7 (citation and internal quotation marks omitted). This is as opposed to the “lodestar method” which, in contrast, “create[s] an unanticipated disincentive to early settlements, tempt[s] lawyers to run up their hours, and compel[s] district courts to engage in a gimlet-eyed review of line-item fee audits.” *Wal-Mart Stores, Inc. v. Visa U.S.A., Inc.*, 396 F.3d 96, 121 (2d Cir. 2005) (alterations in original).

As demonstrated below in Section III.A.1, Plaintiffs’ fee request of \$20.022 million is reasonable under the percentage-of-the-fund analysis utilized in this Circuit.

1. A fee award of 30% of the settlement fund is within the benchmark range and supported by all applicable criteria.

Plaintiffs respectfully submit that a fee award of 20,022,000, equal to 30 percent of the common settlement fund, is a reasonable award under the criteria considered in this Circuit. As this Court has observed, the D.C. Circuit “has not yet developed a formal list of factors to be considered in evaluating fee requests under the percentage-of-recovery method.” *In re Fannie Mae*, 4 F. Supp. 3d at 110-11 (quoting *In re Lorazepam*, 2003 WL 22037741, at *8).

Nevertheless, courts in this district “often consider[] the following seven factors: (1) the size of the fund created and the number of persons benefited, (2) the presence or absence of substantial objections by class members to the settlement terms or fees requested by counsel, (3) the skill and efficiency of the attorneys involved, (4) the complexity and duration of litigation, (5) the risk of nonpayment, (6) the time devoted to the case by plaintiffs’ counsel, and (7) awards in similar cases.” *Id.*

All of these criteria support the fee request here.

a. The fee request is well within the range of awards in similar cases.

To provide appropriate context for the application of these factors to their fee request, Plaintiffs begin by describing the range of awards in similar cases. This court in its 2013 decision in *In re Fannie Fae* explained that “[b]oth nationally in our Circuit, a majority of common fund class action fee awards fall between twenty and thirty percent.” *See* 4 F. Supp. 3d at 111 (citation and internal quotation marks omitted); *see also id.* (quoting 4 William B. Rubenstein, Alba Conte & Herbert B. Newberg, *Newberg On Class Actions* § 14:6 (4th ed. 2002) for the following proposition: “In the normal range of common fund recoveries in securities and antitrust suits, common fee awards fall in the 20 to 33 per cent range.”).

Indeed, Class Counsel's request for an award of 30 percent of the Settlement Fund is in line with, if not lower than, attorneys' fees awarded in several other antitrust and complex class actions in this district. *See, e.g., In re Vitamins*, 2001 WL 34312839, at *9 (awarding attorneys' fees equal to 33.7% of \$365 million settlement fund in complex antitrust class action); *Bynum v. D.C.*, 412 F. Supp. 2d 73, 81 (D.D.C. 2006) (awarding 1/3 (33.3%) of settlement funds in attorneys' fees to class counsel); *In re Lorazepam*, 2003 WL 22037741, at *3, *9 (in antitrust class action, awarding fees equal to 30 percent of \$35 million settlement fund); *Levine v. Am. Psychological Ass'n (In re APA Assessment Fee Litig.)*, 311 F.R.D. 8, 22 (D.D.C. 2015) (awarding 30 percent of settlement fund to counsel); *In re Ampicillin Antitrust Litig.*, 526 F. Supp. 494, 498 (D.D.C. 1981) (noting that several courts have awarded more than 40 percent of the settlement fund in antitrust cases).⁵

Recent scholarship confirms the reasonableness of Class Counsel's fee request. In a 2021 analysis for the 2020 Antitrust Annual Report, Professor Joshua Davis found that among antitrust class action settlements surveyed between 2009 and 2020, the median fee awarded for settlements between \$50 million and \$99 million was 30 percent. *See* Joint Decl., Ex. 13 at 29.

Furthermore, the requested 30 percent fee award is less than the norm in the private marketplace, where attorneys negotiate typical contingent arrangements in excess of 30 percent.

⁵ *See also In re S.E. Milk Antitrust Litig.*, 2013 WL 2155387, at *3 (E.D. Tenn. May 17, 2013) (awarding one-third of \$158 million settlement fund); *In re Iowa Ready-Mix Concrete Antitrust Litig.*, 2011 WL 5547159, at *3 (N.D. Iowa Nov. 9, 2011) (awarding 36 percent of \$18.5 million settlement fund); *In re Polyurethane Foam Antitrust Litig.*, 2015 WL 1639269, at *7 (N.D. Ohio Feb. 26, 2015) (awarding 30 percent of \$147.8 million settlement fund); *In re Transpacific Passenger Air Transp. Antitrust Litig.*, 2015 WL 3396829, at *2 (N.D. Cal. May 26, 2015) (awarding 30 percent of settlement fund due to substantial litigation); *Std. Iron Works v. Arcelormittal (In re Steel Antitrust Litig.)*, 2014 WL 7781573, at *3 (N.D. Ill. Oct. 22, 2014) (awarding 33 percent of \$163.9 million settlement fund); *Bradburn Parent Teacher Store, Inc. v. 3M*, 513 F. Supp. 2d 322, 340 (E.D. Pa. 2007) (awarding 35 percent of \$39.75 million settlement fund); *In re Linerboard Antitrust Litig.*, 2004 WL 1221350, at *19 (E.D. Pa. June 2, 2004) (awarding 30 percent of \$202 million settlement fund).

In re Vitamins, 2001 WL 34312839, at *12 (“[P]ercentage of recovery method is meant to simulate awards that would otherwise prevail in the market”). Attorneys regularly contract for contingent fees between 30 and 40 percent with their clients in non-class, commercial litigation. *Id.* (one-third is a common percentage of recovery in private contingency fee cases); *In re Ikon Off. Sols., Inc., Sec. Litig.*, 194 F.R.D. 166, 194 (E.D. Pa. 2000) (“[I]n private contingency fee cases, particularly in tort matters, plaintiffs’ counsel routinely negotiate agreements providing for between thirty and forty percent of any recovery.”); F. Patrick Hubbard, *Substantive Due Process Limits on Punitive Damages Awards: “Morals Without Technique”?*, 60 Fla. L. Rev. 349, 383 (2008) (discussing “the usual 33-40 percent contingent fee” (quoting *Mathias v. Accor Econ. Lodging, Inc.*, 347 F.3d 672, 677 (7th Cir. 2003))).⁶

In sum, Class Counsel’s 30 percent fee request is well within the range of fee percentages granted in similar common fund cases, and it is in line with, if not lower than, contingent arrangements in the private marketplace. The fee request is particularly reasonable in the circumstances of this case, as further discussed below.

b. The size of the common fund and number of persons benefitted supports the fee request.

One of the most important factors in assessing the reasonableness of a fee request is the result achieved for the Settlement Class. *See Hensley*, 461 U.S. at 436 (“[T]he most critical factor is the degree of success obtained.”). Here, Class Counsel have secured valuable benefits for a nationwide Settlement Class, which weighs heavily in favor of the fee request.

⁶ See also Herbert M. Kritzer, *The Wages of Risk: The Returns of Contingency Fee Legal Practice*, 47 DePaul L. Rev. 267, 286 (1998) (reporting the results of a survey of Wisconsin lawyers, which found that “[o]f the cases with a [fee calculated as a] fixed percentage [of the recovery], a contingency fee of 33% was by far the most common, accounting for 92% of those cases”).

Plaintiffs have a strong case and the settlement values reflect that. Based on the preliminary estimates provided by Plaintiffs' damages expert in their motion for class certification, each of the bank settlements—Bank of America (\$26,420,000), Wells Fargo (\$20,820,000), and Chase (\$19,500,000), totaling \$66.74 million—represents **57.5%** of these banks' *maximum* single damages, as estimated by Professor Carlton. Dkt. 250-2 at ¶ 15.⁷ In *In re Cathode Ray Tube (CRT) Antitrust Litigation*, the court cited a survey of 71 settled antitrust cases which showed a weighted mean recovery of 19% of single damages, demonstrating the strength of a recovery of 57.5% of the potential singles damages attributable to the Bank Defendants. *See* 2016 WL 3648478, at *7 & n.19 (N.D. Cal. July 7, 2016). Indeed, decisions across the country, including in antitrust class actions, have awarded *33 percent* or more in fees where class members recovered 20 percent or less of possible damages in complex and risky actions.⁸

⁷ The 57.5% estimate is based on the damages methodology of the three offered at class certification that yields the *largest* damages estimates (referred to as Approach 3). If one were to look at the other two methods, Approach 1 and Approach 2, the settlements would represent approximately 115% and 77% of the single damages estimated for class transactions at the Settling Banks' ATMs, respectively. Dkt. 250-2 at ¶ 15.

⁸ *See, e.g., In re Lithium Ion Batteries Antitrust Litig.*, 2020 WL 7264559, at *19-*20, *23 (N.D. Cal. Dec. 10, 2020) (describing recovery of 11.7% of possible single damages as an "excellent" result and awarding Class Counsel just under 30% of the settlement fund); Order Granting Award of Attys.' Fees, Reimb. of Expenses & Incentive Payments, *In re Static Random Access Memory (SRAM) Antitrust Litig.*, No. 07-md-1819-CW (N.D. Cal. Oct. 14, 2011), ECF No. 1407 (33 percent awarded to IPP counsel); *Id.* at ECF No. 1375 (showing that 33 percent awarded, \$41.322 million, was 15% of possible damages estimated by IPPs' expert in *SRAM*); *In re Corel Corp., Inc. Secs. Litig.*, 293 F. Supp. 2d 484, 489-90, 498 (E.D. Pa. 2003) (one-third fee awarded from settlement fund that comprised about 15% of damages); *In re Gen. Instr. Secs. Litig.*, 209 F. Supp. 2d 423, 431, 434 (E.D. Pa. 2001) (one-third fee awarded from \$48 million settlement fund that was 11% of the plaintiffs' estimated damages); *Cullen v. Whitman Med. Corp.*, 197 F.R.D. 136, 148 (E.D. Pa. 2000) (one-third awarded in fees from settlement of class consisting of defrauded vocational students that was 17% of the tuition the class members paid); *In re Medical X-Ray Film Antitrust Litig.*, No. CV-93-5904, 1998 WL 661515, at *7-*8 (E.D.N.Y. Aug. 7, 1998) (court increased 25% benchmark to 33.3% where plaintiffs recovered 17% of damages); *In re Crazy Eddie Secs. Litig.*, 824 F. Supp. 320, 326 (E.D.N.Y. 1993) (court increased 25% benchmark to 33.8% where plaintiffs recovered 10% of damages); *see also In re Omnivision Techs.*, 559 F. Supp. 2d at 1046 ("[A] total award of approximately 9% of the possible damages . . . weighs in favor of granting the requested 28% fee.").

In addition to the substantial monetary fund, the Bank Settlements have significant value as so-called “ice-breaker” settlements in this conspiracy action, with the potential to “bring other defendants to the point of serious negotiations.” *In re Linerboard Antitrust Litig.*, 292 F. Supp. 2d 631, 643 (E.D. Pa. 2003) (noting “that this settlement has significant value as an ‘ice-breaker’ settlement—it is the first settlement in the litigation—and should increase the likelihood of future settlements”).⁹ This exerts pressure on the Non-Settling Defendants (Visa and MasterCard), given that they are now by themselves jointly and severally liable for the entirety of the putative litigation class’s damages (minus the settlement amounts), which total more than \$1 billion. These settlements’ value to the proposed Settlement Class as “ice-breakers” is enhanced by the cooperation the Bank Defendants will provide in connection with administration of the settlements and at trial in this case. That cooperation is thus valuable both to the Settlement Class and the substantively identical proposed litigation class.

c. Class Counsel demonstrated skill and efficiency in obtaining the Settlements, further supporting the fee request.

The skill and efficiency of Class Counsel also weighs in favor of the requested fee. Class Counsel’s vigorous prosecution of this case and the substantial resources they have dedicated to it demonstrate the reasonableness of the fee request. Class Counsel faced a substantial risk of never proceeding past the pleadings stage. After the case was initially dismissed by the original judge assigned to the case, Class Counsel’s skill in drafting comprehensive appellate briefs and arguing the case before the D.C. Circuit Court of Appeals led to a complete reversal in a published appellate decision. And then, after Defendants persuaded the Supreme Court to grant

⁹ See also *In re: Cathode Ray Tube (CRT) Antitrust Litig.*, 2015 WL 9266493, at *6 (N.D. Cal. Dec. 17, 2015) (“[T]his settlement provides increased value in another pending class action suit in this case by creating added incentive for the remaining defendants to settle or allowing greater recovery for the Plaintiffs at trial.”).

certiorari on a narrow issue, Class Counsel successfully argued in its merits briefing that Defendants chose instead “to rely on a different argument.” The Supreme Court agreed with Plaintiffs, dismissing the case on the basis that the writ of *certiorari* had been improvidently granted.

After ultimately prevailing at the Supreme Court, Class Counsel turned their attention to discovery. As discussed in the Background, Class Counsel engaged in substantial written discovery, took or participated in more than thirty-five depositions, and undertook critical expert discovery. *See supra*, Sections II.B.2-4. Class Counsel showed skill, foresight, and efficiency in completing this discovery, which required not only obtaining documents and information from Defendants, but also subpoenaing numerous third parties. As part of this effort, Class Counsel served 24 third-party subpoenas on ATM networks and ATM processors, and when some key ones refused to comply, Class Counsel brought multiple successful motions to compel in different jurisdictions. *See supra*, Sections II.B.2-3. Finally, Class Counsel’s skill in prosecuting this case is demonstrated by the comprehensive motion for class certification that they brought against the Defendants, which likely, in large part, convinced the Bank Defendants to settle.

Thus, from the very beginning of the case Class Counsel had to brief complex and unique legal issues before three sets of courts before their final victory at the Supreme Court allowed them to proceed with discovery on behalf of Plaintiffs, and then counsel engaged in substantial discovery and class certification briefing. Without investing substantial resources into these efforts, no recovery would have every been possible.

Moreover, this Court has already held that Rules 23(c)(1)(B) and 23(g) were satisfied in appointing Hagens Berman, Quinn Emanuel, and Mehri & Skalet as Class Counsel for the litigation class. Dkt. 238. These firms have extensive experience prosecuting antitrust class

actions and have litigated some of the largest class actions in history, and they continue to do so today. All three firms have been recognized in courts throughout the U.S. for their abilities, skills, and experience in handling major class litigation efficiently and obtaining outstanding results for their clients. *See* Joint Decl. ¶¶ 72-86, Exs. 11, 12; Skalet Decl. ¶¶ 2, 12, Ex. D. Class Counsel are therefore well-acquainted with this type of litigation and well-positioned to litigate this complex action and to weigh its relative strengths and risks in reaching these settlements.

The performance and quality of opposing counsel likewise weigh in favor of the requested fee. Courts consider the skill and experience of counsel on both sides of the litigation in determining a reasonable fee award. *In re Vitamins*, 2001 WL 34312839, at *11; *In re Lorazepam*, 2003 WL 22037741, at *8-*9 (approving fee award of 30 percent of settlement fund where class counsel were “experienced antitrust litigators” and defendants mounted an “aggressive and vigorous defense”). Here, Chase, Bank of America, and Wells Fargo were primarily represented by Skadden, Arps, Slate, Meagher, & Flom LLP; Morrison & Foerster LLP; and Patterson Belknap Webb & Tyler LLP, respectively. Each of these firms is well-known for its highly skilled and experienced attorneys, and together they brought to bear the resources of some of the largest and most powerful law firms in the world. Throughout this litigation, defense counsel have fiercely advocated their clients’ positions. The skill and experience of counsel on both sides support the reasonableness of the fee request.

d. The complexity and duration of this litigation supports the requested fee award.

The complexity and duration of this case also weighs in favor of the requested fee. Courts have recognized that the “antitrust class action is arguably the most complex action to prosecute.” *See In re Linerboard Antitrust Litig.*, 2004 WL 1221350, at *10 (quoting *In re Motorsports Merch. Antitrust Litig.*, 112 F. Supp. 2d 1329, 1337 (N.D. Ga. 2000) (internal

quotation marks omitted)); *see also In re Auto. Refinishing Paint Antitrust Litig.*, 617 F. Supp. 2d 336, 341 (E.D. Pa. 2007) (the “antitrust class action is arguably the most complex action to prosecute[;] [t]he legal and factual issues involved are always numerous and uncertain in outcome” (internal quotation marks and citation omitted)).

This was and remains a particularly complex antitrust class action to prosecute. From the beginning of the case, Defendants challenged Plaintiffs’ fundamental legal theory, obtaining a dismissal by the judge previously assigned to this case, before the D.C. Circuit Court of Appeal reversed and the Supreme Court remanded the case to this Court after initially granting *certiorari*. Plaintiffs also had to prove that the nondiscrimination rules at issue, which were established in 1996, had anticompetitive effects and caused classwide impact to millions of ATM customers during a class period that began ten years later. These issues required extensive discovery, not only from Defendants, but also from third parties spread throughout the country that vigorously contested Plaintiffs’ requests. The complexity of the case is also evident in the sophisticated economic analyses Professor Carlton presented at class certification to define the relevant market, and show that classwide impact and damages may be demonstrated and measured through common evidence.

The long duration of this case also weighs in favor of the fee request. Class counsel initiated this action in October 2011, more than ten years ago. Additionally, this is not a case where Plaintiffs settled quickly after filing their pleadings or relied on parallel guilty pleas. Indeed, Plaintiffs reached the first settlement in this case, in principle, in December 2019—eight years after filing the first iteration of the complaint and only after multiple arm’s-length bargaining sessions over the course of several years with one of the nation’s leading mediators. The complexities and length of this case support the fee request. *See In re Aetna Inc. Sec. Litig.*,

2001 WL 20928, at *14, *16 (E.D. Pa. Jan. 4, 2001) (awarding 30 percent of settlement fund where “the course of this litigation was prolonged, having been actively litigated for nearly three years, and involved complex issues”).

e. Class Counsel have demonstrated devotion to this longstanding litigation, despite a serious risk of nonpayment.

The risk of nonpayment weighs in favor of the fee request. Many courts emphasize that the attorneys’ risk is a “foremost factor” in determining the fee award. *Goldberger v. Integrated Res., Inc.*, 209 F.3d 43, 54 (2d Cir. 2000); *Behrens v. Wometco Enters., Inc.*, 118 F.R.D. 534, 548 (S.D. Fla. 1988), *aff’d*, 899 F.2d 21 (11th Cir. 1990) (a contingency fee arrangement often justifies an increase in the award of attorneys’ fees). As noted in the accompanying declarations, Class Counsel have prosecuted this case on a purely contingent basis. The contingent nature of the fee “stands as a proxy for the risk that attorneys will not recover compensation for the work they put into a case.” *In re Cardinal Health Inc. Sec. Litig.*, 528 F. Supp. 2d 752, 766 (S.D. Ohio 2007). Indeed, “within the set of colorable legal claims, a higher risk of loss does argue for a higher fee.” *In re Trans Union Corp. Privacy Litig.*, 629 F.3d 741, 746 (7th Cir. 2011).

This was a particularly challenging case where there was always a *bona fide* risk of no recovery. From the beginning of the case, Plaintiffs had to overcome an initial dismissal order, first by prevailing at the D.C. Circuit Court of Appeals, and then by successfully convincing the Supreme Court to dismiss Defendants’ appeal. Moreover, while Plaintiffs believe their case is strong, at the time of these settlements (and still), there were many hurdles yet to overcome, any one of which could have led to no recovery at all: class certification, summary judgment, trial, and appeals. *See Meijer, Inc. v. Warner Chilcott Holdings Co. III*, 565 F. Supp. 2d 49, 55 (D.D.C. 2008) (“[C]omplex antitrust litigation is rife with uncertainties, risks, and delays . . .”). Indeed, the post-settlement events reinforce the riskiness of this litigation. While this Court

granted Plaintiffs' motion for class certification in August 2021, that order is now on discretionary appeal pursuant to Rule 23(f). Moreover, though it has been two years since these settlements were reached, if the class certification order is ultimately affirmed, that will take time, and the risks inherent in summary judgment, trial, and appeals remain.

Despite these serious risks of nonpayment, Class Counsel have diligently worked on the case for over a decade, totaling 30,591.6 hours and generating a lodestar (at historical rates and after a 5% across-the-board billing judgment reduction) of \$16,473,059. Class Counsel also incurred close to \$13.24 million in out-of-pocket costs. *See infra*, Sections III.A.2 & III.B (discussing calculation of lodestar and litigation expenses in more detail). Class Counsel have thus assumed an enormous financial risk in prosecuting this complex litigation on a 100-percent contingent basis. Indeed, the amount of time devoted by Class Counsel alone weighs in favor of the fee request. *See Gunter v. Ridgewood Energy Corp.*, 223 F.3d 190, 195 n.1 (3d Cir. 2000) (court should look to “amount of time devoted to the case by plaintiffs’ counsel”); *Rosenbaum v. MacAllister*, 64 F.3d 1439, 1445 (10th Cir. 1995) (court should look at the “time and labor required”); *see also, e.g., In re Newbridge Networks Sec. Litig.*, 1998 WL 765724, at *3 (D.D.C. Oct. 23, 1998) (awarding fees of 30 percent of common fund where counsel “engaged in extensive motions practice and conducted considerable discovery”).

In sum, the significant risks faced by Plaintiffs throughout this complex litigation, and Class Counsel’s skilled efforts and substantial investment of resources and money over the course of more than a decade on behalf of Plaintiffs, purely on a contingent basis with no guarantee of any recovery, further supports the reasonableness of the 30 percent fee request. *See In re Lorazepam*, 2003 WL 22037741, at *9 (awarding 30 percent of \$35 million settlement fund where class action was “vigorously litigated for a protracted period of time, raised novel and

complex issues, involved a substantial risk of absolute non-payment, and demonstrated the quality of Class Counsel's reputation").

f. Only one objection to the Settlements has been filed to date.

Despite the fact that direct email notice of these Settlements has been provided to close to 58 million potential settlement class members in combination with a robust publication notice campaign (Joint Decl. ¶ 37), only one "objection" has been lodged as of the date of this application. *See* Dkt. 254 ("Class Member Shiyang Huang's Response/Objection to Motion for Settlement Approval [ECF No. 250]"). The objection from Mr. Huang, a serial objector, is without merit and Class Counsel will file a response in accordance with the schedule set by the Court. No one besides Mr. Huang has objected to the Settlements to date, which favors granting the fee request given that millions of class members had the opportunity to do so. However, the opt-out deadline of March 11, 2022 has not passed. Class Counsel is filing this Motion ahead of the opt-out deadline and will make this brief and all supporting documents available on the settlement website (<https://www.atmclassaction.com>), so that interested class members will have an opportunity to review and comment. Joint Decl. ¶ 37. Class Counsel will update the Court regarding this factor in Plaintiffs' motion for final approval and response to objections and exclusions, which will be filed on or before March 25, 2022. *See* Dkt. 252 at ¶ 19.

2. A lodestar cross-check, though not required, confirms the reasonableness of the fee request.

Some circuits require that district courts cross-check the contemplated percentage award against counsel's lodestar. *In re Fannie Mae*, 4 F. Supp. 3d at 113 & n.20. In this Circuit, although a lodestar cross-check is not required, district courts may conduct one at their discretion to confirm a fee award's reasonableness. *Id.*; *In re Black Farmers Discrimination Litig.*, 953 F.

Supp. 2d 82, 101 (D.D.C. 2013); *Trombley v. Nat'l City Bank*, 826 F. Supp. 2d 179, 205 (D.D.C. 2011) (citing *Swedish Hosp.*, 1 F.3d at 1266-67); *Wells v. Allstate Ins. Co.*, 557 F. Supp. 2d 1, 7 (D.D.C. 2008); *In re Baan Co. Secs. Litig.*, 288 F. Supp. 2d 14 (D.D.C. 2003).

The reasonableness of the requested fee award is confirmed by the lodestar cross-check. As explained in Mr. Berman and Mr. Neuwirth's Joint Declaration and the Skalet Declaration, as well as the accompanying exhibits, Class Counsel's attorneys and staff have collectively worked 30,591.6 hours during this more than decade-long litigation, on a variety of tasks essential to representing Plaintiffs in this case. Joint Decl. ¶ 52. Moreover, the hours counted toward the lodestar do not include hours spent on this fee motion, and the lodestar will increase through final approval, distribution of the settlement funds, and any appeals. Joint Decl. ¶ 38. Applying the *historical* rates charged by attorneys and professional staff of Class Counsel to the hours expended, along with an across-the-board 5% reduction (*see supra* at n. 6), yields a total lodestar of \$16,473,059. *Id.*¹⁰ Class Counsel's requested fee is \$20,022,000 million, which represents a modest 1.22 multiplier of that total lodestar. *Id.*

The 1.22 multiplier is reasonable in light of the substantial common fund obtained for the class, the significant risks faced by Plaintiffs throughout this lengthy action, and the effective and efficient work of Class Counsel, who litigated this case on a purely contingent basis. Moreover,

¹⁰ Courts in this Circuit, and elsewhere, frequently use current billing rates to calculate lodestar. *See, e.g., In re Nifedipine Antitrust Litig.*, 2011 WL 13392312, at *1 (Leon, J.); *In re Lorazepam & Clorazepate Antitrust Litig.*, 2003 WL 22037741, at *9. Using current rates can "counterbalance the delay in payment," particularly when "legal services were provided over a multiple-year period." *Murray v. Weinberger*, 741 F.2d 1423, 1433 (D.C. Cir. 1984). That reasoning has particular resonance here given that Class Counsel has litigated this case since 2011, and in the ensuing decade-plus billing rates have increased and Class Counsel has received no compensation for its substantial investment. If Class Counsel used current billing rates, without any billing judgment adjustment, its lodestar would be \$23,722,023, leading to a *negative* multiplier of 0.84. Joint Decl. ¶¶ 52-53, Ex. 7. Nonetheless, to be conservative, for the purposes of this Motion, Class Counsel is using historical billing rates along with a conservative 5% across-the-board reduction for billing judgment.

the 1.22 multiplier requested here is well within the range of multipliers granted in other cases, and lower than many. *See In re Lorazepam*, 2003 WL 22037741, at *9 (explaining that “multiples ranging up to ‘four are frequently awarded in common fund cases when the lodestar method is applied” (quoting *In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 148 F.3d 283, 341 (3d Cir. 1998)); *Spano v. Boeing Co.*, 2016 WL 3791123, at *3 (S.D. Ill. Mar. 31, 2016) (“In risky litigation such as this, lodestar multipliers can be reasonable in a range between 2 and 5.”).¹¹

B. Class Counsel should be reimbursed for the reasonable litigation expenses incurred.

This Court has explained that “[i]n addition to being entitled to reasonable attorneys’ fees, class counsel in common fund cases are also entitled to reasonable litigation expenses from that fund.” *In re Fannie Mae*, 4 F. Supp. 3d at 113 (quoting *In re Lorazepam*, 2003 WL 22037741, at *10); *see also Vista Healthplan, Inc., v. Warner Holdings Co. III, Ltd.*, 246 F.R.D. 349, 365 (D.D.C. 2007) (“[T]here is no doubt that an attorney who has created a common fund for the benefit of the class is entitled to reimbursement of . . . reasonable litigation expenses from that fund.”). In this Motion, Plaintiffs respectfully request reimbursement of out-of-pocket expenses in the amount of \$10,000,000. That is only a portion of the \$13,239,917 in out-of-

¹¹ *See also Steiner v. Am. Broad. Co., Inc.*, 248 F. App’x 780, 783 (9th Cir. 2007) (affirming fee award with multiplier of 6.85 as “fall[ing] well within the range of multipliers that courts have allowed”); *Perez v. Rash Curtis & Assocs.*, 2021 WL 4503314, at *5 (N.D. Cal. Oct. 1, 2021) (approving fees of 37% of \$75 million settlement fund, a lodestar multiplier of 4.8); *Beckman v. KeyBank, N.A.*, 293 F.R.D. 467, 481 (S.D.N.Y. 2013) (explaining that “Courts regularly award lodestar multipliers of up to eight times the lodestar, and in some cases, even higher multipliers,” and collecting cases); *King Drug Co. of Florence v. Cephalon, Inc. (Provigil)*, 2015 WL 12843830, at *6 (E.D. Pa. Oct. 15, 2015) (awarding a \$140.8 million fee equating to 4.12 multiplier); *In re Aremissoft Corp. Secs. Litig.*, 210 F.R.D. 109, 134-35 (D.N.J. 2002) (fee award resulted in lodestar multiplier of 4.3); *Steinfeld v. Discover Fin. Servs.*, 2014 WL 1309692, at *2 (N.D. Cal. Mar. 31, 2014) (approving fee that resulted in a 3.5 multiplier); *Dyer v. Wells Fargo Bank, N.A.*, 303 F.R.D. 326, 334 (N.D. Cal. 2014) (finding a 2.83 multiplier appropriate).

pocket expenditures by Class Counsel during the more than ten years of litigation, all of which were reasonably incurred in connection with the prosecution of this case. Joint Decl., ¶ 60.

The total expenses incurred by Plaintiffs are broken down by category in the supporting declarations and exhibits. *See* Joint Decl. ¶¶ 60-68, Exs. 3, 6, 8, 10; Skalet Decl. ¶ 10, Ex. C. With regard to expenses incurred by Class Counsel, the individual firm expenses include expenses for items such as attorney travel for case-related events, online legal research, service of subpoenas and process, and postage. Individual firm expenses that have been reasonably incurred in this litigation total approximately \$223,059. *See* Joint Decl. ¶ 67, Exs. 3, 6, 8; Skalet Decl. ¶ 10, Ex. C.

For the bulk of expenses in this litigation, however, Class Counsel created a Litigation Fund, 100% funded by counsel. No outside litigation funders have contributed to, or have an interest in, this Litigation Fund. Hagens Berman administered the Litigation Fund in connection with the prosecution of this case. The expenses incurred by the Litigation Fund are reflected in the books and records of Hagens Berman. These books and records are prepared from invoices, checks, and other source materials which are regularly kept and maintained by Hagens Berman and accurately reflect the expenses incurred. Joint Decl. ¶ 64. Payments from the Litigation Fund in this case total approximately \$13,016,858, or 98 percent of all of the expenses incurred in this case. *Id.* ¶ 65. Payments from the Litigation Fund went toward critical common expenditures, including economic experts and other consultants, the online database Plaintiffs used to house and review documents collected for and produced in the case (Everlaw, Inc.), deposition-related services, and mediation services. *See* Joint Decl. ¶ 66, Ex. 10.

Class Counsel submit that the litigation expenses incurred were reasonable and necessary to obtain the results achieved for the Settlement Class in light of the complexities of the case, the

amount of discovery that was required of the five defendants and numerous third parties, and the challenging liability and expert issues raised in the case. Furthermore, these expenses are typical expenses that counsel would generally bill to paying clients in the marketplace. Joint Decl. ¶ 63. Indeed, the “fact that Class Counsel were willing to expend their own money, as an investment whose reimbursement was entirely contingent on the success of this litigation, is perhaps the best indicator that the expenditures were reasonable and necessary.” *In re Lorazepam*, 2003 WL 22037741, at *10 (internal quotation marks omitted).

In this case, as is often the situation in complex antitrust class actions, Plaintiffs’ investments in economic experts constituted the largest category of expenditure. Class Counsel invested \$12,476,151 in economic experts, which is equivalent to more than 94% of the total expenditures in the case. *See* Joint Decl. ¶ 66, Ex. 10. As Plaintiffs discussed in Section II.B.4, *supra*, expert analysis was and remains essential to this litigation. The key question has always been whether the non-discrimination rules at issue have anticompetitive effects, and cause classwide impact, and these are questions that cannot be fully answered without sustained economic analysis. The economic experts in this case—Dr. Frankel of Coherent Economics and Professor Carlton of Compass Lexecon, Plaintiffs’ testifying expert at class certification—split the work to maximize efficiencies and provide support to Class Counsel throughout the course of this litigation. In discovery, that work included researching and identifying the data needed from defendants and third parties, advising Class Counsel during the meet-and-confer process, and then after the data had been obtained, painstakingly cleaning it (*i.e.*, rendering it analyzable) and putting it all together in a single database. Utilizing that database, Professor Carlton and his team then supported Plaintiffs’ class certification motion with a comprehensive report and set of analyses showing, among other things, that Defendants’ conduct caused antitrust injury to all or

nearly all class members, and that common evidence may be used to calculate the Class's damages. Professor Carlton was also deposed at length, and then in his rebuttal report, he refuted the criticisms of defense expert, Professor Hubbard, and showed how Professor Hubbard's analysis actually *supported* the propriety of certifying the proposed class. This work has been critical to prosecuting the action. And even more than in most antitrust class actions, the economic expert work here was particularly time-consuming and demanding, as explained in the accompanying declarations of Professor Carlton and Dr. Frankel. *See* Carlton Decl. ¶¶ 2-13; Frankel Decl. ¶¶ 3-12.

In sum, Plaintiffs respectfully submit that all of the \$13,239,917 in expenses were reasonable expenses incurred in connection with this decade-plus long litigation. This Court has recognized that prosecuting cases of this size, duration, and complexity may require a large outlay in expenses. In *In re Fannie Mae*, this Court awarded the requested \$15,294,860.78 in expenses to class counsel, which were incurred over nine years of litigation and where, like here, expenditures on experts also constituted the bulk of expenses. *See In re Fannie Mae*, 4 F. Supp. 3d at 113-14. Nonetheless, in connection with this Motion, Plaintiffs respectfully request reimbursement of only a portion of their incurred expenses, \$10,000,000. Assuming Plaintiffs obtain a further settlement or judgment against the remaining Defendants, Visa and Mastercard, they intend to seek the remainder of their expenses at that time.

C. Class Representatives deserve reasonable service awards for their dedication to this case.

Plaintiffs request modest service awards for each of the two class representatives in the amount of \$10,000 each. This award would be in recognition of the service the class representatives, Andrew Mackmin and Sam Osborn, have provided to the proposed Settlement Class, and in this district, "Courts routinely compensate named plaintiffs for the services

provided and the risks incurred during class action litigation.” See *Little v. Wash. Metro. Area Transit Auth.*, 313 F. Supp. 3d 27, 39 (D.D.C. 2018).

In this case, the \$10,000 service awards are well-deserved. Each class representative took his responsibilities seriously and devoted substantial time to the case. Defendants deposed both representatives, and each spent substantial time preparing for these depositions with counsel. Defendants also propounded 46 document requests and 26 interrogatories to each class representative. Messrs. Mackmin and Osborn provided valuable input throughout the case, reviewed pleadings, and, in consultation with counsel, reviewed and approved of the Settlements. In light of the value of the settlement proceeds and the class representatives’ extraordinary service to the Settlement Class, Class Counsel respectfully submits that the requested awards are reasonable. Joint Decl. ¶¶ 69-71; Mackmin Decl. ¶¶ 2-7; Osborn Decl. ¶¶ 2-7.

IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request an award of \$20,022,000 in attorneys’ fees, reimbursement of litigation expenses incurred in the amount of \$10,000,000, and \$10,000 in service awards to each of the two class representatives.

Dated: February 25, 2022

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Interim Co-Lead Class Counsel for Mackmin Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANDREW MACKMIN, *et al.*,

Plaintiffs,

v.

VISA INC., *et al.*,

Defendants.

Civil Action No. 1:11-cv-1831-RJL
Assign Date: 8/4/2015
Description: Antitrust – Class Action

**JOINT DECLARATION OF STEVE W. BERMAN AND STEPHEN R. NEUWIRTH IN
SUPPORT OF MACKMIN CONSUMER PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF
LITIGATION EXPENSES, AND SERVICE AWARDS FOR CLASS
REPRESENTATIVES**

GLOSSARY OF TERMS

Term	Description
Bank of America	Defendants Bank of America, National Association, NB Holdings Corporation, and Bank of America Association.
Bank Defendants	Bank of America, Chase, and Wells Fargo.
Carlton Decl.	Declaration of Dennis W. Carlton, concurrently filed herewith.
Chase	Defendants Chase Bank USA, N.A., JPMorgan Chase & Co., and JPMorgan Chase Bank, N.A.
Class Counsel	Hagens Berman, Quinn Emanuel, and Mehri & Skalet.
Defendants	Bank Defendants and Non-Settling Defendants.
Dkt.	All “Dkt.” citations in this brief refer to docket entries in <i>Mackmin et al. v. Visa, Inc. et al.</i> , No. 1:11-cv-1831-RJL (D.D.C.), unless otherwise noted.
Frankel Decl.	Declaration of Alan S. Frankel, concurrently submitted herewith.
Hagens Berman	Hagens Berman Sobol Shapiro LLP.
MasterCard	Defendants Mastercard Inc. and Mastercard International Inc. d/b/a Mastercard Worldwide.
Mehri & Skalet	Mehri & Skalet, PLLC.
Non-Settling Defendants	Defendants Visa and MasterCard.
Quinn Emanuel	Quinn Emanuel Urquhart & Sullivan, LPP.
Plaintiffs or <i>Mackmin</i> Consumer Plaintiffs	Plaintiffs in <i>Mackmin et al. v. Visa, Inc. et al.</i> , No. 1:11-cv-1831-RJL (D.D.C.).
Skalet Decl.	Declaration of Steven A. Skalet, concurrently filed herewith.
Wells Fargo	Defendants Wells Fargo & Company and Wells Fargo Bank, N.A.
Visa	Defendants Visa Inc., Visa U.S.A. Inc., Visa International Service Association, and Plus System, Inc.

WE, STEVE W. BERMAN AND STEPHEN R. NEUWIRTH, jointly declare under penalty of perjury under the laws of the United States as follows:

1. Steve Berman is an attorney duly licensed to practice before all of the courts of the State of Washington, and his *pro hac vice* application was approved by this Court. He is the Managing partner of the law firm of Hagens Berman Sobol Shapiro LLP (“Hagens Berman”).

2. Stephen Neuwirth is an attorney duly licensed to practice before all of the courts of the State of New York, and his *pro hac vice* application was approved by this Court. He is a partner with Quinn Emanuel Urquhart & Sullivan, LPP (“Quinn Emanuel”) and Chair of the firm’s worldwide Antitrust and Competition Law practice.

3. These attorneys and their firms, alongside Mehri & Skalet, PLLC (“Mehri & Skalet”), are counsel of record for the *Mackmin* Plaintiffs (“Plaintiffs”), having been appointed Co-Lead Class Counsel (“Class Counsel”) for the litigation Class by this Court. *Mackmin et al. v. Visa, Inc. et al.*, No. 1:11-cv-1831-RJL (D.D.C. Sept. 7, 2021), Dkt. 238. Unless otherwise noted, all subsequent Dkt. references are to this case.

4. Mr. Berman and Mr. Neuwirth declare that based on personal knowledge or discussions with counsel in their firms of the matters set forth herein in this Joint Declaration of Steve W. Berman and Stephen Neuwirth in Support of *Mackmin* Consumer Plaintiffs’ Notice of Motion and Motion for Award of Attorneys’ Fees, Reimbursement of Litigation Expenses, and Service Awards (“Joint Declaration” or “Joint Decl.”), if called upon, they could and would competently testify thereto.

5. In addition to this Joint Declaration, Co-Lead Class Counsel Steven A. Skalet submitted a declaration on behalf of Mehri & Skalet, concurrently filed herewith. His declaration will be referred to herein as “Skalet Decl.”

6. The purpose of this Joint Declaration is to summarize and provide detailed documentation of: (a) this action; (b) the work performed by Class Counsel; (c) the time and fees incurred by Class Counsel in prosecuting this action; (d) the costs and expenses for which Class

Counsel seek reimbursement, including the costs and expenses paid from the Litigation Fund, which Class Counsel funded; (e) the steps Class Counsel employed to ensure effective management of this complex litigation; and (f) the work performed by the class representatives in support of this action.

7. In addition to this Joint Declaration and the Skalet Declaration, Plaintiffs also have concurrently filed herewith in support of *Mackmin* Consumer Plaintiffs' Notice of Motion and Motion For Award of Attorneys' Fees, Reimbursement of Litigation Expenses, and Service Awards ("Fee Motion"): the declarations of the two class representatives, Andrew Mackmin ("Mackmin Decl.") and Sam Osborn ("Osborn Decl."), and the declarations of the two economic experts whose teams supported Plaintiffs' prosecution of this case, Professor Dennis Carlton ("Carlton Decl.") and Dr. Alan Frankel ("Frankel Decl.>").

8. Class Counsel has prosecuted this litigation solely on a contingent-fee basis, without the use of outside funders, with no upfront retainer fees or allowance for expenses, and has been at risk of not receiving compensation for prosecuting the claims against the Defendants. These attorneys and their firms devoted substantial time and resources to this matter, and have foregone other legal work for which they otherwise would have been compensated.

I. THE ACTION

9. The Settlement Class in this case is defined as follows:

All individuals and entities that paid an unreimbursed ATM Access Fee directly to any Bank Defendant or Alleged Bank Co-Conspirator for a Foreign ATM Transaction using an ATM card issued by a financial institution in the United States to withdraw cash at an ATM located in the United States at any time from October 1, 2007 to the date of the Preliminary Approval Order.¹

¹ Specifically excluded from the Settlement Classes are Defendants; Released Parties; the officers, directors, or employees of any Defendant or Released Party; any entity in which any Defendant or Released Party has a controlling interest; any affiliate, legal representative, heir, or assign of any Defendant or Released Party and any person acting on their behalf. Also excluded from the Settlement Class are any federal, state, or local governmental entities, Class Lead Counsel, and any judicial officer presiding over the Action and the members of his/her immediate family and judicial staff.

See Dkt. 252 at ¶ 2 (Order Granting Preliminary Approval of Settlements With the Bank of America, Chase, and Wells Fargo Defendants and Directing Notice to the Class).

II. BACKGROUND

A. The Bank Settlements were the product of more than a decade of determined litigation by Class Counsel.

1. Early victories in the D.C. Circuit and the Supreme Court made these settlements possible.

10. In October 2011, Plaintiffs filed this action on behalf of themselves and a putative class of consumers who overpaid for surcharges levied on “off-us” transactions throughout the nation at bank ATMs. *See* Dkt. 1. The Bank Defendants and their co-defendants, Visa and MasterCard, moved to dismiss the case, which Class Counsel, on Plaintiffs’ behalf, briefed and argued. The judge previously assigned to this case granted that motion (Dkt. 55) and denied Plaintiffs’ subsequent motion to amend their complaint (Dkt. 71).

11. Class Counsel appealed that order and briefed and argued the issue in the D.C. Circuit Court of Appeals. Those efforts resulted in a complete reversal of the dismissal order, with a published decision finding that Plaintiffs plausibly stated all elements of their antitrust claims against Defendants. *See Osborn v. Visa Inc.*, 797 F.3d 1057 (2015).

12. Defendants then petitioned for certiorari to the Supreme Court, which the Court granted. In the subsequent merits briefing, Class Counsel explained that, “[a]fter having persuaded [the Supreme Court] to grant certiorari” on a specific, narrow issue, Defendants chose instead “to rely on a different argument” to seek to overturn the D.C. Circuit Court of Appeal’s decision. The Supreme Court agreed that Defendants overstepped and subsequently dismissed the appeal on the basis that the writ of certiorari had been improvidently granted. *See Visa Inc. v. Osborn*, 137 S. Ct. 289 (2016) (Mem.). As this history shows, Class Counsel had to brief complex and unique legal issues before three sets of courts before even proceeding with discovery on behalf of Plaintiffs. Without investing substantial resources in these early efforts, no recovery would have been possible.

2. Class Counsel engaged in substantial written discovery.

13. After remand to this Court, Class Counsel aggressively pursued discovery to develop Plaintiffs' claims. Before the Supreme Court had even granted *certiorari*, the parties undertook negotiations on a comprehensive case management order and pre-trial schedule. This resulted in a Joint Report on Scheduling Matters (Dkt. 99) in which Plaintiffs agreed to coordinate all three cases for discovery purposes to maximize efficiencies. Following an initial status conference, in which this Court encouraged the parties to work collaboratively (Dkt. 113), Class Counsel took the lead role in negotiating a protective order (Dkt. 112), ESI protocol (Dkt. 121), and expert discovery protocols (Dkt. 130).

14. These extensively negotiated protocols then set the stage for substantial yet targeted written and other discovery, which Class Counsel again took the lead role in pursuing and negotiating. Plaintiffs propounded 38 document requests and 8 interrogatories to both network defendants (Visa and MasterCard), along with 39 document requests and 6 interrogatories to each bank defendant (Bank of America, Chase, and Wells Fargo).

15. After multiple rounds of in-person, telephonic, and written meet-and-confer negotiations spanning the better part of a year, Defendants ultimately produced more than 239,422 documents, totaling 2,419,934 pages. As this is an antitrust case focusing on alleged overcharges, data productions were of particular importance, and following negotiations, Defendants ultimately produced an enormous transactional dataset. With the assistance of their experts, Plaintiffs cleaned and processed this dataset so that it could be analyzed for purposes of class certification and the merits analyses.

16. Third-party discovery was also essential in this case, because a single ATM transaction involves several different entities. Members of the Class transacted at ATMs operated by banks other than the Defendant banks, over ATM networks other than those operated by the Defendant networks, and, at times, those transactions were routed through various payment processing entities. None of these entities were parties to the case. Accordingly, both Plaintiffs and Defendants subpoenaed numerous third parties for records and data. As part of this effort,

Class Counsel served 24 third-party subpoenas on ATM networks and ATM processors. Ultimately, Plaintiffs obtained more than 205,444 documents (constituting 677,299 pages) and substantial data productions, which Plaintiffs and their experts used to develop the case. In total, Plaintiffs' experts processed and analyzed over 3.5 terabytes of raw data from Defendants and third parties. Carlton Decl. ¶ 7.

17. Not all third-party materials were produced voluntarily. Class Counsel continued to negotiate with third parties resisting the subpoenas and, ultimately, brought three motions to compel documents against four third parties. One of these motions was withdrawn after the subpoenaed party agreed to produce requested material. The remaining motions were briefed extensively, and argued, before they were transferred to this Court, where they were granted in full.² All told, these motions to compel yielded more than 200,000 documents and 600,000 pages of discovery material.

3. Class Counsel took and defended more than 35 fact and expert depositions and argued multiple discovery motions.

18. To progress discovery in this matter, the Court convened regular "Gang of 8" conferences with counsel for all parties. Class Counsel participated in and helped lead every conference for the plaintiff side, and worked extensively with the parties in advance to narrow the issues presented to the Court. Through Class Counsel's efforts, this process moved discovery forward on multiple fronts and, among other things, also resulted in briefing parameters for class certification that facilitated a fulsome showing from Plaintiffs.

19. Depositions proceeded apace. All told, Class Counsel took and participated in over 35 depositions. Class Counsel deposed the executives most involved in Defendants' ATM businesses, as well as multiple Rule 30(b)(6) designees. In expert discovery, Class Counsel also deposed an economic expert and an industry expert who supplied reports opposing class certification. Class Counsel also prepared extensively for, and defended, the depositions of the

² See Minute Order, *Mackmin et al. v. NYCE Payments Network, LLC*, 19-mc-00002 (D.D.C. June 5, 2019); Minute Order, *Mackmin et al. v. Visa, Inc.*, 19-mc-00018 (D.D.C. June 5, 2019).

named Plaintiff class representatives (Andrew Mackmin and Sam Osborn), as well as Plaintiffs' economic expert, Professor Carlton.

4. Class Counsel and their experts engaged in extensive expert discovery and analysis that was critical to prosecuting this complex action.

20. From the very start, expert analysis was essential to this litigation. The existence of the “non-discrimination” pricing rules (“NDRs”) Plaintiffs challenge was never in dispute; rather, the question has always been whether the rules have anticompetitive effects and cause classwide impact. These are questions that cannot be fully answered without sustained economic expert analysis. All parties in this litigation, both plaintiffs and defendants, have retained one or more seasoned economic experts, given this reality.

21. Class Counsel retained multiple experts, some of which acted in a consulting role and one of which, Professor Carlton, provided testimony. To provide industry analysis and data support, Plaintiffs retained Dr. Alan Frankel, founder and chair of Coherent Economics, as well as a team of Coherent economists to assist in his work. As their testifying and class certification expert, Plaintiffs retained Professor Dennis Carlton of Compass Lexecon. Plaintiffs split the expert work to maximize efficiencies. Dr. Frankel and his team provided invaluable insight into the ATM industry, along with data analysis. This foreground work allowed Professor Carlton to focus on liability, class certification, and damages issues, which required an enormous amount of data-specific analysis and work, along with a broader review of the case documents and economic literature.

22. Overall, this litigation required an atypically high amount of expert work, particularly due to the large amount and nature of data bearing on Plaintiffs' claims. As noted above, it was not enough to just obtain Defendants' documents and data, a task that would have been labor-intensive in its own right. Both Plaintiffs and Defendants also subpoenaed data and documents from two dozen third parties, which magnified the amount of work exponentially. While this data was essential to Professor Carlton's damages analysis, stitching it together required an incredible amount of hands-on analysis. *See* Carlton Decl. ¶¶ 6-9; Frankel Decl. ¶¶ 6-

9.

23. All of this work culminated in Professor Carlton's report supporting Plaintiffs' motion for class certification. The report covered the waterfront of liability and damages issues and concluded that all could be established with common proof. To estimate damages, Professor Carlton constructed a regression model to estimate the relationship between net-interchange and surcharges. He then applied the output of that model to the extensive data Plaintiffs collected to estimate classwide damages.

5. Class Counsel completed thorough class certification briefing.

24. On September 20, 2019, following extensive discovery, Plaintiffs filed their motion for class certification, supported by the Carlton expert report discussed above. *See* Dkt. 177-13, 177-113. In their class certification motion, Plaintiffs showed, among other things, that Defendants' adoption of the NDRs in 1996 reduced price competition and increased costs to ATM operators across the ATM industry. Professor Carlton demonstrated that this industry-wide elevation in marginal costs resulted in an industry-wide elevation in surcharges (*i.e.*, consumer prices), which all or virtually all Class members paid and suffered injury as a result. *See* Dkt. 177-13 at 29-45 (discussing Professor Carlton's conclusions).

25. On February 18, 2020, the Visa and MasterCard Defendants filed their opposition to Plaintiffs' motion for class certification. Dkt. 203. The Bank Defendants did not join this opposition because just prior to its filing, they agreed in principle to settlements with Plaintiffs (though the negotiations leading to the final settlement agreements continued until August 2020). *See* Section II.B.5, *infra*. The opposition to class certification was supported by Professor Glenn Hubbard, as well as by industry expert, Anthony Hayes. Dkt. 203 After deposing Professor Hubbard and Mr. Hayes, Plaintiffs filed their class certification reply brief, supported by the rebuttal report of Professor Carlton, wherein he refuted the criticisms of Professor Hubbard and reconstructed more than 100 regressions Professor Hubbard had supplied to show that, properly specified using all available data, they actually *supported* the propriety of certifying the proposed

class. Dkt. 217, 248.

26. Unlike in most cases where the reply memorandum ends the class certification briefing, that was not the case here. Unsatisfied by the state of play after Plaintiffs' reply brief and Professor Carlton's rebuttal report, Visa and MasterCard on September 24, 2020, filed a motion for leave to file a sur-reply alongside a proposed sur-reply brief and a 278-page sur-rebuttal report by Professor Hubbard. Dkt. 220. Class Counsel then filed an opposition to Defendants' motion for leave to file a sur-reply, explaining that Visa and MasterCard identified nothing "new" in Professor Carlton's reply warranting a sur-reply; rather, they simply sought to (unsuccessfully) rehabilitate Professor Hubbard's analysis that Professor Carlton's showed was flawed and actually supported class certification. Dkt. 221. After this October 1, 2020 brief, the class certification briefing closed. The Court then granted Plaintiffs' motion on August 4, 2021. Dkt. 234.

B. Arms' length settlement negotiations resulted in settlements that deliver assured and significant monetary relief to the Class, as well as cooperation in the ongoing litigation against Visa and MasterCard.

1. Plaintiffs engaged in extensive settlement negotiations with the Bank Defendants.

27. Class Counsel and counsel for the Bank Defendants first discussed potential settlement in January 2018, in a mediation before Layn Phillips, one of the nation's foremost mediators. At that time, before any major discovery had occurred, the parties were unable to reach resolution. In mid-2019, after the parties had engaged in substantial discovery, including discovery strongly supporting Plaintiffs' case, the Chase Defendants and Plaintiffs began to discuss settlement again.

28. In the midst of these discussions, Plaintiffs filed their motion for class certification in September 2019. After numerous exchanges about the scope of the settlement negotiations, and with Defendants' opposition to Plaintiffs' class certification motion due in the beginning of 2020, Plaintiffs and the Chase Defendants agreed to have another mediation session with Judge Phillips, and did so in December 2019. That full-day mediation resulted in a settlement that

Plaintiffs and the Chase Defendants agreed to in principle. *Id.* Plaintiffs subsequently offered similar settlement terms to the other Bank Defendants, each of whom accepted Plaintiffs' offer. Plaintiffs then negotiated with the Bank Defendants to ensure that the key terms of the settlement protected the Settlement Class, executing terms sheets with the Bank Defendants in the middle of March 2020.

29. The parties then engaged in numerous negotiation sessions regarding long-form settlement agreements. Those negotiations included specifics about the information and assistance the Bank Defendants would provide to Plaintiffs regarding, *inter alia*, class notice and the payment of settlement funds to members of the proposed Settlement Class. That process, which took many months, resulted in the long-form Settlement Agreements signed in August 2020. Dkt. 250-2, Exs. A, C, E. Throughout, Bank Defendants' counsel, who are highly experienced and capable, vigorously advocated their clients' positions in the settlement negotiations. Class Counsel, who were well-informed of the facts and issues concerning liability and damages and the relative strengths and weaknesses of each side's litigation position, as well as the importance of obtaining cooperation and assistance from the Bank Defendants, just as vigorously advocated Plaintiffs' positions.

2. The Bank Settlements deliver substantial monetary and non-monetary relief to the Class.

30. Pursuant to the Settlement Agreements, the Bank Defendants will collectively make cash payments of \$66.74 million, with the Bank of America Defendants paying \$26,420,000, the Wells Fargo Defendants paying \$20,820,000, and the Chase Defendants paying \$19,500,000. The Bank Defendants agreed to assist the process of providing notice and payment of settlement funds to members of the proposed Settlement Class (thereby reducing costs), including by:

- Providing information reasonably available to help Co-Lead Class Counsel identify potential members of the proposed Settlement Class, including contact information for those individuals or entities; and

- Making reasonable and good faith efforts to cooperate with Plaintiffs' claims administrator and other third party service providers with respect to notice, claims processing, and claims distribution by providing information regarding the Bank Defendants' respective ability to facilitate notice and direct payments to members of the proposed Settlement Class.

Dkt. 250-2, Exs. A, C & E ¶ 10(b).

31. Prominent among the Bank Defendants' cooperation is that they collectively agreed to produce email addresses for millions of potential members of the proposed Settlement Class for use in the direct notice program. The Bank Defendants ultimately produced a total of 87.68 million unique email addresses to the Settlement Administrator.

32. The Bank Defendants also agreed to assist in the litigation by authenticating and otherwise establishing the admissibility of their documents for use at trial. Dkt. 250-2, Exs. A, C & E ¶ 10(a). In addition, the Bank Defendants have stipulated to certification of the Settlement Class, which is substantively identical to the litigation class definition proposed in Plaintiffs' motion for class certification. *Compare id.*, Exs. A, C & E ¶ 3(a), *with* Dkt. 177-13 at 2. Each proposed Settlement Class is identical.

33. In exchange for the consideration described above, members of the proposed Settlement Class for each Bank Defendant group will release the respective Bank Defendants from any and all claims that were or could have been alleged in this Action. Dkt. 250-2, Exs. A, C & E ¶ 9.³ Claims against the Non-Settling Defendants (Visa and MasterCard) are not released by the settlements. Plaintiffs' individual and putative class damages remain in the case against the Non-Settling Defendants, Visa and MasterCard, who are jointly and severally liable for all damages from the unlawful scheme, minus an offset for the settlement amounts.

C. Further proceedings and the current state of play.

34. On October 5, 2020, Plaintiffs moved for preliminary approval of the settlements with the Bank Settlements and to direct notice to the Settlement Class, which was only a few

³ The full text of the proposed release, including the limitations thereof, is set forth in the Settlement Agreements. Dkt. 250-2, Exs. A, C & E ¶¶ 2(ff)-(hh), ¶ 2(rr), ¶ 9.

days after the class certification briefing closed, as discussed *supra* in Section II.B.5. Dkt. 222. Prior to issuing a decision on the preliminary approval motion, on August 4, 2021 this Court issued orders granting Plaintiffs' motion for class certification, as well as the class certification motions of the other two plaintiff groups. Dkt. 234, 235, *amended order* at Dkt. 238. Following the class certification orders, Visa and MasterCard filed petitions under Rule 23(f) for permission to appeal the class certification orders, which after subsequent briefing, the D.C. Circuit granted. *See In re: Visa Inc., et al.*, No. 21-8005 (D.C. Cir. Oct. 1, 2021), Doc. 1916425.

35. On September 23, 2021, after completion of the 23(f) briefing but before the D.C. Circuit's order granting the petition, this Court denied without prejudice Plaintiffs' motion for preliminary approval of the Bank Settlements as partially moot in light of the Court's order certifying the class and appointing class counsel. *See* Minute Order on Motion for Settlement (Sept. 23, 2021). Plaintiffs filed their renewed motion for preliminary approval of the Bank Settlements and to direct notice to the Settlement Class on October 15, 2021. Dkt. 250. This Court issued an order granting the renewed motion on November 12, 2021. Dkt. 252.

36. As ordered by this Court, notice to the Settlement Class commenced on December 10, 2021. In the meanwhile, Plaintiffs and the Visa and MasterCard Defendants are briefing the class certification appeal before the D.C. Circuit Court of Appeals.

37. Despite the fact that direct email notice of these Settlements has been provided to close to 58 million potential settlement class members in combination with a robust publication notice campaign, only one "objection" has been lodged as of the date of this application. *See* Dkt. 254 ("Class Member Shiyang Huang's Response/Objection to Motion for Settlement Approval [ECF No. 250]"). The objection from Mr. Huang, a serial objector, is without merit and Class Counsel will file a response in accordance with the schedule set by the Court. No one besides Mr. Huang has objected to the Settlements to date, which favors granting the fee request given that millions of class members had the opportunity to do so. However, the opt-out deadline of March 11, 2022 has not passed. Class Counsel is filing this Motion ahead of the opt-out deadline and will make this brief and all supporting documents available on the settlement website

(<https://www.atmclassaction.com>), so that interested class members will have an opportunity to review and comment. Class Counsel will update the Court regarding this factor in Plaintiffs' motion for final approval and response to objections and exclusions, which will be filed on or before March 25, 2022. *See* Dkt. 252, ¶ 19.

III. SUMMARY OF HAGENS BERMAN'S LODESTAR AND EXPENSES

38. Professionals at Hagens Berman devoted 14,246.2 hours in total to this litigation, not included time spent in connection with the Fee Motion. Class Counsel are not seeking attorneys' fees for any time billed in connection with drafting this motion.

39. Hagens Berman's hourly rates are based on regular and ongoing monitoring of prevailing market rates for attorneys of comparable skill, experience, and qualifications.

40. A summary of the Hagens Berman timekeepers who worked on this litigation, their total hours, their *historical* hourly billing rates, and their total lodestar based on *historical* billing rates, is attached as **Exhibit 1**.

41. A summary of these same timekeepers who worked on this litigation, their total hours, their *current* hourly billing rates, and their total lodestar based on *current* billing rates, is attached as **Exhibit 2**.

42. A summary of the costs and expenses that Hagens Berman has paid to date in this litigation, organized by category, is attached as **Exhibit 3**. Apart from contribution to the Litigation Fund, the separate expenses incurred by Hagens Berman total of \$86,178.88. *See also* **Exhibit 8** (internal expenses of each Class Counsel firm identified). These costs and expenses are based on the books and records of Hagens Berman. The expenses reflected in **Exhibit 3** are prepared from expense vouchers, receipts, and bank records, and thus represent an accurate recordation of the expenses incurred.

43. In addition to the separate expense of Hagens Berman for which Class Counsel seek reimbursement, Hagens Berman also contributed \$6,319,214 to a Litigation Fund maintained in this case. *See* **Exhibit 9**. The expenses paid from this Litigation Fund for which

Class Counsel seek reimbursement are described *infra*, in Section VI.B.

IV. SUMMARY OF QUINN EMANUEL'S LODESTAR AND EXPENSES

44. Professionals at Quinn Emanuel devoted 10,883.70 hours in total to this litigation, not included time spent in connection with the Fee Motion.

45. Quinn Emanuel's hourly rates are based on regular and ongoing monitoring of prevailing market rates for attorneys of comparable skill, experience, and qualifications.

46. A summary of the Quinn Emanuel timekeepers who worked on this litigation, their total hours, their *historical* hourly billing rates, and their total lodestar based on *historical* billing rates, is attached as **Exhibit 4**.

47. A summary of these same timekeepers who worked on this litigation, their total hours, their *current* hourly billing rates, and their total lodestar based on *current* billing rates, is attached as **Exhibit 5**.

48. A summary of the costs and expenses that Quinn Emanuel has paid to date in this litigation, broken down by category, is attached as **Exhibit 6**. Apart from contribution to the Litigation Fund, the separate expenses incurred by Quinn Emanuel total of \$114,970.19. These costs and expenses are based on the books and records of Quinn Emanuel. The expenses reflected in **Exhibit 6** are prepared from expense vouchers, receipts, and bank records, and thus represent an accurate recordation of the expenses incurred.

49. In addition to the separate expense of Quinn Emanuel for which Class Counsel seek reimbursement, Quinn Emanuel also contributed \$6,315,775 to a Litigation Fund maintained in this case. *See* **Exhibit 9**.

V. SUMMARY OF CLASS COUNSEL'S ATTORNEYS' FEES

50. In this Motion, Plaintiffs respectfully request an award of \$20,022,000 in attorney's fees—equal to 30 percent of the \$66.74 million common fund obtained by the Bank Settlements.

51. As explained *supra*, in Exhibits 1 and 2, respectively, Hagens Berman has provided its total lodestar at historical and current hourly rates. Similarly, as also explained *supra*, in Exhibits 4 and 5, respectively, Quinn Emanuel has provided its total lodestar at historical and current hourly rates. In Mr. Skalet's declaration, he has provided Mehri & Skalet's total lodestar at historical and current rates. *See* Skalet Decl. ¶ 9, Ex. B.

52. As shown in the exhibits to this Joint Declaration and the exhibits to the declaration of Mr. Skalet, Class Counsel's total lodestar at historical rates is \$17,340,062. Class Counsel's total lodestar at current rates is \$23,722,023. Class Counsel's total lodestar is based on the 30,591.60 hours that they have invested in prosecuting this action. *See* **Exhibit 7**.

53. Although Class Counsel believes that using either its total current or historical lodestar would be justified under controlling law, in order to offer as conservative a number as possible, Class Counsel has preemptively reduced their *historical* lodestar across-the-board by 5% for billing judgment, and will use the resulting lodestar amount, \$16,473,059 for the purposes of this Fee Motion. The requested fee award of \$20,022,000 is approximately 1.22 times that lodestar used for the Fee Motion (often referred to as a multiplier). (If the Court used Class Counsel's full lodestar and current rates, \$23,722,023, the requested fee award would lead to a *negative* multiplier of 0.84.)

54. Class Counsel has foregone other work while litigating this case, and some attorneys worked nearly exclusively on this case for at least some of the many years of this decade-long litigation.

55. A summary of the total hours and lodestar for each Class Counsel firm at historical and current billing rates is summarized in **Exhibit 7** to this declaration.

56. Attached as **Exhibit 13** to this declaration is the 2020 Antitrust Annual Report: Class Action Filings in Federal Court, published in August 2021.

57. For an antitrust case of this size and complexity, Class Counsel has worked hard to keep the team relatively small, relying on attorneys from only three firms to avoid unnecessary

inefficiency. Our team knows the case well and understands the complexity and nuances of the litigation.

58. To avoid duplication, Class Counsel has worked together to split assignments wherever possible, including at the document review stage. Our document reviewers have years of experience reviewing and assessing large volumes of documents in similar antitrust class action cases.

59. The attorneys working for Class Counsel applied their extensive experience litigating other antitrust class actions to this case, resulting in additional efficiencies.

VI. EXPENSES INCURRED BY PLAINTIFFS

A. Summary of Expenses

60. In this Motion, Plaintiffs respectfully request reimbursement of litigation costs and expenses they incurred on behalf of Plaintiffs in the amount of \$10,000,000. Reasonable litigation expenses in this case total \$13,239,917 (*see* **Exhibits 8 and 10**); however, Plaintiffs seek reimbursement almost \$3.24 million less than this total. Class Counsel's unreimbursed expenses were reasonably incurred, necessary for the litigation of the case, and Class Counsel advanced these expenses interest free with no assurance that they would ever be reimbursed.

61. Throughout the litigation, Class Counsel has prosecuted this case on a contingent basis, funding the case out-of-pocket, without the use of outside litigation funders.

62. The total amount of expenses requested is based the amounts identified in this Joint Declaration (for Hagens Berman and Quinn Emanuel) and the Skalet Decl. (for Mehri & Skalet), and the expenses paid out of the Litigation Fund, which are described in detail in this Joint Declaration in Section VI.B, *infra*.

63. Class Counsel submit that the litigation expenses incurred were reasonable and necessary to obtain the results achieved for the Settlement Class in light of the complexities of the alleged conspiracy, the amount of discovery that was required of the five Defendants and numerous third parties, and the challenging liability and expert issues raised in the case.

Furthermore, these expenses are typical expenses that counsel would generally bill to paying clients in the marketplace.

B. Expense Paid out of the Litigation Fund

64. For the bulk of expenses in this litigation, Class Counsel created a Litigation Fund, 100% funded by counsel. As with all expenses for which Class Counsel seek reimbursement, no outside litigation funders have contributed to, or have an interest in, this Litigation Fund. The Hagens Berman firm has been tasked with the responsibility for administering the Litigation Fund in connection with the prosecution of this case. The expenses incurred by the Litigation Fund are reflected in the books and records of Hagens Berman. These books and records are prepared from invoices, checks, and other source materials which are regularly kept and maintained by Hagens Berman and accurately reflect the expenses incurred.

65. The litigation costs and expenses paid from the Litigation Fund total \$13,016,858. **Exhibit 10**. That total represents approximately 98 percent of the total expenses of \$13,239,917 incurred in connection with this case. See **Exhibits 8 and 10**.

66. Attached hereto as **Exhibit 10** is a summary of the expenses paid from the Litigation Fund. The expenses from the Litigation Fund include the following:

a. **Economic Experts and Analysis**: Payments made to economic experts Professors Carlton and his team at Compass Lexecon, and Dr. Alan Frankel and his team at Coherent Economics. The expenditures for this expert analysis was and remains essential to this litigation. In discovery, that work included researching and identifying the data needed from Defendants and third parties, advising Class Counsel during the meet-and-confer process, and then after the data had been obtained, painstakingly cleaning it (*i.e.*, rendering it analyzable) and putting it all together in a single database. Utilizing that database, Professor Carlton and his team then supported Plaintiffs' class certification motion with a comprehensive report and set of analyses showing, among other things, that Defendants' conduct caused antitrust injury to all or nearly all class members, and that common evidence may be used to calculate the Class's damages. Even more than in most antitrust class actions, the economic expert work here was

particularly time-consuming and demanding, as further explained in the accompanying declarations of Professor Carlton and Dr. Frankel, concurrently submitted herewith. In total, Plaintiffs incurred \$12,476,151.30 in this category of expenses paid from the Litigation Fund, which is equivalent to 94.23 percent of the total expenditures in this case.

b. Deposition Transcripts and Videographers: Payments to deposition transcription and videography services by Veritext. In total, Plaintiffs incurred \$39,300.57 in this category of expenses paid from the Litigation Fund.

c. Document Collection, Review, and Synthesis: Payments made to document review platform hosting vendors, including Everlaw. In total, Plaintiffs incurred \$407,715.61 in costs for these services paid from the Litigation Fund.

d. Neutral Services: Payments made to Phillips ADR. In total, Plaintiffs incurred a total of \$71,042.50 in costs for these services paid from the Litigation Fund.

e. Other Expenses: This category includes payments to an industry expert, for printing and copying services, and to process services. In total, Plaintiffs incurred a total of \$22,648.06 in costs for these services paid from the Litigation Fund

C. Expenses Paid Directly by Class Counsel.

67. Of the total expenses incurred, \$223,059 of those expenses were paid directly by individual Class Counsel firms to vendors, as shown in Exhibit 8, which breaks down the expenses sought by Class Counsel according to the individual firm that paid the expense.

68. Each of the expenses is based on the expenses identified by Class Counsel in this Joint Declaration (for Hagens Berman and Quinn Emanuel) and the Skalet Decl. (for Mehri & Skalet).

VII. CLASS REPRESENTATIVE SERVICE AWARDS

69. The two Class Representatives in this litigation—Andrew Mackmin and Sam Osborn—have remained actively involved during the course of this case.

70. Plaintiffs request modest service awards for these class representatives in the amount of \$10,000 each (\$20,000 in total).

71. Each class representative took his responsibilities seriously and devoted substantial time to the case. Defendants deposed both representatives, and each spent substantial time preparing for these depositions with counsel. Defendants also propounded 46 document requests and 26 interrogatories to each class representative. Messrs. Mackmin and Osborn provided valuable input throughout the case, reviewed pleadings, and, in consultation with counsel, reviewed and approved of the Settlements. In light of the value of the settlement proceeds and the class representatives' extraordinary service to the Settlement Class, Class Counsel respectfully submit that the requested awards are reasonable.

VIII. EXPERTISE AND EXPERIENCE OF CORE HAGENS BERMAN TEAM MEMBERS WORKING ON THIS LITIGATION

72. The expertise and experience of lead counsel is another important factor in setting a fair fee. As demonstrated by the Hagens Berman firm résumé, attached hereto as **Exhibit 11**, Hagens Berman is among the most experienced and skilled practitioners in the complex litigation field, and has a long and successful track record in such cases. Hagens Berman is a nationally recognized law firm, with offices in Berkeley, Seattle, Boston, Chicago, Los Angeles, Washington D.C., and Phoenix. The firm has been consistently rated by the National Law Journal in the top ten of plaintiffs' firms in the country. Hagens Berman has extensive experience litigating complex class actions asserting claims of securities, investment fraud, product liability, tort, antitrust, consumer fraud, employment, environmental, and ERISA cases. The fact that Hagens Berman has demonstrated a willingness and ability to prosecute complex cases such as this was undoubtedly a factor that encouraged the Bank Defendants to engage in settlement discussions, and added valuable leverage in the negotiations, ultimately resulting in the recovery for the Class. The Hagens Berman team paid attention to ensuring that each attorney on the file had specific areas of focus; that there was not duplication of efforts, especially among higher

billers; and that projects were assigned to experienced lawyers with depth in the field who could effectively and efficiently execute the amount of work this case demanded.

73. In addition to biographies included in the attached firm résumé, below is a summary of the experience of some of the core team members:

74. *Steve Berman*, one of the founding partners of Hagens Berman, is widely regarded as one of the most effective class action attorneys in the country. In *In re NCAA Grant-in-Aid Cap Antitrust Litigation*, Mr. Berman led Hagens Berman’s trial team in a 10-day trial in September 2019 before former Chief Judge Claudia Wilken of the Northern District of California, successfully obtaining an injunction against the NCAA relating to caps on compensation available to college student-athletes. Mr. Berman questioned numerous witnesses and gave the closing argument at trial. The decision and injunction was upheld, unanimously, by the Supreme Court. *See NCAA v. Alston*, 141 U.S. 1241 (2021). Prior to trial, Mr. Berman recovered a \$208 million settlement for the class, but continued to litigate on behalf of the class for the injunction affirmed by the Supreme Court. He served as lead counsel for 13 states in the tobacco litigation, leading to a settlement of \$206 billion—the largest in history. He, along with Marc Seltzer, was appointed *sua sponte* by Judge James V. Selna of the Central District of California to serve as co-lead counsel in *In re Toyota Motor Corp. Unintended Acceleration*. The \$1.6 billion settlement was then the largest auto settlement, both in terms of class members and recovery, in U.S. history. Mr. Berman was sole lead class counsel in *In re: Stericycle, Inc., Steri-Safe Contract Litigation*, Case No. 13 C 5795, MDL No. 2455 (N.D. Ill.), where the class obtained \$295 million in settlements and injunctive relief. Judge Shadur stated in his preliminary approval order that the settlement demonstrated the “type of high quality work product that this Court anticipated when it designated Hagens Berman and its lead partner Steve Berman as class counsel.” Memo. & Order at 3, *In re: Stericycle, Inc.*, MDL No. 2455 (N.D. Ill. Oct. 26, 2017), ECF No. 310. He has served as lead or co-lead counsel in antitrust, securities, consumer, and products liability litigation, as well as other complex litigation, including MDL actions, throughout the country. In addition, Mr. Berman was appointed to the plaintiffs’ steering

committee by Judge Breyer in the *In re Volkswagen “Clean Diesel” Mktg., Sales Practices, & Prods. Liability Litig.*, No. 15-md-02672-CRB (N.D. Cal.), and lead counsel for the franchise VW dealers, who settled for \$1.2 billion. Mr. Berman has received countless awards and recognition for his work, including the National Law Journal’s 2021 recognition of him as a Sports & Entertainment Law Trailblazer, the American Antitrust Institute recognizing him in 2021, 2019, and 2018 as an Honoree for Outstanding Antitrust Litigation Achievement, and being named as a Class Action MVP of the Year for 2016 through 2020 by Law360. Mr. Berman was also recently named to the Lawdragon Hall of Fame for his career achievements. Mr. Berman graduated from the University of Chicago Law School in 1980.

75. *Jennifer Connolly* was a partner with Hagens Berman specializing in national, complex litigation matters including antitrust, pharmaceutical and consumer fraud class actions. Ms. Connolly performed a key role in litigation against McKesson Corporation, alleging the company engaged in a scheme that raised the prices of more than 400 brand name drugs. That case resulted in a \$350 million private class action settlement, an \$82 million settlement for municipalities throughout the United States, and numerous settlements on behalf of state attorneys general. Ms. Connolly was also a member of the team that successfully tried the *In re Pharmaceutical Industry Average Wholesale Price Litigation*, No. 01-cv-12257 (D. Mass.), against four pharmaceutical defendants, obtaining a verdict that was subsequently affirmed in all respects by the First Circuit Court of Appeals.

76. *Ben Harrington* is a partner with Hagens Berman specializing in antitrust and class action matters. Mr. Harrington has experience representing both plaintiffs and defendants, including in *In Re Rail Freight Fuel Surcharge Antitrust Litigation*, 07-mc-00489 (D.D.C.), *Mackmin v. Visa Inc.*, 11-cv-01831 (D.D.C.), *Laumann v. National Hockey League et al.*, 12-cv-2065 (S.D.N.Y.), and *In Re Google Play Store Antitrust Litigation*, 21-md-02981 (N.D. Cal.). After graduating summa cum laude from Hastings College of the Law, Mr. Harrington completed clerkships with the Honorable Harris Hartz (Tenth Circuit) and the Honorable Nina Gershon (Eastern District of New York).

77. *Christopher O'Hara* is a partner with Hagens Berman with a long history in working on antitrust class actions and settlements. Mr. O'Hara plays a key role in working with and overseeing notice and claims administrators on the firm's class settlements and class notice programs, including antitrust actions such as *In re Electronic Books Antitrust Litig.*, No. 11-mc-02293 (S.D.N.Y.); *In re Optical Disk Drive Antitrust Litig.*, No. 10-md-2143 RS (N.D. Cal.); and *In re Animation Workers Antitrust Litig.*, No. 14-CV-04062-LHK (N.D. Cal.). An active member of the firm's Microsoft defense team, Mr. O'Hara has spent the past 17 years working for and advising Microsoft in 20 state antitrust class action lawsuits and settlements around the country. Mr. O'Hara began his career with the firm as a Special Assistant Attorney General for 13 states, working on consumer protection and antitrust claims in the landmark State Tobacco Litigation, which resulted in the \$206 billion Tobacco Master Settlement Agreement, the largest settlement in world history. Named a Rising Star in 2003, Mr. O'Hara graduated from Seattle University School of Law, *cum laude*, in 1993.

78. *Benjamin Siegel* is Of Counsel in Hagens Berman's Berkeley office with significant experience in antitrust class actions. He is a 2007 graduate of The University of Texas School of Law, where he was an Articles Editor of the Texas Law Review, and the University of Texas Lyndon B. Johnson School of Public Affairs, graduating first in his class. After law school, Mr. Siegel was a judicial law clerk to the Honorable Thomas M. Reavley of the United States Court of Appeals for the Fifth Circuit. He was admitted to the State Bar of California in 2008 and has been admitted to practice before the courts of the State of California, the Northern District of California, the Eastern District of California, and the Ninth Circuit Court of Appeals. Since joining the firm, Mr. Siegel has had a practice focused on antitrust class actions and is a member of the Hagens Berman teams in *In re Resistors Antitrust Litigation*, No. 15-cv-03820 (N.D. Cal.); *In re Optical Disk Drive Antitrust Litigation*, No. 10-md-02143 (N.D. Cal.); *Mackmin v. Visa Inc.*, No. 11-cv-1831 (D.D.C.); *In re College Athlete NIL Litigation*, No. 20-cv-03919 (N.D. Cal.); and *In re NCAA Grant-In-Aid Cap Antitrust Litigation*, No. 14-md-02541 (N.D. Cal.). In the latter case, Mr. Siegel was part of the team that successfully defended its trial win before the

Supreme Court and received the American Law Institute's award for Outstanding Antitrust Litigation Achievement in Private Law Practice. In 2018, he was named one of Super Lawyers' "Rising Stars."

IX. EXPERTISE AND EXPERIENCE OF CORE QUINN EMANUEL TEAM MEMBERS WORKING ON THIS LITIGATION

79. As the largest firm in the nation devoted solely to business litigation—with over 800 litigators worldwide—Quinn Emanuel has been described as a “global force in business litigation” by the *Wall Street Journal* and a “litigation powerhouse” by *The American Lawyer*. Quinn Emanuel has also been recognized by *Legal Business* three times as “US Law Firm of the Year.” And *The American Lawyer* named the firm in 2015 and 2019 as a “Litigation Department of the Year: Finalist.” Quinn Emanuel also was named “firm of the year” for Commercial Litigation in 2015 by the *Legal 500 USA Awards*. In 2020, Quinn Emanuel was voted the “most feared” firm in the world after independent BTI Consulting Group surveyed over 350 major companies who identified Quinn Emanuel as the firm they least wanted to face as opposing counsel. A document with further summary information about Quinn Emanuel is attached as **Exhibit 12.**

80. When representing plaintiffs, Quinn Emanuel has won over \$70 billion in judgments and settlements. Quinn Emanuel also tries more cases than almost any other major law firm. The firm's partners have first-chaired over 2,300 trials and arbitrations, including five 9-figure jury verdicts. The firm has also obtained forty-three 9-figure settlements and nineteen 10-figure settlements.

81. Quinn Emanuel's class action practice is recognized as among the nation's best. For example, in 2013, 2016, and 2021, Quinn Emanuel was named the “Class Action Practice Group of the Year” by *Law360* for its work for plaintiffs and defendants in class action litigation. It has similarly received multiple accolades for its antitrust practice, having been named one of the best antitrust litigation groups in multiple years by legal publications such as *Chambers*, *Law360*, *The Recorder*, *Global Competition Review*, and more.

82. The following are representative examples of Quinn Emanuel’s success on behalf of antitrust and class plaintiffs: Quinn Emanuel served as co-lead class counsel, obtaining over \$1.87 billion in settlements in *In re Credit Default Swaps Antitrust Litigation*, No. 13-md-02476 (S.D.N.Y.). Quinn Emanuel served as lead counsel, obtaining over \$5.4 billion in judgments, in *Health Republic Insurance Company v. U.S.*, No. 16-cv-00259 (Fed. Cl.), and *Common Ground Healthcare Cooperative v. U.S.*, No. 17-cv-00877 (Fed. Cl.). Quinn Emanuel served as co-lead class counsel, obtaining more than \$500 million in settlements in *ISDAfix Antitrust Litigation*, No. 14-cv-7126 (S.D.N.Y.). Quinn Emanuel served as co-lead class counsel for direct purchaser plaintiffs and obtained more than \$430 million in settlements in *Polyurethane Foam Antitrust Litig.*, Case No. 10-md-02196 (N.D. Ohio). Quinn Emanuel served as counsel for a plaintiff that asserted exclusive dealing, tying, and monopolization claims against Live Nation and Ticketmaster, securing a \$110 million settlement for the plaintiff in *Complete Entertainment Resources LLC v. Live Nation Entertainment, Inc. et al*, No. 15-cv-09814 (C.D. Cal.). Quinn Emanuel served as co-lead class counsel and secured settlements totaling \$95.5 million in *In re SSA Bonds Antitrust Litig.*, No. 16-cv-03711 (S.D.N.Y.).

83. The Quinn Emanuel partners who co-lead this litigation are Stephen Neuwirth, Adam Wolfson, and Mike Bonanno.

84. *Stephen Neuwirth* is the chair of Quinn Emanuel’s worldwide Antitrust and Competition Law practice and has served as court-appointed lead plaintiffs’ class counsel in various major national antitrust class actions. He was recognized by *Law360* in 2017 as one of just five antitrust "MVPs" nationwide, by *Corporate LiveWire* in 2018 as U.S. Antitrust and Competition Lawyer of the Year, by the *National Law Journal* in 2015 as an Antitrust “Trailblazer,” and by *Law360* in 2014 as a “Titan of the Plaintiffs’ Bar.” *Chambers USA* has described Mr. Neuwirth as “renowned for his deep understanding of corporate transactions and antitrust matters” and “recognized as a ‘leading light’ for his plaintiffs’ work.” Mr. Neuwirth also was ranked a Non-IP Litigation Star by *LMG Life Sciences* 2017. He has been recognized for his work in Antitrust litigation by The Best Lawyers in America from 2013 to 2021 and included

in the 2020 Lawdragon 500 Leading Plaintiff Financial Lawyers Guide for his work in Antitrust litigation. In 2021, *Law360* selected Mr. Neuwirth as one of just five Sports & Betting Law “MVPs” nationwide. Mr. Neuwirth is also ranked by *Legal 500* in Tier 1 for both defense-side and plaintiffs-side antitrust litigation. Mr. Neuwirth brings to bear over three decades of experience in private practice and government, including serving as Associate White House Counsel to President Clinton from 1993-1996. In 1998, the U.S. Department of Justice retained Mr. Neuwirth to assist in the Antitrust Division’s litigation against Microsoft Corporation.

85. *Adam Wolfson* is a partner in Quinn Emanuel’s Los Angeles office, focusing on class actions and plaintiff-side litigation. He was one of the principal counsel for a certified class of health insurers that obtained nearly \$4 billion in judgments related to claims that the federal government failed to pay certain “risk corridor” amounts required by the Affordable Care Act. Mr. Wolfson was also one of co-lead counsel for plaintiffs in *In re Polyurethane Foam Antitrust Litigation*, where he helped obtain more than \$430 million in settlements on behalf of a certified class in a case alleging a price-fixing conspiracy in the flexible polyurethane foam industry. He also obtained a \$283 million patent infringement and breach of contract trial verdict in 2014 on behalf of ViaSat, Inc. relating to its competitor’s theft of innovative intellectual property and satellite designs. He is currently on the plaintiffs’ Executive Committee in *In re Combat Arms Earplug Product Liability Litigation*, in which the plaintiffs, service members from all branches of the U.S. Armed Forces, are suing to recover for damages they suffered from the use of defective earplugs 3M sold to the USAF for over a decade. There are over 280,000 such plaintiffs currently waiting their day in court, and Mr. Wolfson and his colleagues in the case leadership have to date obtained over \$160 million in trial verdicts for just seven of those former service members. He was recognized as a Rising Star in Class Actions by *Law360* in 2019, as a Recommended Lawyer in antitrust litigation by *Legal 500 USA*, and included in the Lawdragon 500 Leading Plaintiff Financial Lawyers guide every year since 2019.

86. *Mike Bonanno* graduated from Georgetown University Law Center in 2010 and joined the Antitrust Division of the United States Department of Justice through the Attorney

General's Honors Program. He was a trial lawyer in the Antitrust Division for more than four years, during which time he worked on many investigations concerning mergers of national importance, including Google's acquisition of ITA Software, NASDAQ's proposed acquisition of the New York Stock Exchange, and AT&T's proposed acquisition of T-Mobile. While at DOJ, Mr. Bonanno also played a lead role in two major civil antitrust trials (*United States v. Bazaarvoice, Inc.* and *United States v. American Express*). Mr. Bonanno left the government and joined Quinn Emanuel in early 2015. In private practice, he has represented both plaintiffs and defendants in antitrust cases, including class actions.

We declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 25th day of February, 2022, at Seattle, Washington.

/s/ Steve W. Berman
STEVE W. BERMAN

Executed this 25th day of February, 2022, at New York City, New York.

/s/ Stephen R. Neuwirth
STEPHEN R. NEUWIRTH

EXHIBIT 1

ATM Antitrust
Hagens Berman Sobol Shapiro LLP
LODESTAR TOTALS FROM INCEPTION TO 02/23/22
AT HISTORIC RATES

NAME	YEAR	HOURLY RATE	HOURS	LODESTAR AT HISTORIC RATES
Steve Berman (P)	2011	725.00	5.50	\$3,987.50
Steve Berman (P)	2012	725.00	3.00	\$2,175.00
Steve Berman (P)	2013	900.00	2.00	\$1,800.00
Steve Berman (P)	2015	900.00	47.80	\$43,020.00
Steve Berman (P)	2016	950.00	15.30	\$14,535.00
Steve Berman (P)	2017	950.00	18.00	\$17,100.00
Steve Berman (P)	2018	975.00	24.30	\$23,692.50
Steve Berman (P)	2019	1025.00	43.80	\$44,895.00
Steve Berman (P)	2020	1075.00	26.70	\$28,702.50
Steve Berman (P)	2021	1125.00	2.50	\$2,812.50
Anthony Shapiro (P)	2011	650.00	5.30	\$3,445.00
Kevin Green (OC)	2016	630.00	1.30	\$819.00
Ben Harrington (P)	2017	450.00	208.30	\$93,735.00
Ben Harrington (P)	2018	450.00	1203.70	\$541,665.00
Ben Harrington (P)	2019	475.00	1540.60	\$731,785.00
Ben Harrington (P)	2020	550.00	723.50	\$397,925.00
Ben Harrington (P)	2021	700.00	37.70	\$26,390.00
Ben Harrington (P)	2022	750.00	4.90	\$3,675.00
Rio Pierce (P)	2019	500.00	94.10	\$47,050.00
Jason Zweig (P)	2011	500.00	7.80	\$3,900.00
Chris O'Hara (P)	2019	650.00	12.00	\$7,800.00
Chris O'Hara (P)	2019	675.00	1.00	\$675.00
Chris O'Hara (P)	2020	675.00	188.50	\$127,237.50
Chris O'Hara (P)	2021	675.00	43.00	\$29,025.00
Chris O'Hara (P)	2022	700.00	4.00	\$2,800.00
Jennifer Connolly (P)	2014	650.00	265.10	\$172,315.00
Jennifer Connolly (P)	2015	650.00	280.00	\$182,000.00
Jennifer Connolly (P)	2016	685.00	879.70	\$602,594.50
Jennifer Connolly (P)	2017	685.00	386.40	\$264,684.00
Jennifer Connolly (P)	2018	700.00	325.40	\$227,780.00
Nathaniel Tarnor (OC)	2018	650.00	505.70	\$328,705.00
Nathaniel Tarnor (OC)	2019	675.00	0.20	\$135.00
Benjamin Siegel (OC)	2019	575.00	968.90	\$557,117.50
Benjamin Siegel (OC)	2020	600.00	516.80	\$310,080.00
Benjamin Siegel (OC)	2021	600.00	65.80	\$39,480.00
Benjamin Siegel (OC)	2022	650.00	4.80	\$3,120.00
Jerrod Patterson (P)	2015	575.00	4.30	\$2,472.50
Jerrod Patterson (P)	2016	575.00	10.30	\$5,922.50
Erin Flory (P)	2012	550.00	96.60	\$53,130.00
George Sampson (P)	2011	550.00	40.80	\$22,440.00
George Sampson (P)	2012	600.00	145.10	\$87,060.00
George Sampson (P)	2013	600.00	24.70	\$14,820.00
George Sampson (P)	2014	600.00	29.30	\$17,580.00

ATM Antitrust
Hagens Berman Sobol Shapiro LLP
LODESTAR TOTALS FROM INCEPTION TO 02/23/22
AT HISTORIC RATES

NAME	YEAR	HOURLY RATE	HOURS	LODESTAR AT HISTORIC RATES
Anthea Grivas (A)	2011	350.00	9.70	\$3,395.00
Anthea Grivas (A)	2012	350.00	10.00	\$3,500.00
Anthea Grivas (A)	2013	350.00	6.00	\$2,100.00
Zoran Tasic (A)	2018	400.00	46.30	\$18,520.00
Lara Gustavson (CA)	2018	350.00	308.20	\$107,870.00
Lara Gustavson (CA)	2018	400.00	902.50	\$361,000.00
Lara Gustavson (CA)	2019	400.00	1002.10	\$400,840.00
Bridget Marks (CA)	2018	400.00	489.50	\$195,800.00
Zachary Stump (CA)	2018	350.00	310.40	\$108,640.00
Zachary Stump (CA)	2018	400.00	672.00	\$268,800.00
Brian Miller (PL)	2011	150.00	0.70	\$105.00
Brian Miller (PL)	2019	300.00	105.70	\$31,710.00
Brian Miller (PL)	2020	350.00	1.00	\$350.00
Carrie Flexer (PL)	2011	200.00	2.50	\$500.00
Carrie Flexer (PL)	2013	200.00	7.30	\$1,460.00
Carrie Flexer (PL)	2014	200.00	15.20	\$3,040.00
Carrie Flexer (PL)	2016	200.00	3.50	\$700.00
Carrie Flexer (PL)	2017	200.00	0.50	\$100.00
Carrie Flexer (PL)	2018	250.00	0.50	\$125.00
Carrie Flexer (PL)	2019	275.00	26.00	\$7,150.00
Sophia Chao (SA)	2018	325.00	3.80	\$1,235.00
Joseph Salonga (PL)	2017	180.00	0.50	\$90.00
Jeaneth Decena (PL)	2019	300.00	40.00	\$12,000.00
Jeaneth Decena (PL)	2020	350.00	0.60	\$210.00
Jooyoung Koo (SA)	2018	350.00	419.40	\$146,790.00
Kathleen Left (CA)	2018	350.00	186.20	\$65,170.00
Nicolle Huerta (PL)	2019	225.00	1.90	\$427.50
Robert Haegele (PL)	2011	170.00	11.70	\$1,989.00
Robert Haegele (PL)	2012	170.00	11.30	\$1,921.00
Robert Haegele (PL)	2013	180.00	5.30	\$954.00
Robert Haegele (PL)	2014	180.00	38.70	\$6,966.00
Robert Haegele (PL)	2015	180.00	12.00	\$2,160.00
Robert Haegele (PL)	2016	180.00	50.70	\$9,126.00
Robert Haegele (PL)	2017	180.00	47.00	\$8,460.00
Robert Haegele (PL)	2018	200.00	152.20	\$30,440.00
Robert Haegele (PL)	2019	225.00	220.70	\$49,657.50
Robert Haegele (PL)	2020	250.00	86.40	\$21,600.00
Robert Haegele (PL)	2021	275.00	19.80	\$5,445.00
Robert Haegele (PL)	2022	350.00	5.20	\$1,820.00
Camille Bass (A)	2012	295.00	0.40	\$118.00
Shelby Taylor (PL)	2018	200.00	12.00	\$2,400.00
Shelby Taylor (PL)	2019	225.00	0.50	\$112.50
Jessica Stevens (PL)	2018	200.00	125.20	\$25,040.00

ATM Antitrust
Hagens Berman Sobol Shapiro LLP
LODESTAR TOTALS FROM INCEPTION TO 02/23/22
AT HISTORIC RATES

NAME	YEAR	HOURLY RATE	HOURS	LODESTAR AT HISTORIC RATES
Jessica Stevens (PL)	2019	225.00	53.00	\$11,925.00
Jessica Stevens (PL)	2020	225.00	0.20	\$45.00
Rebecca Heneghen (PL)	2012	170.00	0.80	\$136.00
Rebecca Heneghen (PL)	2015	170.00	0.70	\$119.00
Heidi Waggoner (PL)	2018	175.00	0.50	\$87.50
Heidi Waggoner (PL)	2019	175.00	1.00	\$175.00
Adrian Garcia (PL)	2011	150.00	1.00	\$150.00
Adrian Garcia (PL)	2015	150.00	2.00	\$300.00
Sheila Carey (PL)	2012	150.00	0.20	\$30.00
Sheila Carey (PL)	2014	150.00	0.20	\$30.00
Sherrie Malloy (PL)	2014	150.00	1.00	\$150.00
			14246.20	\$7,015,066.50
TOTAL:				

(P)	Partner
(OC)	Of Counsel
(A)	Associate
(SA)	Staff Attorney
(CA)	Contract Attorney
(PL)	Paralegal

EXHIBIT 2

ATM Antitrust
Hagens Berman Sobol Shapiro LLP
LODESTAR TOTALS FROM INCEPTION TO 02/23/22
AT CURRENT RATES

NAME	TOTAL HOURS	CURRENT HOURLY RATE	LODESTAR AT CURRENT RATES
Steve Berman (P)	188.90	\$1,200.00	\$226,680.00
Anthony Shapiro (P)	5.30	\$950.00	\$5,035.00
Kevin Green (OC)	1.30	\$800.00	\$1,040.00
Ben Harrington (P)	3718.70	\$750.00	\$2,789,025.00
Rio Pierce (P)	94.10	\$750.00	\$70,575.00
Jason Zweig (P)	7.80	\$725.00	\$5,655.00
Chris O'Hara (P)	248.50	\$700.00	\$173,950.00
Jennifer Connolly (P)	2136.60	\$700.00	\$1,495,620.00
Nathaniel Tarnor (OC)	505.90	\$700.00	\$354,130.00
Benjamin Siegel (OC)	1556.30	\$650.00	\$1,011,595.00
Jerrod Patterson (P)	14.60	\$650.00	\$9,490.00
Erin Flory (P)	96.60	\$600.00	\$57,960.00
George Sampson (P)	239.90	\$600.00	\$143,940.00
Anthea Grivas (A)	25.70	\$525.00	\$13,492.50
Zoran Tasic (A)	46.30	\$500.00	\$23,150.00
Lara Gustavson (CA)	2212.80	\$400.00	\$885,120.00
Bridget Marks (CA)	489.50	\$400.00	\$195,800.00
Zachary Stump (CA)	982.40	\$400.00	\$392,960.00
Brian Miller (PL)	107.40	\$375.00	\$40,275.00
Carrie Flexer (PL)	55.50	\$375.00	\$20,812.50
Sophia Chao (SA)	3.80	\$375.00	\$1,425.00
Joseph Salonga (PL)	0.50	\$350.00	\$175.00
Jeaneth Decena (PL)	40.60	\$350.00	\$14,210.00
Jooyoung Koo (SA)	419.40	\$350.00	\$146,790.00
Kathleen Left (CA)	186.20	\$350.00	\$65,170.00
Nicolle Huerta (PL)	1.90	\$350.00	\$665.00
Robert Haegele (PL)	661.00	\$350.00	\$231,350.00
Camille Bass (A)	0.40	\$350.00	\$140.00
Shelby Taylor (PL)	12.50	\$300.00	\$3,750.00
Jessica Stevens (PL)	178.40	\$250.00	\$44,600.00
Rebecca Heneghen (PL)	1.50	\$200.00	\$300.00
Heidi Waggoner (PL)	1.50	\$175.00	\$262.50
Adrian Garcia (PL)	3.00	\$150.00	\$450.00
Sheila Carey (PL)	0.40	\$150.00	\$60.00
Sherrie Malloy (PL)	1.00	\$150.00	\$150.00
TOTAL:	14246.20		\$8,425,802.50

(P) Partner
(OC) Of Counsel
(A) Associate
(SA) Staff Attorney
(CA) Contract Attorney
(PL) Paralegal

EXHIBIT 3

ATM Antitrust
Hagens Berman Sobol Shapiro LLP
EXPENSE REPORT FROM INCEPTION TO 02/23/2022

CATEGORY	AMOUNT INCURRED
Travel (Airfare, Ground Transportation, Meals, Lodging, Parking)	\$25,229.67
Internal Photocopies	\$3,628.00
Outside Copy Service	\$207.71
Litigation Fund Assessments	\$6,319,214.00
Professional Fees (Investigator, Consulting, Experts)	\$1,419.72
Court Fees (Filing, etc.)	\$1,498.50
Telephone	\$828.96
Online Services/Legal Research (LexisNexis/PACER/Westlaw)	\$40,228.73
Postage/Overnight Shipping	\$3,259.55
Transcripts and Deposition Reporting	\$5,094.55
Messenger/Service of Process	\$2,575.00
PR/Marketing	\$1,557.45
Miscellaneous (ABA Literature)	\$651.04
TOTAL:	\$6,405,392.88

EXHIBIT 4

ATM Antitrust
Hagens Berman Sobol Shapiro LLP
LODESTAR TOTALS FROM INCEPTION TO 02/23/22
AT HISTORICAL RATES

NAME	Year	HOURLY RATE	HOURS	LODESTAR AT HISTORICAL RATES
Stephen R. Neuwirth (P)	2015	\$ 1,175.00	4.30	\$5,052.50
Stephen R. Neuwirth (P)	2016	\$ 1,175.00	46.10	\$54,167.50
Stephen R. Neuwirth (P)	2016	\$ 1,350.00	4.60	\$6,210.00
Stephen R. Neuwirth (P)	2017	\$ 1,350.00	48.30	\$65,205.00
Stephen R. Neuwirth (P)	2017	\$ 1,375.00	12.70	\$17,462.50
Stephen R. Neuwirth (P)	2018	\$ 1,375.00	8.20	\$11,275.00
Stephen R. Neuwirth (P)	2018	\$ 1,525.00	3.60	\$5,490.00
Stephen R. Neuwirth (P)	2019	\$ 1,525.00	18.90	\$28,822.50
Stephen R. Neuwirth (P)	2019	\$ 1,550.00	23.60	\$36,580.00
Stephen R. Neuwirth (P)	2020	\$ 1,550.00	21.60	\$33,480.00
Stephen R. Neuwirth (P)	2020	\$ 1,595.00	0.80	\$1,276.00
Stephen R. Neuwirth (P)	2021	\$ 1,595.00	9.90	\$15,790.50
Stephen R. Neuwirth (P)	2021	\$ 1,845.00	2.10	\$3,874.50
Stephen R. Neuwirth (P)	2022	\$ 1,845.00	0.10	\$184.50
Kathleen Sullivan (P)	2016	\$ 1,350.00	2.30	\$3,105.00
Bruce Van Dalsem (P)	2018	\$ 1,225.00	1.00	\$1,225.00
Shon Morgan (P)	2015	\$ 995.00	30.20	\$30,049.00
Shon Morgan (P)	2016	\$ 995.00	4.80	\$4,776.00
Shon Morgan (P)	2017	\$ 1,120.00	2.00	\$2,240.00
Jon D. Corey (OC)	2015	\$ 935.00	0.80	\$748.00
Sandy Weisburst (P)	2016	\$ 935.00	4.20	\$3,927.00
David M. Cooper (P)	2016	\$ 860.00	82.20	\$70,692.00
David M. Cooper (P)	2016	\$ 895.00	91.20	\$81,624.00
David M. Cooper (P)	2021	\$ 1,200.00	46.70	\$56,040.00
David M. Cooper (P)	2021	\$ 1,385.00	4.30	\$5,955.50
David M. Cooper (P)	2022	\$ 1,385.00	8.30	\$11,495.50
Adam B. Wolfson (P)	2016	\$ 840.00	50.30	\$42,252.00
Adam B. Wolfson (P)	2016	\$ 895.38	2.60	\$2,327.99
Adam B. Wolfson (P)	2016	\$ 920.00	15.30	\$14,076.00
Adam B. Wolfson (P)	2017	\$ 920.00	57.00	\$52,440.00
Adam B. Wolfson (P)	2017	\$ 950.00	53.40	\$50,730.00
Adam B. Wolfson (P)	2018	\$ 950.00	140.50	\$133,475.00
Adam B. Wolfson (P)	2018	\$ 1,000.00	122.20	\$122,200.00
Adam B. Wolfson (P)	2019	\$ 1,000.00	497.20	\$497,200.00
Adam B. Wolfson (P)	2019	\$ 1,150.00	181.10	\$208,265.00
Adam B. Wolfson (P)	2020	\$ 1,150.00	293.70	\$337,755.00
Adam B. Wolfson (P)	2020	\$ 1,200.00	26.30	\$31,560.00
Adam B. Wolfson (P)	2021	\$ 1,200.00	17.80	\$21,360.00
Adam B. Wolfson (P)	2021	\$ 1,385.00	8.00	\$11,080.00
Adam B. Wolfson (P)	2022	\$ 1,385.00	4.30	\$5,955.50
Mike Bonanno (P)	2016	\$ 815.00	12.40	\$10,106.00
Mike Bonanno (P)	2017	\$ 815.00	52.10	\$42,461.50
Mike Bonanno (P)	2017	\$ 850.00	93.30	\$79,305.00

ATM Antitrust
Hagens Berman Sobol Shapiro LLP
LODESTAR TOTALS FROM INCEPTION TO 02/23/22
AT HISTORICAL RATES

NAME	Year	HOURLY RATE	HOURS	LODESTAR AT HISTORICAL RATES
Mike Bonanno (P)	2018	\$ 850.00	67.10	\$57,035.00
Mike Bonanno (P)	2018	\$ 860.00	139.90	\$120,314.00
Mike Bonanno (P)	2019	\$ 860.00	305.80	\$262,988.00
Mike Bonanno (P)	2019	\$ 900.00	83.30	\$74,970.00
Mike Bonanno (P)	2020	\$ 975.00	60.70	\$59,182.50
Viola Trebicka (P)	2018	\$ 910.00	575.20	\$523,432.00
Viola Trebicka (P)	2019	\$ 950.00	250.20	\$237,690.00
Viola Trebicka (P)	2019	\$ 975.00	50.40	\$49,140.00
Alexander J. Merton (P)	2015	\$ 660.00	6.10	\$4,026.00
Thomas J. Lepri (OC)	2020	\$ 997.07	30.70	\$30,610.05
Thomas J. Lepri (OC)	2020	\$ 1,000.00	4.30	\$4,300.00
Lauren W. Misztal (OC)	2016	\$ 775.00	127.00	\$98,425.00
Nicoletta Malogioglio (A)	2018	\$ 875.00	362.60	\$317,275.00
Nicoletta Malogioglio (A)	2019	\$ 875.00	232.90	\$203,787.50
Nicoletta Malogioglio (A)	2019	\$ 900.00	14.90	\$13,410.00
Nicoletta Malogioglio (A)	2020	\$ 900.00	49.80	\$44,820.00
Joy Odom (A)	2016	\$ 610.00	1.90	\$1,159.00
William Sears (A)	2020	\$ 860.00	110.50	\$95,030.00
William Sears (A)	2020	\$ 950.00	15.00	\$14,250.00
Hope Skibitsky (A)	2018	\$ 790.00	0.90	\$711.00
Dallas Bullard (A)	2017	\$ 610.00	46.30	\$28,243.00
Dallas Bullard (A)	2017	\$ 670.00	20.10	\$13,467.00
Dallas Bullard (A)	2018	\$ 670.00	62.30	\$41,741.00
Dallas Bullard (A)	2018	\$ 745.00	15.00	\$11,175.00
Jaclyn Palmerson (A)	2018	\$ 670.00	1.90	\$1,273.00
Brantley Pepperman (A)	2018	\$ 575.00	20.10	\$11,557.50
Brantley Pepperman (A)	2019	\$ 575.00	198.00	\$113,850.00
Samantha Zuba (A)	2019	\$ 385.00	124.00	\$47,740.00
Samantha Zuba (A)	2019	\$ 442.55	38.30	\$16,949.67
Henry Soledad (A)	2018	\$ 400.00	944.20	\$377,680.00
Henry Soledad (A)	2018	\$ 875.00	226.30	\$198,012.50
Henry Soledad (A)	2019	\$ 400.00	89.50	\$35,800.00
Carolyn Reichardt (CA)	2018	\$ 400.00	793.60	\$317,440.00
Carolyn Reichardt (CA)	2018	\$ 875.00	294.30	\$257,512.50
Carolyn Reichardt (CA)	2019	\$ 400.00	534.70	\$213,880.00
Carolyn Reichardt (CA)	2020	\$ 400.00	89.70	\$35,880.00
Christopher Clark (CA)	2018	\$ 350.00	424.00	\$148,400.00
Stephanie Hodach (CA)	2018	\$ 350.00	311.50	\$109,025.00
Steven Kamin (CA)	2018	\$ 400.00	573.20	\$229,280.00
Steven Kamin (CA)	2018	\$ 875.00	272.50	\$238,437.50
Diego DiGiovanni (LC)	2018	\$ 385.00	555.10	\$213,713.50
Teri Juarez (PL)	2018	\$ 320.00	4.50	\$1,440.00
Teri Juarez (PL)	2019	\$ 320.00	187.60	\$60,032.00

ATM Antitrust
Hagens Berman Sobol Shapiro LLP
LODESTAR TOTALS FROM INCEPTION TO 02/23/22
AT HISTORICAL RATES

NAME	Year	HOURLY RATE	HOURS	LODESTAR AT HISTORICAL RATES
Teri Juarez (PL)	2019	\$ 330.00	25.60	\$8,448.00
Teri Juarez (PL)	2020	\$ 330.00	28.60	\$9,438.00
Kristen Strayhorn (PL)	2019	\$ 320.00	1.60	\$512.00
Michael Gulston (PL)	2017	\$ 310.00	0.30	\$93.00
Michael Gulston (PL)	2017	\$ 320.00	1.20	\$384.00
Michael Gulston (PL)	2018	\$ 320.00	24.60	\$7,872.00
Adrian Palma (PL)	2017	\$ 320.00	0.60	\$192.00
Fahri Abdulhalikov (PL)	2016	\$ 310.00	15.80	\$4,898.00
Fahri Abdulhalikov (PL)	2017	\$ 310.00	19.20	\$5,952.00
D'Andrea Green (PL)	2019	\$ 330.00	1.50	\$495.00
Trish Goforth (PL)	2018	\$ 320.00	164.60	\$52,672.00
Trish Goforth (PL)	2019	\$ 320.00	50.30	\$16,096.00
Trish Goforth (PL)	2019	\$ 330.00	22.10	\$7,293.00
Trish Goforth (PL)	2020	\$ 330.00	39.00	\$12,870.00
Trish Goforth (PL)	2020	\$ 355.00	0.40	\$142.00
Danny Rose (LS)	2019	\$ 330.00	0.20	\$66.00
Raul Vasquez (LS)	2018	\$ 175.00	1.40	\$245.00
Kevin Silveira (LS)	2018	\$ 175.00	2.30	\$402.50
Ryan Lopez (LS)	2018	\$ 175.00	12.10	\$2,117.50
Ryan Lopez (LS)	2019	\$ 175.00	3.80	\$665.00
Aaron Alcantara (LS)	2017	\$ 175.00	13.70	\$2,397.50
Aaron Alcantara (LS)	2018	\$ 175.00	2.80	\$490.00
Anthony Bentancourt (LS)	2019	\$ 175.00	1.20	\$210.00
Vince Mesa (LS)	2019	\$ 250.00	19.70	\$4,925.00
Vince Mesa (LS)	2020	\$ 250.00	1.40	\$350.00
Jonathan Land (LS)	2018	\$ 365.00	2.50	\$912.50
Patricia Smith (LC)	2018	\$ 365.00	1.00	\$365.00
TOTAL:			10,883.70	\$7,294,883.70

(P) Partner
(OC) Of Counsel
(A) Associate
(LC) Law Clerk
(CA) Contract Attorney
(PL) Paralegal
(LS) Litigation Support

EXHIBIT 5

ATM Antitrust
Quinn Emanuel Urquhart & Sullican, LPP
LODESTAR TOTALS FROM INCEPTION TO 02/23/22
AT CURRENT RATES

NAME	TOTAL HOURS	CURRENT HOURLY RATE	LODESTAR AT CURRENT RATES
Stephen R. Neuwirth (P)	204.80	\$1,845.00	\$377,856.00
Kathleen Sullivan (P)	2.30	\$1,845.00	\$4,243.50
Bruce Van Dalsem (P)	1.00	\$1,615.00	\$1,615.00
Shon Morgan (P)	37.00	\$1,530.00	\$56,610.00
Jon D. Corey (OC)	0.80	\$1,530.00	\$1,224.00
Sandy Weisburst (P)	4.20	\$1,530.00	\$6,426.00
David M. Cooper (P)	232.70	\$1,385.00	\$322,289.50
Adam B. Wolfson (P)	1469.70	\$1,385.00	\$2,035,534.50
Mike Bonanno (P)	814.60	\$1,200.00	\$977,520.00
Viola Trebicka (P)	875.80	\$1,200.00	\$1,050,960.00
Alexander J. Merton (P)	6.10	\$1,200.00	\$7,320.00
Thomas J. Lepri (OC)	35.00	\$1,155.00	\$40,425.00
Lauren W. Misztal (OC)	127.00	\$1,155.00	\$146,685.00
Nicoletta Malogioglio (A)	660.20	\$1,135.00	\$749,327.00
Joy Odom (A)	1.90	\$1,135.00	\$2,156.50
William Sears (A)	125.50	\$1,130.00	\$141,815.00
Hope Skibitsky (A)	0.90	\$1,130.00	\$1,017.00
Dallas Bullard (A)	143.70	\$1,100.00	\$158,070.00
Jaclyn Palmerson (A)	1.90	\$1,065.00	\$2,023.50
Brantley Pepperman (A)	218.10	\$950.00	\$207,195.00
Samantha Zuba (A)	162.30	\$950.00	\$154,185.00
Henry Soledad (A)	1260.00	\$1,135.00	\$1,430,100.00
Carolyn Reichardt (CA)	1712.30	\$1,135.00	\$1,943,460.50
Christopher Clark (CA)	424.00	\$380.00	\$161,120.00
Stephanie Hodach (CA)	311.50	\$380.00	\$118,370.00
Steven Kamin (CA)	845.70	\$1,135.00	\$959,869.50
Diego DiGiovanni (LC)	555.10	\$490.00	\$271,999.00
Teri Juarez (PL)	246.30	\$415.00	\$102,214.50
Kristen Strayhorn (PL)	1.60	\$415.00	\$664.00
Michael Gulston (PL)	26.10	\$415.00	\$10,831.50
Adrian Palma (PL)	0.60	\$415.00	\$249.00
Fahri Abduhalikov (PL)	35.00	\$415.00	\$14,525.00
D'Andrea Green (PL)	1.50	\$415.00	\$622.50
Trish Goforth (PL)	276.40	\$415.00	\$114,706.00
Danny Rose (LS)	0.20	\$175.00	\$35.00
Raul Vasquez (LS)	1.40	\$175.00	\$245.00
Kevin Silveira (LS)	2.30	\$175.00	\$402.50
Ryan Lopez (LS)	15.90	\$175.00	\$2,782.50
Aaron Alcantara (LS)	16.50	\$175.00	\$2,887.50
Anthony Bentancourt (LS)	1.20	\$175.00	\$210.00
Vince Mesa (LS)	21.10	\$250.00	\$5,275.00
Jonathan Land (LS)	2.50	\$365.00	\$912.50
Patricia Smith (LC)	1.00	\$470.00	\$470.00
TOTAL:	10883.70		\$11,586,449.00

(P) Partner
(OC) Of Counsel
(A) Associate
(LC) Law Clerk
(CA) Contract Attorney
(PL) Paralegal
(LS) Litigation Support

EXHIBIT 6

ATM Antitrust
Quinn Emanuel Urquhart & Sullivan, LPP
EXPENSE REPORT FROM INCEPTION TO 02/23/2022

CATEGORY	AMOUNT INCURRED
Air travel	\$12,962.31
Attorney service	\$598.37
Blowbacks (B&W)	\$25.20
Blowbacks (Color)	\$2.00
Color Document Reproduction	\$5,959.00
Conference Fee	\$1,041.16
Courier	\$28.55
Deposition transcript	\$10,821.74
Document Reproduction	\$8,289.84
Document Services	\$18,663.85
Express mail	\$785.50
Filing fee	\$347.00
Hearing transcript	\$242.50
Hotel	\$15,300.85
Local business travel	\$259.40
Local meals	\$1,041.39
Meals during travel	\$1,508.33
Messenger	\$290.25
Messenger	\$45.00
Miscellaneous	\$150.88
Online Research	\$16,246.19
Out-of-Town Travel	\$2,110.52
Outside record production	\$273.00
PACER Services	\$939.20
Parking	\$108.00
Postage	\$0.47
Litigation Funding	\$6,315,775.00
Telephone	\$97.11
Travel	\$447.55
Velobind	\$1.06
Video deposition/Videotaping	\$15,447.97
Word processing	\$936.00
TOTAL:	\$6,430,745.19

EXHIBIT 7

Mackmin et al. v. Visa Inc., et al.
No. 1:11-cv-1831-RJL

LODESTAR SUMMARY -- ALL FIRMS

Firm	Hours	Lodestar	
		Historical Rates	Current Rates
Hagens Berman Sobol Shapiro LLP	14,246.20	\$ 7,015,066.50	\$ 8,425,802.50
Quinn Emanuel Urquhart & Sullivan, LPP	10,883.70	\$ 7,294,883.70	\$ 11,586,449.00
Mehri & Skalet, PLLC	5,461.70	\$ 3,030,112.50	\$ 3,709,772.33
TOTAL	30,591.60	\$ 17,340,062.70	\$ 23,722,023.83

EXHIBIT 8

Mackmin et al. v. Visa Inc., et al.
No. 1:11-cv-1831-RJL

INTERNAL EXPENSES -- ALL FIRMS

Firm	Expenses
Hagens Berman Sobol Shapiro LLP	\$ 86,178.88
Quinn Emanuel Urquhart & Sullivan, LPP	\$ 114,970.19
Mehri & Skalet, PLLC	\$ 21,910.30
TOTAL	\$ 223,059.37

EXHIBIT 9

Mackmin et al. v. Visa Inc., et al.
No. 1:11-cv-1831-RJL

LITIGATION FUND CONTRIBUTION SUMMARY

Firm	Contribution
Hagens Berman Sobol Shapiro LLP	\$ 6,319,214.00
Quinn Emanuel Urquhart & Sullivan, LPP	\$ 6,315,214.00
Mehri & Skalet, PLLC	\$ 385,000.00
TOTAL	\$ 13,019,428.00

EXHIBIT 10

Mackmin et al. v. Visa Inc., et al.
No. 1:11-cv-1831-RJL

**LITIGATION FUND EXPENDITURE
SUMMARY**

Economic Experts and Analysis	\$ 12,476,151.30
Coherent Economics	\$ 3,472,009.60
Compass Lexecon	\$ 9,004,141.70
Document Collection, Review, & Synthesis	\$ 407,715.61
Everlaw, Inc.	\$ 407,715.61
Neutral Services	\$ 71,042.50
Phillips ADR	\$ 71,042.50
Industry Experts	\$ 17,683.06
Sam S. Ditzion	\$ 9,183.06
Tremont Capital Group, Inc.	\$ 8,500.00
Deposition Transcription & Videography	\$ 39,300.57
Veritext	\$ 39,300.57
Printing & Copying Services	\$ 4,840.00
Wilson-Epes Printing Co, Inc.	\$ 4,840.00
Process Servers	\$ 125.00
ABC Legal, Inc. Total	\$ 125.00
TOTAL	\$ 13,016,858.04

EXHIBIT 11



HAGENS BERMAN

A screenshot of a website header. At the top, it says "Auto Cases" followed by the phone number "1-888-381-2889", and links for "Email" and "Tip Line". There are also social media icons for Facebook and Twitter. Below this is a navigation menu with the following items: "CASES", "ATTORNEYS", "NEWS & INSIGHT", "ABOUT", "PRACTICES", "SUCCESS", and "BLOG". The main content area features a large portrait of a man in a white shirt and striped tie. To the left of the portrait, the word "Trailblazer" is written in a large, bold font. Below it, smaller text reads "Managing Partner, Steve Berman, Recipient of the ABA's Trailblazer Award". At the bottom of the screenshot, a partial line of text is visible: "...states that 14.7 million people have been".





Hagens Berman is a leader in class-action litigation and an international law firm driven by a team of legal powerhouses. With a tenacious spirit, we are motivated to make a positive difference in people's lives.

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INTRODUCTION

The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. The firm initially focused on class action and other types of complex, multi-party litigation, but we have always represented plaintiffs, victims and the underdog. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest. The firm represents plaintiffs including investors, consumers, inventors, workers, the environment, governments, whistleblowers and others.

We are one of the nation's leading class-action law firms and have earned an international reputation for excellence and innovation in groundbreaking litigation against large corporations.

OUR FOCUS. Our focus is to represent plaintiffs/victims in product liability, tort, antitrust, consumer fraud, sexual harassment, securities and investment fraud, employment, whistleblower, intellectual property, environmental, and employee pension protection cases. Our firm is particularly skilled at managing multi-state and nationwide class actions through an organized, coordinated approach that implements an efficient and aggressive prosecutorial strategy to place maximum pressure on defendants.

WE WIN. We believe excellence stems from a commitment to try each case, vigorously represent the best interests of our clients, and obtain the maximum recovery. Our opponents know we are determined and tenacious and they respect our skills and recognize our track record of achieving top results.

WHAT MAKES US DIFFERENT. We are driven to return to the class every possible portion of its damages—our track record proves it. While many class action or individual plaintiff cases result in large legal fees and no meaningful result for the client or class, Hagens Berman finds ways to return real value to the victims of corporate fraud and/or malfeasance.

AN INTERNATIONAL REACH. The scope of our practice is truly nationwide. We have flourished through our network of offices in nine cities across the United States, including Seattle, Austin, Berkeley, Boston, Chicago, Los Angeles, New York, Phoenix and San Diego and one international office in London, and our eyes are always open to trends of fraud, negligence and wrongdoing that may be taking form anywhere in the world. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country and have a vested interest in fighting global instances of oppression, wrongdoing and injustice.



INTRODUCTION

Locations

SEATTLE

1301 Second Avenue, Suite 2000
Seattle, WA 98101
(206) 623-7292 phone
(206) 623-0594 fax

AUSTIN

100 Congress Avenue, Suite 2000
Austin, TX 78701
(512) 469-3510 phone

BERKELEY

715 Hearst Avenue, Suite 202
Berkeley, CA 94710
(510) 725-3000 phone
(510) 725-3001 fax

BOSTON

55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
(617) 482-3700 phone
(617) 482-3003 fax

LONDON

Hagens Berman UK LLP
125 Old Broad Street
London, EC2N 1AR
0203 150 1445 phone

CHICAGO

455 N. Cityfront Plaza Drive, Suite 2410
Chicago, IL 60611
(708) 628-4949 phone
(708) 628-4950 fax

LOS ANGELES

301 North Lake Avenue, Suite 920
Pasadena, CA 91101
(213) 330-7150 phone
(213) 330-7152 fax

NEW YORK

322 8th Avenue, Suite 802
New York, NY 10001
(212) 752-5455 phone
(917) 210-3980 fax

PHOENIX

11 West Jefferson Street, Suite 1000
Phoenix, AZ 85003
(602) 840-5900 phone
(602) 840-3012 fax

SAN DIEGO

533 F Street
Suite 207
San Diego, CA 92101
(619) 929-3340 phone

“...the track record of Hagens Berman[’s] **Steve Berman is... impressive**, having racked... a \$1.6 billion settlement in the Toyota Unintended Acceleration Litigation and a substantial number of really outstanding big-ticket results.”

– Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman Interim Class Counsel in Stericycle Pricing MDL

“Class counsel has **consistently demonstrated extraordinary skill and effort.**”

– U.S. District Judge James Selna, Central District of California, *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*

“Berman is considered **one of the nation’s top class-action lawyers.**”

– Associated Press

Elite Trial Lawyers

The National Law Journal

The Plaintiffs’ Hot List: The Year’s Hottest Firms

The National Law Journal

Most Feared Plaintiffs Firms

Law360

“**Landmark consumer cases are business as usual** for Steve Berman.”

– *The National Law Journal*, naming Steve Berman one of the 100 most influential attorneys in the nation for the third time in a row

“[A] **clear choice** emerges. That choice is the Hagens Berman firm.”

– U.S. District Court for the Northern District of California, *In re Optical Disk Drive Products Antitrust Litigation* (appointing the firm lead counsel)

“All right, I think I can conclude on the basis with my five years with you all, watching this litigation progress and seeing it wind to a conclusion, that **the results are exceptional...** You did an exceptionally good job at organizing and managing the case...”

– U.S. District Court for the Northern District of California, *In re Dynamic Random Access Memory Antitrust Litigation* (Hagens Berman was co-lead counsel and helped achieve the \$325 million class settlement)

VISA-MASTERCARD ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history – valued at **\$27 billion**.

VOLKSWAGEN FRANCHISE DEALERS LITIGATION

The firm served as lead counsel representing VW franchise dealers in this suit related to the automaker's Dieselgate scandal. A **\$1.6 billion** settlement was reached, and represents a result of nearly full damages for the class.

VOLKSWAGEN EMISSIONS LITIGATION

Hagens Berman was named a member of the Plaintiffs' Steering Committee and part of the Settlement Negotiating team in this monumental case that culminated in the largest automotive settlement in history – **\$17.4 billion**.

TOYOTA UNINTENDED ACCELERATION LITIGATION

Hagens Berman obtained the then largest automotive settlement in history in this class action that recovered **\$1.6 billion** for vehicle owners.

STATE OF WASHINGTON, ET AL. V. PHILIP MORRIS, ET AL.

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$260 billion**.

E-BOOKS ANTITRUST LITIGATION

Hagens Berman served as co-lead counsel in this matter and secured a combined **\$560 million** settlement on behalf of consumers against Apple and five of the nation's largest publishing companies.

LCD ANTITRUST LITIGATION

Hagens Berman served as a member of the Executive Committee representing consumers against multiple defendants in multi-district litigation. The total settlements exceeded **\$470 million**.

MCKESSON DRUG LITIGATION

Hagens Berman was lead counsel in these racketeering cases against McKesson for drug pricing fraud that settled for more than **\$444 million** on the eve of trials.

DAVITA HEALTHCARE PERSONAL INJURY LITIGATION

A Denver jury awarded a monumental **\$383.5 million** jury verdict against GranuFlo dialysis provider DaVita Inc. on June 27, 2018, to families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics.

DRAM ANTITRUST LITIGATION

The firm was co-lead counsel, and the case settled for **\$345 million** in favor of purchasers of dynamic random access memory chips (DRAM).

AVERAGE WHOLESALE PRICE DRUG LITIGATION

Hagens Berman was co-lead counsel in this ground-breaking drug pricing case against the world's largest pharmaceutical companies, resulting in a victory at trial. The court approved a total of **\$338 million** in settlements.

ENRON ERISA LITIGATION

Hagens Berman was co-lead counsel in this ERISA litigation, which recovered in excess of **\$250 million**, the largest ERISA settlement in history.

CHARLES SCHWAB SECURITIES LITIGATION

The firm was lead counsel in this action alleging fraud in the management of the Schwab YieldPlus mutual fund; a **\$235 million** class settlement was approved by the court.

Practice Areas

PRACTICE AREAS

Anti-Terrorism

With a long track record of upholding the rights of the voiceless, Hagens Berman fights for justice on behalf of victims of international terrorism. Our anti-terrorism legal team builds on our robust history to forge innovative cases, bringing action against those that support terrorism.

Hagens Berman has always believed in fighting for the rights of those with no voice – those who are victims to tragic circumstances beyond their control. With our guiding principles driving our efforts, the firm has expanded its practice areas to include anti-terrorism litigation.

It's no secret that some businesses and individuals have pled guilty to violating United States laws that prohibit financial transactions with terrorist organizations and foreign states that support terrorism. We believe that the law is one of the most powerful tools to combat terrorism, and our renowned team of litigators brings a fresh perspective to the fight for victims' rights in this complex arena.

Through a deep understanding of both U.S. and international anti-terrorism laws, Hagens Berman builds on its foundation to investigate acts of terrorism and forge ironclad cases against anyone responsible, to help ensure that those at the mercy of the world's most egregious perpetrators of violence are represented with the utmost integrity and determination.

The firm's new practice area carries out our mission of building a safer world through novel applications of the law and steadfast dedication.

› Chiquita Bananas

Hagens Berman represents American citizens who were victims of terrorism in Colombia. The victims were harmed by Colombian terrorists that Chiquita Brands International Inc. paid so that it could grow bananas in Colombia in regions that were controlled by the terrorists. Chiquita is one of the world's largest producers and marketers of fruits and vegetables and admitted it paid Colombian terrorist organizations as part of a guilty plea to settle criminal charges brought by the U.S. Department of Justice

Chiquita was placed on corporate probation and paid a \$25 million dollar fine because of its conduct in Colombia.

Plaintiffs have sued Chiquita under the U.S. Anti-Terrorism Act, which allows American victims of international terrorism to sue anyone responsible and to recover treble damages and attorney's fees. The claims are pending in the U.S. District Court for the Southern District of Florida as part of the consolidated multi-district litigation to resolve claims related to Chiquita's payments to Colombian terrorist organizations.

PRACTICE AREAS

Antitrust

Hagens Berman works to preserve healthy marketplace competition and fair trade by protecting consumers and businesses that purchase goods and services from price fixing, market allocation agreements, monopolistic schemes and other trade restraints. The firm's lawyers have earned an enviable reputation as experts in this often confusing and combative area of commercial litigation. Our attorneys have a deep understanding of the legal and economic issues within the marketplace, allowing us to employ groundbreaking market theories that shed light on restrictive anti-competitive practices.

Hagens Berman represents millions of consumers in several high-profile class-action lawsuits, and takes on major antitrust litigation to improve market conditions for consumers, businesses and investors. We have represented plaintiffs in markets as diverse as debit and credit card services, personal computer components, electric and gas power, airlines, and internet services, and we have prevailed against some of the world's largest corporations.

The firm has also generated substantial recoveries on behalf of health plans and consumers in antitrust involving pharmaceutical companies abusing patent rights to block generic drugs from coming to market. Hagens Berman has served as lead or co-lead counsel in landmark litigation challenging anti-competitive practices, in the Paxil Direct Purchaser Litigation (\$100 million), Relafen Antitrust Litigation (\$75 million), Tricor Indirect Purchaser Antitrust Litigation (\$65.7 million), and Augmentin Antitrust Litigation (\$29 million). Representative antitrust successes on behalf of our clients include:

> **Visa/MasterCard**

Helped lead this record-breaking antitrust case against credit card giants Visa and MasterCard that challenged charges imposed in connection with debit cards.

RESULT: \$3.05 billion settlement and injunctive relief valued at more than \$20 billion.

> **NCAA: Scholarships/Grants-In-Aid (GIAs)**

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming these entities violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The firm continues to fight on behalf of student-athletes to level the playing field and bring fairness to college sports and players.

RESULT: \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

> **Apple E-books**

With state attorneys general, the firm secured a \$166 million settlement with publishing companies that conspired with Apple to fix e-book prices. The firm then look on Apple for its part in the price-fixing conspiracy. In the final stage in the lawsuit, the Supreme Court denied appeal from Apple, bringing the consumer payback amount to more than twice the amount of losses suffered by the class of e-book purchasers. This represents one of the most successful recovery of damages in any antitrust lawsuit in the country.

RESULT: \$560 million total settlements.

PRACTICE AREAS

Antitrust

> Animation Workers Antitrust

Hagens Berman represents a nationwide class of animators and other artistic workers in an antitrust class-action case filed against defendants Pixar, Lucasfilm and its division Industrial Light & Magic, DreamWorks Animation, The Walt Disney Company, Sony Pictures Animation, Sony Pictures Imageworks, Blue Sky Studios, ImageMovers LLC, ImageMovers Digital LLC and others.

RESULT: Total settlements have reached \$168 million, resulting in a payment of more than \$13,000 per class member.

> TFT LCDs

Hagens Berman Sobol Shapiro filed a class-action lawsuit against several major manufacturers of TFT LCD products, claiming the companies engaged in a conspiracy to fix, raise, maintain and stabilize the price of televisions, desktop and notebook computer monitors, mobile phones, personal digital assistants (PDAs) and other devices. After years of representing consumers against multiple defendants in multi-district litigation, the case against Toshiba went to trial. Toshiba was found guilty of price-fixing in 2012, and settled.

RESULT: \$470 million in total settlements.

> DRAM

The suit claimed DRAM (Dynamic Random Access Memory) manufacturers secretly agreed to reduce the supply of DRAM, a necessary component in a wide variety of electronics which artificially raised prices. The class included equipment manufacturers, franchise distributors and purchasers.

RESULT: \$375 million settlement.

> Optical Disk Drives

Hagens Berman fought on behalf of consumers in a lawsuit filed against Philips, Pioneer and others for artificially inflating the price of ODDs for consumers.

RESULT: \$180 million in total settlements reclaimed for consumers.

> Lithium Ion Batteries

Hagens Berman filed a class-action lawsuit against some of the largest electronics manufacturers including Sony, Samsung and Panasonic for illegally fixing the price of lithium ion batteries, pushing costs higher for consumers. Defendants collectively controlled between 60 to 90 percent of the market for lithium-ion batteries between 2000 and 2011 and used that power to fix battery prices.

RESULT: \$65 million in total settlements against multiple defendants.

> AC Nielsen

Represented Information Resources, Inc. ("IRI"), in a suit claiming that AC Nielsen's anti-competitive practices caused IRI to suffer significant losses.

RESULT: \$55 million settlement.

> Dairy Products

The firm filed a class-action suit against several large players in the dairy industry, including the National Milk Producers Federation, Dairy Farmers of America, Land O'Lakes, Inc., Agri-Mark, Inc. and Cooperatives Working Together (CWT) that together produce nearly 70 percent of the milk consumed in the United States. The suit alleging that the groups conspired to fix the price of milk throughout the United States through an organized scheme to limit production, involving the needless and premature slaughtering of 500,000 cows.

RESULT: \$52 million settlement on behalf of consumers in 15 states and the District of Columbia who purchased dairy products.

> Toys "R" Us Baby Products

The firm brought this complaint on behalf of consumers claiming Toys "R" Us and several baby product manufacturers violated provisions of the Sherman Antitrust Act by conspiring to inflate prices of high-end baby products, including car seats, strollers, high chairs, crib bedding, breast pumps and infant carriers. The suit asked the court to end what it claims are anti-competitive activities and seeks damages caused by the company's actions.

RESULT: \$35.5 million settlement.

PRACTICE AREAS

Antitrust

> EA Madden

Class action claimed that video game giant Electronic Arts used exclusive licensing agreements with various football organizations to nearly double the price of several of its games.

RESULT: \$27 million settlement and imposed limits on EA's ability to pursue exclusive licensing agreements.

> Resistors Antitrust Litigation

Hagens Berman is co-lead lead counsel, representing direct purchasers of linear resistors (a device in electronics used to limit electric current) against an alleged cartel of manufacturers who conspired to limit linear resistor price competition for nearly a decade. The case is in its early stages and discovery is ongoing.

> Nespresso

Hagens Berman has assumed responsibility for a large antitrust case against Nespresso, a leading single-serve espresso and coffee maker, for its anticompetitive efforts to exclude environmentally friendly, biodegradable coffee capsules from the market.

In May 2010, our client Ethical Coffee Company ("ECC") sought to introduce an environmentally sound and more economical coffee capsule to be used in Nespresso's widely used coffee makers. It manufactured a single-use coffee capsule that did not contain harmful aluminum found in Nespresso's capsules. Nespresso knew that ECC posed a formidable challenge to its business model, which relied on captive consumers buying coffee capsules only from Nespresso. With a captive market, Nespresso could continue to charge consumers an inflated price, and continue to use the aluminum capsules that harm the environment. The U.S. Court has already ruled that these claims can proceed to discovery. Hagens Berman anticipates damages associated with Nespresso's actions to be in the hundreds of millions of dollars.

PRACTICE AREAS

Automotive - Non-Emissions Cases

In litigating cases we strive to make an impact for a large volume of consumers, especially those who fall victim to the gross negligence and oversight of some of the nation's largest entities: automakers. Hagens Berman's automotive litigation team has been named a 2016 Practice Group of the Year by Law360, highlighting its "eye toward landmark matters and general excellence," in this area of law.

The federal court overseeing the massive multi-district litigation against Toyota appointed the firm to co-lead one of the largest consolidations of class-action cases in U.S. history. The litigation combined more than 300 state and federal suits concerning acceleration defects tainting Toyota vehicles. Hagens Berman and its two co-lead firms were selected from more than 70 law firms applying for the role. Since then, the firm's automotive practice area has grown by leaps and bounds, pioneering new investigations into defects, false marketing and safety hazards affecting millions of drivers across the nation.

The firm was recently named to the National Law Journal's list of Elite Trial Lawyers for its work fighting corporate wrongdoing in the automotive industry. The firm's auto team members who worked on Toyota were also named finalists for Public Justice's Trial Lawyer of the Year award.

> General Motors Ignition Switch Litigation

Co-lead counsel in high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The suit alleges GM did not take appropriate measures, despite having prior knowledge of the defect. The case is pending, and most recently, the Supreme Court refused to hear GM's appeal regarding the pending suits when it claimed the cases were barred by its 2009 bankruptcy.

> Toyota Sudden, Unintended Acceleration Litigation

Co-lead counsel for the economic loss class in this lawsuit filed on behalf of Toyota owners alleging a defect causes vehicles to undergo sudden, unintended acceleration. In addition to safety risks, consumers suffered economic loss from decreased value of Toyota vehicles following media coverage of the alleged defect.

RESULT: Settlement package valued at up to \$1.6 billion, which was at the time the largest automotive settlement in history.

> MyFord Touch

Hagens Berman represents owners of Ford vehicles equipped with MyFord Touch, an in-car communication and entertainment package, who claim that the system is flawed, putting drivers at risk of an accident while causing economic hardship for owners. The complaint cites internal Ford documents that purportedly show that 500 of every 1,000 vehicles have issues involving MyFord Touch due to software bugs, and failures of the software process and architecture. Owners report that Ford has been unable to fix the problem, even after repeated visits. A federal judge overseeing the case recently certified nine subclasses of owners of affected vehicles in various states.

> Nissan Quest Accelerator Litigation

Represented Nissan Quest minivan owners who alleged that their vehicles developed deposits in a part of the engine, causing drivers to apply increased pressure to push the accelerator down. **RESULT:** Settlement providing reimbursement for cleanings or replacements and applicable warranty coverage.

> Hyundai Kia MPG

Hagens Berman sued Hyundai and Kia on behalf of owners after the car manufacturers overstated the MPG fuel economy ratings on 900,000 of its cars. The suit seeks to give owners the ability to recover a lump-sum award for the lifetime extra fuel costs, rather than applying every year for that year's losses.

RESULT: \$255 million settlement. Lump-sum payment plan worth \$400 million on a cash basis, and worth even more if owners opt for store credit (150 percent of cash award) or new car discount (200 percent of cash award) options.

PRACTICE AREAS

Automotive - Non-Emissions Cases

> BMW i3 REx

Hagens Berman is representing BMW owners in a national class-action lawsuit, following reports that BMW's i3 REx model electric cars contain a defect that causes them to suddenly and without warning lose speed and power mid-drive, putting drivers and passengers at risk of crash and injury.

> Fiat Chrysler Gear Shifter Rollaway Defect

Hagens Berman has filed a national class-action lawsuit representing owners of Jeep Grand Cherokee, Chrysler 300 and Dodge Charger vehicles. The lawsuit states that Fiat Chrysler fraudulently concealed and failed to remedy a design defect in 811,000 vehicles that can cause cars to roll away after they are parked, causing injuries, accidents and other serious unintended consequences.

> Ford Shelby GT350 Mustang Overheating

Hagens Berman represents owners of certain 2016 Shelby GT350 Mustang models in a case alleging that Ford has sold these vehicles as track cars built to reach and sustain high speeds, but failed to disclose that the absence of a transmission and differential coolers can greatly diminish the vehicle's reported track capabilities. Shelby owners are reporting that this defect causes the vehicle to overheat and go into limp mode, while in use, even when the car is not being tracked

> Tesla AP2 Defect

The firm represents Tesla owners in a lawsuit against the automaker for knowingly selling nearly 50,000 cars with nonfunctional Enhanced Autopilot AP2.0 software that still has not met Tesla's promises, including inoperative Standard Safety Features on affected models sold in Q4 2016 and Q1 2017.

PRACTICE AREAS

Automotive - Emissions Litigation

Having played a lead role in the record-breaking Volkswagen diesel emissions case, Hagens Berman knew the story wasn't over. Since the Dieselgate scandal began, the firm has uniquely dedicated resources to uncovering cheating devices used by other automakers. The firm has become a trailblazer in this highly specialized realm, outpacing federal agencies in unmasking fraud in emissions reporting.

When news broke in 2015 of Volkswagen's massive diesel emissions-cheating scandal, Hagens Berman was the first firm in the nation to file suit against the automaker for its egregious fraud, going on to represent thousands of owners in litigation and take a leading role on the Plaintiffs' Steering Committee that would finalize a \$14.7 billion, record-breaking settlement for owners. Since this case emerged, Hagens Berman has been on the forefront of emissions litigation, relying on our legal team's steadfast and intensive investigative skills to unearth many other emissions-cheating schemes perpetrated by General Motors, Fiat Chrysler, Mercedes and other automakers, staying one step ahead of government regulators in our pursuit of car manufacturers that have violated emissions standards and regulations, as well as consumer confidence.

Hagens Berman's managing partner, Steve Berman, has dedicated the firm's resources to upholding the rights of consumers and the environment, becoming a one-man EPA. The firm is uniquely dedicated to this cause, and is the only firm that has purchased an emission testing machine to determine if other diesel car manufacturers install similar cheating devices, bringing new cases based on the firm's own research, time and testing.

> Volkswagen Diesel Emissions Litigation

Hagens Berman was the first firm in the nation to file a lawsuit against Volkswagen for its emissions fraud, seeking swift remedies for consumers affected by Volkswagen's fraud and violation of state regulations. The firm was named to the Plaintiffs' Steering Committee leading the national fight against VW, Porsche and Audi on behalf of owners and lessors of affected vehicles, and also served as part of the Settlement Negotiating team.

RESULT: The largest automotive settlement in history, \$14.7 billion.

> Volkswagen Dealers Litigation

Hagens Berman served as lead counsel in a first-of-its-kind lawsuit brought by a franchise dealer. Three family-owned Volkswagen dealers filed a class action against VW stating that it intentionally defrauded dealers by installing so-called "defeat devices" in its diesel cars, and separately carried out a systematic, illegal pricing and allocation scheme that favored some dealers over others and illegally channeled financing business to VW affiliate, Volkswagen Credit, Inc. The settlement garnered nearly unanimous approval of dealers, with 99 percent participation in the settlement.

RESULT: \$1.67 billion in benefits to Volkswagen dealers.

> Mercedes BlueTEC Emissions Litigation

Judge Jose L. Linares appointed the firm as interim class counsel in this class-action case against Mercedes concerning emissions of its BlueTEC diesel vehicles. Hagens Berman currently represents thousands of vehicle owners who were told by Mercedes that their diesel cars were "the world's cleanest and most advanced diesel," when in fact testing at highway speeds, at low temperatures, and at variable speeds, indicate a systemic failure to meet emissions standards. Low temperature testing at highway speeds for example, produced emissions that were 8.1 to 19.7 times the highway emissions standard. The lawsuit adds that testing at low temperatures at variable speeds produced emissions as high as 30.8 times the standard.

PRACTICE AREAS

Automotive - Emissions Litigation

> Chevy Cruze Diesel Emissions Litigation

Hagens Berman filed a class-action lawsuit against Chevrolet (a division of General Motors) for installing emissions-cheating software in Cruze Clean Turbo Diesel cars, forcing consumers to pay high premiums for vehicles that pollute at illegal levels. While Chevy marketed these cars as a clean option, the firm's testing has revealed emissions released at up to 13 times the federal standard. In a recent ruling, U.S. District Judge Thomas L. Ludington upheld claims brought by owners.

> Audi Emissions Litigation

Hagens Berman unearthed additional emissions-cheating by Audi, affecting its gasoline 3.0-liter vehicles. The firm's investigation shows that the newly discovered defeat device is installed in gasoline engines and changes how the transmission operates when testing is detected to lower CO2 emissions, but otherwise allows excessive CO2 emissions in normal, on-road driving.

> Fiat Chrysler EcoDiesel Emissions Litigation

The firm is leading charges against Fiat Chrysler that it sold hundreds of thousands of EcoDiesel-branded vehicles that release illegally high levels of NOx emissions, despite explicitly selling these "Eco" diesels to consumers who wanted a more environmentally friendly vehicle. Hagens Berman was the first firm in the nation to uncover this scheme and file against Fiat Chrysler on behalf of owners of Dodge RAM 1500 and Jeep Grand Cherokee EcoDiesel vehicles. Following the firm's groundbreaking suit, the EPA took notice, filing formal accusations against Fiat Chrysler.

> Dodge RAM 2500/3500 Diesel Emissions Litigation

According to the firm's investigation, Dodge has sold hundreds of thousands of Dodge RAM 2500 and 3500 trucks equipped with Cummins diesel engines that release illegally high levels of NOx emissions at up to 14 times the legal limit. This defect causes certain parts to wear out more quickly, potentially costing owners between \$3,000 and 5,000 to fix. The firm is leading a national class action against Fiat Chrysler for knowingly inducing consumers to pay premium prices for vehicles that fail to comply with federal regulations, and ultimately lead to higher costs of repairs for purchasers.

> General Motors Duramax Emissions Litigation

Hagens Berman recently pioneered another instance of diesel emissions fraud. The firm's independent testing revealed that GM had installed multiple emissions-masking defeat devices in its Duramax trucks, including Chevy Silverado and GMC Sierra models, in a cover-up akin to Volkswagen's Dieselgate concealment. In real world conditions the trucks emit 2 to 5 times the legal limit of deadly NOx pollutants, and the emissions cheating devices are installed in an estimated 705,000 affected vehicles.

PRACTICE AREAS

Civil and Human Rights

Hagens Berman has represented individuals and organizations in difficult civil rights challenges that have arisen in the past two decades. In doing so, we have managed cases presenting complex legal and factual issues that are often related to highly charged political and historical events. Our clients have included such diverse communities as World War II prisoners of war, conscripted civilians and entire villages.

In this cutting-edge practice area, the firm vigilantly keeps abreast of new state and national legislation and case-law developments. We achieve positive precedents by zealously prosecuting in our clients' interests. Some examples of our work in this area include:

› **World Trade Organization Protests**

During the 1999 World Trade Organization (WTO) protests in Seattle, tens of thousands of Seattle citizens became targets after Seattle officials banned all forms of peaceful protest. Seattle police attacked anyone found in the designated "no protest" zones with rubber bullets and tear gas. Hundreds of peaceful protesters were arrested and incarcerated without probable cause for up to four days. The firm won a jury trial on liability and ultimately secured a settlement from Seattle officials after filing a class action alleging violations of the First and Fourth Amendments.

› **Hungarian Gold Train**

Following the firm's representation of former forced and enslaved laborers for German companies in the Nazi Slave Labor Litigation, Hagens Berman led a team of lawyers against the U.S. on behalf of Hungarian Holocaust survivors in the Hungarian Gold Train case. The suit claimed that, during the waning days of World War II, the Hungarian Nazi government loaded plaintiffs' valuable personal property onto a train, which the U.S. Army later seized, never returning the property to its owners and heirs.

› **Dole Bananas**

Hagens Berman filed suit against the Dole Food Company, alleging that it misled consumers about its environmental record. The complaint alleged that Dole purchased bananas from a grower in Guatemala that caused severe environmental damage and health risks to local residents. Dole ultimately agreed to take action to improve environmental conditions, collaborating with a non-profit group on a water filtration project for local communities.

PRACTICE AREAS

Consumer Protection - General Class Litigation

Hagens Berman is a leader in protecting consumers, representing millions in large-scale cases that challenge unfair, deceptive and fraudulent practices.

We realize that consumers suffer the brunt of corporate wrongdoing and have little power to hold companies responsible or to change those tactics. We believe that when backed by a tenacious spirit and determination, class action cases have the ability to serve as a powerful line of defense in consumer protection.

Hagens Berman pursues class litigation on behalf of clients to confront fraudulent practices that consumers alone cannot effectively dispute. We make consumers' concerns a priority, collecting consumer complaints against suspected companies and exploring all avenues for prosecution.

Hagens Berman's legacy of protecting consumer rights reflects the wide spectrum of scams that occur in the marketplace. The cases that we have led have challenged a variety of practices such as:

- › False, deceptive advertising of consumer products and services
- › False billing and over-charging by credit card companies, banks, telecommunications providers, power companies, hospitals, insurance plans, shipping companies, airlines and Internet companies
- › Deceptive practices in selling insurance and financial products and services such as life insurance and annuities
- › Predatory and other unfair lending practices, and fraudulent activities related to home purchases

A few case examples are:

› **Expedia Hotel Taxes and Service Fees Litigation**

Hagens Berman led a nationwide class-action suit arising from bundled "taxes and service fees" that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the room rates, Expedia violated both the Washington Consumer Protection Act

and its contractual commitment to charge as service fees only "costs incurred in servicing" a given reservation.

RESULT: Summary judgment in the amount of \$184 million. The case settled for cash and consumer credits totaling \$123.4 million.

› **Stericycle**

The firm served as court-appointed lead counsel in a class-action lawsuit against Stericycle alleging that the company violated contracts and defrauded them by hundreds of millions of dollars through an automatic price-increasing scheme. In February of 2017, a federal judge certified a nationwide consumer class. The class had more than 246,000 class members, with damages estimated preliminarily at \$608 million.

RESULT: \$295 million settlement

› **Tenet Healthcare**

In a pioneering suit filed by Hagens Berman, plaintiffs alleged that Tenet Healthcare charged excessive prices to uninsured patients at 114 hospitals owned and operated by Tenet subsidiaries in 16 different states.

RESULT: Tenet settled and agreed to refund to class members amounts paid in excess of certain thresholds over a four-and-a-half year period.

PRACTICE AREAS

Consumer Protection - General Class Litigation

> Wells Fargo Force-Placed Insurance

Hagens Berman brought a case against Wells Fargo alleging it used “force-placed” insurance clauses in mortgage agreements, a practice that enables the bank to charge homeowners insurance premiums up to 10 times higher than normal rates.

RESULT: Hagens Berman reached a settlement in this case, under which all class members will be sent checks for more than double the amount of commissions that Wells Fargo wrongfully extracted from the force placement of insurance on class members’ properties.

> Consumer Insurance Litigation

Hagens Berman has pioneered theories to ensure that in first- and third-party contexts consumers and health plans always receive the treatment and benefits to which they are entitled. Many of our cases have succeeded in expanding coverage owed and providing more benefits; recovering underpayments of benefits; and returning uninsured/underinsured premiums from the misleading tactics of the insurer.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

Hagens Berman aggressively pursues pharmaceutical industry litigation, fighting against waste, fraud and abuse in healthcare. For decades, pharmaceutical manufacturers have been among the most profitable companies in America. But while pharmaceutical companies become richer, consumers, health plans and insurers pay higher costs for prescription and over-the-counter drugs and supplements. We shine the light of public scrutiny on this industry's practices and represent individuals, direct and indirect purchasers, and the nation's most forward-thinking public-interest groups.

The firm's pharmaceutical and dietary supplement litigation practice is second to none in the nation in terms of expertise, commitment and landmark results. Hagens Berman's attorneys have argued suits against dozens of major drug companies and the firm's aggressive prosecution of pharmaceutical industry litigation has recovered more than \$1 billion in gross settlement funds.

RECENT ANTITRUST RESOLUTIONS

In the last few years, Hagens Berman – as lead or co-lead class counsel – has garnered significant settlements in several antitrust cases involving prescription drugs. In each case, the plaintiffs alleged that a manufacturer of a brand-name drug violated federal or state antitrust laws by delaying generic competitors from coming to market, forcing purchasers to buy the more expensive brand name version instead of the generic equivalent. Examples of our recent successes include:

> **Flonase Antitrust Litigation**

Hagens Berman represented purchasers in this case alleging pharmaceutical giant GlaxoSmithKline filed petitions to prevent the emergence of generic competitors to its drug Flonase, all to overcharge consumers and purchasers of the drug, which would have been priced lower had a generic competitor been allowed to come to market.

RESULT: \$150 million class settlement.

> **Prograf Antitrust Litigation**

Hagens Berman represented purchasers who alleged Astellas Pharma US, Inc. unlawfully maintained its monopoly and prevented generic competition for Prograf, an immunosuppressant used to help prevent organ rejection in transplant patients, harming purchasers by forcing them to pay inflated brand name prices for longer than they should have absent the anticompetitive conduct.

RESULT: The parties' motion for final approval of the \$98 million class settlement is under advisement with the court.

> **Relafen Antitrust Litigation**

Hagens Berman filed a class-action lawsuit against GlaxoSmithKline, SmithKline Beecham Corporation, Beecham Group PLC and SmithKline Beecham PLC, on behalf of consumers and third-party payors who purchased the drug Relafen or its generic alternatives. The suit alleged that the companies who manufacture and sell Relafen unlawfully obtained a patent which allowed them to enforce a monopoly over Relafen and prevented competition by generic prescription drugs, causing consumers to pay inflated prices for the drug.

RESULT: Under the terms of the settlement, the defendants will pay damages of \$75 million to those included in the class. Of the total settlement amount, \$25 million will be allocated to consumers and \$50 million will be used to pay the claims of insurers and other third-party payors.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

> Skelaxin Antitrust Litigation

The firm represented purchasers in this case alleging King Pharmaceuticals LLC and Mutual Pharmaceutical Company alleging conspired to suppress generic competition and preserve King's monopoly in the market for the brand name muscle relaxant Skelaxin.

RESULT: \$73 million class settlement.

> Tricor Antitrust

In June 2005, Hagens Berman filed an antitrust lawsuit on behalf of a class of consumers and third party payors against pharmaceutical manufacturers Abbott Laboratories and Fournier Industries concerning the brand name cholesterol drug Tricor. HBSS was appointed co-lead class counsel by the Court.

RESULT: \$65.7 million recovery for consumers and third party payors who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor.

FRAUDULENT DRUG PRICING RESOLUTIONS

Hagens Berman has led many complex cases that take on fraud and inflated drug prices throughout the U.S. This includes sweeping manipulation of the average wholesale price benchmark used to set prices for prescription drugs nationwide, fraudulent marketing of prescription drugs and the rampant use of co-pay subsidy cards that drive up healthcare costs. These efforts have led to several significant settlements:

> McKesson and First DataBank Drug Litigation

The firm discovered a far-reaching fraud by McKesson and became lead counsel in this RICO case against McKesson and First DataBank, alleging the companies fraudulently inflated prices of more than 400 prescription drugs.

RESULT: \$350 million settlement and a four percent rollback on the prices of 95 percent of the nation's retail branded drugs, the net impact of which could be in the billions of dollars. The states and federal government then used Hagens Berman's work to bring additional suits. Hagens Berman represented several states and obtained settlements three to seven times more than that of the Attorneys General. Almost \$1 billion was recovered from the McKesson fraud.

> Average Wholesale Price Drug Litigation

Hagens Berman served as co-lead counsel and lead trial counsel in this sprawling litigation against most of the nation's largest pharma companies, which alleges defendants artificially inflated Average Wholesale Price.

RESULT: Approximately \$338 million in class settlements. Hagens Berman's work in this area led to many state governments filing suit and hundreds of millions in additional recovery.

FRAUDULENT MARKETING RESOLUTIONS

Hagens Berman also litigates against drug companies that fraudulently promote drugs for uses not approved by the Food and Drug Administration (FDA), commonly known as "off-label" uses. We also litigate cases against dietary supplement manufacturers for making false claims about their products. Recent successes include:

> Neurontin Third Party Payor Litigation

Hagens Berman served as co-lead trial counsel in this case alleging that Pfizer fraudulently and unlawfully promoted the drug Neurontin for uses unapproved by the FDA.

RESULT: A jury returned a \$47 million verdict in favor of a single third-party payor plaintiff, automatically trebled to \$142 million, and the court recently approved a \$325 million class settlement.

> Lupron

Hagens Berman prosecuted a lawsuit against TAP Pharmaceuticals Products, Inc. on behalf of a class of consumers and third-party payors who purchased the drug Lupron. The suit charged that TAP Pharmaceutical Products, Inc., Abbott Laboratories and Takeda Pharmaceutical Company Limited conspired to fraudulently market, sell and distribute Lupron, causing consumers to pay inflated prices for the drug.

RESULT: Judge Richard Stearns issued a preliminary approval of the proposed settlement between TAP Pharmaceuticals and the class. Under the terms of the settlement, \$150 million will be paid by TAP on behalf of all defendants.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

> Celebrex/Bextra

Hagens Berman filed a class-action lawsuit against Pfizer on behalf of individual consumers and third-party payors who paid for the drug Bextra. The firm was praised by Judge Breyer for its “unstinting” efforts on behalf of the class, adding, “The attorneys on both sides were sophisticated, skilled, professional counsel whose object was to zealously pursue their clients’ interest, but not at the cost of abandoning the appropriate litigation goals, which were to see, whether or not, based upon the merits of the cases, a settlement could be achieved.”

RESULT: \$89 million settlement.

> Vioxx Third Party Payor Marketing and Sales Practices Litigation

The firm served as lead counsel for third party payors in the Vioxx MDL, alleging that Merck & Co. misled physicians, consumers and health benefit providers when it touted Vioxx as a superior product to other non-steroidal anti-inflammatory drugs. According to the lawsuit,

The drug had no benefits over less expensive medications, but carried increased risk of causing cardiovascular events.

RESULT: \$80 million settlement.

> Serono Drug Litigation

Hagens Berman served as lead counsel for a class of consumers and third party payors in a suit alleging that global biotechnology company Serono, Inc. schemed to substantially increase sales of the AIDS drug Serostim by duping patients diagnosed with HIV into believing they suffered from AIDS-wasting and needed the drug to treat that condition.

RESULT: \$24 million settlement.

> Bayer Combination Aspirin/Supplement Litigation

Hagens Berman served as lead counsel on behalf of consumers in a suit alleging that Bayer Healthcare LLC deceptively marketed Bayer® Women’s Low-Dose Aspirin + Calcium, an 81 mg aspirin pill combined with calcium, and Bayer® Aspirin With Heart Advantage, an 81 mg aspirin pill combined with phytosterols. Plaintiffs alleged that Bayer overcharged consumers for these products or that these products should not have been sold, because these products were not FDA-approved, could not provide all advertised health benefits, and were inappropriate for long-term use.

RESULT: \$15 million settlement.

OTHER LANDMARK CASES

> New England Compounding Center Meningitis Outbreak

In 2012, the Center for Disease Control confirmed that New England Compounding Center sold at least 17,000 potentially tainted steroid shots to 75 clinics in 23 states across the country, resulting in more than 64 deaths and 751 cases of fungal meningitis, stroke or paraspinal/peripheral joint infection. HBSS attorneys Thomas M. Sobol and Kristen A. Johnson serve as Court-appointed Lead Counsel for the Plaintiffs’ Steering Committee on behalf of plaintiff-victims in MDL 2419 consolidated before The Honorable Ray W. Zobel in the United States District Court for the District of Massachusetts.

RESULT: \$100 million settlement.

PRACTICE AREAS

Employment Litigation

Hagens Berman takes special interest in protecting workers from exploitation or abuse. We take on race and gender discrimination, immigrant worker issues, wage and hour issues, on-the-job injury settlements and other crucial workplace issues.

Often, employees accept labor abuses or a curbing of their rights because they don't know the law, respect their superiors or fear for their jobs. We act on behalf of employees who may lack the individual power to bring about meaningful change in the workplace. We take a comprehensive approach to rooting out systemic employee abuses through in-depth investigation, knowledgeable experts and fervent exploration of prosecution strategies. Hagens Berman is a firm well-versed in taking on complicated employee policies and bringing about significant results. Representative cases include:

> CB Richard Ellis Sexual Harassment Litigation

Filed a class action against CB Richard Ellis, Inc., on behalf of 16,000 current and former female employees who alleged that the company fostered a climate of severe sexual harassment and discriminated against female employees by subjecting them to a hostile, intimidating and offensive work environment, also resulting in emotional distress and other physical and economic injuries to the class.

RESULT: An innovative and unprecedented settlement requiring changes to human resources policies and procedures, as well as the potential for individual awards of up to \$150,000 per class member. The company agreed to increase supervisor accountability, address sexually inappropriate conduct in the workplace, enhance record-keeping practices and conduct annual reviews of settlement compliance by a court appointed monitor.

> Costco Wholesale Corporation Wage & Hour Litigation

Filed a class action against Costco Wholesale Corporation on behalf of 2,000 current and former ancillary department employees, alleging that the company misclassified them as "exempt" executives, denying these employees overtime compensation, meal breaks and other employment benefits.

RESULT: \$15 million cash settlement on behalf of the class.

> Washington State Ferry Workers Wage Litigation

Represented "on-call" seamen who alleged that they were not paid for being "on call" in violation of federal and state law.

RESULT: Better working conditions for the employees and rearrangement in work assignments and the "on-call" system.

> SunDance Rehabilitation Corporation

Filed a class action against SunDance challenging illegal wage manipulation, inconsistent contracts and other compensation tricks used to force caregivers to work unpaid overtime.

RESULT: \$3 million settlement of stock to be distributed out of the company's bankruptcy estate.

> Schneider National Carriers - Regional Drivers

The firm represents a certified class of regional drivers in a suit filed against Schneider National Carriers, claiming that the company failed to pay its workers for all of their on duty time devoted to a variety of work tasks, including vehicle inspections, fueling, and waiting on customers and assignments. The suit also claims that the company does not provide proper meal and rest breaks and the company is liable for substantial penalties under the California Labor Code.

RESULT: A \$28 million settlement on behalf of drivers.

> Schneider National Carriers - Mechanics

Hagens Berman filed a class-action lawsuit alleging that Schneider National Carriers failed to provide mechanics with proper overtime compensation, meal and rest break premiums, and accurate wage statements as required by California law.

RESULT: In March of 2013, the case was settled on terms mutually acceptable to the parties.

PRACTICE AREAS

Employment Litigation

› **Swift Transportation Co. of Arizona LLC**

The firm represents a certified class of Washington-based truck drivers against Swift Transportation. The suit alleges that Swift failed to pay the drivers overtime and other earned wages in violation of Washington state law.

An agreement to settle the case was granted preliminary approval in October 2018. Final approval is pending.

PRACTICE AREAS

Environmental Litigation

Since Hagens Berman's founding, the firm has sought to work toward one simple goal: work for the greater good. Hagens Berman has established a nationally recognized environmental litigation practice, having handled several landmark cases in the Northwest, the nation and internationally.

Hagens Berman believes that protecting and restoring our environment from damage caused by irresponsible and illegal corporate action is some of the most rewarding work a law firm can do. As our firm has grown, we have established an internationally recognized environmental litigation practice.

SCIENCE AND THE LAW

Hagens Berman's success in environmental litigation stems from a deep understanding of the medical and environmental science that measures potential hazards. That expertise is translated into the courtroom as our attorneys explain those hazards to a judge or jury in easily understood terms.

ENVIRONMENTAL EXPERTS

Our firm's fostered deep relationships with top-notch environmental experts result in resonating arguments and court victories, as well as thoroughly researched and vetted investigations.

REAL IMPACTS

Environmental law is a priority at our firm and we have taken an active role in expanding this practice area. In 2003, Steve Berman and his wife Kathy worked with the University of Washington to create the Kathy and Steve Berman Environmental Law Clinic, giving law students the training and opportunities needed to become hands-on advocates for the environment.

Hagens Berman's significant environmental cases include:

> Exxon Valdez Oil Spill Litigation

Hagens Berman represented various classes of claimants, including fisherman and businesses located in Prince William Sound and other impacted areas who were damaged by one of the worst oil spills in United States history.

RESULT: A \$5 billion judgment was awarded by a federal jury, and a \$98 million settlement was achieved with Alyeska, the oil company consortium that owned the output of the pipeline.

> Chinook Ferry Litigation

The firm represented a class of property owners who challenged Washington State Ferries' high-speed operation of a new generation of fast ferries in an environmentally sensitive area of Puget Sound. Two of the ferries at issue caused environmental havoc and property damage, compelling property owners to act. A SEPA study conducted in response to the suit confirmed the adverse environmental impacts of the fast ferry service

RESULT: A \$4.4 million settlement resulted that is among the most favorable in the annals of class litigation in Washington state.

> Grand Canyon Litigation

The firm represented the Sierra Club in a challenge to a Forest Service decision to allow commercial development on the southern edge of the Grand Canyon National Park.

RESULT: The trial court enjoined the project.

> Kerr-McGee Radiation Case

The firm brought a class action on behalf of residents of West Chicago, Illinois who were exposed to radioactive uranium tailings from a rare earth facility operated by Kerr-McGee.

RESULT: A medical monitoring settlement valued in excess of \$5 million

> Skagit Valley Flood Litigation

Hagens Berman represented farmers, homeowners and businesses who claimed damages as a result of the 1990 flooding of this community. The case was in litigation for ten years and involved a jury trial of more than five months.

RESULT: Following the entry of 53 verdicts against Skagit County, the trial court entered judgments exceeding \$6.3 million. Ultimately, the State Supreme Court reversed this judgment. Despite this reversal, the firm is proud of this representation and believes that the Supreme Court erred.

PRACTICE AREAS

Environmental Litigation

> Idaho Grass Burning Case

In 2002, Hagens Berman brought a class-action lawsuit on behalf of Idaho residents who claimed grass-burning farmers released more than 785 tons of pollutants into the air, including concentrations of polycyclic aromatic hydrocarbons (PAHs), proven carcinogens. Burning the fields annually caused serious health problems, especially to those with respiratory ailments such as cystic fibrosis and asthma. The suit also asserted that Idaho's grass burning policies are far below the standards of other states such as neighboring Washington, where farmers use other techniques to remove grass residue from the fields.

RESULT: The lawsuit settled in 2006 under confidential terms.

> Dole Bananas Case

The firm took on Dole Food Company Inc. in a class-action lawsuit claiming the world's largest fruit and vegetable company lied to consumers about its environmental record and banana-growing practices. The suit alleged that Dole misrepresented its commitment to the environment in selling bananas from a Guatemalan banana plantation that did not comply with proper environmental practices.

RESULT: The suit culminated in 2013. Dole and non-profit organization Water and Sanitation Health, Inc. collaborated on a water filter project to assist local communities in Guatemala.

> Diesel Emissions Litigation

Second to none in uncovering emissions-cheating, the firm has dedicated its time and resources to breaking up the dirty diesel ring. After filing the first lawsuit in the country against Volkswagen, Audi and Porsche for its massive Dieselgate scandal in 2015, the firm went on to unmask emissions-cheating devices installed in vehicles made by Fiat Chrysler, Mercedes and General Motors and continues to investigate diesel cars for excessive, illegal and environmentally harmful levels of emissions.

RESULT: The firm's independently researched active cases have led to investigations by the EPA, DOJ and European authorities.

> San Francisco and Oakland Climate Change Litigation

Hagens Berman represents the cities of San Francisco and Oakland, Calif. in two lawsuits filed against BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips alleging that the Big Oil giants are responsible for the cities' costs of protecting themselves from global warming-induced sea level rise, including expenses to construct seawalls to protect the two cities' more than 5 million residents. The newly filed case

seek an order requiring defendants to abate the global warming-induced sea level rise by funding an abatement program to build sea walls and other infrastructure. Attorneys for the cities say this abatement fund will be in the billions.

> Florida Sugarcane Burning

Hagens Berman filed a class-action lawsuit against the sugar industry's largest entities on behalf of residents of various areas and townships of Florida that have long suffered from the corporations' wildly hazardous and damaging methods of harvesting sugarcane. The lawsuit states that this outdated method of harvesting has wreaked havoc on these Florida communities. The wildly archaic method of harvesting brings devastating toxic smoke and ash, often called "black snow," raining onto poor Florida communities for six months of the year. The lawsuit's defendants, commonly known as Big Sugar, farm sugarcane on approximately 400,000 acres in the area south and southeast of Lake Okeechobee.

> Kivalina Global Warming Litigation

A tiny impoverished Alaskan village of Inupiat Eskimos took action against some of the world's largest greenhouse gas offenders, claiming that contributions to global warming are leading to the destruction of their village and causing erosion to the land that will eventually put the entire community under water. Hagens Berman, along with five law firms and two non-profit legal organizations, filed a suit against nine oil companies and 14 electric power companies that emit large quantities of greenhouse gases into the atmosphere. The lawsuit alleged their actions resulted in the destruction of protective ice, exposing the village to severe storms that destroy the ground the village stands on. Relocating the village of Kivalina could cost between \$95 and \$400 million, an expense the community cannot afford.

> Cane Run Power Plant Coal Ash Case

In 2013, Hagens Berman filed a class-action lawsuit against Louisville Gas and Electric Company alleging it illegally dumped waste from a coal-fired power plant onto neighboring property and homes where thousands of Kentucky residents live. According to the complaint, Louisville Gas and Electric Company's Cane Run Power Plant is fueled by the burning of coal, which also produces coal combustion byproducts—primarily fly ash and bottom ash—that contain significant quantities of toxic materials, including arsenic, chromium and lead. The dust spewed by Cane Run contains known carcinogens, posing significant potential health hazards.

PRACTICE AREAS

Governmental Representation

Hagens Berman has been selected by public officials to represent government agencies and bring civil law enforcement and damage recoupment actions designed to protect citizens and the treasury. We understand the needs of elected officials and the obligation to impartially and zealously represent the interests of the public, are often chosen after competitive bidding and have been hired by officials from across the political spectrum.

Hagens Berman has assisted governments in recovering billions of dollars in damages and penalties from corporate wrongdoers and, in the process, helped reform how some industries do business.

In serving government, we are often able to leverage the firm's expertise and success in related private class-action litigation.

Successes on behalf of government clients include:

> **Big Tobacco**

We represented 13 states in landmark Medicaid-recoupment litigation against the country's major tobacco companies. Only two states took cases to trial – Washington and Minnesota. The firm served as trial counsel for the state of Washington, becoming only one of two private firms in the entire country to take a state case to trial.

Hagens Berman was instrumental in developing what came to be accepted as the predominant legal tactic to use against the tobacco industry: emphasizing traditional law enforcement claims such as state consumer protection, antitrust and racketeering laws. This approach proved to be nearly universally successful at the pleading stage, leaving the industry vulnerable to a profits-disgorgement remedy, penalties and double damages. The firm also focused state legal claims on the industry's deplorable practice of luring children to tobacco use.

RESULT: \$260 billion for state programs, the largest settlement in the history of civil litigation in the U.S.

> **McKesson Average Wholesale Price Litigation**

This litigation is yet another example of fraudulent drug price inflation impacting not just consumers and private health plans, but public health programs such as Medicaid and local government-sponsored plans as well.

RESULT: Hagens Berman has started the AWP class action, which resulted in many states filing cases. The firm represented several of those states in successful litigation.

> **McKesson Government Litigation**

On the heels of Hagens Berman's class action against McKesson, the firm led lawsuits by states (Connecticut, Utah, Virginia, Montana, Arizona).

RESULT: These states obtained recoveries three to seven times larger than states settling in the multi-state Attorneys General settlement. In addition, the firm obtained \$12.5 million for the City of San Francisco and \$82 million for a nationwide class of public payors.

> **Zyprexa Marketing & Sales Practices Litigation - Connecticut**

Hagens Berman served as outside counsel to then-Attorney General Richard Blumenthal in litigation alleging that Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa. The litigation also alleged that Lilly made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the State and its taxpayers.

RESULT: \$25 million settlement.

> **General Motors Ignition Switch Litigation**

Hagens Berman is pleased to be assisting the Arizona Attorney General in its law enforcement action versus GM, as well as the district attorney of Orange County, California who filed a consumer protection lawsuit against GM, claiming the automaker deliberately endangered motorists and the public by intentionally concealing widespread, serious safety defects.

PRACTICE AREAS

Governmental Representation

> State Opioid Litigation

Hagens Berman was hired to assist multiple municipalities in lawsuits brought against large pharmaceutical manufacturers including Purdue Pharma, Cephalon, Janssen Pharmaceuticals, Endo Health Solutions and Actavis charging that these companies and others deceived physicians and consumers about the dangers of prescription painkillers.

The firm was first hired by California governmental entities for the counties of Orange and Santa Clara. The state of Mississippi also retained the firm's counsel in its state suit brought against the manufacturer of opioids. The suit alleges that the pharma companies engaged in tactics to prolong use of opioids despite knowing that opioids were too addictive and debilitating for long-term use for chronic non-cancer pain.

In a third filing, Hagens Berman was retained as trial counsel for the state of Ohio. Filed on May 31, 2017, the firm is assisting the Ohio Attorney General's office in its case against five opioid makers. Ohio Attorney General Mike DeWine stated that "drug companies engaged in fraudulent marketing regarding the risks and benefits of prescription opioids which fueled Ohio's opioid epidemic," and that "these pharmaceutical companies purposely misled doctors about the dangers connected with pain meds that they produced, and that they did so for the purpose of increasing sales."

> Municipal Lending

Hagens Berman represents the cities of Los Angeles and Miami in a series of lawsuits filed against the nation's largest banks, including CitiGroup, JP Morgan, Wells Fargo and Bank of America alleging that they engage in systematic discrimination against minority borrowers, resulting in reduced property tax receipts and other damages to the cities. The suits seek damages for the City, claiming that the banks' alleged discriminatory behavior resulted in foreclosures, causing a reduction of property tax revenues and increased municipal service costs.

PRACTICE AREAS

Intellectual Property

The Hagens Berman intellectual property team has deep experience in all aspects of intellectual property litigation. We specialize in complex and significant damages cases against some of the world's largest corporations.

The firm is primarily engaged in patent infringement litigation at this time. We seek to represent intellectual property owners, including inventors, universities, non-practicing entities, and other groups whose patent portfolios represents a significant creative and capital investment.

Our current and recent engagements include the following:

> **Bombardier Inc.**

The firm represented Arctic Cat Inc. in patent infringement litigation against Bombardier Recreational Products and BRP U.S. Inc. The complaint alleges that Bombardier's Sea-Doo personal watercraft infringe Arctic Cat's patents covering temporary steerable thrust technology used when the rider turns in off-throttle situations.

RESULT: Florida U.S. District Judge Beth Bloom issued a final judgment of \$46.7 million against defendants, trebling initial damages of \$15.5 million awarded in a unanimous jury verdict.

> **Angry Birds**

Hagens Berman represented a Seattle artist who filed a lawsuit against Hartz Mountain Corporation – one of the nation's largest producers of pet-related products – claiming the company illegally sold the artist's trademarked Angry Birds pet toy line to video game giant Rovio Entertainment Ltd, robbing her of millions of dollars of royalty fees.

RESULT: The case settled under confidential terms, which the firm found to be extremely satisfactory for the plaintiff.

> **Samsung, LG, Apple**

The firm represents FlatWorld Interactives LLC in patent litigation against Samsung, LG and Apple. The complaints allege that the defendants' mobile handsets, tablets, media players and other devices infringe a FlatWorld patent covering the use of certain gestures to control touchscreen displays.

RESULT: The case settled.

> **Oracle**

The firm represents Thought Inc. against Oracle Corporation in a suit alleging infringement of seven patents covering various aspects of middleware systems providing application to database mapping, reading and persistence.

> **Salesforce**

The firm represents Applications in Internet Time LLC in patent litigation against Salesforce Inc. The suit alleges that our client's patents cover the core architecture of Salesforce's platform for developing, customizing, and updating cloud-based software applications.

> **Nintendo**

The firm represented Japan-based Shinsedai Company in patent infringement litigation against Nintendo. The suit alleged that our client's patents were infringed by various sports games for the Nintendo Wii.

Unlike other intellectual property firms, Hagens Berman only represents plaintiffs. This reduces the risk of potential conflicts of interest which often create delays in deciding whether or not to take a case at larger firms.

PRACTICE AREAS

Intellectual Property

> Electronic Arts

Hagens Berman represents the original software developer of the Electronic Arts (EA) NFL Madden Football video game series in a suit alleging that he is owed royalties on EA Madden NFL titles as well as other derivative products. We prevailed in two trials against EA, and the verdicts were designated as the Top Verdict of the Year (2013) by The Daily Journal. The judgment is on appeal and if upheld will return for a final damages phase.

Hagens Berman is also skilled in other aspects of intellectual property law, including trademark, trade dress, trade secret and copyright litigation.

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Investing is a speculative business involving assessment of a variety of risks that can only be properly weighed with full disclosure of accurate information. No investor should suffer undue risk or incur losses due to misrepresentations related to their investment decisions.

Our attorneys work for institutional and individual investors defrauded by unscrupulous corporate insiders and mutual funds. The firm vigorously pursues fraud recovery litigation, forcing corporations and mutual funds to answer to deceived investors.

Hagens Berman is one of the country's leading securities litigation firms advising clients in both individual and class-action cases. The firm has experience, dedication and a team with the horsepower required to drive complex cases to exemplary outcomes. Our attorneys are authorities in an array of issues unique to federal and state securities statutes and related laws. We use a variety of highly experienced experts as an integral part of our prosecution team. Successes on behalf of our investor clients include:

> Charles Schwab Securities Litigation

Lead counsel, alleging fraud in the management of the Schwab YieldPlus mutual fund.

RESULT: \$235 million class settlement for investors.

> Oppenheimer

Additional counsel for lead plaintiffs in class action alleging Oppenheimer misled investors regarding its Champion and Core Bond Funds.

RESULT: \$100 million for the classes.

> Tremont

Co-lead counsel in a case alleging Tremont Group Holdings breached its fiduciary duties by turning over \$3.1 billion to Bernard Madoff. On Sept. 14, 2015, after nearly two years of negotiations and mediation, the court granted final approval of the plan of allocation and distribution of the funds which markets estimate could yield investors as much as \$1.45 billion.

RESULT: \$100 million settlement between investors, Tremont and its affiliates.

> Boeing

Uncovered critical production problems with the 777 airliner documented internally by Boeing, but swept under the rug until a pending merger with McDonnell Douglas was completed.

RESULT: Record-breaking settlement of more than \$92.5 million.

> J.P. Morgan – Madoff

Case alleges that banking and investment giant J.P. Morgan was complicit in aiding Bernard Madoff's Ponzi scheme. Investors claim that J.P. Morgan operated as Bernard L. Madoff Investment Securities LLC's primary banker for more than 20 years.

RESULT: \$218 million settlement amount for the class and a total of \$2.2 billion paid from JPMorgan that will benefit victims of Madoff's Ponzi scheme.

> Morrison Knudsen

Filed a shareholder class action, alleging that MK's senior officers concealed hundreds of millions in losses.

RESULT: More than \$63 million for investors.

> Raytheon/Washington Group

Charged Raytheon with deliberately misrepresenting the true financial condition of Raytheon Engineers & Constructors division in order to sell this division to the Washington Group at an artificially inflated price.

RESULT: \$39 million settlement.

> U.S. West

Represented shareholders of U.S. West New Vector in a challenge to the proposed buyout of minority shareholders by U.S. West.

RESULT: The proposed buyout was stayed, and a settlement was achieved, resulting in a \$63 million increase in the price of the buyout.

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Our current casework includes:

> **Theranos Investor Litigation**

Hagens Berman represents Theranos investors in a lawsuit that states that Theranos and its officers set in motion a publicity campaign to raise billions of dollars for Theranos and themselves, and to induce investors to invest in Theranos, all the while knowing that its “revolutionary” blood test technology was essentially a hoax. The suit filed against the company, its CEO Elizabeth Holmes and Ramesh Balwani, alleges that Theranos’ statements to investors were built on false statements. At the crux of the court’s recent decision to uphold the investor case against Theranos was a finding that while plaintiffs did not directly purchase their securities from defendants, claims made by Theranos, Holmes and Balwani constituted fraud.

> **Aequitas Investor Litigation**

The firm represents a group of investors alleging that national law firm Sidley Austin LLP, Oregon law firm Tonkon Torp LLP and accounting firms Deloitte & Touche LLP and EisnerAmper LLP violated Oregon securities laws by participating or materially aiding in misrepresentations made by Aequitas Management LLC and contributing to a \$350 million Ponzi scheme. Investors state, amongst other allegations, that in 2011 Aequitas began purchasing loan receivables from Corinthian College Inc. and had bought the rights to collect \$444 million in loans. Investment managers hid the details of the transactions from investors, and deceived them when Corinthian’s business was hit with regulatory challenges in 2014. When Corinthian collapsed in May 2015, the investment group and its managers continued to sell securities and used the money to pay off other investors and fund a lavish lifestyle, until Aequitas ultimately imploded in 2017, the investors claim.

> **China MediaExpress**

Hagens Berman represents investors in a case against China MediaExpress, which purported to be the owner of a network of advertising terminals on buses throughout China. The case alleges that the company and its auditor (Deloitte Touche Tohmatsu) participated in accounting fraud that ultimately led to the demise of the company. In early 2014, the court entered

a default judgment in the amount of \$535 million and certified a proposed class against China Media Express Holdings Inc. The case will proceed separately against Deloitte Touche Tohmatsu.

On May 6, 2015 Hagens Berman obtained a \$12 million settlement from Deloitte Touche Tohmatsu, one of the largest settlements against an auditor in a Chinese “reverse merger” case which is now awaiting final approval from the court.

> **Altisource Asset Management Corporation**

The firm was appointed lead counsel in this institutional investor lawsuit brought on behalf of purchasers of Altisource Asset Management Corporation (AAMC). The complaint alleges that AAMC misrepresented or outright concealed its relationship with these companies and the extent to which the interconnected entities engaged in conflicted transactions with themselves. Estimates of class-wide damages are in the hundreds of millions of dollars. The firm recently filed the consolidated complaint and motions to dismiss are pending before the U.S. District Court for the District of the Virgin Islands.

WHISTLEBLOWERS

In an effort to curb Wall Street excesses, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which built vigorous whistleblower protections into the legislation known as the “Wall Street Tip-Off Law.” The law empowers the U.S. Securities and Exchange Commission to award between 10 and 30 percent of any monetary sanctions recovered in excess of \$1 million to whistleblowers who provide information leading to a successful SEC enforcement. It also provides similar rewards for whistleblowers reporting fraud in the commodities markets.

Hagens Berman represents whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act. Unlike traditional whistleblower firms who have pivoted into this area, Hagens Berman has a strong background and history of success in securities, antitrust and other areas of fraud enforcement, making us an ideal partner for these cases. Our matters before the SEC/CFTC include a range of claims, including market manipulation and fraudulent financial statements.

PRACTICE AREAS

Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services

Hagens Berman is a leading provider of specialized securities litigation services to public, private and Taft-Hartley pension funds. We offer proprietary and unparalleled asset protection and recovery services to both foreign and domestic institutions. Our institutional services provide participants with the ability to identify, investigate and react to potential wrongdoing by companies in which the institution invests.

PORTFOLIO MONITORING. Timely information and analysis are the critical ingredients of a successful fraud recovery program. Institutions must receive quick, reliable determinations concerning the source and extent of their losses, the likelihood of recoupment and the best manner for pursuing it. Our Portfolio Monitoring Service provides these services at no cost to participating institutions. The Hagens Berman Portfolio Monitoring Service has three primary components:

TRACKING. Alerts clients of any significant portfolio losses due to suspected fraud.

ANALYSIS. Provide clients with necessary legal and factual analyses regarding possible recovery options, removing from the institution any burden connected with scrutinizing myriad instances of potential wrongdoing and attempt to decipher whether direct, recoverable injuries have resulted.

REPORTING. Attorneys and forensic accounting fraud experts deliver a concise monthly report that furnishes comprehensive answers to these inquiries. On a case-by-case basis, the report specifies each of the securities in which the client lost a significant amount of money, and matches those securities with an analysis of potential fraud likelihood, litigation options and an expert recommendation on how best to proceed for maximum recovery.

Our Portfolio Monitoring Service performs its functions with almost no inconvenience to participating institutions. A client's custodian bank provides us with records detailing the client's transactions from the prior several years and on a regular basis thereafter. Importantly, none of the institution's own personnel is required to share in this task, as we acquire the information directly from the custodian bank.

We provide our Portfolio Monitoring service with no strings attached and allow our clients to act without cost or commitment. In instances where a litigation opportunity arises, we believe our skills make us the ideal choice for such a role, although the client is free to choose others.

When a portfolio loses money because of corporate deception, our litigation services seek to recover a substantial percentage of those losses, thereby increasing a fund's performance metric. As fiduciaries, money managers may not have the ability or desire to risk funds on uncertain litigation using typical hourly-rate law firms. Hagens Berman seeks to minimize the burden on the money manager by pursuing cases on a contingent-fee basis.

PRACTICE AREAS

Personal Injury and Abuse

For nearly two decades, Hagens Berman's blend of professional expertise and commitment to our clients has made our firm one of the most well-respected and successful mass tort and personal injury law firms in the nation. We deliver exceptional results for our clients by obtaining impressive verdicts and settlements in personal injury litigation.

Our attorneys have experience in wrongful death, brain injury and other catastrophic injury cases, as well as deep experience in social work negligence, medical malpractice, nursing home negligence and sexual abuse cases.

Hagens Berman also has unparalleled experience in very specific areas of abuse law, recovering damages on behalf of some of the most vulnerable people in our society.

Sexual Abuse Litigation Hagens Berman has represented a wide spectrum of individuals who have been victims of sexual abuse, including children and developmentally disabled adults. We treat each case individually, with compassion and attention to detail and have the expertise, resources and track record to stand up to the toughest opponents. In the area of sexual abuse, our attorneys have obtained record-breaking verdicts, including the largest personal injury verdict ever upheld by an appellate court in the state of Washington. More about Hagens Berman's sexual abuse practice can be found on the following page.

Nursing Home Negligence Nursing home negligence is a growing problem throughout the nation. As our population ages, reports of elder abuse and nursing home negligence continue to rise. Today, elder abuse is one of the most rapidly escalating social problems in our society. Hagens Berman is uniquely qualified to represent victims of elder abuse and nursing home negligence. Our attorneys have secured outstanding settlements in this area of the law and have committed to holding nursing homes accountable for wrongdoing.

Social Work Negligence Social workers play a critical role in the daily lives of our nation's most vulnerable citizens. Social workers, assigned to protect children, the developmentally disabled and

elderly adults, are responsible for critical aspects of the lives of tens of thousands of citizens who are unable to protect themselves. Many social workers do a fine job. Tragically, many do not. The results are often catastrophic when a social worker fails to monitor and protect his or her vulnerable client. All too often, the failure to protect a child or disabled citizen leads to injury or sexual victimization by predators. With more than \$40 million in recoveries on behalf of vulnerable citizens who were neglected by social workers, Hagens Berman is the most experienced, successful and knowledgeable group of attorneys in this dynamic area of the law.

Workplace Injury While many workplace injury claims are precluded by workers compensation laws, many instances of workplace injury are caused by the negligence and dangerous oversight of third parties. In these instances, victims may have valid claims. Hagens Berman's personal injury legal team has successfully brought many workplace injury claims, holding third parties liable for our clients' serious bodily injuries.

Medical Malpractice Litigating a medical malpractice case takes acute specialization and knowledge of medical treatments and medicine. Notwithstanding these facts, Hagens Berman pursues meritorious medical malpractice claims in instances where clients have suffered life-altering personal injuries. Our firm's personal injury attorneys handle medical malpractice cases with the dedication and detail necessary to make victims whole. Hagens Berman is very selective in accepting medical malpractice cases and has been successful in recovering significant compensation for victims of medical error and negligence.

PRACTICE AREAS

Sexual Abuse and Harassment

Hagens Berman's attorneys recently achieved a nationwide sexual harassment settlement on behalf of 16,000 women and also tried the first ever sexual harassment case in Washington state, and has represented women violated by Harvey Weinstein, as well as USC alumnae abused by the university's former gynecologist, Dr. George Tyndall. Our firm is committed to protecting and empowering individuals.

At Hagens Berman, we believe no one is above the law, and that no position of power should shield someone from being held accountable.

Right now, we are witnessing the silencing, belittling and abuse that women everywhere in this nation are subjected to. They are subjected to a system that does not respect them. The backlash against the brave survivors who have stepped forward to report sexual assault is unacceptable.

We believe survivors. Our firm's sexual harassment attorneys have protected their rights for decades throughout their legal careers, and we are dedicated to upholding the rights of the most vulnerable. Women should be heard, respected and protected from systemic abuse.

Sexual harassment is present and pervasive in many workplaces, industries and professional environments, and has damaged the lives and careers of countless individuals. It affects hundreds of thousands of women and men in the U.S., 51 percent of which are harassed by an authority figure, making it harder to come forward for fear of retaliation.

All too often, acts of sexual harassment and sexual misconduct are protected by systemic cover-ups by companies and organized agreements between those in power. Particular industries are more susceptible to these cover-ups including: entertainment and sports media, STEM, law enforcement, food service, politics, military, tech, finance, hospitality and transportation. But sexual harassment is pervasive in many other environments and is often obscured from view for years.

In these industries, victims are routinely subjected to widespread policies and practices that create an environment promoting quid pro quo arrangements in which victims feel pressured to take part in sexual acts and feel powerless against unwanted advancements. Victims are also often punished for not taking part.

The firm has represented women violated by Harvey Weinstein, as well as USC alumnae abused by the university's former gynecologist, Dr. George Tyndall, tried the first ever sexual harassment case in Washington state, and achieved a nationwide sexual harassment settlement on behalf of 16,000 women.

Representative sexual harassment successes and cases on behalf of our clients include:

> **USC, Dr. Tyndall Sexual Harassment**

In May of 2018, Hagens Berman filed a class-action lawsuit against the University of Southern California (USC) and Dr. George Tyndall, the full-time gynecologist at USC's student health clinic. Tyndall sexually harassed, violated and engaged in wildly inappropriate behavior with female students who sought his medical care, according to news outlets, which stated he saw tens of thousands of female patients during his time at USC.

Official complaints of Dr. Tyndall's behavior began to surface at USC in the 1990s, but despite the university's knowledge of Dr. Tyndall's behavior, it did not report him to the agency responsible for protecting the public from problem doctors. USC did nothing, for decades, as more and more female students were sent into Dr. Tyndall's office.

The settlement's three-tier structure allows class members to

PRACTICE AREAS

Sexual Abuse and Harassment

choose how much they want to engage with the claims process.

Those who do not want to revisit a private, traumatic event can simply keep the guaranteed Tier 1 payment of \$2,500. Those who choose to provide additional information in a claim form about their experience with Tyndall and how it affected them are eligible for up to \$20,000 and those who choose to provide an interview are eligible for up to \$250,000. The special master and her team of experts will evaluate claims and allocate awards to Tier 2 and Tier 3 claimants. This focus on choice ensures that all class members receive compensation while giving each class member the autonomy to decide for herself how involved she wants to be in the settlement process.

The class-action settlement also goes beyond monetary compensation and forces USC to implement real changes to their policies and procedures to help ensure that what happened at USC does not happen again.

RESULT: \$215 million settlement

› **Harvey Weinstein Sexual Harassment**

In a first-of-its-kind class-action lawsuit, Hagens Berman represented women on behalf of a class of all victims who were harassed or otherwise assaulted by Harvey Weinstein, seeking to hold him and his co-conspirators accountable for a years-long pattern of sexual harassment and cover-ups.

The lawsuit, filed Nov. 15, 2017, in the U.S. District Court for the Central District of California states that Miramax and The Weinstein Company (which Weinstein co-founded) facilitated Weinstein's organized pattern of predatory behavior, equating to an enterprise that violates the Racketeer Influenced and Corrupt Organizations Act, commonly referred to as the RICO Act, the same law brought against members of the Mafia for organized criminal behavior.

The lawsuit brought various charges against Weinstein and his companies for violating the RICO Act, mail and wire fraud, assault, civil battery, negligent supervision and retention, and intentional infliction of emotional distress.

RESULT: Settlement reached

› **Fairfax Behavioral Health**

Attorneys from Hagens Berman filed a class-action complaint on behalf of a proposed class of hundreds of patients that were arbitrarily strip-searched and video recorded while receiving treatment for mental illness at one of three Fairfax locations in Washington state.

The suit's named plaintiff recalls being ordered to undress for an invasive strip-search when she presented for inpatient admission, even after disclosing her history of sexual abuse to the staff member. She was not given a gown or towel to cover up during the search, and the staff member watched her undress and left the door open where other staff members could see her.

Video cameras were located in the hallway, the holding area outside bathroom, and the room where the strip search was conducted. The cameras recorded her undressing and the strip-search.

The complaint states that Fairfax's practices—and its failure to limit the discretion of its staff—means that a substantial number of its mental health patients do not have reasonable access to inpatient care for mental health disorders.

› **CB Richard Ellis Sexual Harassment Litigation**

Filed a class action against CB Richard Ellis, Inc., on behalf of 16,000 current and former female employees who alleged that the company fostered a climate of severe sexual harassment and discriminated against female employees by subjecting them to a hostile, intimidating and offensive work environment, also resulting in emotional distress and other physical and economic injuries to the class.

RESULT: An innovative and unprecedented settlement requiring changes to human resources policies and procedures, as well as the potential for individual awards of up to \$150,000 per class member. The company agreed to increase supervisor accountability, address sexually inappropriate conduct in the workplace, enhance record-keeping practices and conduct annual reviews of settlement compliance by a court appointed monitor.

PRACTICE AREAS

Sexual Abuse and Harassment

› King County Child Sex Abuse

Hagens Berman represented the victim of eight years of sexual abuse as a minor, at the hands of her brother-in-law. The lawsuit states that from 2005 to 2012, the case's defendant repeatedly sexually abused Hagens Berman's client. She was only eleven years old when the abuse began and was a minor during the entire duration of the abuse. In 2013, the state of Washington charged Willis with three counts of child molestation, to which he pled guilty. Court documents state, "Joshua Blaine Willis used his position of trust, confidence, or fiduciary responsibility to facilitate the commission of the ... offense[s]..."

Court documents in the civil case filed in June of 2017 detail Willis' highly disgusting and horrifying actions including groping and molestation, exposing himself and other highly sexual and inappropriate behavior.

Following the years of sexual abuse, Hagens Berman's client suffers from Post-Traumatic Stress Disorder and the court awarded damages for treatment of her condition and other emotional distress, as well as loss of earning capacity and other economic damages in her "struggle with consistency and stability."

RESULT: \$4,031,000 judgment awarded in a King County Superior Court

› State of Washington Sexual Assault, DSHS

Our client, a disabled Spokane, Wash. woman, was a patient at Eastern State Hospital. The hospital assigned a male nurse to provide one-on-one care and supervision for our client. The nurse trapped our client in a laundry room and raped her. Hagens Berman determined that the nurse, a state employee, had been reprimanded and accused on previous occasions of sexual assault of vulnerable patients. Hagens Berman initiated a negligence and civil rights lawsuit against the hospital and its administrators for failing to protect our client from a known sexual predator and for allowing that predator to remain on staff with the responsibility to care for vulnerable patients.

RESULT: \$2.5 million settlement

› Workplace Sexual Harassment & Other Investigations

Sexual harassment is present and pervasive in many workplaces. It affects hundreds of thousands of women and men in the U.S., 51 percent of which are harassed by a supervisor, making it harder to come forward for fear of retaliation.

All too often, sexual harassment in the workplace is protected by systemic cover-ups by companies and those in power. Particular industries are more susceptible to these cover-ups including: commercial real estate, law enforcement, politics, military, tech, entertainment, sports media, finance, restaurants and hospitality, advertising and trucking.

In these industries, employees are routinely subjected to widespread policies that create an environment promoting quid pro quo arrangements in which they feel pressured to take part in sexual acts and feel powerless against unwanted advancements. Employees are also often punished for not taking part.

Hagens Berman is also investigating sexual harassment and abuse in various specific areas of study, including STEM programs. The firm also maintains a keen watch over various work environments that are statistically prone to instances of misconduct. These include hospitality, college campuses and research labs, boarding schools and the entertainment industry, especially within the area of professional music.

The firm remains committed to uncovering instances of sexual harassment in the workplace, and within fields of study and areas prone to harboring misconduct and abusive behavior.

PRACTICE AREAS

Sports Litigation

Hagens Berman has one of the nation's most highly regarded sports litigation law practices. Our attorneys are the vanguard of new and innovative legal approaches to protect the rights of professional and amateur athletes in cases against large, well-financed interests, including the National Collegiate Athletic Association (NCAA), the National Football League (NFL), the Fédération Internationale de Football Association (FIFA) and other sports governing institutions.

> NCAA: Scholarships/Grants-In-Aid (GIAs)

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming they violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The case resulted in a \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

In March of 2019, the firm as co-lead trial counsel on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes, and in a unanimous 9-0 Supreme Court Victory, the injunctive portion of the case also resulted in a monumental victory for plaintiffs. The Court ruled that NCAA college athletes should legally be able to receive compensation from schools or conferences for athletic services other than cash compensation untethered to education-related expenses, prohibiting the NCAA from enforcing rules limiting those payments. The media called the firm's victory in the scholarships case against the NCAA a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), "...the highest court left the NCAA unhoused and naked, with nothing left but its pretensions," (The Washington Post), it "delivered a heavy blow," (AP), and leaves the NCAA "more vulnerable than ever."

> NCAA: Concussions

Cases of particular nationwide interest for fans, athletes and the general public involve numerous cases filed by Hagens Berman against the NCAA. Recently, the firm took on the NCAA for its failure to prevent concussions and protect student-athletes who suffered concussions. Steve Berman served as lead counsel in multi-district litigation and led the firm to finalize a settlement bringing sweeping changes to the NCAA's approach to concussion treatment and prevention. The core settlement benefits include a 50-year medical monitoring program overseen by a medical science committee appointed by the court that will screen and track concussions, funded by a \$70 million medical monitoring fund, paid by the NCAA and its insurers. Examinations include neurological and neurocognitive assessments to evaluate potential injuries.

The settlement also mandates significant changes to and enforcement of the NCAA's concussion management policies and return-to-play guidelines. All players will now receive a seasonal, baseline test to better assess concussions sustained during the season. All athletes who have sustained a concussion will now need to be cleared before returning to play. A medical professional trained in the diagnosis of concussions will be present at all games involving contact-sports. The settlement also creates reporting mandates for concussions and their treatment.

> Player Name, Image & Likeness Rights in Videogames

Hagens Berman attorneys represented student-athletes who claimed that the NCAA illegally used student-athletes' names, images and likenesses in Electronic Arts' popular NCAA Football, Basketball and March Madness video game series reached a

PRACTICE AREAS

Sports Litigation

combined \$60 million settlement with the NCAA and EA, marking the first time the NCAA has agreed to a settlement that pays student-athletes for acts related to their participation in athletics. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600.

The firm began this case with the knowledge that the NCAA and member schools were resolute in keeping as much control over student-athletes as possible, and fought hard to ensure that plaintiffs would not be exploited for profit, especially by the organization that vowed to prevent the college athletes from exploitation.

The firm also represented NFL legend Jim Brown in litigation against EA for improperly using his likeness in its NFL video games, culminating in a \$600,000 voluntary judgment offered by the video game manufacturer.

› Continued NIL Litigation

Hagens Berman has continued efforts against the NCAA in an additional pending antitrust case regarding NIL rights. In June 2020, the firm filed its case against the NCAA claiming the institution had knowingly violated federal antitrust laws in abiding by a particular subset of NCAA amateurism rules that prohibit college-athletes from receiving anything of value in exchange for the commercial use of their name and likeness. The firm holds that the NCAA's regulations illegally limiting the compensation that Division I college athletes may receive for the use of their names, images, likenesses and athletic reputations.

In unanimously upholding the rights of NCAA athletes in *Alston*, Justice Gorsuch wrote the NCAA had sought "immunity from the normal operation of the antitrust laws," and Justice Kavanaugh stated, "The NCAA is not above the law." The firm looks forward to continuing to uphold that same sentiment in regard to NCAA athlete name, image and likeness rights.

In July 2021, following the firm's victory in the *Alston* case, the NCAA chose to temporarily lift rules restricting certain NIL deals in what the firm believes will be the first step in another massive change in college sports to support college athletes.

› FIFA/U.S. Soccer: Concussions

Several soccer players filed a class action against U.S. soccer's governing bodies, which led to life-changing safety measures brought to millions of U.S. youth soccer players. Players represented by Hagens Berman alleged these groups failed to adopt effective policies to evaluate and manage concussions, leaving millions of players vulnerable to long-lasting brain injury.

The settlement against six of the largest youth soccer organizations completely eliminates heading for youth soccer's youngest players, greatly diminishing risks of concussions and traumatic head injuries. Prior to the settlement, no rule limited headers in children's soccer.

It also sets new benchmarks for concussion measurement and safety protocols, and highlights the importance of on-staff medical personnel at youth tournaments. Under the settlement, youth players who have sustained a concussion during practice or a game will need to follow certain return-to-play protocols before they are allowed to play again. Steve Berman, a youth soccer coach, has seen first-hand the settlement's impacts and life-changing effects every time young athletes take to the field.

› NCAA: Transfer Antitrust

Hagens Berman has taken on the NCAA for several highly recruited college athletes whose scholarships were revoked after a coaching change, or after the student-athletes sought to transfer to another NCAA-member school. The suit claims the organization's limits and transfer regulations violate antitrust law.

The firm's case hinges on a destructive double-standard. While Non-student-athletes are free to transfer and are eligible for a new scholarship without waiting a year, and coaches often transfer to the tune of a hefty pay raise, student-athletes are penalized and forced to sit out a year before they can play elsewhere, making them much less sought after by other college athletic programs. Hagens Berman continues to fight for student-athletes' rights to be treated fairly and terminate the NCAA's anticompetitive practices and overbearing regulations that limit players' options and freedoms.

PRACTICE AREAS

Sports Litigation

> Pop Warner

Hagens Berman represented youth athletes who have suffered traumatic brain injuries due to gross negligence, and filed a lawsuit on behalf of former Pop Warner football player Donovan Hill and his mother Crystal Dixon. The suit claims that the league insisted Hill use improper and dangerous tackling techniques which left the then 13-year-old paralyzed from the neck down.

Hagens Berman sought to hold Pop Warner, its affiliates, Hill's coaches and members of the Lakewood Pop Warner board of directors accountable for the coaches' repeated and incorrect instruction that Hill and his teammates tackle opposing players by leading with the head. In January of 2016, the firm reached a settlement on behalf of Donovan and his mother, the details of which were not made public. Sadly, months later, 17-year-old Donovan passed away. The firm believes that his case will continue to have a lasting impact on young athletes for generations and will help ensure safety in youth sports.

> MLB Foul Ball Injuries

Hagens Berman filed a class-action lawsuit on behalf of baseball fans, seeking to extend safety netting to all major and minor league ballparks from foul pole to foul pole. The suit alleges that tens of millions attend an MLB game annually, and every year fans of all ages, but often children, suffer horrific and preventable injuries, such as blindness, skull fractures, severe concussions and brain hemorrhages when struck by a fast-moving ball or flying shrapnel from a shattered bat. The lawsuit was dismissed with the court ruling that the plaintiffs lacked standing because the chance of getting hit by a ball is remote.

In December of 2015, MLB's commissioner Rob Manfred issued a recommendation to all 30 MLB teams to implement extended safety measures, including additional safety netting at ballparks. While the firm commends the league for finally addressing the serious safety issue at stake, the firm continues to urge MLB and its commissioner to make these more than recommendations to help end senseless and avoidable injuries to baseball's biggest fans. We believe our case sparked the eventual move to netting. After one of the owners of the Mariners belittled Steve for having filed the case, the firm happily saw the addition of netting extended to the foul poles at T-Mobile Park in the firm's headquarters of Seattle.

> Other Cases

In addition to its class actions, Hagens Berman has filed several individual cases to uphold the rights of athletes and ensure a fair and safe environment. The firm has filed multiple individual cases to address concussions and other traumatic head injuries among student-athletes at NCAA schools and in youth sports. Hagens Berman continues to represent the interests of athletes and find innovative and effective applications of the law to uphold players' rights.

The firm has also brought many concussions cases on behalf of individual athletes, challenging large universities and institutions for the rights those who have suffered irreversible damage due to gross negligence and lack of even the most basic concussion-management guidelines.

PRACTICE AREAS

Whistleblower Litigation

Hagens Berman represents whistleblowers under various programs at both the state and federal levels. All of these whistleblower programs reward private citizens who blow the whistle on fraud. In many cases, whistleblowers report fraud committed against the government and may sue those individuals or companies responsible, helping the government recover losses.

Our depth and reach as a leading national plaintiffs' firm with significant success in varied litigation against industry leaders in finance, health care, consumer products, and other fields causes many whistleblowers to seek us to represent them in claims alleging fraud against the government.

Our firm also has several former prosecutors and other government attorneys in its ranks and has a long history of working with governments, including close working relationships with attorneys at the U.S. Department of Justice. The whistleblower programs under which Hagens Berman pursues cases include:

FALSE CLAIMS ACT

Under the federal False Claims Act, and more than 30 similar state laws, a whistleblower reports fraud committed against the government, and under the law's *Qui Tam* provision, may file suit on its behalf to recover lost funds. False claims acts are one of the most effective tools in fighting Medicare and Medicaid fraud, defense contractor fraud, financial fraud, under-payment of royalties, fraud in general services contracts and other types of fraud perpetrated against governments.

The whistleblower initially files the case under seal, giving it only to the government and not to the defendant, which permits the government to investigate. After the investigation, the government may take over the whistleblower's suit, or it may decline. If the government declines, the whistleblower can proceed alone on his or her behalf. In successful suits, the whistleblower normally receives between 15 and 30 percent of the government's recovery as a reward.

Since 1986, federal and state false claims act recoveries have totaled more than \$22 billion. Some examples of our cases brought under the False Claims Act include:

> In U.S. ex rel. Lagow v. Bank of America

Represented former District Manager at Landsafe, Countrywide Financial's mortgage appraisal arm, who alleged systematic abuse of appraisal guidelines as a means of inflating mortgage values.

RESULT: The case was successful, ultimately triggering a settlement of \$1 billion, and our client received a substantial reward.

> In U.S. ex rel. Mackler v. Bank of America

Represented a whistleblower who alleged that Bank of America failed to satisfy material conditions of its government contract to provide homeowners mortgage relief under the HAMP program.

RESULT: The case succeeded and was settled as part of the 2012 global mortgage settlement, resulting in an award to our client.

> In U.S. ex rel. Horwitz v. Amgen

Represented Dr. Marshall S. Horwitz, who played a key role in uncovering an illegal scheme to manipulate the scientific record regarding two of Amgen's blockbuster drugs.

RESULT: \$762 million in criminal and civil penalties levied by the U.S. Department of Justice and an award to our client.

> In U.S. ex rel. Thomas v. Sound Inpatient Physicians Inc. and Robert A. Bessler

Represented a former regional vice president of operations for Sound Physicians, who blew the whistle on Sound's alleged misconduct.

RESULT: Tacoma-based Sound Physicians agreed to pay the United States government \$14.5 million.

> In U.S. ex rel. Plaintiffs v. Center for Diagnostic Imaging Inc.

In May 2010, Hagens Berman joined as lead trial counsel a qui tam lawsuit on behalf of two whistleblowers against Center for

PRACTICE AREAS

Whistleblower Litigation

Diagnostic Imaging, Inc. (CDI), alleging that CDI violated anti-kickback laws and defrauded federally funded health programs by presenting false claims for payment.

RESULT: In 2011, the government intervened in the claims, which the company settled for approximately \$1.3 million. The government declined to intervene, however, in the no-written-orders and kickback claims, leaving those claims for the whistleblowers and their counsel to pursue on their own. The non-intervened claims settled for an additional \$1.5 million payment to the government.

> Medtronic

On Feb. 19, 2008 the court unsealed a qui tam lawsuit brought by Hagens Berman against Medtronic, one of the world's largest medical technology companies, for fraudulent medical device applications to the FDA and off-label promotion of its biliary devices.

RESULT: The case settled in 2012 for an amount that remained under seal.

**SECURITIES AND EXCHANGE COMMISSION /
COMMODITY FUTURES TRADING COMMISSION**

Since implementation of the SEC/CFTC Dodd Frank whistleblower programs in 2011, Hagens Berman has naturally transitioned into representation of whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act.

Unlike the False Claims Act, whistleblowers with these new programs do not initially file a sealed lawsuit. Instead, they provide information directly to the SEC or the CFTC regarding violations of the federal securities or commodities laws. If the whistleblower's information leads to an enforcement action, they may be entitled to between 10 and 30 percent of the recovery.

The firm currently represents HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case that prompted the U.S. Securities and Exchange Commission to bring record-breaking fines against two exchanges formerly owned

by Direct Edge Holdings (and since acquired by Bats Global Markets, the second-largest financial exchange in the country). The exchanges agreed to pay \$14 million to settle charges that the exchanges failed to accurately and completely disclose how order types functioned on its exchanges and for selectively providing such information only to certain high-frequency trading firms.

Hagens Berman also represents an anonymous whistleblower who brought his concerns and original analysis related to the May 2, 2010 Flash Crash to the CFTC after hundreds of hours spent analyzing data and other information.

Both the U.S. Commodity Futures Trading Commission (CFTC) and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC (Sarao Futures) and Navinder Singh Sarao (Sarao) based on the whistleblower's information.

Hagens Berman has worked alongside government officials and regulators, establishing the credibility necessary to bring a case to the SEC or CFTC. When Hagens Berman brings a claim, we work hard to earn their respect and regulators pay attention.

A few of the firm's most recent whistleblower cases in this area include:

> EDGA Exchange Inc. and EDGX Exchange Inc.

Represented HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case against two exchanges formerly owned by Direct Edge Holdings and since acquired by Bats Global Markets, the second-largest financial exchange in the country for spoofing.

RESULT: The case prompted the U.S. Securities and Exchange Commission to bring record-breaking fine of \$14 million against defendants, the largest ever brought against a financial exchange.

PRACTICE AREAS

Whistleblower Litigation

> Nav Sarao Futures Limited PLC

Hagens Berman represents an anonymous whistleblower who brought his concerns and original analysis to the CFTC after hundreds of hours spent analyzing data and other information. The claim brought about legal action against a market manipulator who profited more than \$40 million from market fraud and contributed to the May 6, 2010 Flash Crash.

RESULT: Both the CFTC and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC and Navinder Singh Sarao based on the whistleblower's information. The case is still pending under seal.

INTERNAL REVENUE SERVICE

Hagens Berman also represents whistleblowers under the IRS whistleblower program enacted with the Tax Relief and Health Care Act of 2006.

The IRS program offers rewards to those who come forward with information about persons, corporations or any other entity that cheats on its taxes. In the event of a successful recovery of government funds, a whistleblower can be rewarded with up to 30 percent of the overall amount collected in taxes, penalties and legal fees.

Hagens Berman helps IRS whistleblowers present specific, credible tax fraud information to the IRS. Unlike some traditional False Claims Act firms, Hagens Berman has experience representing governments facing lost tax revenue due to fraud, making us well-positioned to prosecute these cases.

Appellate Victories

APPELLATE VICTORIES

Strengthening Consumer Law

At Hagens Berman, we distinguish ourselves not merely by the results we obtain, but by how we obtain them. Few class-action firms have our firm's combination of resources and acumen to see a case through as long as needed to obtain a favorable outcome. Our attorneys were instrumental in obtaining these federal appellate decisions that have shaped consumer law and bolstered the rights of millions nationwide:

- › *In Matter of Motors Liquidation Co.*, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
- › *George v. Urban Settlement Servs.*, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage modification program violated RICO)
- › *In re Loestrin 24 Fe Antitrust Litig.*, 814 F.3d 538 (1st Cir. 2016) ("reverse payments" for antitrust purposes under **Actavis** are not limited to cash payments)
- › *Osborn v. Visa Inc.*, 797 F.3d 1057 (D.C. Cir. 2015) (complaint adequately alleged Visa and MasterCard unlawfully agreed to restrain trade in setting ATM access fees)
- › *Little v. Louisville Gas & Elec. Co.*, 805 F.3d 695 (6th Cir. 2015) (Clean Air Act did not preempt state nuisance claims against coal plant for polluting surrounding community)
- › *City of Miami v. Citigroup Inc.*, 801 F.3d 1268 (11th Cir. 2015) (reversing dismissal of complaint alleging Citigroup violated Fair Housing Act by pattern of discriminatory lending)
- › *Rajagopalan v. NoteWorld, LLC*, 718 F.3d 844 (9th Cir. 2013) (non-party could not invoke arbitration clause against plaintiff suing debt services provider)
- › *In re Neurontin Mktg. & Sales Practices Litig.*, 712 F.3d 21 (1st Cir. 2013) (affirming \$142 million verdict for injury suffered from RICO scheme by Neurontin manufacturer Pfizer)
- › *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, 724 F.3d 1268 (9th Cir. 2013) (First Amendment did not shield video game developer's use of college athletes' likenesses)
- › *Garcia v. Wachovia Corp.*, 699 F.3d 1273 (11th Cir. 2012) (Wells Fargo could not rely on **Concepcion** to evade waiver of any right to compel arbitration)
- › *Agnew v. Nat'l Collegiate Athletic Ass'n*, 683 F.3d 328 (7th Cir. 2012) (NCAA bylaws limiting scholarships per team and prohibiting multi-year scholarships are subject to antitrust scrutiny and do not receive pro-competitive justification at pleading stage)
- › *In re Lupron Mktg. & Sales Practices Litig.*, 677 F.3d 21, 24 (1st Cir. 2012) (approving cy pres provision in \$150 million settlement)
- › *In re Pharm. Indus. Average Wholesale Price Litig.*, 582 F.3d 156 (1st Cir. 2009) (AstraZeneca illegally published inflated average wholesale drug prices, thereby giving windfall to physicians and injuring patients who paid inflated prices)

We set ourselves apart not only by getting results but by litigating every case through to finish – to trial and appeal, if necessary. This tenacious drive has led our firm to generate groundbreaking precedents in consumer law.

Hagens Berman has also been active in state courts nationwide. Notable examples of our victories include:

- › *Garza v. Gama*, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reinstating certified class in wage-and-hour action prosecuted by Hagens Berman since 2005)
- › *In re Farm Raised Salmon Cases*, 42 Cal. 4th 1077 (Cal. 2008) (Federal Food, Drug and Cosmetic Act did not preempt state claims for deceptive marketing of food products)
- › *Pickett v. Holland Am. Line-Westours, Inc.*, 35 P.3d 351 (Wash. 2001) (reversing state court of appeals and upholding class action settlement with cruise line)

U.S. Legal Team

**MANAGING PARTNER****Steve W. Berman**

Served as co-lead counsel against Big Tobacco, resulting in the largest settlement in world history, and at the time the largest automotive, antitrust, ERISA and securities settlements in U.S. history.

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YEARS OF EXPERIENCE

> 41

PRACTICE AREAS

- > Antitrust/Trade Law
- > Consumer Protection
- > Governmental Representation
- > Securities/Investment Fraud
- > Whistleblower/**Qui Tam**
- > Patent Litigation

BAR ADMISSIONS

- > Washington
- > Illinois Foreign
- > Registered Attorney in
England and Wales

COURT ADMISSIONS

- > Supreme Court of the United States
- > Supreme Court of Illinois
- > Supreme Court of Washington
- > U.S. District Court for the Eastern and Western Districts of Washington
- > U.S. District Court for the Northern and Central Districts of Illinois
- > U.S. District Court for the District of Colorado
- > U.S. District Court for the Eastern District of Michigan
- > First Circuit Court of Appeals

Steve Berman represents consumers, investors and employees in large, complex litigation held in state and federal courts. Steve's trial experience has earned him significant recognition and led The National Law Journal to name him one of the 100 most powerful lawyers in the nation, and to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country. Steve was named an MVP of the Year by Law360 in 2016 and 2017 for his class-action litigation and received the 2017 Plaintiffs' Trailblazer award. He was recognized for the third year in a row as an Elite Trial Lawyer by The National Law Journal.

Steve co-founded Hagens Berman in 1993 after his prior firm refused to represent several young children who consumed fast food contaminated with E. coli—Steve knew he had to help. In that case, Steve proved that the poisoning was the result of Jack in the Box's cost cutting measures along with gross negligence. He was further inspired to build a firm that vociferously fought for the rights of those unable to fight for themselves. Berman's innovative approach, tenacious conviction and impeccable track record have earned him an excellent reputation and numerous historic legal victories. He is considered one of the nation's most successful class-action attorneys, and has been praised for securing record-breaking settlements and tangible benefits for class members. Steve is particularly known for his tenacity in forging consumer settlements that return a high percentage of recovery to class members.

CURRENT ROLE

- > Managing Partner, Hagens Berman Sobol Shapiro LLP

RECENT CASES**> Emissions Litigation**

Steve has pioneered pursuing car manufacturers who have been violating emissions standards, including: Mercedes BlueTEC vehicles, GM Chevy Cruze, Dodge Ram 2500 and 3500 trucks, Dodge Ram 1500 and Jeep Cherokee EcoDiesel vehicles, Chevy Silverado, GMC Sierra as well as other models made by Ford, Audi and BMW. Steve and the firm's unmatched work in emissions-cheating investigations is often ahead of the EPA and government regulators.

> General Motors Ignition Switch Defect Litigation

Steve serves as lead counsel seeking to obtain compensation for the millions of GM car owners who overpaid for cars that had hidden safety defects.

> Climate Change – New York City, King County, Wash.

Steve has always been a fighter for the rights of the environment. In 2017, he began the firm's latest endeavor to combat global climate change through novel applications of the law. Steve currently represents the city of New York and Washington state's King County in lawsuits filed against the world's largest producers of oil: BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips. The cases seek to hold the Big Oil titans accountable for their brazen impact on global warming-induced sea level rise and related expenses to protect the cities and their millions of residents.

- › Second Circuit Court of Appeals
- › Third Circuit Court of Appeals
- › Fifth Circuit Court of Appeals
- › Sixth Circuit Court of Appeals
- › Seventh Circuit Court of Appeals
- › Eighth Circuit Court of Appeals
- › Ninth Circuit Court of Appeals
- › Tenth Circuit Court of Appeals
- › Eleventh Circuit Court of Appeals
- › DC Circuit Court of Appeals
- › Federal Circuit Court of Appeals
- › U.S. Court of Federal Claims
- › Foreign Registered Attorney in England and Wales

EDUCATION

- › University of Chicago Law School, J.D., 1980
- › University of Michigan, B.A., 1976

MANAGING PARTNER

Steve W. Berman

› *Opioids* - Orange and Santa Clara County, Seattle

Steve has been retained by various municipalities, including the states of Ohio, Mississippi and Arkansas, Orange County, as well as the city of Seattle to serve as trial counsel in a recently filed state suit against five manufacturers of opioids seeking to recover public costs resulting from the opioid manufacturer's deceptive marketing.

› *Antitrust Litigation*

Corporate fraud has many faces, and Steve has taken on some of the largest perpetrators through antitrust law. Steve serves as co-lead counsel in Visa MasterCard ATM, Batteries, Optical Disc Drives and is in the leadership of a class-action lawsuit against Qualcomm for orchestrating a monopoly that led to purchasers paying significantly more for mobile devices. He serves as interim class counsel in a case against Tyson, Purdue and other chicken producers for conspiring to stabilize prices by reducing chicken production. Steve also filed a proposed class-action lawsuit against the world's largest manufacturers of Dynamic Random Access Memory (DRAM) for cornering the market and driving up DRAM prices. Most recently, Steve's antitrust case against the NCAA involving rights of college athletes to receive grant-in-aid scholarships saw a unanimous Supreme Court victory, in what media called a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), and leaves the NCAA "more vulnerable than ever" (AP).

› *Consumer Protection*

Steve is a leader in protecting millions of consumers in large-scale cases that challenge unfair, deceptive and fraudulent practices. He leads a class action on behalf of owners of Ford vehicles equipped with MyFord Touch, an in-car entertainment system, who claim the system is flawed, putting drivers at risk of an accident while causing economic hardship. Steve recently filed a class-action lawsuit against Facebook for allowing personal data to be harvested for psychographic profiling.

RECENT SUCCESS

› *Volkswagen Franchise Dealerships* - \$1.6 billion

Lead counsel for VW franchise dealers suit, in which a settlement of \$1.6 billion has received final approval, and represents a substantial recovery for the class.

› *Stericycle Sterisafe Contract Litigation* - \$295 million

Hagens Berman's team, led by Steve Berman, filed a class-action lawsuit against Stericycle, a massive medical waste disposal company and achieved a sizable settlement for hundreds of thousands of its small business customers.

› *NCAA Grant-in-Aid Scholarships* - \$208 million

Served as co-lead counsel in the Alston case that successfully challenged the NCAA's limitations on the benefits college athletes can receive as part of a scholarship, culminating in a \$208 million settlement and injunction upheld by the Supreme Court. The recovery amounts to 100 percent of single damages in an exceptional result in an antitrust case. Steve also co-led the 2018 trial on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes.

The injunction, which was upheld in a unanimous Supreme Court decision in June 2021, prohibits the NCAA from enforcing any rules that fix or limit compensation provided to college athletes by schools or conferences in consideration for their athletic services other than cash compensation untethered to

MANAGING PARTNER**Steve W. Berman**

education-related expenses. According to the Ninth Circuit, the NCAA is “permanently restrained and enjoined from agreeing to fix or limit compensation or benefits related to education” that conferences may make available. In the Supreme Court’s 9-0, Justice Kavanaugh stated, “The NCAA is not above the law.”

› ***Dairy Price-Fixing*** – \$52 million

This antitrust suit’s filing unearthed a massive collusion between the biggest dairy producers in the country, responsible for almost 70 percent of the nation’s milk. Not only was the price of milk artificially inflated, but this scheme ultimately also cost 500,000 young cows their lives.

CAREER HIGHLIGHTS

› ***State Tobacco Litigation*** – \$260 billion

Special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont and Rhode Island in prosecuting major actions against the tobacco industry. In November 1998, the initial proposed settlement led to a multi-state settlement requiring the tobacco companies to pay the states \$260 billion and to submit to broad advertising and marketing restrictions – the largest civil settlement in history.

› ***Visa MasterCard ATM Antitrust Litigation*** – \$27 billion

Co-lead counsel in what was then the largest antitrust settlement in history: a class-action lawsuit alleging that Visa and MasterCard, together with Bank of America, JP Morgan Chase and Wells Fargo, violated federal antitrust laws by establishing uniform agreements with U.S. banks, preventing ATM operators from setting ATM access fees below the level of the fees charged on Visa’s and MasterCard’s networks.

› ***Toyota Sudden, Unintended Acceleration*** – \$1.6 billion

Hagens Berman was co-lead counsel in this massive MDL alleging that Toyota vehicles contained a defect causing sudden, unintended acceleration (SUA). It was the largest automotive settlement in history at the time, valued at up to \$1.6 billion. The firm did not initially seek to lead the litigation, but was sought out by the judge for its wealth of experience in managing very complex class-action MDLs. Hagens Berman and managing partner Steve Berman agreed to take on the role of co-lead counsel for the economic loss class and head the plaintiffs’ steering committee.

› ***Washington Public Power Supply System (WPPSS)*** – \$700 million settlement

Represented bondholders and the bondholder trustee in a class-action lawsuit stemming from the failure of two WPPSS nuclear projects. The case was one of the most complex and lengthy securities fraud cases ever filed. The default was one of the largest municipal bond defaults in history. After years of litigation, plaintiffs were awarded a \$700 million settlement agreement brought against more than 200 defendants.

› ***E-books Antitrust Litigation*** – \$560 million settlement

Fought against Apple and five of the nation’s top publishers for colluding to raise the price of e-books, resulting in recovery equal to twice consumers’ actual damages. The firm recovered an initial settlement of more than \$160 million with defendant publishing companies in conjunction with several states attorneys general. Steve then led the firm to pursue Apple for its involvement in the e-book price hike. Apple took the case to the Supreme Court, where it was ruled that Apple had conspired to raise prices, and the firm achieved an additional \$450 million settlement for consumers.

MANAGING PARTNER**Steve W. Berman**

- › ***Enron Pension Protection Litigation*** - \$250 million settlement
Led the class-action litigation on behalf of Enron employees and retirees alleging that Enron leadership, including CEO Ken Lay, had a responsibility to protect the interests of those invested in the 401(k) program, an obligation they abrogated. The court selected Steve to co-lead the case against Enron and the other defendants.
- › ***Charles Schwab Securities Litigation*** - \$235 million settlement
Led the firm to file the first class-action lawsuit against Charles Schwab on Mar. 18, 2008, alleging that Schwab deceived investors about the underlying risk in its Schwab YieldPlus Funds Investor Shares and Schwab YieldPlus Funds Select Shares.
- › ***JP Morgan Madoff Lawsuit*** - \$218 million settlement
Represented Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, one of the largest banks in the world.
- › ***NCAA Grants-in-Aid Scholarships*** - \$208 million settlement, and permanent injunction upheld by the Supreme Court
Led the firm's tenacious antitrust class action against the NCAA on behalf of college athletes, claiming that the NCAA had violated the law when it kept the class from being able to receive compensation provided by schools or conferences for athletic services other than cash compensation untethered to education-related expenses. The Supreme Court upheld the favorable opinion of the Ninth Circuit in a 9-0 ruling. Justice Kavanaugh's opinion further underscored the massive win for plaintiffs and the ruling's ongoing effects: "The NCAA couches its arguments for not paying student athletes in innocuous labels. But the labels cannot disguise the reality: The NCAA's business model would be flatly illegal in almost any other industry in America," pushing for further scrutiny of the NCAA's regulations.
- › ***Boeing Securities Litigation*** - \$92.5 million settlement
Represented a class of tens of thousands of shareholders against Boeing, culminating in a proposed settlement that was the second-largest awarded in the Northwest.
- › ***NCAA Concussions*** - \$75 million settlement, and 50-year medical monitoring fund
Led the firm's pioneering NCAA concussions suit that culminated in a proposed settlement that will provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; make sweeping changes to the NCAA's approach to concussion treatment and prevention; and establish a \$5 million fund for concussion research, preliminarily approved by the court.
- › ***US Youth Soccer Settlement***
Revolutionary settlement that changed U.S. Soccer regulations and bought sweeping safety measures to the game. Steve spearheaded a lawsuit against soccer-governing bodies, achieving a settlement that ended heading of the ball for U.S. Soccer's youngest players and greatly diminished risk of concussions and traumatic brain injuries. Additionally, the settlement highlights the importance of on-staff medical personnel at youth tournaments, as well as ongoing concussion education for coaches.

RECOGNITION

- › 2022 Hall of Fame Class, Lawdragon
- › 2021 Sports & Entertainment Law Trailblazer, The National Law Journal
- › 2021, 2019, 2018 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute
- › 1999-2021 Washington Super Lawyers
- › 2018, 2020 Titan of the Plaintiffs Bar, Law360

MANAGING PARTNER**Steve W. Berman**

- › 2016-2020 Class Action MVP of the Year, Law360
- › 2014-2016, 2018-2019 Elite Trial Lawyers, The National Law Journal
- › 2014-2019 Lawdragon 500 Leading Lawyers in America
- › 2018, 2016 Practice Group of the Year (Automotive), Law360
- › 2018 State Executive Committee member, The National Trial Lawyers
- › 2018 Top Attorney of the Year, International Association of Top Professionals
- › 2017 Plaintiffs' Trailblazer, The National Law Journal
- › 2017 Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts
- › 2014 Finalist for Trial Lawyer of the Year, Public Justice
- › 2013 One of the 100 most influential attorneys in America, The National Law Journal
- › 2000 Most powerful lawyer in the state of Washington, The National Law Journal
- › One of the top 10 plaintiffs' firms in the country, The National Law Journal

ACTIVITIES

- › In April of 2021, the University of Michigan School for Environment and Sustainability (SEAS) launched the Kathy and Steve Berman Western Forest and Fire Initiative with a philanthropic gift from Steve (BS '76) and his wife, Kathy. The program will improve society's ability to manage western forests to mitigate the risks of large wildfires, revitalize human communities and adapt to climate change.

Steve studied at the School of Natural Resources (now SEAS) and volunteered as a firefighter due to his focus on environmental stewardship.

- › In 2003, the University of Washington announced the establishment of the Kathy and Steve Berman Environmental Law Clinic. The Berman Environmental Law Clinic draws on UW's environmental law faculty and extensive cross-campus expertise in fields such as Zoology, Aquatic and Fishery Sciences, Forest Resources, Environmental Health and more. In addition to representing clients in court, the clinic has become a definitive information resource on contemporary environmental law and policy, with special focus on the Pacific Northwest.

OTHER NOTABLE CASES

- › ***VW Emissions Litigation* - \$14.7 billion settlement**
Steve served as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.
- › ***McKesson Drug Class Litigation* - \$350 million settlement**
Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and relief for third-party payers and insurers. His discovery of the McKesson scheme led to follow up lawsuits by governmental entities and recovery in total of over \$600 million.
- › ***Average Wholesale Price Litigation* - \$338 million settlement**
Steve served as lead trial counsel, securing trial verdicts against three drug companies that paved the way for settlement.
- › ***DRAM Memory Antitrust* - \$345 million settlement**
Forged a class-action suit against leading DRAM (Dynamic Random Access Memory) manufacturers, claiming the companies secretly agreed to reduce the supply of DRAM in order to artificially raise prices.
- › ***Hyundai / Kia Fuel Efficiency* - \$210 million settlement**
Led the firm's aggressive fight as court-appointed co-lead counsel against Hyundai and Kia on behalf of defrauded consumers who alleged the automakers had misrepresented fuel economies in vehicles,

MANAGING PARTNER

Steve W. Berman

› *Lumber Liquidators Flooring*

Steve was court-appointed co-lead counsel in litigation against Lumber Liquidators representing consumers who unknowingly purchased flooring tainted with toxic levels of cancer-causing formaldehyde. The consumer settlement was confidential.

PRESENTATIONS

› Steve is a frequent public speaker and has been a guest lecturer at Stanford University, University of Washington, University of Michigan and Seattle University Law School.

PERSONAL INSIGHT

Steve was a high school and college soccer player and coach. Now that his daughter's soccer skills exceed his, he is relegated to being a certified soccer referee and spends weekends being yelled at by parents, players and coaches. Steve is also an avid cyclist and is heavily involved in working with young riders on the international Hagens Berman Axeon cycling team.

**PARTNER, EXECUTIVE COMMITTEE MEMBER**

Thomas M. Sobol

*Voted Massachusetts Ten Leading Litigators
— The National Law Journal*

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YEARS OF EXPERIENCE

> 39

PRACTICE AREAS

> Pharmaceutical Fraud
> Consumer Protection
> Antitrust Litigation

BAR ADMISSIONS

> Massachusetts
> Rhode Island

COURT ADMISSIONS

> First Circuit Court of Appeals
> Second Circuit Court of Appeals
> Supreme Court of the United States

EDUCATION

> Boston University School of Law, J.D., *cum laude*, 1983
> Clark University, B.A., *summa cum laude*, Phi Beta Kappa, 1980

CURRENT ROLE

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads HBSS's Boston office
- > Lead negotiator in court-approved settlements totaling more than \$2 billion
- > Court-appointed lead or co-lead in ten active antitrust cases alleging injury to businesses and/or consumers caused by the delayed availability of generic drug, including:
 - In re Glumetza Antitrust Litigation, No. 19-cv-05822-WHA (N.D. Cal.) (Hon. William Alsup)
 - FWK Holdings LLC v. Shire (Intuniv), No. 16-cv-12653 (D. Mass.) (Hon. Allison D. Burroughs)
 - In re Zetia (Ezetimibe) Antitrust Litigation, No. 18-md-2836 (E.D. Va.) (Hon. Rebecca Beach Smith)

CAREER HIGHLIGHTS

- > \$325 million: third party payer class settlement, In re Neurontin Marketing, Sales Practices, and Products Liability Litigation, No. 04-md-1629 (D. Mass.) (Hon. Patti B. Saris)
- > ~\$200 million: tort victim recoveries via bankruptcy plan, In re New England Compounding Pharmacy, Inc. Products Liability Litigation, MDL No. 2419 (D. Mass.) (Hon. Rya W. Zobel)
- > \$150 million: direct purchaser class settlement, In re Flonase Antitrust Litigation, No. 08-cv-03149 (E.D. Pa.) (Hon. Anita B. Brody)
- > 4% price reduction of most retail drugs: New England Carpenters Health Benefits Fund v. First DataBank, Inc., No. 05-cv-11148 (D. Mass.) (Hon. Patti B. Saris)
- > \$350 million: consumers and third party payers, San Francisco Health Plan v. McKesson Corp., No. 08-cv-10843 (D. Mass.) (Hon. Patti B. Saris)
- > \$25 million: State of Connecticut, In re Zyprexa Products Liability Litigation, MDL No. 1596 (E.D.N.Y.) (Hon. Jack B. Weinstein)

RECENT SUCCESS

- > \$120 million: direct purchaser class settlement, In re Loestrin 24 Fe Antitrust Litigation, No. 13-md-02472 (D.R.I.) (Hon. William E. Smith)
- > \$51.25 million: direct purchaser class settlement, In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation, No. 18-md-02819 (E.D.N.Y.) (Hon. Nina Gershon)
- > \$166 million: direct purchaser class settlement, In re Lidoderm Antitrust Litigation, MDL No. 2521 (N.D. Cal.) (Hon. William Orrick)
- > \$72.5 million: direct purchaser class settlement, In re Solodyn (Minocycline Hydrochloride) Antitrust Litigation, No. 14-md-02503 (D. Mass.) (Hon. Denise J. Casper)

PARTNER, EXECUTIVE COMMITTEE MEMBER**Thomas M. Sobol****EXPERIENCE**

- › Has Led almost 20 generic delay cases, involving various theories, on behalf of both direct and end payers to settlement and distributions to classes (or aggregated groups)
- › Helped develop the econometric model used to show the relationship between marketing and the opioid epidemic in the opioids MDL. In re National Prescription Opiate Litigation, No. 17-md-02804 (N.D. Ohio) (Hon. Dan Aaron Polster)
- › Originated the Ranbaxy fraudulent ANDA litigation, alleging novel theory that a generic company's fraudulent statements to FDA in order to obtain exclusivities violated federal RICO and antitrust laws, Meijer, Inc. v. Ranbaxy Inc., No. 15-cv-11828 (D. Mass.) (Hon. Nathaniel M. Gorton)
- › Served as Lead counsel in the New England Compounding MDL and a member of the creditors' committee in the related bankruptcy, representing more than 700 victims who contracted fungal meningitis or other serious health problems as a result of receiving contaminated products produced, resulting in about a \$200 million settlement, In re New England Compounding Pharmacy, Inc. Products Liability Litigation, MDL No. 2419 (D. Mass.) (Hon. F. Dennis Saylor, IV; Hon. Rya W. Zobel)
- › In the Vioxx MDL, developed a win-win lien resolution program for consumers and health plans that dispensed with the inefficiencies of resolving insurance liens piecemeal that is now a routine part of mass tort MDLs, In re Vioxx Products Liability Litigation, MDL No. 1657 (E.D. La.) (Hon. Eldon E. Fallon)
- › Obtained a \$142 million RICO jury verdict against Pfizer for fraudulently marketing its drug Neurontin; negotiated a separate \$325 million settlement on behalf of a class of health plans, In re Neurontin Marketing, Sales Practices, and Products Liability Litigation, MDL No. 1629 (D. Mass) (Hon. Patti B. Saris)
- › Brought ground-breaking suit alleging widespread fraudulent marketing and sales practices for the prostate cancer drug Lupron (In re Lupron Marketing and Sales Practices Litigation, No. 01-md-1430 (D. Mass.) (Hon. Richard Stearns), which uncovered pricing theories later litigated in the Average Wholesale Price litigation (In re Pharmaceutical Industries Average Wholesale Price Litigation, No. 02-md-1456 (D. Mass) (Hon. Patti B. Saris), over \$250 million in settlements) and related litigation against First Databank, (New England Carpenters Health Benefits Fund v. First DataBank, Inc., No. 05-cv-11148 (D. Mass.) (Hon. Patti B. Saris), major price rollback on hundreds of drugs)
- › Worked closely with consumer groups trying to bring down the prices of prescription drugs, including serving as lead counsel to the former Prescription Access Litigation (PAL) project, a large coalition of health care advocacy groups that fought illegal, loophole-based overpricing by pharmaceutical companies.
- › Since 2002, has represented consumers, consumer groups, health plans, governments and institutions in complex class actions involving waste, fraud, and abuse in the pharmaceutical industry.
- › Special Assistant Attorney General for the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island, including in ground-breaking litigation against tobacco industry (injunctive relief and recovery of more than \$10 billion).
- › Spent seventeen years at a large Boston firm handling large complex civil and criminal litigation.

PRO BONO

- › Chairman of the board, New England Shelter for Homeless Veterans, 1995 - 2002

PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

RECOGNITION

- › Massachusetts Ten Leading Litigators, The National Law Journal
- › Massachusetts Super Lawyer 2008-2021
- › Nominated in 2011 for Trial Lawyer of the Year by Public Justice for verdict in In re Neurontin Marketing, Sales Practices, and Products Liability Litigation, MDL No. 1629 (D. Mass.).

**PARTNER, EXECUTIVE COMMITTEE MEMBER****Robert B. Carey**

Rob added to HB's office a built-in mock courtroom, complete with jury box, audio-visual equipment to record witnesses and lawyers, and separate deliberation rooms for two juries. [Download photo »](#)

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YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

- > Personal Injury Litigation
- > Insurance Bad Faith
- > Breach of Contract Claims

BAR ADMISSIONS

- > Arizona
- > Colorado

COURT ADMISSIONS

- > U.S. Supreme Court
- > United States Court of Appeals for the Federal Circuit
- > U.S. Court of Appeals, Fifth Circuit
- > U.S. Court of Appeals, Seventh Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Tenth Circuit
- > Various federal district courts

EDUCATION

- > University of Denver, M.B.A., J.D., 1986
- > Arizona State University, B.S., 1983
- > Harvard University, John F. Kennedy School of Government, State & Local Government Program, 1992

Mr. Carey handles various types of injury and consumer claims. Mr. Carey was lead counsel on a jury trial that produced the largest medical-malpractice verdict in 2018, secured class certification in class actions on behalf of consumers and workers where damages are almost \$2 billion, and investigated the dialysis industry's role in deaths caused by central venous catheter infections and misuse of dialysis solutions.

CURRENT ROLE

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Phoenix office
- > Practice focuses on class-action lawsuits, including auto defect, insurance, right of publicity and fraud cases. Mr. Carey's work also extends to bad-faith insurance, personal injury and medical malpractice, with several trials involving verdicts in the hundreds of millions.
 - Frequently asked to handle jury trials for high-value cases

RECENT SUCCESS

- > In June 2018, a Denver jury awarded a monumental \$383.5 million jury verdict against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.
- > Over the summer of 2012, Rob was lead counsel in Robin Antonick's case against Electronic Arts, where a jury heard evidence that Electronic Arts failed to pay Antonick for over 20 years for his work in coding and developing the legendary Madden NFL Football video game. This trial, held in the Northern District of California, resulted in two verdicts for Antonick and was dubbed a "Top Trial Verdict of 2013" by The Daily Journal, a leading legal publication.
- > Prevailed at the Arizona Court of Appeals for the second time, keeping intact class certification for tens of thousands of truck drivers suing to recover underpayments caused by misuse of Rand McNally's HHG software by Swift Transportation.
- > Helped originate the Toyota Sudden Unintended Acceleration case, filing the initial Hagens Berman complaints for a case that eventually settled for \$1.6 billion
- > Led Hagens Berman's efforts on the \$97 million settlement with Hyundai and Kia corporations over misrepresentations about MPG ratings
- > Helped secure a first-ever (\$60 million) settlement for collegiate student-athletes (Keller, consolidated with O'Bannon) from Electronic Arts (EA) and the NCAA for the misappropriation of the student-athletes' likenesses and images for the EA college football video game series. This groundbreaking suit went up to the U.S. Supreme Court before a settlement was reached, providing student-athletes—even current ones—with cash recoveries for the use of their likenesses without permission.
- > Represented Donovan Hill against Pop Warner after he was paralyzed at 13. With Rachel Freeman, Rob secured a settlement that "forever changed youth football" (OC Weekly) and was "unprecedented" and

PARTNER, EXECUTIVE COMMITTEE MEMBER**Robert B. Carey**

owed a debt of gratitude by those who care about the safety of kids playing football (Washington Post). Donovan died tragically during a 2016 surgery.

- › Rob secured a record verdict for a mother suing her deceased son's estate for negligence in starting a home fire. He then took an assignment of the estate's claim and pursued a bad faith claim against the insurer, resulting in lifetime financial security for the badly burned mother.
- › After successfully reforming an insurance policy to cover a client – a student-athlete injured in a roll-over accident that caused incomplete tetraplegia and traumatic brain injury – Rob went to the jury, which awarded damages for all harms and losses requested and for insurance bad faith, with a verdict exceeding over 15 times policy limits.
- › Rob sued the leading auto carrier for refusal to fully cover a pedestrian struck by the carrier's driver. The verdict was valued over seven figures, and included a finding of willful and wanton conduct, trebling the damages.
- › After Rob cross-examined the CEO and CFO of a pharmacy benefits company, the jury entered a verdict for his client in the liability phase of a \$75-million dispute.
- › During his representation of a driver paralyzed by a car's roof collapse, the insurance company ignored that the agent did not understand or offer required high-end coverages. The jury returned a verdict with a value over seven figures, including a finding for treble damages.
- › Rob represented passengers of drunk driver, and persuaded the jury to award future earning capacity, essential services, medical bills and to find willful and wanton conduct against the insurer (treble damages). After a successful trip to the state supreme court, the verdict was maintained and had a value in excess of 15 times the policy limits.

RECOGNITION

- › One of 500 Leading Lawyers in America in 2021 selected by Lawdragon, and the only Arizona attorney to make the list.
- › Listed since 2008 as a Top 100 Trial Lawyer by Arizona's Finest Lawyers and National Trial Lawyers
- › Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system.
- › Member of Hagens Berman's Toyota team selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year
- › Selected as a Leading Plaintiff Financial Lawyer in America and a Leading Plaintiff Consumers Lawyer in America
- › U.S. Department of Justice, recognized for victims' rights efforts

EXPERIENCE

- › Adjunct Professor, Sandra Day O'Connor College of Law, teaching class actions. Has taught law and policy courses at other universities.
- › Judge Pro Tempore, Maricopa County Superior Court, presiding over contract and tort jury trials
- › In the 90s, he served as trial counsel on claims by counties for damages stemming from tobacco-related illnesses (and acted as special counsel for Hagens Berman in seeking to recover damages in the landmark tobacco litigation), and since then has led dozens of consumer and insurance class actions in various states.

PARTNER, EXECUTIVE COMMITTEE MEMBER**Robert B. Carey**

- › While serving as Arizona Chief Deputy Attorney General Mr. Carey helped secure a \$4 billion divestiture and a landmark \$165 million antitrust settlement. He also was a principal drafter of the first major overhaul of Arizona's criminal code and authored the section of the federal Prisoner Litigation Reform Act of 1995 for Senators Dole and Kyl that virtually eliminated frivolous prisoner lawsuits. Mr. Carey oversaw all major legal, policy, legislative and political issues for the Arizona attorney general's office. He developed and spearheaded passage of Arizona's law requiring the DNA testing of all sex offenders and the law requiring that criminals pay the cost of victims' rights.
- › Campaign staffer, intern, and staff member for U.S. Senator John McCain, during and after Senator McCain's first run for public office

LEGAL ACTIVITIES

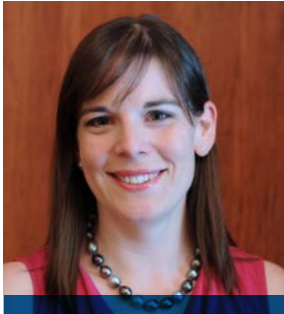
- › Member and Former Chairman, Arizona State Bar Class Action and Derivative Suits Committee

PUBLICATIONS

- › Co-author of "7 Punitive Damages Strategies," Trial Magazine, April 2019
- › Co-author of the Arizona chapter of the ABA's "A Practitioner's Guide to Class Actions"
- › Co-author of the Arizona and Colorado chapters of the ABA's "A Practitioner's Guide to Class Actions" (2d ed.)

NOTABLE CASES

- › *Propane Exchange Tank Litigation*
- › *Hyundai/Kia MPG Litigation*
- › *Swift Truckers Litigation*
- › *Toyota Unintended Acceleration Litigation*
- › *NCAA Student-Athlete Name and Likeness Licensing Litigation*
- › *Hyundai Subframe Defect Litigation*
- › *Hyundai Occupant Classification System / Airbag Litigation*
- › *Hyundai Horsepower Litigation*
- › *Arizona v. McKesson False Claims and Consumer Protection Litigation (representing State of Arizona)*
- › *Apple Refurbished iPhone/iPad Litigation*
- › *Jim Brown v. Electronic Arts*
- › *LifeLock Sales and Marketing Litigation*
- › *Rexall Sundown Cellasene Litigation*

**PARTNER**

Lauren Guth Barnes

Ms. Barnes was honored with the American Association for Justice's Marie Lambert Award in 2018, given to a female attorney in recognition of her exemplary leadership to the profession, to her community, to AAJ and to the Women Trial Lawyers Caucus.

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YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

- > Antitrust Litigation
- > Class Actions
- > Consumer Rights
- > Mass Torts
- > Medical Devices
- > Pharmaceuticals/Health Care Fraud
- > RICO

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

- > U.S. District Court, District of Massachusetts
- > U.S. Court of Appeals, Second Circuit, Eleventh Circuit
- > Supreme Court of the United States

EDUCATION

- > Boston College Law School, J.D., *cum laude*, Articles Editor, Boston College Law Review, 2005
- > Williams College, B.A., International Relations, *cum laude*, 1998

CURRENT ROLE

- > Partner & Management Committee Member, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer protection and RICO litigation against drug and medical device manufacturers in complex class actions and personal injury cases for consumers, large and small health plans, direct purchasers and state governments
- > Co-lead class counsel for direct purchasers in In re Glumetza Antitrust Litigation (N.D. CA.)
- > Co-lead class counsel for direct purchasers in In re Intuniv Antitrust Litigation (D. Mass.)
- > Co-lead interim class counsel for end payors in In re Humira (Adalimumab) Antitrust Litigation (N.D. Ill.)
- > Co-lead interim class counsel for student purchasers in In re Inclusive Access Course Materials Antitrust Litigation (S.D. N.Y.)

EXPERIENCE

- > As co-lead class counsel, helped secure \$72.5 million class settlement for direct purchaser class three days before trial in MDL 2503: In re Solodyn Antitrust Litigation
- > Helped reach a \$73 million class settlement for direct purchasers in MDL No. 2343: In re. Skelaxin Antitrust Litigation
- > Represented the state of Connecticut and helped secure a \$25M settlement in its action against Eli Lilly over unlawful promotion of and misrepresentations about Zyprexa
- > Represented health benefit providers in the firm's Ketek and copay subsidies class litigation, and individuals harmed by pharmaceuticals such as Yaz, Actos and Granuflo and medical devices including pelvic mesh
- > Served as pro bono counsel in a successful constitutional challenge to the Commonwealth of Massachusetts' exclusion of legal immigrants from the state's universal healthcare program
- > Served as liaison counsel for In re Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation
- > Active in the fights against forced arbitration federal preemption of consumer rights, working to ensure the public maintains access to the civil justice system and the ability to seek remedies when companies violate the law
- > Co-authored an amicus brief to the Supreme Court in *Pliva v. Mensing* on behalf of practitioners and professors who teach and write on various aspects of pharmaceutical regulation and the delivery of healthcare
- > Worked at Conflict Management Group where she worked with members of the United Nations High

PARTNER

Lauren Guth Barnes

Commissioner for Refugees on a pilot project in Bosnia-Herzegovina designed to ease tensions and encourage reconciliation in post-conflict societies, and contributed to *Imagine Coexistence*, a book developed out of the collaboration

- › Serves on the Board of On The Rise, a Cambridge, MA daytime shelter for homeless women and women in crisis

LEGAL ACTIVITIES

- › American Association for Justice (AAJ)
 - Executive Committee, Member (2014-2015, 2019-present)
 - Board of Governors, Member (2012-present)
 - Law Schools Committee, Co-Chair (2010-present)
 - Committee on the Judiciary, Chair (2018-present)
 - Antitrust Litigation Group, Former Chair (2016-2018)
 - Women Trial Lawyers Caucus, Former Chair (2012-2013)
 - Class Action Litigation Group, Former Co-Chair (2011-2012)
 - New Lawyers Division, Board of Governors (2009-2014)
 - Committees (various), Member
 - AAJ Trial Lawyers Care Task Force, Member (2012-present)
- › Public Justice
 - Board of Directors, Member (2018-present)
 - Class Action Preservation Project, Chair (2020-present); Vice Chair (2019-2020)
- › Massachusetts Academy of Trial Attorneys
 - Executive Committee, Member (2012-2014; 2017-present)
 - Board of Governors, Member (2011-present)
- › Institute for Complex Litigation and Mass Claims at Emory Law, Emerging Leaders Board of Advisors (2015-2017)
- › Boston Bar Association, Class Action Committee, Co-Chair (2014-2018)

RECOGNITION

- › Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers (2020)
- › Massachusetts Super Lawyer (2018, 2019)
- › AAJ Marie Lambert Award (2018)
- › AAJ Distinguished Service Award (2015, 2017, 2018)
- › AAJ Women's Caucus Excellence in Leadership Award (2017, 2019)
- › AAJ Above and Beyond Award (2016)
- › Institute for Complex Litigation and Mass Claims at Emory Law, Emerging Leaders Board of Advisors – inaugural class (2015-2017)
- › National Law Journal Boston Rising Star Award (2014)
- › Massachusetts Academy of Trial Attorneys President's Award (2014)
- › Massachusetts Bar Association Up & Coming Lawyer Award (2013)

PARTNER

Lauren Guth Barnes

- › Massachusetts Rising Star (2014, 2015)
- › AAJ New Lawyers Division Excellence Award (2010, 2011, 2013, 2014)
- › AAJ New Lawyers Division Above and Beyond Award (2012)
- › AAJ Wiedemann & Wysocki Award (2012, 2013)

NOTABLE CASES› **\$72.5 Million Recovery in Solodyn Antitrust Action**

In July 2018, the Honorable Denise J. Casper of the District of Massachusetts granted final approval to a \$72.5 million class settlement for direct purchasers of brand and generic Solodyn. HBSS was co-lead class counsel in this case alleging Medicis entered into a series of reverse payment deals to delay entry of generic Solodyn and used the period of delay to effectuate a product hop, all resulting in overcharges by direct purchasers. The case settled three days before trial.

In re Solodyn Antitrust Litigation, D. Mass., MDL No. 2503

› **\$73 Million Recovery for Direct Purchasers of Skelaxin**

On Sept. 24, 2014, Judge Curtis Collier of the Eastern District of Tennessee approved a \$73 million settlement for direct purchasers of Skelaxin in litigation alleging Skelaxin's manufacturer colluded with would-be generic competitors, fraudulently delaying generic competition and leading to higher prices. Metaxalone was sold under the brand name Skelaxin since 1962, but the original patent expired in 1979. Manufacturers applied to market generic metaxalone in 2002, and generic competitors remained foreclosed from marketing generic metaxalone until 2010. Hagens Berman served as lead counsel for direct purchasers.

In re Skelaxin (Metaxalone) Antitrust Litigation, E.D.TN., Civil Action No. 1:12-md-2343.

› **Health care coverage for 40,000 legal immigrants in Massachusetts**

On Jan. 5, 2012, the Massachusetts Supreme Judicial Court ruled unanimously that a state law barring 40,000 low-income legal immigrants from the state's universal health care program unconstitutionally violates those immigrants' rights to equal protection under the law and must be struck down. Hagens Berman served as pro bono counsel.

Finch v. Commonwealth Health Insurance Connector Authority, Mass., Civil Action No. SJC-11025.

› **\$25 million for the state of Connecticut for Zyprexa fraud**

On Oct. 5, 2009, U.S. District Court Judge Jack B. Weinstein approved a \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation that alleged Lilly engaged in unlawful off-label promotion and misrepresented Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs. Hagens Berman served as outside counsel to Attorney General Richard Blumenthal.

State of Connecticut v. Eli Lilly & Co., E.D.N.Y., Civil Action No. 08-cv-955-JBW.

PUBLICATIONS

- › "How Mandatory Arbitration Agreements and Class Action Waivers Undermine Consumer Rights and Why We Need Congress to Act," Harvard Law and Policy Review, August 2015

PERSONAL INSIGHT

Unlike many of her colleagues at HBSS, Lauren does not run marathons – unless chasing after her three children counts. Lauren did wrestle in college but refused to don the wrestling singlet. Whenever she can, Lauren rock climbs with her in-laws, breathes deeply at yoga, and hosts dinner parties to, despite usual advice, try totally new recipes. She also keeps the pizza delivery guy on speed dial as back-up for such occasions.

**PARTNER**

Kristen A. Johnson

Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for securing a \$142 million verdict against Pfizer for suppressing and manipulating results of scientific studies.

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kristenjp@hbsslaw.com

YEARS OF EXPERIENCE

> 14

PRACTICE AREAS

- > Class Actions
- > Consumer Rights
- > RICO
- > Antitrust

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

- > U.S. District Court, District of Massachusetts
- > First Circuit Court of Appeals

EDUCATION

- > Boston College Law School, J.D.
- > Dartmouth College, *cum laude*, B.A.

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Court-appointed lead counsel for the proposed class of direct purchasers in multidistrict litigation alleging that brand company Merck and generic company Glenmark struck an anticompetitive pay-for-delay agreement to resolve patent-infringement litigation over the drug Zetia. In re Zetia Antitrust Litigation, 2:18-md-2836, E.D. Va., ECF No. 105.
- > Member of the HBSS team litigating antitrust claims on behalf of a proposed class of direct purchasers of brand and generic Glumetza. In re Glumetza Antitrust Litigation, 3:19-cv-05822, N.D. Cal.
- > Working with experts in In re: Ranbaxy Generic Drug Application Antitrust Litigation, 1:19-md-02878, D. Mass.
- > Instrumental in new case investigation work directed to combating waste, fraud, and pricing abuse in the pharmaceutical industry.

RECENT SUCCESS

- > The First Circuit reversed a district court's dismissal of antitrust litigation premised on wrongfully listing patents covering insulin injector pens in FDA's Orange Book. In re Lantus Direct Purchaser Antitrust Litigation, 18-cv-2086, 1st Cir., Feb. 13, 2020.
- > Directed HBSS's litigation efforts, as co-lead counsel for the certified class of direct purchasers, and ran the patent team through the run up to trial in In re Loestrin 24 Fe Antitrust Litigation. The parties have reached a proposed \$120 million settlement shortly before trial. In re Loestrin 24 Fe Antitrust Litigation, 1:13-md-02472, D.R.I., ECF Nos. 10, 1050.
- > Court-appointed Interim lead/liaison class counsel for the proposed direct purchaser class in multidistrict litigation alleging that Allergan engaged in an anticompetitive scheme to delay generic versions of Restasis from coming to market. The parties have reached a proposed \$51.25 million settlement on behalf of the proposed settlement class of direct purchasers of the drug Restasis, In re Restasis Antitrust Litigation, 18-md-2819, E.D.N.Y., ECF No. 50.

LEGAL ACTIVITIES

- > Public Justice, Class Action Preservation Committee
- > American Association for Justice

RECOGNITION

- > In 2014 and 2015, the National Law Journal honored Ms. Johnson as one of Boston's Rising Stars, one of 40 outstanding lawyers under 40.

PARTNER**Kristen A. Johnson**

- › In 2020, Lawdragon named Ms. Johnson one of 500 Leading Lawyers in America, Plaintiff Financial Lawyers.
- › In 2011, Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for their work in securing a \$142 million verdict against Pfizer for suppressing and manipulating the results of scientific studies that showed Neurontin did not work to treat the off-label indications Pfizer was heavily promoting.

NOTABLE CASES

- › \$94 million settlement for the certified class of direct purchasers in In re Celebrex (Celecoxib) Antitrust Litigation, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455 (court-appointed co-lead counsel).
- › \$98 million settlement for the direct purchaser class in In re Prograf Antitrust Litigation, D. Mass., MDL No. 2242 (team member).
- › Personally appointed alternate lead counsel in the In re New England Compounding Pharmacy Litigation Multidistrict Litigation, 12-md-2419, D. Mass. During the nascent stages of the MDL, the court appointed Ms. Johnson liaison counsel to speak for the hundreds of victims who contracted fungal meningitis or suffered other serious health problems as a result of receiving contaminated products made and sold by NECC. This case resulted in a \$189+ million settlement on behalf of tort victims.
- › Member of the trial team that achieved a \$142 million civil RICO verdict against Pfizer for suppressing and manipulating results of scientific studies concerning the drug Neurontin. Post-trial, the third-party payer class settled with Pfizer for an additional \$325 million. In re Neurontin Marketing, Sales Practices, and Products Liability Litigation, D. Mass., MDL No. 1629.
- › \$150 million settlement for the direct purchaser class in In re Flonase Antitrust Litigation, E.D. Pa., 08-cv-3149 (team member).

PERSONAL INSIGHT

Ms. Johnson grew up in a family law practice (they literally turned a closet into a playroom) in Canfield, Ohio. Her grandfather, uncle, father, brother and sister are all lawyers, all practice together, and her mother runs the law office. Ms. Johnson's career choice was perhaps inevitable, though her departure for Boston makes her a bit of a black sheep.

**PARTNER**

Sean R. Matt

Leads the firm's innovation in organizing and prosecuting individual class cases across many states involving the same defendants and similar factual and legal issues, an approach that continues to be a key factor in the firm's success

CONTACT

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YEARS OF EXPERIENCE

> 29

PRACTICE AREAS

- > Securities Litigation
- > Consumer Rights
- > Antitrust Litigation
- > Insurance
- > Products Liability

INDUSTRY EXPERIENCE

- > Complex Financial Instruments
- > Investments
- > Pharmaceuticals
- > Automotive

COURT ADMISSIONS

- > Supreme Court of Washington
- > U.S. District Court, Western District of Washington
- > U.S. District Court, District of Colorado
- > Ninth Circuit U.S. Court of Appeals

EDUCATION

- > Indiana University, B.S., Finance, Highest Distinction, 1988
- > University of Oregon School of Law, J.D., Order of the Coif (top 10%), Associate Editor of the Law Review, 1992

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP, since its founding in 1993
- > Practice focuses on multi-state and nationwide class actions and complex commercial litigation encompassing securities and finance, consumer, antitrust, insurance and products
- > Diverse experience in most of the firm's practice areas, involving appearances in state and federal courts across the country at both the trial and appellate levels
- > Key member of the firm's securities litigation team, most recently co-leading the prosecution and settlement of the *In re Charles Schwab Securities Litigation*, the *In re Oppenheimer Champion Income Fund Securities Class Actions* and the *Oppenheimer Core Bond Fund Class Action Litigation*
- > Key member of the firm's pharmaceutical litigation team that confronts unfair and deceptive pricing and marketing practices in the drug and dietary supplement industries including Average Wholesale Price Litigation, the *First Databank/McKesson Pricing Fraud Litigation* and the *Enzyte Litigation*
- > Key member of the firm's automobile defect litigation team

RECOGNITION

- > In 2014, Public Justice nominated Mr. Matt and the *In re Toyota Motor Corp. Sudden, Unintended Acceleration* team for the Trial Lawyer of the Year Award for their work in securing a \$1.6 billion settlement for car owners.
- > In 2020, Lawdragon named Mr. Matt one of 500 Leading Lawyers in America, Plaintiff Financial Lawyers.

PUBLICATIONS

- > Providing a Model Responsive to the Needs of Small Businesses at Formation: A Focus on Ex Ante Flexibility and Predictability, 71 Oregon Law Review 631, 1992

NOTABLE CASES

- > *Mercedes Emissions* (\$763 settlement)
- > *In re Charles Schwab Securities Litigation* (\$235 million settlement)
- > *In re Oppenheimer Champion Income Fund Securities Fraud Class Actions* (\$52.5 million proposed settlement)
- > *Oppenheimer Core Bond Fund Class Action Litigation* (\$47.5 million settlement)
- > *Morrison Knudsen and Costco Wholesale Corp. Securities Litigation*

PARTNER

Sean R. Matt

- > *In re Pharmaceutical Industry Average Wholesale Price Litigation* (\$338 million settlement)
- > *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*
- > *In re Checking Account Overdraft* cases pending against many of the country's largest banks
- > *Washington State Ferry Litigation*, which resulted in one of the most favorable settlements in class litigation in the history of the state of Washington
- > *Microsoft Consumer Antitrust* cases
- > State Attorneys General *Tobacco Litigation*, assisted with client liaison responsibilities, working closely with assistant attorneys general in Oregon, Ohio, Arizona, Alaska and New York, as well as assisting in all litigation matters

PERSONAL INSIGHT

Sean, whose four-man team won cycling's prestigious Race Across America with a time of six days and three hours, still occasionally rides a bike.

**PARTNER**

Shana E. Scarlett

Shana has achieved hundreds of millions of dollars in recovery for classes in antitrust matters, and has been named a Northern California Super Lawyer and top California antitrust attorney.

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

> Antitrust Litigation
> Consumer Protection
> Securities Litigation

INDUSTRY EXPERIENCE

> Technology Companies
> Internet Companies
> Agricultural Companies

BAR ADMISSIONS

> California

COURT ADMISSIONS

> U.S. District Courts for the Northern, Southern, Eastern and Central Districts of California
> U.S. Court of Appeals, Second Circuit
> U.S. Court of Appeals, Ninth Circuit
> U.S. Court of Appeals, Federal Circuit

EDUCATION

> Stanford Law School, J.D.
> University of British Columbia, B.A.

CURRENT ROLE

> Partner & Management Committee Member, Hagens Berman Sobol Shapiro LLP
> Managing Partner of Hagens Berman's Berkeley office
> Practice is devoted entirely to representing plaintiffs in complex litigation, and primarily in the areas of antitrust and unfair competition

RECENT SUCCESS

> Ms. Scarlett has played a leading role in obtaining sizable settlements for antitrust plaintiffs in the following cases:

- In re Broiler Chicken Antitrust Litig., No. 16-CV-08637 (N.D. Ill.) (co-lead counsel for indirect purchaser class; recovery to date of \$106 million)
- In re Animation Workers Antitrust Litig., No. 14-cv-4062 (N.D. Cal.) (team at Hagens Berman acting as co-lead counsel for class of workers; recovery of nearly \$169 million)
- In re Lithium Ion Batteries Antitrust Litig., No. 13-md-02420 (N.D. Cal.) (team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$113.45 million)
- In re EBooks Antitrust Litig., No. 11-md-02293 (S.D.N.Y.) (team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$568 million)
- In re Optical Disk Drive Antitrust Litig., No. 10-md-02143 (N.D. Cal.) (team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million)
- In re Railway Industry Employee No-Poach Antitrust Litigation, MDL No. 2850 (W.D. Pa.) (team at Hagens Berman on executive committee; recovery of \$48.95 million)

RECOGNITION

> Top Antitrust Attorney, Daily Journal of California, 2021
> Northern California Super Lawyer, 2013 - 2021
> Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers, 2020 - 2021
> Band 2 Ranking by Chambers and Partners, 2020; Band 1 Ranking, 2021
> 2021 Top 100 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers
> Lawdragon Leading Plaintiff Lawyer, 2020
> Rising Star Award for Northern California, Super Lawyers, 2009 - 2011

EXPERIENCE

> Associate, Coughlin Stoia Geller Rudman & Robbins LLP (2004-2007)
> Associate, Milberg Weiss Bershad Hynes & Lerach LLP (2002-2004)
> Associate, Lief Cabraser Heimann & Bernstein LLP (2001-2002)

LEGAL ACTIVITIES

> Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Private Class Actions (November 2019)

PARTNER**Shana E. Scarlett**

- › Panelist, American Bar Association, Key Considerations for Working with Expert Witnesses in Class Actions (September 2019)
- › Panelist, American Antitrust Institute, The Consumer and Food Sovereignty: Concentration and its Effects on Food Prices, Choice, and Quality (December 2018)
- › Panelist, Complex Litigation E-Discovery Forum: Tar and Validation Protocols (September 2018)
- › Panelist, Civil Law Symposium: Class Actions for the Northern District Practice Program (September 2018) (spoke at the request of Judge Gonzalez Rogers on distribution of settlements and best practices of notice)
- › Panelist, The Impact Fund, Advanced Class Notice Issues (August 2018)
- › Panelist, American Bar Association Meeting: Procedural Steps and Pitfalls in Antitrust Class Actions (May 2018)
- › Panelist, Northern District Judicial Conference: Class Actions (April 2018)
- › Panelist, Class Certification – Making Sense of Class Certification Doctrine, Economics and Econometrics, American Antitrust Institute (Nov. 2017)

NOTABLE CASES

- › Ms. Scarlett is also serving as lead or co-lead class counsel in the following cases currently being litigated:
 - In re Pork Antitrust Litig., No. 18-CV-01776 (D. Minn.) (co-lead counsel for indirect purchaser class)
 - In re Beef Purchasers Antitrust Litig. (Peterson v. JBS USA Food Co. Holdings et al.), No. 0:19-cv-01129 (D. Minn.) (co-lead counsel for indirect purchaser class)
 - In re Turkey Antitrust Litig., No. 1:19-cv-08318 (N.D. Ill.) (co-lead counsel for direct purchaser class)
 - Jien v. Perdue Farms, Inc., No. 19-cv-2521 (D. Md.) (co-lead counsel for class of hourly and salaried workers)

PERSONAL INSIGHT

Shana is Canadian and the daughter of the noted Canadian jurist, the Hon. Edward D. Scarlett. When not in the Berkeley office of Hagens Berman, Shana usually can be found in Canada with her four sisters, nine nieces and nephews.

**PARTNER**

Leonard W. Aragon

Before attending college, Mr. Aragon fulfilled his dream as a scout for the 2/68 Armored Tank Battalion.

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Commercial Litigation
- > Mass Tort
- > Appellate Advocacy
- > Personal Injury

COURT ADMISSIONS

- > U.S. District Court, District of Arizona
- > U.S. District Court, District of Colorado

EDUCATION

- > Stanford Law School, J.D., 2001
- > Arizona State University, B.A., History and Political Science, *summa cum laude*, 1998

INDUSTRY EXPERIENCE

- > Consumer Fraud
- > Software
- > Sports Law
- > Health Care
- > Pharmaceuticals
- > Election Law
- > Gambling
- > Administrative Procedures Act

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide class actions and other complex litigation
- > Currently counsel for plaintiffs in the highly publicized cases *Keller v. Electronic Arts* and *In re NCAA Student-Athlete Name and Likeness Licensing Litigation* which alleges that video game manufacturer Electronic Arts, the National Collegiate Athletic Association, and the Collegiate Licensing Company used the names, images and likenesses of student-athletes in violation of state right of publicity laws and the NCAA's contractual agreements with the student-athletes. The plaintiffs reached a settlement with EA and the CLC in May for \$40 million and reached a settlement in June with the NCAA for \$20 million. The parties are in the process of seeking approval from the Court for the two settlements.

RECENT SUCCESS

- > Multimillion-dollar jury verdict believed to be the largest in Columbiana County, Ohio history
- > Multimillion-dollar class-action settlement on behalf of a nationwide class of student-athletes whose images were used on a website affiliated with CBS Interactive without their permission or compensation
- > Obtained two jury verdicts in favor of the original developer of the Madden Football video game franchise in phased trial over unpaid royalties

RECOGNITION

- > Super Lawyers, Rising Star: Class Action/Mass Tort

LEGAL ACTIVITIES

- > Adjunct Professor, Sandra Day O'Connor College of Law, Arizona State University
- > State Bar of Arizona Bar Leadership Institute Class I
- > Pro bono work in insurance, immigration, family and contract law

NOTABLE CASES

- > *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*
- > *Keller v. Electronic Arts Inc.*
- > *Antonick v. Electronic Arts Inc.*
- > *In re Swift Transportation Co., Inc.*
- > *Hunter v. Hyundai Motor America*
- > *Jim Brown v. NCAA; Liebich v. Maricopa County Community College District*
- > *Liebich v. Maricopa County Community College District*

PERSONAL INSIGHT

Before entering the practice of law, Mr. Aragon was a scout for the 2/68 Armored Tank Battalion, communications director for a successful congressional campaign, and waited on season tickets holders at America West Arena so that he could secretly watch the Phoenix Suns.



PARTNER

Gregory T. Arnold

Greg devotes his practice to pursuing remedies for those injured by antitrust violations, particularly within the pharmaceutical industry.

CONTACT

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YEARS OF EXPERIENCE

> 25

PRACTICE AREAS

- > Antitrust Litigation
- > Personal Injury Litigation

BAR ADMISSIONS

- > Massachusetts
- > U.S. District Court, District of Massachusetts
- > Court of Appeals, 2nd Circuit

EDUCATION

- > Fairfield University, B.S., Marketing, 1991
- > Villanova University School of Law, J.D., 1996 (served on Law Review)

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on prosecution of large-scale, nationwide class actions, primarily against the pharmaceutical industry
- > Works on behalf of large health care providers, seeking recoveries from tortfeasors associated with payments the providers make as a result of the harm they have caused
- > Directs Hagens Berman's work on numerous pending direct purchaser class-action cases, including In re Ranbaxy Generic Drug Application Antitrust Litigation, In re Actos Direct Purchaser Antitrust Litigation, In re Lipitor Antitrust Litigation, and In re Effexor XR Antitrust Litigation, as well as multiple actions brought on behalf of end payors, including Louisiana Health Service & Indemnity Comp., et al. v. Janssen Biotech, Inc., et al., and Staley, et al. v. Gilead Sciences, Inc. et al.,

RECENT SUCCESS

- > Part of a team that secured substantial recoveries on behalf of a class of direct purchasers in connection with wrongfully delayed entry of generic versions of various pharmaceutical drugs
- > Defeated motion to dismiss in case alleging misconduct on the part of a large Indian generic pharmaceutical manufacturer which caused delays in generic competition on multiple drugs with billions of dollars of annual sales

EXPERIENCE

- > Income Partner, Litigation Department for a large Boston-based law firm

NOTABLE CASES

- > **Bankruptcy-related litigation**
 - Lead efforts on behalf of three law firms protecting the interests of more than 25,000 claimants suffering from asbestos-related diseases to block a proposed plan of reorganization. During more than five years of litigation, Mr. Arnold succeeded in forcing numerous changes to the proposed plan, including the voting methodology, amount of contribution and distributions. He pursued several interlocutory appeals throughout the case and oversaw and managed all aspects of this complex litigation, culminating in a successful 20-day bench trial conducted in the bankruptcy court for the Southern District of New York, after which the court rejected the proposed bankruptcy plan, thereby securing a substantial benefit for the clients.
 - One of a team of lawyers representing the interests of the Ad Hoc Committee of Trade Creditors in the In re WorldCom matter, resulting in increasing our clients' recoveries by nearly 50 percent.

PARTNER**Gregory Arnold****› Mass Torts/Class Actions**

- Played pivotal role in representing the Commonwealth of Massachusetts in landmark litigation against the Tobacco Industry, including establishing personal jurisdiction in Massachusetts over the United Kingdom-based parent company to Brown & Williamson. This work product, as well as the resulting court decision, was relied upon by Attorneys General throughout the country in their cases against the tobacco Industry.
- Following the Commonwealth of Massachusetts' action, lead efforts in pursuing a nationwide class action on behalf of all persons injured as a result of the tobacco industry's misconduct.
- Successfully defended a class-action case brought against a major credit card issuer, obtaining a denial of class certification and dismissal of individual's claims.

› Complex Financial Litigation

- Successfully represented a group of more than 65 investors in offshore hedge funds, pursuing recoveries for more than \$600 million of invested capital lost due to fraudulent practices of hedge fund manager.

› General Commercial Litigation

- Represented former attorney whose malpractice insurer had refused defense and indemnity after an office worker embezzled millions of dollars in client funds. Following a five-week Superior Court trial, secured a verdict in favor of the client, holding the insurance company responsible for more than \$2 million in liability to the insured's former client. Successfully defended insurer's appeal of the trial court decision in the Appeals Court. Subsequently brought a case against the insurance company under Chapter 93a, resulting in a multimillion-dollar recovery for the client.
- Obtained a substantial recovery for a client whose intellectual property was wrongfully assigned to a third party. Achieved a pre-trial settlement with the assigning party while pursuing a bench trial in Middlesex Superior Court against the party using the software.
- Served as "first chair" in a complex, multi-week bench trial in federal court over breach of multimillion-dollar commercial contract concerning sale of radiology equipment, including prevailing on counterclaim seeking to impose multimillion-dollar liability.

› Patent Litigation

- Represented national and international clients on a full range of patent litigation issues, including trials.
- Successful litigator before the United States International Trade Commission, including obtaining favorable outcome for a client protecting their intellectual property rights against an infringer based in Sweden.

› Labor and Employment Litigation

- Defended client interests in a variety of matters, including those involving non-competition agreements, wrongful terminations, and harassment claims.
- Successfully represented companies enforcing non-compete agreements against former employees, as well as new employers/former employees in avoiding the terms of non-compete agreements.

PARTNER

Gregory Arnold

- Handled trials before administrative bodies, including the U.S. Department of Labor, including defending a client against claims made under the Surface Transportation Assistance Act following the termination of an employee/truck driver.

› **Other Litigation**

- Represented client in an eminent domain trial, resulting in a jury award more than 10 times the Commonwealth's pro tanto offer.

PERSONAL INSIGHT

Greg is married with three children and lives in Mansfield, Mass. He played varsity ice hockey in college.

**PARTNER****Ian M. Bauer**

Mr. Bauer has been at the forefront of child and social welfare policymaking and litigation in Washington State over the past decade, and has extensive experience in litigation involving abuse, neglect and exploitation of children and vulnerable adults.

CONTACT

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YEARS OF EXPERIENCE

> 16

PRACTICE AREAS

> Personal Injury Litigation
> Civil Rights

BAR ADMISSIONS

> Washington

COURT ADMISSIONS

> U.S. District Court, Western District of Washington
> U.S. District Court, Eastern District of Washington
> United State Bankruptcy Court for the Western District of Washington
> Ninth Circuit Court of Appeals

EDUCATION

> Connecticut College, B.A., 1999
> Seattle University School of Law, J.D., *magna cum laude*, 2004

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Practice focuses on personal injury and civil rights cases

RECENT SUCCESS

Mr. Bauer has litigated numerous multimillion-dollar cases involving children and vulnerable adults who have suffered profound abuse, neglect or exploitation. Recent recoveries include:

- > Settlement on behalf of five children abused and neglected by their biological parents (\$9.75 million)
- > Settlement on behalf of a developmentally-disabled man who was subjected to extensive neglect and financial exploitation (\$8.0 million)
- > Settlement on behalf of a developmentally-disabled woman who was abused, neglected and financially exploited by her state-paid, in-home caregiver (\$5.52 million)
- > Settlement on behalf of a young child who was abused and neglected by his biological parents (\$5.5 million)
- > Settlement on behalf of a young man who was abused and neglected by a non-relative caregiver (\$4.0 million)
- > Settlement on behalf of a young child who was abused and neglected by her biological mother (\$4.0 million)
- > Settlement on behalf of a young woman who was abused and neglected by a non-relative caregiver (\$3.0 million)
- > Settlement on behalf of an infant abused in day care setting (\$2.84 million)
- > Settlement on behalf of a developmentally-disabled woman abused and neglected by her state-paid, in-home caregiver (\$2.5 million)
- > Settlement on behalf of a developmentally-disabled woman who was sexually and financially exploited by her state-paid, in-home caregiver (\$2.4 million)
- > Settlement on behalf of a young woman sexually abused by her biological father (\$2.0 million)
- > Settlement on behalf of a vulnerable woman sexually assaulted in a hospital emergency room (\$1.2 million)

RECOGNITION

> Mr. Bauer has received an AV rating from Martindale-Hubbell, the highest peer-reviewed national rating a lawyer can obtain, reflecting a preeminent legal ability and exceptional ethical standards.
> Rising Star, Washington Law & Politics Magazine (2009, 2016, 2017)

EXPERIENCE

Prior to joining Hagens Berman, Mr. Bauer's served as an Assistant Attorney General with the Washington State Attorney General's Office. In this role, Mr. Bauer coordinated the defense of civil rights and tort litigation against DSHS, WSDOT, WSP and other state agencies, and supervised two teams of highly-

PARTNER

Ian M. Bauer

experienced attorneys and professional staff. Mr. Bauer also carried a significant caseload of high-profile tort and civil rights cases, as well as cases involving the operation and funding of Washington's foster care, mental health and public assistance systems. Mr. Bauer also advised executive-level agency staff and state risk managers on a wide variety of complex legal issues, including tactical litigation decisions, the implications of legislative, judicial, political and policy decisions, and emergent situations involving the risk of significant exposure.

LEGAL ACTIVITIES

- > Member, Washington Association for Justice
- > Member, American Association for Justice

PERSONAL INSIGHT

Mr. Bauer is a former collegiate soccer player who continues to follow the game religiously.

**PARTNER**

Elaine T. Byszewski

Litigated Milk Antitrust from complaint filing to settlement of \$52 million

CONTACT

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YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Consumer Protection
- > Qui Tam
- > Antitrust Litigation
- > Appellate

BAR ADMISSIONS

- > State Bar of California

COURT ADMISSIONS

- > U.S. District Court for the Central District of California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. Court of Appeals for the Ninth Circuit
- > U.S. District Court for the Eastern District of California

EDUCATION

- > Harvard Law School, J.D., *cum laude*, 2002
- > University of Southern California, B.S., Public Policy, *summa cum laude*, 1999

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Ms. Byszewski has litigated a number of complex class actions on behalf of consumers, employees and whistleblowers resulting in multimillion-dollar settlements, including cases against Toyota, Ford, AstraZeneca Pharmaceuticals, Berkeley Premium Nutraceuticals, Solvay Pharmaceuticals, Costco, Apple and KB Homes.
- > She also litigated a multi-state antitrust action against major dairy cooperatives for colluding in the premature slaughter of a half a million cows to drive up the price of milk, which the defendants described in their attempted petition for review to the United States Supreme Court as “one of the most expensive classes in history.”
- > Currently, Ms. Byszewski focuses her practice on brief writing for a wide variety of firm cases, including:
 - Auto defect cases;
 - College refund cases seeking return of tuition paid for promised in-person and on campus education; and
 - Antitrust cases, including collusion in the agriculture industry and Hotels Antitrust, a conspiracy to eliminate competition for online search ads using branded keywords.

RECENT SUCCESS

- > Drafted petition for en banc review in *Hyundai/Kia Fuel Economy Litig.*, which was granted and resulted in affirmance of the nationwide class action settlement in 2019.
- > Litigated *Milk Antitrust* from complaint filing to settlement of \$52 million and received the American Antitrust Institute’s 2018 award for Outstanding Antitrust Litigation Achievement in Private Law Practice
- > Member of litigation team that settled *Toyota Unintended Acceleration Litigation* for \$1.6 billion and was a finalist for Public Justice’s 2014 Trial Lawyer of the Year award

NOTABLE CASES

- > *Dairy Cooperatives Antitrust Litigation*
- > *Toyota Unintended Acceleration*
- > *Hyundai/Kia*
- > *Ford Spark Plugs*
- > *AstraZeneca Pharmaceuticals (Nexium) Litigation*

PARTNER

Elaine T. Byszewski

- > *Merck (Vioxx) Litigation*
- > *Berkeley Nutraceuticals (Enzyte) Litigation*
- > *Solvay Pharmaceuticals (Estratest) Litigation*
- > *Apple iPod Litigation*
- > *Costco Wage and Hour Litigation*

EXPERIENCE

> Prior to joining Hagens Berman, Ms. Byszewski focused her practice on labor and employment litigation and counseling. During law school she worked in the trial division of the office of the Attorney General of Massachusetts.

PUBLICATIONS

- > "Valuing Companion Animals in Wrongful Death Cases: A Survey of Current Court and Legislative Action and A Suggestion for Valuing Loss of Companionship," *Animal Law Review*, 2003, Winner of the Animal Law Review's 5th Annual Student Writing Competition
- > "What's in the Wine? A History of FDA's Role," *Food and Drug Law Journal*, 2002
- > "ERISA and RICO: New Tools for HMO Litigators," *Journal of Law, Medicine & Ethics*, 2000

PERSONAL INSIGHT

Ms. Byszewski enjoys spending time outdoors with her husband and their two sons, whether swimming, hiking or scootering around the neighborhood.

**PARTNER****John DeStefano**

Mr. DeStefano takes special pride in protecting the public against broad-based frauds and swindles and the corruption of honest enterprise.

CONTACT

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PRACTICE AREAS

- > Consumer Protection
- > Commercial Litigation
- > Privacy Rights
- > Appellate Advocacy

BAR ADMISSIONS

- > U.S. Supreme Court
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Tenth Circuit
- > U.S. District Court, District of Arizona
- > Supreme Court of Arizona

EDUCATION

- > University of Arizona Law School, J.D., Senior Managing Editor, Arizona Law Review
- > Harvard University, B.A., Classics

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer, insurance, and antitrust class actions as well as appellate representation

RECENT SUCCESS

- > Obtained court approval of \$400 million settlement to compensate Hyundai and Kia owners for misstatement of EPA fuel economy ratings. Settlement payments averaged \$353 for Hyundai owners and \$667 for Kia owners.
- > Obtained appellate reversal of judgment for defendant in multimillion-dollar business ownership dispute
- > In class action against Liberty Mutual insurance for deceptively reducing payments to accident victims for the value of their totaled vehicles, defeated motion to dismiss so that all claims can proceed

EXPERIENCE

- > Snell & Wilmer LLP 2009-2013
- > American Inns of Court Pegasus Scholar 2012: study of commercial, media, and privacy law with barristers and judges in the U.K.
- > U.S. District Court for the District of Arizona, Law Clerk to the Hon. Neil V. Wake 2008-2009
- > U.S. Court of Appeals for the Ninth Circuit, Law Clerk to the Hon. William C. Canby, Jr. 2007-2008

RECOGNITION

- > Super Lawyers, Rising Star: Class Action/Mass Tort 2015 - 2017
- > Arizona Foundation for Legal Services & Education, Top Pro Bono Attorneys in Arizona Award 2013

NOTABLE CASES

- > *In re Pre-Filled Propane Tank Antitrust Litigation*
- > *In re Hyundai & Kia Fuel Economy Litigation*
- > *Jim Brown v. Electronic Arts Inc.*
- > *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*
- > *Antonick v. Electronic Arts Inc.*
- > *In re Swift Transportation Co., Inc.*
- > Represented an international human rights organization as amicus curiae in the U.S. Supreme Court case *Moloney v. United States*, opposing the enforcement of a foreign law enforcement subpoena for confidential academic research in the U.S. (pro bono)

PARTNER

John DeStefano

- > *Olberg v. Allstate Insurance Co.*
- > *Lundquist v. First National Insurance Company of America*
- > *Gunn v. Continental Casualty Co.*

LEGAL ACTIVITIES

- > Treasurer, American Inns of Court
- > Program Chair (current), Treasurer (past), Lorna Lockwood American Inn of Court
- > American Association for Justice

PERSONAL INSIGHT

When John's great-grandfather came from Italy to Boston, he lost his life savings to a man he met named Charles Ponzi. A century later, John takes special pride in protecting the public against broad-based frauds and swindles and the corruption of honest enterprise.

**PARTNER**

Catherine Y.N. Gannon

Super Lawyers magazine has recognized Ms. Gannon as a "Rising Star" in Washington state from 2016 to 2021.

CONTACT

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catherineg@hbsslaw.com

YEARS OF EXPERIENCE

> 13

PRACTICE AREAS

> Securities and Antitrust
> Consumer Protection

BAR ADMISSIONS

> Washington
> New York
> Ontario (Canada)

EDUCATION

> York University, Osgoode Hall Law School, Senior Editor, Osgoode Hall Law Journal J.D., 2008
> Carleton University, Bachelor of Public Affairs and Policy Management, *summa cum laude*, 2005

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on securities and antitrust matters, as well as nationwide consumer protection cases involving large corporations
- > Extensive experience working with expert witnesses, often in economic and other highly technical areas

NOTABLE CASES

- > *Volkswagen/Audi/Porsche Diesel Emissions Scandal*
- > *Aequitas Capital Management Securities Litigation*
- > *Insulin Overpricing*
- > *In re MyFord Touch Consumer Litigation*
- > *NCAA Grant-In-Aid Cap Antitrust Litigation*
- > *Ford Shelby GT350 Mustang Overheating*

EXPERIENCE

- > Weil, Gotshal and Manges LLP, New York, New York, Securities Litigation and Corporate Governance Group
- > McCarthy Tétrault LLP, Toronto, Canada, Complex Commercial Litigation Group
- > Department of Finance, Government of Canada, International Trade and Finance group with an emphasis on economic and trade negotiations at the G-20, IMF and the Paris Club

LEGAL ACTIVITIES

- > iVice President, Board of Directors, Eastside Legal Assistance Program (ELAP)
- > Ms. Gannon maintains a broad pro bono practice with an emphasis on healthcare and disability rights. She has successfully served as lead counsel seeking access to specialized education programs for autistic students in the New York City public school district and has repeatedly advocated for prisoners with mental health needs. Ms. Gannon has also served as a volunteer attorney for both Legal Voice and Disability Rights Washington.
- > Volunteer, Disability Rights Washington
- > Broad pro bono practice with an emphasis on healthcare and disability rights. Successfully served as lead counsel seeking access to specialized education programs for autistic students in the New York City public school district and has repeatedly advocated for prisoners with mental health needs.

RECOGNITION

- > Rising Star, Washington Super Lawyers, 2016-2021

PUBLICATIONS

- > Co-author of the American Bar Association's "A Practitioner's Guide to Class Actions – Vermont Chapter" (2017)

PARTNER**Catherine Y.N. Gannon**

- > “Designing a New Playbook for the New Paradigm: Global Securities Litigation and Regulation,” (2011) Harvard Law School Forum on Corporate Governance and Financial Regulation
- > “Legal Vulnerability of Bioethicists in Canada: Is a New Era Upon Us?” (2010) 30 Health Law in Canada 132
- > “The Threat of the Oppression Remedy to Reorganizing Insolvent Corporations,” (2009) Annual Review of Insolvency Law 429 (with Stephanie Ben-Ishai)

PERSONAL INSIGHT

Ms. Gannon previously worked at leading law firms in both New York City and Toronto prior to joining Hagens Berman in Seattle. Outside of work, Ms. Gannon serves on the board of directors for the Eastside Legal Assistance Program, which provides pro bono civil legal services in the greater Seattle area. She has also volunteered with organizations such as Legal Voice, Disability Rights Washington, Advocates for Children of New York and The Innocence Project. A seasoned backpacker, Ms. Gannon once spent six months traveling to more than a dozen countries across five continents. She is fluent in French and can still pack a suitcase in less than 5 minutes.

**PARTNER**

Lucas E. Gilmore

Dedicated plaintiff attorney with more than a decade of experience prosecuting securities fraud, shareholder derivative, antitrust, and consumer class actions.

CONTACT

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YEARS OF EXPERIENCE

> 11

PRACTICE AREAS

> Securities

BAR ADMISSIONS

> California

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Northern District of California (Bankruptcy Court)
- > U.S. District Court for the Central District of California
- > U.S. District Court for the Southern District of California
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Second Circuit

EDUCATION

- > University of California Hastings College of the Law, JD, 2007
- > Vanderbilt University, BA, *cum laude*, 2002

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Advises institutional, government and individual investors on issues related to corporate governance, shareholder rights and securities litigation
- > Key member of the firm's investor fraud team in which he, along with a group of attorneys, financial analysts, and investigators, counsels the firm's investor clients on their legal claims and prosecutes financial fraud cases

EXPERIENCE

- > Litigated dozens of securities class actions against the largest companies and banks, including BNY Mellon, BP, Citibank, Deutsche Bank, HSBC, Quality Systems, Symantec, U.S. Bank and Wells Fargo
- > Prosecuted a number of cases related to the financial crisis, including several actions arising out of the issuance of residential mortgage-backed securities and other complex financial products
- > Represented litigants in all phases of litigation, at both the trial court and appellate levels

LEGAL ACTIVITIES

- > Member, National Association of Public Pension Attorneys (NAPPA)
- > Member, State Association of County Retirement Systems (SACRS)

RECOGNITION

- > Super Lawyers, Rising Star: Securities 2014 - 2017

PUBLICATIONS

- > "The Fraud-on-the-Market Presumption Is Alive and Well," Association of Business Trial Lawyer, San Diego, ABTL Report, Fall 2014

PERSONAL INSIGHT

Outside of the office, Mr. Gilmore enjoys boxing and serving as Defensive Coordinator of his sons' flag football teams.

**PARTNER****Ben Harrington**

Ben focuses on challenging fraudulent business practices and enforcing antitrust laws, drawing from his extensive experience representing both plaintiffs and defendants at all stages of litigation.

CONTACT

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YEARS OF EXPERIENCE

> 14

INDUSTRY EXPERIENCE

- > Antitrust Litigation
- > Consumer Rights
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > California
- > New York

COURT ADMISSIONS

- > U.S. District Court for the Southern District of New York
- > U.S. District Court for the Eastern District of New York

CLERKSHIPS

- > Honorable Nina Gershon,
U.S. District Court for the Eastern District of New York,
2014-2016
- > Honorable Harris Hartz,
U.S. Court of Appeals, Tenth
Circuit, 2008-2009

EDUCATION

- > University of California,
Hastings College of the Law,
J.D., *summa cum laude*, 2008
- > The Evergreen State College,
B.A., 2001

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Ben worked as a litigation associate in the New York office of Quinn Emanuel Urquhart & Sullivan LLP

PERSONAL INSIGHT

If Ben is not working you will probably find him chasing after his young daughter, noodling on a guitar or tending to his ever-growing stable of bicycles.

**PARTNER**

Anne F. Johnson

Ms. Johnson specializes in high-stakes, complex litigation challenging Big Pharma's schemes to block consumer access to less expensive generic drugs, as well as mass actions fighting corporate indifference and greed.

CONTACT

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YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Personal Injury
- > Antitrust
- > Consumer Protection

INDUSTRY EXPERIENCE

- > Pharmaceuticals
- > Automotive

BAR ADMISSIONS

- > New York
- > Texas

COURT ADMISSIONS

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

EDUCATION

- > Brooklyn Law School, *cum laude*
- > James Madison University, *magna cum laude*

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

- > Ms. Johnson was instrumental in achieving a \$200+ million aggregate settlement for her clients in General Motors LLC Ignition Switch Litigation.

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Johnson was a partner at a Texas litigation firm and an associate at two New York City plaintiffs' class-action firms.
- > Led the discovery, briefing and trial preparation teams on behalf of court-appointed co-lead counsel for the wrongful death and personal injury plaintiffs in *General Motors LLC Ignition Switch Litigation*, one of the largest product liability litigations in U.S. history.
- > Member of the trial team in the first pay-for-delay pharmaceutical antitrust case to go to trial after the U.S. Supreme Court's watershed decision in *FTC v. Actavis*.
- > Developed and filed multiple pharmaceutical antitrust cases challenging drug companies' schemes to prevent less expensive generic versions of brand name drugs from entering the market, including by using sham litigation, sham citizen petitions, pay-for-delay settlements and "product hopping."

ACTIVITIES

- > Fundraising volunteer for Annie's List, which helps to elect progressive women to office in Texas
- > Organized the American Constitution Society's Constitution in the Classroom program for New York City schools

RECOGNITION

- > Brooklyn Law Review

NOTABLE CASES

- > *General Motors LLC Ignition Switch Litigation*
- > *Solodyn Antitrust Litigation*
- > *Suboxone Antitrust Litigation*
- > *Nexium Antitrust Litigation*
- > *Provigil Antitrust Litigation*
- > *Tricor Antitrust Litigation*

PERSONAL INSIGHT

When she's not working, Anne is on her porch listening to records – rhythm and blues, country or rock 'n' roll – with her family and dogs.

**PARTNER**

Reed R. Kathrein

Mr. Kathrein represents institutional, government and individual investors in securities fraud, and corporate governance cases.

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YEARS OF EXPERIENCE

> 45

PRACTICE AREAS

> Securities Litigation

BAR ADMISSIONS

> State of California
> State of Illinois
> State of Florida

COURT ADMISSIONS

> Supreme Court of California
> Supreme Court of Florida
> Supreme Court of Illinois
> U.S. District Court for the Northern District of California
> U.S. District Court for the Northern District of Illinois
> U.S. District Court of Colorado
> U.S. Court of Appeals, Ninth Circuit

EDUCATION

> University of Miami, J.D., 1977
> University of Miami, B.A., 1974

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Regular public speaker on securities, class action and consumer law issues

RECOGNITION

> Super Lawyer, Super Lawyers Magazine, 2007 - 2019

EXPERIENCE

> Litigated over 100 securities fraud class actions
> Worked behind the scenes in shaping the Private Securities Litigation Reform Act, the Securities Litigation Uniform Standards Act and the Sarbanes-Oxley Act
> Lawyer Representative, Ninth Circuit Court of Appeals
> Lawyer Representative, U.S. District Court for the Northern District of California, 2008-2011
> Chaired the Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008
> Co-chaired the Securities Rules Advisory Committee, U.S. District Court, Northern District of California, 2004-2006

LEGAL ACTIVITIES

> Member, National Association of Public Pension Attorneys (NAPPA)
> Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)
> Member, Council of Institutional Investors (CII)
> Member, State Association of County Retirement Systems (SACRS)
> Member, National Council on Teacher Retirement (NCTR)
> Member, California Association of Public Retirement Systems (CALAPRS)
> Member, Michigan Association of Public Employee Retirement Systems (MAPERS)
> Member, Illinois Public Pension Fund (IPPPFA)
> Member, Standing Committee on Professional Conduct, U.S. District Court, Northern District of California (Term expires 2017)
> Expedited Trial Rules Committee, U.S. District Court, Northern District of California, 2010-2012
> Lawyer Representative to the Ninth Circuit Court of Appeals, U.S. District Court, Northern District of California, 2008-2011
> Chair/ Member, Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008

PARTNER

Reed R. Kathrein

PUBLICATIONS

- > "A Look at Recent Demographics and Other Statistics in Securities Fraud Class Actions," The NAPPA Report, October 2016
- > "Post-Morrison: The Global Journey Towards Asset Recovery," Reed R. Kathrein, Peter E. Borkon, Nick S. Singer, contributing members, NAPPA Morrison Working Group, June 2016
- > "Interview with Bernie Madoff," Hagens Berman, HBSS Securities News, Fall 2015
- > "Is Your Fund Prepared for Halliburton?," March 2014
- > "O Securities Fraud, Where Art Thou?, Enter Robocop," Hagens Berman, HBSS Securities News, November 2013
- > "Professor Coffee to SEC: Hire Plaintiffs Bar!," Hagens Berman, HBSS Securities News, May 2013
- > "Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud," Reed R. Kathrein, Peter E. Borkon, contributing members, NAPPA Morrison Working Group, 2012
- > "SEC Action Necessary, But Not Sufficient to Protect Investors," Hagens Berman, HBSS Securities News, November 2012
- > "Are You Watching Your Private Equity Valuations?" Hagens Berman, HBSS Securities News, May 2012
- > "What Do Trustees Need to Know When Investing In Foreign Equities?," Hagens Berman, HBSS Securities News, November 2011

PRESENTATIONS

- > "Incoming! How the New Administration's Approach to Securities Laws and Regulations Affect Investors and Markets," MAPERS, Spring Conference, May 2017
- > "Occupy Wall Street through Reform of the Securities Law," NCPERS, Legislative Conference, February 2012
- > "Legal Issues Facing Public Pensions," Opal, Public Funds Summit, January 2012
- > "Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors," NCPERS, Annual Conference, May 2011
- > "The Immediate Need for Congress to Act on Investor Friendly Legislation," NCPERS, Annual Conference, May 2010
- > "Investor Friendly Legislation in Congress," NCPERS, Legislative Conference, February 2010

NOTABLE CASES

- > Litigated over 100 securities fraud class actions including cases against 3Com, Adaptive Broadband, Abbott Laboratories, Bank of America, Capital Consultants, CBT, Ceridian, Commtouch, Covad, CVXT, ESS, Harmonics, Intel, Leasing Solutions, Nash Finch, Northpoint, Oppenheimer, Oracle, Pemstar, Retek, Schwab Yield Plus Fund, Secure Computing, Sun Microsystems, Tremont (Bernard Madoff), Titan, Verifone, Whitehall, and Xoma
- > Litigated many consumer, employment and privacy law cases including AT&T Wiretapping Litigation, Costco Employment, Solvay Consumer, Google/Yahoo Internet Gambling, Vonage Spam, Apple Nano

PARTNER

Reed R. Kathrein

Consumer, Ebay Consumer, LA Cellular Consumer, AOL Consumer, Tenet Consumer and Napster Consumer

PERSONAL INSIGHT

Reed is a recovering rock-and-roll drummer and banjo ukulele player. His rock band, the Stowaways, was voted 4th best in the State of Illinois out of 300 bands in the Jaycees Battle of the Bands. Reed's mother made his band costume of blue jean bell bottoms, sailor shirts and hats. The next year everyone wore blue jean bell bottoms to Woodstock. His prized possession is a 30lb Jeff Ocheltree snare drum made by Led Zeppelin John Bonham's drum technician. The rest of his kit is patterned after Dave Matthews Band's drummer, Carter Beauford. In his spare time, Reed works on playing Stairway to Heaven (drums) in his garage or Somewhere Over the Rainbow (banjo ukulele) in the High Sierra mountains.

**PARTNER****Daniel J. Kurowski**

2020 "Rising Star" in Illinois, Super Lawyers

CONTACT

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YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

- > Consumer Rights Litigation
- > Sports Litigation
- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Hon. Paul E. Plunkett,
Northern District of Illinois
- > Hon. Maria Valdez, Northern
District of Illinois

BAR ADMISSIONS

- > Illinois

COURT ADMISSIONS

- > U.S. Court of Appeals, Seventh
Circuit
- > U.S. Court of Appeals, Second
Circuit
- > U.S. District Court, Northern
District of Illinois
- > U.S. District Court, Central
District of Illinois
- > U.S. District Court, Southern
District of Illinois

EDUCATION

- > John Marshall Law School,
J.D., *cum laude*, 2005
- > Loyola University Chicago,
B.B.A., with Honors, 2002

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

> Daniel J. Kurowski is a partner at Hagens Berman Sobol Shapiro LLP. Since 2006, Mr. Kurowski has focused his practice on protecting the interests of individuals and small companies prejudiced by large corporations and organizations, often in consolidated multi-district litigation proceedings. Based in Chicago, with cases located throughout the country, his current work with the firm covers a diverse variety of complex cases including:

- Representing student-athletes in individual personal injury and class-action litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities, including in *In Re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation* (N.D. Ill.), *Mayall v. USA Water Polo, Inc.* (C.D. Cal.) and *In Re NFL Players' Concussion Injury Litig.* (E.D. Pa.).
- Representing consumers of electricity in action alleging claims against nearly two dozen defendants for perpetuating an extensive fuel oil fraud, resulting in users of electricity in Puerto Rico being overcharged by more than \$1 billion dollars for electricity since 2002.
- Representing purchasers with antitrust, consumer fraud and/or unjust enrichment claims against sellers and manufacturers of retail products.

RECENT SUCCESS

- > *In re Pre-Filled Propane Sales & Marketing Practices Litigation* (W.D. Mo.) (\$35 million in settlements involving multiple defendants)
- > *In re Bayer Combination Aspirin Sales & Marketing Practices Litigation* (E.D.N.Y.) (\$15 million settlement)
- > *In re Aurora Dairy Organic Milk Marketing & Sales Practices Litigation* (E.D. Mo.) (\$7.5 million settlement)
- > *Silk v. Bowling Green State University* (Ohio Court of Claims) (\$712,500 individual settlement for student-athlete injured as a result of alleged failures to properly manage athlete's concussions)
- > *In re NFL Players' Concussion Injury Litigation* (E.D. Pa.) (over \$3.3 million in approved claims for former NFL players)

RECOGNITION

- > Illinois Rising Star, Super Lawyers Magazine, 2015 - 2020

EXPERIENCE

- > Federal judicial law clerk, Hon. Paul E. Plunkett and Hon. Maria Valdez
- > Intern, U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity, the U.S. Attorney's Office for the Northern District of Illinois and with Hon. Ronald A. Guzman and his staff
- > During law school, Mr. Kurowski received multiple academic scholarships, served as a staff member and Lead Articles Editor for The John Marshall Law Review, and received an award for an appellate brief submitted in a national moot court competition

PARTNER**Daniel J. Kurowski****LEGAL ACTIVITIES**

- > Seventh Circuit Council on eDiscovery and Digital Information
- > Member of American Association for Justice, Illinois State Bar Association, Chicago Bar Association
- > Investigator, Chicago Bar Association, Judicial Evaluation Committee

NOTABLE CASES

- > *Aurora Dairy Corporation Organic Milk Marketing & Sales Practices Litigation* (E.D. Mo.)
- > *Bayer Corp. Combination Aspirin Product Marketing & Sales Practices Litigation* (E.D.N.Y.)
- > *Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation* (W.D. Mo.)
- > *Pre-Filled Propane Tank Marketing & Sales Practices Litigation* (W.D. Mo.)
- > *RC2 Corp. Toy Lead Paint Products Liability Litigation* (N.D. Ill.)

PERSONAL INSIGHT

Dan enjoys staying active by competing in cyclocross races and equally intense races chasing after his two children. Dan is also a board member for the DuPage Cycling Foundation, a 501(c)(3) non-profit corporation that raises fund for community non-profits through the hosting and promotion of cycling events.

**PARTNER**

Thomas E. Loeser

Mr. Loeser obtained judgments in cases that have returned billions of dollars to millions of consumers and more than \$100 million to the government.

CONTACT

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YEARS OF EXPERIENCE

> 22

PRACTICE AREAS

- > Consumer Rights
- > False Claims Act/**Qui Tam**
- > Government Fraud
- > Corporate Fraud
- > Data Breach/Identity Theft and Privacy

INDUSTRY EXPERIENCE

- > Automotive
- > Consumer Fraud
- > Cyber and Intellectual Property Crimes
- > Racketeering
- > False Claims
- > Government Fraud
- > Technology
- > Software
- > Recreation
- > Athletic Apparel

BAR ADMISSIONS

- > California
- > Illinois
- > District of Columbia

COURT ADMISSIONS

- > District of Columbia
- > U.S. District Court for the District of Columbia

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions, False Claims Act and other whistleblower cases, consumer protection and data breach/identity-theft/privacy cases
- > Successfully litigated class-action lawsuits against mortgage lenders, appraisal management companies, automotive manufacturers, national banks, home builders, hospitals, title insurers, technology companies and data processors
- > Currently prosecuting consumer protection class-action cases against banks, automobile manufacturers, lenders, loan servicing companies, technology companies, national retailers, payment processors and False Claims Act whistleblower suits now under seal
- > Obtained judgments in cases that have returned billions of dollars to millions of consumers and more than \$100 million to the government

RECOGNITION

- > Martindale-Hubbell® AV Preeminent rating, 2016 - 2022
- > Washington Super Lawyers, 2016 - 2022
- > Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers, 2020 - 2021
- > Leading Plaintiff Consumer Lawyer, Lawdragon, 2020
- > The National Trial Lawyers: Top 100, 2019 -2020
- > Leading Plaintiff Consumer Lawyers, Lawdragon, 2019
- > Lawdragon 500, Lawdragon, 2019
- > Top Attorneys in Washington, Seattle Met Magazine, 2016 - 2019

EXPERIENCE

- > Experience trying cases in federal and state courts in San Francisco, Los Angeles and Seattle
- > Served as lead or co-lead counsel in 12 federal jury trials and has presented more than a dozen cases to the Ninth Circuit Court of Appeals
- > As a federal prosecutor in Los Angeles, Mr. Loeser was a member of the Cyber and Intellectual Property Crimes Section and regularly appeared in the Central District trial courts and the Ninth Circuit Court of Appeals
- > Assistant U.S. Attorney, U.S. Department of Justice
- > Wilson Sonsini Goodrich & Rosati

PARTNER

Thomas E. Loeser

- > U.S. District Court for the Eastern District of California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. District Court for the Central District of California
- > Supreme Court of California
- > U.S. District Court for the Eastern District of Michigan
- > U.S. District Court for the Western District of Washington
- > Supreme Court of Washington
- > Ninth Circuit Court of Appeals

EDUCATION

- > Duke University School of Law, J.D., *magna cum Laude*, Order of the Coif, Articles Editor Law and Contemporary Problems, 1999
- > University of Washington, M.B.A., *cum laude*, Beta Gamma Sigma, 1994
- > Middlebury College, B.A., Physics with Minor in Italian, 1988

NOTABLE CASES

- > *Volkswagen Emissions Defect Litigation*
- > *Shea Homes Construction Defect Litigation*
- > *Meracord/Noteworld Debt Settlement Litigation*
- > *Defective RV Refrigerators Litigation*
- > *New Jersey Medicare Outlier Litigation*
- > *Center for Diagnostic Imaging Qui Tam Litigation*
- > *Countrywide FHA Fraud Qui Tam Litigation*
- > *Chicago Title Insurance Co. Litigation*
- > *KB Homes Captive Escrow Litigation*
- > *Aurora Loan Modification Litigation*
- > *Wells Fargo HAMP Modification Litigation*
- > *JPMorgan Chase Force-Placed Flood Insurance Litigation*
- > *Wells Fargo Force-Placed Insurance Litigation*
- > *Target Data Breach Litigation*
- > *Cornerstone Advisors Derivative Litigation*
- > *Honda Civic Hybrid Litigation*
- > *Hyundai MPG Litigation*

LANGUAGES

- > French
- > Italian

**PARTNER**

Robert F. Lopez

Mr. Lopez continues practice on qui tam matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments.

CONTACT

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PRACTICE AREAS

- › Complex Commercial Litigation
- › Health Care & Pharmaceuticals Litigation
- › Intellectual Property Litigation
- › Privacy Litigation
- › Antitrust Litigation
- › Securities Litigation
- › **Qui Tam** Litigation

BAR ADMISSIONS

- › Washington

COURT ADMISSIONS

- › Western District of Washington
- › Eastern District of Washington
- › U.S. Court of Appeals for the Ninth Circuit

EDUCATION

- › Gonzaga University, B.A., English Literature; Arnold Scholar
- › University of Washington School of Law, J.D.

CURRENT ROLE

- › Partner, Hagens Berman Sobol Shapiro LLP
- › Offers a broad range of legal experience in the fields of:
 - Complex commercial litigation
 - Health care and pharmaceuticals litigation
 - Product defect litigation
 - False Claims Act litigation
 - Intellectual property litigation
 - Privacy litigation
 - Securities litigation
 - Antitrust litigation
 - Creditor-debtor litigation
- › Member of firm's *In re Carrier IQ, Inc. Consumer Privacy Litigation* team
- › Member of the firm's team representing the plaintiffs and proposed class in *Free Range Content Inc. v. Google Inc.*, an class-action case based on allegations that Google unlawfully denies payments to thousands of website owners and operators who place ads on their sites sold through Google AdWords
- › Continues practice on *qui tam* matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments

EXPERIENCE

- › Experienced in prosecuting and defending appeals in the federal and state courts of appeal; representing institutions and consumers in nationwide class-action lawsuits, including in the federal multidistrict litigation setting; advising clients in non-litigation settings with respect to trademark, trade-name, copyright and Internet-communications law
- › Member of firm's team representing one of the relators in the 2012 settlement with Amgen Inc., in which the company agreed to pay \$612 million to the U.S. and various state governments in order to resolve claims that it caused false claims to be submitted to Medicare, Medicaid and other government insurance programs
- › Member of the firm's team that prosecuted *In re Charles Schwab Corp. Securities Litigation*
- › Experienced in class-action litigation against DaimlerChrysler Corporation relating to product defects in its Neon automobiles, nationwide class-action cases against Trex Company, Inc. and Fiber Composites, Inc.
- › Founding Member and Partner, Socius Law Group PLLC
- › Partner, Betts, Patterson & Mines, P.S.

PARTNER

Robert F. Lopez

NOTABLE CASES

- > *In re Pharmaceutical Industry Average Wholesale Price Litigation*
- > *Amgen Inc. Qui Tam Litigation*
- > *In re Metropolitan Securities Litigation*
- > *In re Charles Schwab Corp. Securities Litigation*
- > *In re Carrier IQ, Inc. Consumer Privacy Litigation*

**PARTNER**

Jessica R. MacAuley

Ms. MacAuley was a fundamental part of the In re: Celebrex Antitrust Litigation trial team, which resulted in a \$94 million settlement.

CONTACT

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YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Massachusetts
- > District Court of Massachusetts
- > Second Circuit Court of Appeals

EDUCATION

- > Northeastern University, B.A., *cum laude*, 2005
- > The Pennsylvania State University, Dickinson School of Law, J.D., 2012

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide antitrust class actions and consumer fraud
- > Member of the HBSS team of attorneys litigating on behalf of direct purchasers in In re: Restasis Antitrust Litigation. Ms. MacAuley directed day-to-day efforts for HBSS and was the leader of a team of attorneys investigating allegations related to the defendant's (Allergan) filing of sham citizen petition. Ms. MacAuley successfully argued the motion for final approval of the \$51.25 million settlement for the direct purchaser class.
- > Led a team of attorneys investigating privilege claims made by defendants in the In re Glumetza Antitrust Litigation and is now part of the team preparing for trial.
- > Integral part of a trial team for class of direct purchasers in the In re: Celebrex Antitrust Litigation, which settled before trial for \$94 million.
- > Counsel in the In re: Suboxone Antitrust Litigation and the In re: Niaspan Antitrust Litigation. Tasked with overseeing the litigation for the HBSS office.
- > Instrumental in reaching a \$98 million settlement for direct purchasers of the immunosuppressant, Prograf.
- > Oversaw discovery efforts, including managing meet and confers with defendants and directing factual issues for depositions, on behalf of direct purchasers In re: Solodyn Antitrust Litigation, a multi-district litigation challenging anticompetitive conduct by pharmaceutical drug makers that settled pre-trial with four defendants totaling over \$76 million.

EXPERIENCE

- > During law school Ms. MacAuley was a certified legal intern for the Rural Economic Development Clinic, advising clients on Marcellus shale exploration land rights, FDA regulations for artisanal cheese makers and formation of corporate entities for dairy farmers.

RECOGNITION

- > "Rising Star," Massachusetts Super Lawyers Magazine, 2015 - 2019

NOTABLE CASES

- > *In re Glumetza Antitrust Litigation*
- > *In re Prograf Antitrust Litigation*
- > *In re Solodyn Antitrust Litigation*
- > *In re Celebrex Antitrust Litigation*
- > *In re Restasis Antitrust Litigation*

PERSONAL INSIGHT

Jessica has long been active in social justice movements, starting in kindergarten when she led an unsuccessful boycott of Columbus Day.

**PARTNER**

Barbara Mahoney

Ms. Mahoney received her doctorate in philosophy from the Universität Freiburg (Germany), where she graduated magna cum laude.

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Civil RICO
- > Consumer Rights
- > Environmental Litigation
- > Intellectual Property
- > State False Claims

INDUSTRY EXPERIENCE

- > Pharmaceutical Industry
- > Class Action Litigation

BAR ADMISSIONS

- > Washington

COURT ADMISSIONS

- > U.S. District Court, Western District of Washington
- > U.S. District Court, Eastern District of Washington
- > Ninth Circuit Court of Appeals

EDUCATION

- > University of Washington, J.D., 2001
- > Universität Freiburg, PhD, philosophy, *magna cum laude*, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Focuses primarily on national class actions and pharmaceutical litigation
- > Currently part of the firm's legal team representing 2014-16 BMW i3 REx owners in a class action regarding a defect in the range extender that causes the cars to suddenly reduce speed and power without warning when transitioning from pure battery mode to the range extender.
- > Represents consumers in a nationwide class action against Dometic Corporation seeking compensation for RV and boat owners who experienced extensive loss of property due to fires and explosions caused by defective refrigerators sold by Dometic.
- > Extensively involved in several suits against McKesson relating to allegations the company engaged in a scheme that raised prices of 400+ brand-name prescription drugs. Resulted in two national class-action settlements for \$350 million and \$82 million. In related litigation, Ms. Mahoney represented Virginia, Connecticut, Arizona, Oregon, Utah and Montana in individual cases against McKesson.
- > Extensively involved in *In re: Generic Pharmaceuticals Pricing Antitrust Litigation* on behalf of putative class of direct purchasers in MDL alleging generic drug manufacturers engaged in price fixing.
- > Represents Kentucky homeowners in a putative class action against Louisville Gas & Electricity to recover the cost of removing coal ash and dust from their homes.
- > Previously, she was involved in pioneering litigation against oil and energy companies for the village and tribe of Kivalina to recover the cost of extensive damage to the village caused by global warming.

RECOGNITION

- > Rising Star, Washington Law & Politics, 2005

EXPERIENCE

- > Worked in several areas of commercial litigation, including unlawful competition, antitrust, securities, trademark, CERCLA, RICO, FLSA as well as federal aviation and maritime law
- > Associate, Calfo Harrigan Leyh & Eakes LLP (formerly Danielson Harrigan Leyh & Tollefson)
- > Law Clerk, Justice Sanders, Washington Supreme Court
- > Law Clerk, Judge Sandra Brown Armstrong, U.S. District Court, N.D. California

LEGAL ACTIVITIES

- > Downtown Neighborhood Legal Clinic
- > Q Law
- > Cooperating Attorney with American Civil Liberties Union of Washington

PARTNER

Barbara Mahoney

NOTABLE CASES

- › New England Carpenters v. First DataBank (\$350 million class-action settlement)
- › Douglas County v. McKesson (\$82 million class-action settlement)

LANGUAGES

- › Fluent in German
- › Reads Swedish and French

PERSONAL INSIGHT

Ms. Mahoney lives in West Seattle with her partner and is very active in local athletic organizations. She is a former board member of Rain City Soccer, where she also organized a summer-long program on basic skills. She is also active in Seattle Frontrunners, a masters track club. She enjoys reading, running, soccer and studying foreign languages.



PARTNER

Martin D. McLean

Mr. McLean is a true trial attorney having tried 30 cases to verdict in various state and federal courts.

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YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Personal Injury
- > Civil Rights
- > Insurance Bad Faith
- > Public Records Act

BAR ADMISSIONS

- > U.S. District Court for the Western District of Washington
- > U.S. District Court for the Eastern District of Washington
- > Ninth Circuit Court of Appeals
- > Supreme Court of Washington

EDUCATION

- > Seattle University School of Law, J.D., *cum laude*, 2002

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Represents individuals who have suffered catastrophic personal injury or loss
- > Clientele includes a wide range of individuals, including children who have suffered harm while in state care, elderly adults who have experienced abuse or neglect in nursing homes and individuals harmed by medical negligence.
- > Mr. McLean has been at the forefront of litigation involving the Washington Public Records Act.

RECENT SUCCESS

- > During his tenure with Hagens Berman's personal injury team, Mr. McLean has contributed to numerous lawsuits resulting in multimillion-dollar recoveries on behalf of the firm's clients.

EXPERIENCE

- > Mr. McLean is a seasoned trial attorney, with extensive experience in all phases of litigation.

NOTABLE CASES

- > Marx v. DSHS, \$3 million judgment on behalf of developmentally-disabled patient sexually abused at state-run hospital
- > Tamas v. State of Washington, \$525,000 judgment on behalf of three children seeking publicrecords from state agency
- > Wright v. DSHS, \$2,850,000 judgment against the state of Washington for negligent child abuse investigation
- > Rudolph v. DSHS, \$900,000 judgement on behalf of family of a vulnerable adult severely neglected in state-licensed adult family home

PERSONAL INSIGHT

Mr. McLean spent a year living in Italy studying art, history, Italian and wine-drinking. When not practicing law, Mr. McLean enjoys his new favorite hobby: raising his young son and daughter with his wife.

**PARTNER****David P. Moody**

Mr. Moody has successfully secured many multimillion-dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited.

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YEARS OF EXPERIENCE

> 28

PRACTICE AREAS

> Personal Injury Litigation
> Civil Rights

INDUSTRY EXPERIENCE

> Children, Elderly and
Incapacitated Citizens who are
Victims of Neglect or Abuse

BAR ADMISSIONS

> Washington

COURT ADMISSIONS

> U.S. Supreme Court
> U.S. Court of Appeals, Ninth
Circuit

EDUCATION

> George Washington University
School of Law, J.D., 1993
> University of Washington, B.A.,
1990

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> A trial attorney with a passion for representing children, the disabled, elderly and incapacitated citizens

NOTABLE CASES

- > Mr. Moody has secured many multimillion-dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited, including:
- Largest jury verdict ever upheld against the State of Washington, DSHS (\$17.8 million)
 - Largest single-plaintiff settlement against the State of Washington, DSHS (\$8.8 million)
 - Largest recovery on behalf of three foster children (\$7.3 million)
 - Largest single-plaintiff settlement on behalf of a child in Snohomish County, Washington (\$5 million)
 - Largest judgment on behalf of an incapacitated child in Spokane County, Washington (\$4 million)
 - Judgment for a disabled woman in Santa Clara County, California (\$4 million)
 - Largest judgment ever obtained against Eastern State Hospital (\$3 million)
 - Largest judgment ever obtained against the State of Washington, Child Study and Treatment Center (\$3 million)
 - Judgment for a boy neglected and abused in Snohomish County, Washington (\$2.85 million)
 - Judgment for a girl neglected and abused in Pierce County, Washington (\$2.85 million)
 - Settlement on behalf of brain-injured infant abused in day care setting (\$2.84 million)
 - Largest single-plaintiff jury verdict on behalf of an incapacitated adult in Kitsap County, Washington (\$2.6 million)
 - Judgment in the amount of \$2.5 million for a client abused at Eastern State Hospital
 - Largest single-plaintiff settlement on behalf of a developmentally disabled male in eastern Washington (\$2.25 million)
 - Several additional settlements in excess of \$1 million

PERSONAL INSIGHT

David is proud to be a native Washingtonian and enjoys strong ties to the eastern side of the state. David's grandfather Jack Edward Moody was born and raised in Dayton, Washington, and David's great-grandfather Edward Maple Moody was the Sheriff of Columbia County, Washington. David's maternal grandmother, Eva Armstrong, was one of the first female graduates of Whitman College in Walla Walla, Washington.

**PARTNER**

Christopher A. O'Hara

Plays key role in working with notice and claims administrators on all the firm's class settlements and class notice programs

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YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Tax Law
- > Securities Litigation
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Washington
- > Arizona

COURT ADMISSIONS

- > U.S. Court of Appeals, Ninth Circuit

EDUCATION

- > University of Washington, B.A., Political Science, French Language and Literature, 1987
- > Seattle University School of Law, J.D., *cum laude*, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer, tax and securities class actions
- > Serves as plaintiffs' counsel in Hotel Occupancy Tax litigation against major online travel companies in various jurisdictions across the country
- > Active member of firm's Microsoft defense team negotiating claims administration policy and processing rules in twenty consumer and antitrust class-action state settlements around the country
- > Key role in working with claims administrators on all class settlements and class notice programs

RECENT SUCCESS

- > Worked on related litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million. Mr. O'Hara also played a leading role for the firm on the \$235 million settlement of *In re Charles Schwab Securities Litigation* and the \$1.6 billion settlement of *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*.
- > Mr. O'Hara deposed more than a dozen of Big Tobacco's expert witnesses, research scientists and marketing executives for the tobacco litigation, focusing predominantly on the state of Arizona case. Coordinated Arizona's national and local expert witnesses, while contributing to all aspects of discovery and motion practice. Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against claims brought by several Arizona counties in the aftermath of the state's tobacco litigation.

RECOGNITION

- > Rising Star, Washington Law and Politics, 2003

EXPERIENCE

- > Crowell & Moring, Paralegal, 1988-1990
- > Cozen & O'Connor, Associate, 1993-1997

NOTABLE CASES

- > *Tobacco Litigation* (\$260 billion multi-state settlement)
- > *Expedia Litigation* (\$134 million settlement)
- > *Charles Schwab Yieldplus Funds Litigation* (\$235 million settlement)
- > *Toyota Unintended Acceleration Litigation* (\$1.6 billion settlement)
- > *Microsoft Antitrust Litigation*

LANGUAGES

- > French

**PARTNER**

Jerrod C. Patterson

Served as federal prosecutor for over nine years, prosecuting tax cases, fraud, and other financial crimes. Extensive experience trying complex cases to verdict.

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Antitrust Litigation
- > Racketeering
- > Automotive Litigation

BAR ADMISSIONS

- > Washington
- > New York
- > District of Columbia

CLERKSHIPS:

- > The Hon. Louis F. Oberdorfer,
U.S. District Court for D.C.
- > U.S. Senate Judiciary
Committee (Sen. Leahy)
Washington, D.C.

EDUCATION

- > University of California,
Berkeley School of Law (Boalt
Hall), J.D., May 2002; top 15%
of graduating class
- > Johns Hopkins University,
School of Advanced
International Studies
(SAIS) M.A. in International
Economics and International
Relations, December 1997,
Graduated with distinction
(top 10%)
- > Brown University A.B. in
International Relations, May
1995, *magna cum laude*

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust and other fraud and RICO cases, including Generic Pharmaceuticals Pricing Antitrust, Dodge RAM 2500 and 3500 Emissions, and Ford/GM/FCA CP4 Injection Pump Defect
- > Extensive experience in handling complex multidistrict cases.
- > Mr. Patterson brings to the firm extensive trial experience and a history of prosecuting complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering and prescription fraud.

RECOGNITION

- > Organized Crime and Drug Enforcement Task Force “Best Financial Investigation in the Nation” – 2012
- > U.S. Attorney General “Outstanding Performance as a Special Assistant U.S. Attorney” – 2010
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2009
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2008

NOTABLE CASES

- > *In re Animation Workers Antitrust Litig.*, 14-cv-4062 LHK (N.D. Cal.): Class-action antitrust case against major animation studios for conspiring to fix wages of their animators. The parties settled the case for \$169M.
- > *In re Generic Pharmaceuticals Pricing Antitrust Litig.* (E.D. Pa.): Class-action antitrust case against over two dozen generic pharmaceutical manufacturers for conspiring to fix the price of generic drugs.
- > *In re Lithium Ion Batteries Antitrust Litig.*, 12-cv-5129 YGR (N.D. Cal.): Class-action antitrust case against large battery producers for conspiring to fix prices. The parties settled the case for a total of \$113 million.
- > As a federal prosecutor, led or co-chaired 11 federal jury trials, and 22 bench trials

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Patterson served as an Assistant United States Attorney at the U.S. Attorney’s Office in Seattle, WA.
 - Prosecuted complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering, and prescription fraud
 - Served as Project Safe Childhood Coordinator; led efforts to investigate and prosecute child pornography and child exploitation cases
 - Led prosecution of large-scale drug trafficking organizations, including cartels and street gangs, to interdict drug smuggling and investigate money laundering

PARTNER

Jerrod C. Patterson

- › Trial Attorney, U.S. Department of Justice Washington, D.C., Tax Division, Northern Criminal Enforcement Section
 - Co-chaired prosecution of two defendants, in separate trials, for scheme to defraud the Cleveland Catholic Diocese
- › Special Assistant U.S. Attorney, U.S. Attorney's Office for D.C. Nov. 2006 - May 2007
 - Prosecuted 22 bench trials in Sex Offense/Domestic Violence Section
- › Associate, Wilmer Cutler Pickering (WilmerHale)

PERSONAL INSIGHT

Although not a Washington state native, Mr. Patterson has quickly adopted Seattle as his hometown. In his spare time, he and his family enjoy the local wineries, lakes and hiking trails.

**PARTNER****Rio Pierce**

Rio focuses his practice on enforcing antitrust laws and ensuring fair and free markets for the benefit of consumers.

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YEARS OF EXPERIENCE

> 8

PRACTICE AREAS

> Consumer Protection
> Intellectual Property

BAR ADMISSIONS

> California

COURT ADMISSIONS

> U.S. District Court for the Central District of California
> U.S. District Court for the Northern District of California
> U.S. District Court for the Southern District of California

CLERKSHIPS:

> Honorable Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit, 2013 - 2014

EDUCATION

> Harvard Law School, *magna cum laude*, 2013
> Duke University, *magna cum laude*, 2005

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

> In re Broiler Chicken Antitrust Litig., No. 16-CV-08637 (N.D. Ill.) (part of team at Hagens Berman for indirect purchaser class; recovery to date of \$106 million)
> In re Pork Antitrust Litig., No. 18-CV-01776 (D. Minn.) (part of team at Hagens Berman serving as co-lead counsel for indirect purchaser class; recovery to date of \$20 million)
> Qualcomm Antitrust Litigation., No. 5:17-md-02773 (N.D. Cal.) (part of team at Hagens Berman acting as counsel for indirect purchaser class that resulted in certified class of hundreds of millions of consumers)
> In re Optical Disk Drive Antitrust Litig., No. 10-md-02143 (N.D. Cal.) (team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million)

RECOGNITION

> 2021 Top 40 Under 40 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers
> Chayes Fellow, National Prosecuting Authority in Cape Town, South Africa
> Teaching Fellow, Copyright EdX

EXPERIENCE

> Prior to joining Hagens Berman, Mr. Pierce worked as an associate for two years at Munger, Tolles & Olson, where he gained significant experience in class action and complex commercial litigation. Mr. Pierce also did extensive pro bono work on immigration matters.
> Law Clerk, U.S. Court of Appeals for the Ninth Circuit, Judge Jerome Farris, 2013-2014
> Associate, Munger Tolles & Olson, 2014-2016

LEGAL ACTIVITIES

> American Association for Justice

PUBLICATIONS

> "A Heavy Hand or A Light Touch: What Force Will California's Anti-SLAPP Statute Have After Baral v. Schnitt?" California Litigation Review, 2015

PERSONAL INSIGHT

A proud California native, Rio loves exploring the whole state, especially Big Sur. Prior to law school, Rio worked at Miramax for several years and still loves a good indie film. In his free time, Rio enjoys making pies.

**PARTNER**

Christopher R. Pitoun

Christopher R. Pitoun has focused on consumer litigation since graduating from law school and has gained broad experience representing individuals, municipalities and small businesses in all forms of complex litigation.

CONTACT

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YEARS OF EXPERIENCE

> 11

PRACTICE AREAS

- > Consumer Protection
- > Intellectual Property

BAR ADMISSIONS

- > California
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Southern District of California
- > U.S. District Court, Eastern District of California
- > U.S. Court of Appeals for the Ninth Circuit

EDUCATION

- > Loyola Law School, Los Angeles, J.D. 2011, Note and Comment Editor, Loyola of Los Angeles Entertainment Law Review
- > University of Chicago, M.A. 2005
- > University of Michigan, B.A., with High Honors, 2004
- > London School of Economics, General Course, 2003

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and other complex litigation

EXPERIENCE

- > Prior to joining Hagens Berman, Chris worked as an associate at a large plaintiff's firm gaining extensive experience representing plaintiffs in business litigation involving copyright and trademark disputes, breach of contract claims and breach of fiduciary duty claims. He also worked on a number of nationwide class actions involving products liability matters in the pharmaceutical and construction industries.
- > Office of the Attorney General of California, Business and Tax Division, Winter 2010

RECENT SUCCESS

- > *BofA Countrywide Appraisal RICO*, No. 2:16-cv-04166 (C.D. Cal.) (part of team that secured \$250,000,000 settlement on behalf of nationwide class of borrowers against appraiser)
- > *Sake House Restaurants Racial Discrimination Litigation*, Case No. BC7087544 (Cal.Super.) (certified for settlement purposes first of its kind hostile work environment class of Hispanic/Latino restaurant workers against employer)
- > *USC, Dr. Tyndall Sexual Harassment*, No. 2:18-cv-04258-SWW-GJS (C.D. Cal.) (part of team that secured \$215,000,000 settlement on behalf of class of sexual assault survivors against university and OB-GYN)

NOTABLE CASES

- > *CVS Generic Drug RICO Litigation*
- > *Fiat Chrysler Low Oil Pressure Shut Off*
- > *Fiat Chrysler Gear Shifter Rollaway*
- > *Ford F-150 & Ranger Fuel Economy and Sales Practices Litigation*
- > *Gilead HIV TDF Tenofovir Mass Tort*
- > *Mattel/Fisher Price Rock 'N Play Wrongful Death Cases*

LANGUAGES

- > French

PERSONAL INSIGHT

Prior to attending law school, Chris taught English and French to high school students in China. Chris later decided to become a lawyer while marketing the film "Michael Clayton." In his spare time, Chris works as a volunteer for the American Friends of the Israel Museum, a non-profit which helps raise funds for the Israel Museum in Jerusalem.

**PARTNER**

Craig R. Spiegel

After helping obtain recent substantial settlements in cases against drug companies for deceptive marketing, Mr. Spiegel now helps in the firm's litigation efforts against auto manufacturers and others for illegal emissions of pollutants.

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YEARS OF EXPERIENCE

> 42

PRACTICE AREAS

> Consumer Rights

BAR ADMISSIONS

> California State Bar Association
> Illinois State Bar Association
> Washington State Bar Association

EDUCATION

> Harvard Law School, J.D.,
cum laude, 1979
> St. Olaf College, B.A., *summa cum laude*, 1975

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Practice primarily focuses on class actions concerning unfair pricing of pharmaceutical drugs. Recent cases include actions against AstraZeneca and Merck.

NOTABLE CASES

> Involved in the firm's antitrust class-action lawsuit against the NCAA accusing the sports-governing body of engaging in anti-competitive practices in regards to its scholarships or Grants in Aid (GIAs) program. In March of 2017, U.S. District Judge Claudia Wilken approved a sweeping \$209 million settlement for student-athletes, and in March of 2019, a trial on the injunctive aspect of the case resulted in a change of NCAA rules limiting the financial treatment of athletes.
> Helped obtain a substantial settlement for the state of New York and New York City in their litigation against Merck for losses suffered from deceptive marketing of the prescription drug Vioxx
> Instrumental in obtaining a settlement for a class of Massachusetts consumers and third-party payors in their litigation against AstraZeneca, in which the class claimed that AstraZeneca deceptively marketed the prescription drug Nexium as superior to Prilosec
> Deeply involved in the firm's lawsuits on behalf of thalidomide victims, who suffered severe personal injuries when their mothers ingested thalidomide during their pregnancies in the late 1950s and early 1960s, without knowing that thalidomide had not been approved by the FDA

RECOGNITION

> 2021, 2019 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute

**PARTNER**

Shayne C. Stevenson

Since fighting against sweatshops and the exploitation of undocumented workers with the workers' rights organization he founded at Yale, Shayne has focused his legal career on prosecuting cases against individuals and businesses who victimize others by violence, deception and fraud.

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YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Whistleblower Law (False Claims Act, SEC, IRS, CFTC)
- > Appellate Litigation
- > Civil & Human Rights Litigation

BAR ADMISSIONS

- > Washington

CLERKSHIPS:

- > Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- > Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01

EDUCATION

- > Yale Law School, J.D., 2000
- > Gonzaga University, B.A., Philosophy and Political Science, Truman Scholar, *summa cum laude* (first-in-class), 1996

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro
- > Leads the firm's whistleblower practice and litigates select class-action cases
- > Litigates and argues both False Claims Act and class-action cases in federal district courts and on appeal at the courts of appeal nationwide
- > Experienced in successfully handling whistleblower cases against some of the world's largest financial companies, medical device and pharmaceutical companies, hospitals, mortgage companies and others
- > Represents dozens of whistleblowers under the Dodd-Frank whistleblower programs of the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC), including two of the most prominent whistleblowers under these programs, with cases in regional enforcement offices across the country
- > Currently represents several qui tam relators under the federal and various state False Claims Act laws, in both declined and intervened cases and many still under investigation. His False Claims Act practice includes, among other areas of focus, Medicare and Medicaid health care fraud, financial fraud, mortgage fraud, defense industry and other procurement fraud, education fraud, and grant-funding fraud.
- > Litigates class-action cases on behalf of veterans, consumers, workers and investors
- > Litigates select human rights and other public interest matters, including previous litigation against the Rio Tinto mining conglomerate that reached the Supreme Court in 2013 for war crimes on the island of Bougainville, in Papua New Guinea, and a current pending suit against SeaWorld
- > Previously a felony prosecutor who successfully tried several multi-week jury trials and argued several cases in trial and appellate courts

RECENT SUCCESS

- > Mr. Stevenson represents Dodd-Frank SEC whistleblower Haim Bodek in the recent SEC action against the New York Stock Exchange and affiliated exchanges for, among other things, their unlawful and undisclosed use of order types. In the Matter of New York Stock Exchange LLC, et al. (SEC order) (2018)
- > Mr. Stevenson helped represent a class of over 126,000 military servicemembers challenging Bank of America's alleged violations of the Servicemember Civil Relief Act, which requires financial institutions to limit the interest charged on loans to active duty servicemembers. In February of 2018, the Court granted final approval of a nationwide class settlement of nearly \$42 million for these military families. *Childress v. Bank of America Corp., et al.*, 15-cv-00231 (E.D.N.C.) (2018).

PARTNER

Shayne C. Stevenson

- › Mr. Stevenson represented the highly publicized anonymous Dodd-Frank CFTC whistleblower who single-handedly brought to authorities, through his proprietary analysis of market and trading data, the international market manipulator later identified as Navinder Sarao, whose market manipulation through spoofing contributed to the “Flash Crash.” Mr. Sarao was extradited and pled guilty in November of 2016. CFTC v. Nav Sarao Futures Ltd. 15-cv-3398 (N.D. Ill.) (civil); U.S. v. Sarao 15-cr-75 (N.D. Ill.) (criminal)
- › Mr. Stevenson also represented another high-profile Dodd-Frank SEC whistleblower, the algorithmic trader and market structure expert Haim Bodek, rewarded in 2017 for his single-handed identification of securities law violations by a major U.S. financial exchange. Mr. Bodek was twice featured on the front page of the Wall Street Journal for his efforts, which led to the largest SEC fine in history against a financial exchange. In the Matter of EDGA Exchange, Inc., et al. (SEC Order)
- › Mr. Stevenson handled both False Claims Act whistleblower cases against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage fraud and whistleblower awards to both clients in unrelated litigation. First, whistleblower client Mr. Kyle Lagow (in U.S. ex rel. Lagow v. Countrywide Financial Corp.) (E.D.N.Y.) sparked a Department of Justice investigation of Countrywide and Bank of America’s fraudulent mortgage origination and appraisal practices. Second, whistleblower client Mr. Gregory Mackler (in U.S. ex rel. Mackler v. Bank of America) (E.D.N.Y.) helped the Department of Treasury recover several million dollars from Bank of America for allegedly violating its agreement with the Department to properly administer the Home Affordable Mortgage Program (HAMP) for struggling homeowners.

EXPERIENCE

- › King County Prosecuting Attorney’s Office, Felony Prosecutor
- › Law Clerk, Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- › Law Clerk, Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01
- › U.S. Attorney’s Office, District of Connecticut, Intern

PUBLICATIONS

- › Author, “The Honorable Betty B. Fletcher: A Tribute to a Legal Trailblazer,” Federal Bar Association, November 2012

PRESENTATIONS

- › Speaker: “Whistleblowers & Financial Fraud,” National Whistleblower Conference. San Francisco, CA. Jan. 22-23, 2018
- › Speaker: “Financial Fraud,” National Qui Tam Conference. Los Angeles, CA. Nov. 3-4, 2016
- › Speaker: “Representing Dodd-Frank Whistleblowers,” Taxpayers Against Fraud Education Fund, Annual Conference. Washington, D.C. Nov. 16, 2015.
- › Speaker: “Secrets from the Plaintiff’s Bar,” Hospital and Health Care Law Conference. Seattle, WA. Apr. 24, 2015.
- › Speaker: “False Claims in the Financial Sector,” False Claims and Qui Tam Enforcement Conference. New York, New York. Jan. 21-22, 2015.
- › Lecture: “Access to Civil Remedy,” Business, Social Responsibility, & Human Rights, University of Washington School of Law. Seattle, Washington. Nov. 4, 2014.
- › Speaker: “Enforcement of Financial Fraud,” False Claims Act: National Qui Tam Conference. San Francisco, California. Oct. 27-28, 2014.

PARTNER

Shayne C. Stevenson

- > Lecture: "Human Rights Law After Kiobel," University of Washington School of Law. Seattle, Washington. Nov. 12, 2013.
- > Speaker: "Financial Fraud Enforcement," False Claims Act: All Points of View, National Conference. San Francisco, California. Apr. 18-19, 2013.
- > Lecture: "Strategy after Kiobel and Bauman," International Human Rights Seminar, University of Washington School of Law. Seattle, Washington. Apr. 17, 2013.
- > Lecture: "Alien Tort Statute and Human Rights Litigation," University of Washington School of Law. Seattle, Washington. Nov. 13, 2012.
- > Speaker: "Protecting Whistleblowers, Protecting the Public," Whistleblowing: Law, Compliance, and the Public Interest. Government Accountability Project. Seattle University School of Law. Seattle, Washington. Mar. 23, 2012.

MEDIA INTERVIEWS

- > "CFTC Calls for Whistleblower Tips as Enforcement Evolves," Law360, Sept. 19, 2019 [view »](#)
- > "Pharma Co. Inks \$17.5m Deal to End FCA Kickback Suit," Law360, Apr. 30, 2019 [view »](#)
- > "Attorneys Reflect on Escobar's FCA Impact 2 Years Later," Law360, June 15, 2018 [view »](#)
- > "SeaWorld Visitors Ask 9th Cir. to Flip Whale Abuse Suit," Law360, Mar. 12, 2018. [view »](#)
- > "Dodd-Frank Whistleblowers Help Clean Up Our Markets," (Guest Column) ValueWalk, Feb. 6, 2018. [view »](#)
- > "Attorneys React to DOJ's New Memo on FCA Dismissals," Law360, Jan. 26, 2018. [view »](#)
- > "Limiting Whistleblower Rewards Weakens Program," Bloomberg Law, Nov. 2, 2017.

[Read more of Mr. Stevenson's media interviews »](#)

NOTABLE CASES

- > *In the Matter of Cargill, Inc.* (CFTC Order) (represented CFTC whistleblower in action against the largest private company in the United States)
- > *Childress v. Bank of America Corp., et al., Eastern District of North Carolina* (represented class of over 125,000 military servicemembers and secured nearly \$42 million settlement for violations of the SCRA) (2018)
- > *In the Matter of New York Stock Exchange, et al. (SEC Order)* (represents SEC whistleblower in action tying record fine against financial exchange) (2018)
- > *United States v. Sarao & CFTC v. Nav Sarao Futures Ltd., Northern District of Illinois*; (represented anonymous CFTC whistleblower in market manipulation prosecution)
- > *In the Matter of EDGA Exchange, Inc., et al.* (SEC Order) (represented SEC whistleblower in action culminating in largest fine against a U.S. exchange in history)
- > *U.S. ex rel. Lagow v. Bank of America, Eastern District of New York* (False Claims Act – FHA fraud)
- > *U.S. ex rel. Mackler v. Bank of America, Eastern District of New York* (False Claims Act – HAMP fraud)
- > *U.S. ex rel. Nowak v. Medtronic, Inc., District of Massachusetts* (False Claims Act – off-label marketing of medical devices)
- > *U.S. ex rel. Kite v. Besler Consulting, et al., District of New Jersey* (False Claims Act – Medicare "outlier" fraud)
- > *U.S. ex rel. Polansky v. Pfizer, Inc., Eastern District of New York* (False Claims Act – off-label marketing of Lipitor)
- > *Sarei v. Rio Tinto, Central District of California* (Alien Tort Statute – international human rights litigation)
- > *Tittle v. United States Postal Service, Western District of Washington* (Privacy Act – employee class action)
- > *Hutchinson v. British Airways PLC, Eastern District of New York* (Montreal Convention – consumer class action)

**PARTNER**

Andrew M. Volk

Worked extensively on consumer claims against Expedia resulting in the largest summary judgment award in Washington state history

CONTACT

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YEARS OF EXPERIENCE

> 30

PRACTICE AREAS

- > Patent Litigation
- > Intellectual Property
- > ERISA Litigation
- > Hotel Tax Litigation

BAR ADMISSIONS

- > New York
- > Oregon
- > Washington

EDUCATION

- > Cornell Law School, J.D.,
cum laude, Articles Editor for
Cornell International Law
Review, 1991
- > Columbia University, B.A.,
English, 1986

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on multi-state and nationwide consumer litigation, including diesel emissions and automobile defect claims.

EXPERIENCE

- > Headed up litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive “taxes and fees” charges. That case resulted in summary judgment in plaintiffs’ favor and an eventual settlement for cash and credits totaling \$134 million.
- > Extensively involved in ERISA cases for breach of fiduciary duties, including cases leading to settlements of claims on behalf of employees of Enron, Washington Mutual Bank, General Motors, the Montana Power Company and Sterling Savings Bank.
- > Worked extensively on hotel tax collection cases against the major online travel companies (OTCs). The firm achieved settlements on behalf of Brevard County, Florida, the village of Rosemont, Illinois, and Denver, Colorado.
- > Extensively involved in the State Attorneys General tobacco litigation in the late 1990s.
- > Legal Writing and Research, University of Oregon School of Law, Instructor
- > Attorney, Legal Aid Society, New York City

NOTABLE CASES

- > *Mercedes Emissions* (\$763 million settlement)
- > *Expedia Litigation* (\$134 million settlement)
- > *Tobacco Litigation* on behalf of States (resolved in \$260 billion settlement)
- > *Enron ERISA Litigation* (\$265 million settlement)
- > *Washington Mutual Bank ERISA Litigation* (\$49 million settlement)
- > *General Motors ERISA Litigation* (\$37.5 million settlement)

**PARTNER**

Garth Wojtanowicz

Named a "Rising Star" by Super Lawyers Magazine in 2006, 2007, 2010

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YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Consumer Protection
- > Securities Litigation
- > Unfair Competition

BAR ADMISSIONS

- > Washington
- > California

EDUCATION

- > University of Washington
School of Law, J.D., 2000
- > University of Washington, B.A.,
English, 1997

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer protection cases
- > Currently working on cases against Fresenius Medical Care, N.A. and DaVita, Inc., the first and second largest dialysis companies in the United States, relating to those companies' use of GranuFlo.> Also working on a nationwide class action against medical waste disposal company Stericycle, Inc., challenging that company's pricing practices which resulted in hundreds of millions of dollars in over-charges to doctors' offices, dentist offices, hospitals and similar businesses

RECOGNITION

- > "Rising Star" by Super Lawyers Magazine in 2006, 2007 and 2010

EXPERIENCE

- > Member, Cornerstone Law Group, PLLC
- > Associate, Danielson Harrigan Leyh & Tollefson, LLP
- > Assistant City Attorney, Seattle City Attorney's Office, Civil Division

NOTABLE CASES

- > Toyota Sudden, Unintended Acceleration (SUA) class-action lawsuit on behalf of Toyota owners and lessees, which resulted in an historic settlement recovery valued at \$1.6 billion

PERSONAL INSIGHT

Mr. Wojtanowicz volunteers his time as a non-profit director for Girls Giving Back and the Blossoming Hill Montessori School and has worked as a volunteer attorney for the Northwest Immigrant Rights Project.

**SENIOR COUNSEL**

Kevin K. Green

Mr. Green is a career appellate lawyer. He has argued in multiple federal circuits, 10 different states and seven state supreme courts. He also works on critical motions and issues likely to go on appeal.

CONTACT

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YEARS OF EXPERIENCE

> 26

PRACTICE AREAS

- > Appellate
- > Consumer Rights
- > Securities
- > Investor Fraud
- > Employment Litigation

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. Supreme Court
- > United States Courts of Appeals for the Second, Third, Seventh, Eighth, Ninth, Tenth, Federal and District of Columbia Circuits
- > U.S. District Courts for the Northern, Central, Eastern and Southern Districts of California

CLERKSHIPS

- > Supreme Court of Indiana (Hon. Theodore R. Boehm, Associate Justice)
- > U.S. District Court for the Southern District of California (Hon. Barry T. Moskowitz, Chief Judge 2012-19)

EDUCATION

- > Notre Dame Law School, J.D., 1995
- > University of California, Berkeley, B.A., with honors and distinction, 1989

CURRENT ROLE

- > Senior Counsel, Hagens Berman Sobol Shapiro LLP
- > Concentrates on appeals as well as consumer rights, securities and employment litigation
- > Certified Appellate Specialist, State Bar of California Board of Legal Specialization (since 2006)

LEGAL ACTIVITIES

- > Appellate Advisory Committee, Judicial Council of California (since 2013)
- > Co-Chair, CAOC Amicus Curiae Committee (since 2011)
- > California Lawyers Association, Committee on Appellate Courts (since 2019)
- > Magistrate Judge Merit Selection Panel, Southern District of California (2013-17)
- > Working Group, Access to Appellate Justice Program, San Diego County Bar Association (launched 2019)
- > Working Group, San Diego Appellate Inn of Court (launched 2016)
- > Working Group, Civil Appellate Self-Help Workshop (launched 2014)
- > California Lawyers Association, Committee on Administration of Justice (2016-19) (during State Bar transition)
- > Chair, Appellate Court Committee, San Diego County Bar Association (2010)
- > State Bar of California, Committee on Appellate Courts (2006-09)

RECOGNITION

- > Top 100 California Appellate Lawyers, American Society of Legal Advocates (since 2015)
- > Super Lawyer (since 2008)
- > Legal Aid Society of San Diego, Outstanding Service Award (2015)
- > Consumer Attorneys of California, Presidential Award of Merit (2013 & 2016)

NOTABLE DECISIONS

- > *Colbert v. Rio Tinto PLC*, 824 F. App'x 5 (2d Cir. 2020) (vacating dismissal of securities fraud complaint)
- > *Mayall v. USA Water Polo*, 909 F.3d 1055 (9th Cir. 2018) (viable claims alleged concerning duty to implement concussion and return-to-play protocols)
- > *Hernandez v. Restoration Hardware*, 4 Cal. 5th 260 (2018) (agreeing with CAOC as amicus curiae that unnamed class members must intervene for standing to appeal)
- > *Friedman v. AARP, Inc.*, 855 F.3d 1047 (9th Cir. 2017) (UCL claim stated that AARP unlawfully transacted insurance without license)

SENIOR COUNSEL

Kevin K. Green

- > *George v. Urban Settlement Serv.*, 833 F.3d 1242 (10th Cir. 2016) (reinstating RICO class complaint against Bank of America)
- > *Duran v. U.S. Bank*, 59 Cal. 4th 1 (2014) (CAOC amicus curiae addressing representative evidence in class actions)
- > *Wong v. Accretive Health*, 773 F.3d 859 (7th Cir. 2014) (upholding \$14 million securities settlement)
- > *Harris v. Superior Court*, 207 Cal. App. 4th 1225 (2012) (\$65 million resolution for employee class after reversal)
- > *Lynch v. Rawls*, 429 F. App'x 641 (9th Cir. 2011) (\$15 million derivative settlement after first Ninth Circuit reversal on presuit demand requirement)
- > *Kwikset Corp. v. Superior Court*, 51 Cal. 4th 310 (2011) (rejecting stringent interpretation of UCL standing prerequisites)
- > *Luther v. Countrywide Fin. Corp.*, 195 Cal. App. 4th 789 (2011) (Securities Act class actions permitted in state court, leading to \$500 million settlement)
- > *In re F5 Networks, Inc. Derivative Litig.*, 207 P.3d 433 (Wash. 2009) (Washington follows demand futility standard, not universal demand rule)
- > *Troyk v. Farmers Group*, 171 Cal. App. 4th 1305 (2009) (auto insurance policy violated disclosure statute; settled on appeal for \$100 million monetary relief)
- > *Smith v. Am. Family Mut. Ins. Co.*, 289 S.W.3d 675 (Mo. Ct. App. 2009) (reinstating \$17 million jury verdict for plaintiff class)
- > *Alaska Elec. Pension Fund v. Brown*, 941 A.2d 1011 (Del. 2007) (en banc) (intervening shareholders who show corporate benefit may seek attorney fees)
- > *Ritt v. Billy Blanks Enters.*, 870 N.E.2d 212 (Ohio Ct. App. 2007) (reversing on class certification, leading to \$40 million settlement)
- > *McKell v. Washington Mutual*, 142 Cal. App. 4th 1457 (2006) (reversing and holding federal lending regulations did not foreclose UCL claims)
- > *Lebrilla v. Farmers Group*, 119 Cal. App. 4th 1070 (2004) (reversing and ordering certification of California class; settled at trial for substantial class-wide relief)
- > *Lavie v. Procter & Gamble Co.*, 105 Cal. App. 4th 496 (2003) (seminal precedent on California's reasonable consumer standard)

PUBLICATIONS

- > *Amicus Curiae Update*, Forum (regular column for CAOC's periodical) (since 2012)
- > *Distinguishing Mayor McCheese from Hexadecimal Assembly Code for Madden Football: The Need to Correct the 9th Circuit's 'Nutty' Rule barring Expert Testimony in Software Copyright Cases* (Oct. 2017) (with David Nimmer and Peter S. Menell) (available at SSRN)
- > *Forfeiture at the Pleading Stage: Ask Permission First, Don't Apologize Later*, California Litigation (Vol. 28, No. 1, 2015) (with Rupa G. Singh) (Journal of State Bar Litigation Section)
- > *Closing the Appellate Justice Gap*, Los Angeles Daily Journal (Feb. 10, 2015)
- > *Appellate Review in California Class Actions*, California Litigation (Vol. 24, No. 2, 2011) (Journal of State Bar Litigation Section)
- > *A Tool for Mischief: Preemptive Defense Motions Under BCBG Overtime Cases to Reject Class Certification*, Forum (Vol. 39, No. 1, Jan./Feb. 2009) (with Kimberly A. Kralowec)

SENIOR COUNSEL

Kevin K. Green

› *The Unfair Competition Law After Proposition 64: The California Supreme Court Speaks*, Competition (Vol. 15, No. 2, Fall/Winter 2006) (Journal of State Bar Antitrust & Unfair Competition Law Section)

PRESENTATIONS

- › Judicial Council CJER Webinar (Expanding Access to Justice in Appellate Courts, June 2020)
- › Bridgeport Class Action Conference (Appellate Review of Issues in Class Actions, Jan. 2020)
- › CAOC Webinar (Evidence at Class Certification: The Evolving Appellate Landscape, June 2019)
- › San Diego County Bar Association (New Mandatory Disclosures Before Mediation, Jan. 2019)
- › Bridgeport Class Action Conference (Expert Evidence at Class Certification, Jan. 2019)
- › California Lawyers Association Webinar (New Mandatory Disclosures Before Mediation, Dec. 2018)
- › Bridgeport Class Action Conference (Consumer Protection Cases Predicated on Omissions, Jan. 2018)
- › State Bar Webinar (Material Omission Claims Under California's UCL, FAL and CLRA, Sept. 2017)
- › Bridgeport Consumer Litigation Conference (Material Omissions, Jan. 2017)
- › CAOC Webinar (Ninth Circuit Practice: Everything but the Brief, Nov. 2016)
- › Bridgeport Class Action Litigation Conference (Objectors, Sept. 2016)
- › CAOC Annual Convention (Class Action Update, Nov. 2014)
- › San Diego County Bar Association (Moderator, Pleasing the Court: Making Your Oral Argument Count, Oct. 2014)
- › State Bar of California Annual Meeting (Forfeiture: A Four-Letter Word in the Court of Appeal, Sept. 2014)
- › Consumer Attorneys of San Diego, Class Action Symposium (Appellate Perspective on Class Actions, May 2014)
- › State Bar of California Golden State Institute (California Supreme Court Panel, Oct. 2012)
- › State Bar of California Annual Meeting (Moderator, Preparing an Appellate Record, Sept. 2009)
- › CAOC Annual Convention (Employment Litigation Panel, Nov. 2008)

PERSONAL INSIGHT

Concerned a legal career meant taking life too seriously, Kevin spent several years after college blending work and travel. He taught English in Switzerland, toiled as a luggage porter in Australia and scaled a live volcano in Guatemala. He ran with the bulls at Pamplona before easing into a monastic life of appellate practice.

OF COUNSEL**Karl Barth**

Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data.

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YEARS OF EXPERIENCE

> 26

PRACTICE AREAS

> Securities Litigation
> Investor Rights

BAR ADMISSIONS

> Washington

EDUCATION

> Georgetown University Law Center, J.D.
> University of Virginia, B.S. Accounting, Certified Public Accountant

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Previously with the firm from 1994 through 2004 before he rejoined in 2010
- > Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Identix, Midcom Communications, MidiSoft, Oppenheimer Delta Partners, Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data
- > Represents investors seeking to protect assets and recover investment losses from companies engaged in securities and accounting wrongdoing

EXPERIENCE

- > Certified Public Accountant
- > Certified Fraud Examiner
- > Certified in Financial Forensics
- > Consultant at a national financial consulting firm specializing in expert witness testimony on accounting and financial issues
- > Graduated from Georgetown University Law Center, and from the University of Virginia with a B.S. in Accounting

**OF COUNSEL****Erin C. Burns**

Ms. Burns devotes her practice to serving those who have been injured by antitrust violations in a variety of industries.

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Antitrust
- > Class Actions

BAR ADMISSIONS

- > Pennsylvania
- > United States Courts of Appeals for the District of Columbia and the Third Circuits
- > U.S. District Court for the Eastern District of Pennsylvania
- > U.S. District Court for the Eastern District of Michigan

EDUCATION

- > Villanova University School of Law, J.D., 2002
- > University of Delaware, B.A. Psychology, 1999

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Burns founded ECB Law LLC, and previously worked as an associate attorney at NastLaw LLC and RodaNast P.C.
- > Erin was a member of the Law & Briefing Committee for In re Zolof (Serataline Hydrochloride) Products Liability Litigation, MDL No. 2342 (E.D. Pa.) and also served as a member of the deposition team for Shane Group, Inc., et al. v. Blue Cross/Blue Shield of Michigan, Case No. 2:10-cv-14360-DPH-MKM (E.D. Mich.). She was also mediation counsel for In re Skelaxin (Metaxalone) Antitrust Litigation, MDL No. 2343 (E.D. Tenn.).

RECENT CASES

- > In re Zetia (Ezetimibe) Antitrust Litigation, MDL No. 2836 (E.D. Va.).
- > In re Avandia Marketing, Sales Practices and Products Liability Litigation, MDL No. 1871 (E.D. Pa.).
- > In re Ranbaxy Generic Drug Application Antitrust Litigation, MDL No. 2878 (D. Mass.).

NOTABLE CASES

- > In re Zolof (Serataline Hydrochloride) Products Liability Litigation, MDL No. 2342 (E.D. Pa.).
- > Shane Group, Inc., et al. v. Blue Cross/Blue Shield of Michigan, Case No. 2:10-cv-14360-DPH-MKM (E.D. Mich.).
- > In re Skelaxin (Metaxalone) Antitrust Litigation, MDL No. 2343 (E.D. Tenn.).

LEGAL ACTIVITIES

- > Member of the American Bar Association and Pennsylvania Bar Association
- > Featured panelist for the Legal Intelligencer's first annual Litigation Summit, speaking about taxation of costs under 28 U.S.C. §1920 for e-discovery expenses (2012)
- > Chairperson of the Young Lawyers' Division and member of the Board of Directors of the Lancaster Bar Association (2005)
- > Vice-Chairperson of the Young Lawyers' Division (2004)
- > Leader for the Law Explorers Post (2004 – 2006). Erin taught monthly class for high school-aged children interested in careers in law. Her work included mock trial activities, sample law school and bar exam questions and guest speakers.

OF COUNSEL

Erin C. Burns

PERSONAL INSIGHT

When not practicing law, Erin spends as much time as possible with her husband and four children. She has spent nearly as much time patching up scraped knees and elbows as she has writing briefs. She and her husband have also served as foster parents. Erin also enjoys using their smoker to try to make various kinds of barbeque, with varying degrees of success.

**OF COUNSEL****Mark S. Carlson**

Mr. Carlson is an active member of the legal community frequently making presentations to legal forums and industry groups on intellectual property law.

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YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

- > Patent Infringement
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation
- > Complex Litigation

BAR ADMISSIONS

- > Washington
- > U.S. District Court, Western District of Washington
- > U.S. Court of Appeals, Federal Circuit
- > Numerous other jurisdictions pro hac vice

EDUCATION

- > University of Puget Sound School of Law, J.D., *cum laude*, 1987
- > University of Washington, B.A., History, 1984

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Working in intellectual property since 1987, handling a full range of intellectual property litigation focused primarily on patent infringement disputes
- > Currently representing FlatWorld Interactives in patent infringement litigation against Apple, Samsung and LG involving touch screen gesture recognition technology in the iOS and Android operating systems, Thought Inc. against Oracle involving software application data persistence technology, and the University of Utah in patent infringement litigation regarding RNA interference therapies for genetic diseases
- > Active member of the legal community making presentations in legal forums and industry groups on intellectual property law
- > Active participant in the Seattle Intellectual Property Inn of Court and Washington State Patent Law Association

RECENT CASES

- > Twice litigated against AT&T on wireless handset, network and telematics patents
- > Twice litigated on behalf of The Nautilus Group in patent, trademark, false advertising and unfair competition cases involving the BowFlex exercise machine and other exercise equipment
- > Represented the owner of traddress rights to the Stanley Classic vacuum bottle in trade dress litigation against Thermos
- > Represented a software patent licensor in litigation against Microsoft over the scope of a license for relational database technology

EXPERIENCE

- > Dorsey & Whitney, Patent Litigation Group
- > Bogle & Gates, Intellectual Property Litigation Group

PUBLICATIONS/PRESENTATIONS

- > "The European Privacy Directive for Personal Data," American Electronics Association Newsline for the Washington State Council
- > "Recovery of Pure Economic Loss in Product Liability Actions: An Economic Comparison of Three Legal Rules," University of Puget Sound Law Review
- > "Patent Litigation and the Non-Practicing Entity," ITRI IP Executives Conference, University of Washington Foster School of Business, 2012

OF COUNSEL

Mark S. Carlson

- > "Vernor v. Autodesk, the Future, or Demise, of the First Sale and Essential Step Defenses in Copyright," Seattle Intellectual Property Inn of Court, 2011
- > "What Are My Odds? A Disciplined Approach to Assessing Case Value and Litigation Risk," Seattle Intellectual Property Inn of Court, 2010
- > "Medimmune v. Genentech: Consequences for Patent Licenses, Litigation and Settlements," 2009
- > "E-Discovery and the New Federal Rules," 2008
- > "Recent Developments in Pharmaceutical Patents," 2008

LEGAL ACTIVITIES

- > Seattle Intellectual Property Inn of Court
- > Washington State Patent Law Association
- > American Intellectual Property Law Association

NOTABLE CASES

- > *Thought v. Oracle*
- > *FlatWorld v. Apple; v. Samsung; v. LG*
- > *University of Utah v. Max Planck Institute, et al.*
- > *Airbiquity v. AT&T, et al.*
- > *Timeline v. Microsoft; v. Oracle; v. Sagent*
- > *The Nautilus Group v. Icon Health and Fitness*

**OF COUNSEL****Jeannie Evans**

Successfully litigates multimillion- and multibillion-dollar antitrust and other complex fraud cases.

CONTACT

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YEARS OF EXPERIENCE

> 25

PRACTICE AREAS

> Antitrust Litigation
> Investor Fraud
> Securities

BAR ADMISSIONS

> Illinois
> California

CLERKSHIPS:

> Hon. Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit, summer 1997. Hon. Susan Illston, U.S. District Court for the Northern District of California, summer 2003

EDUCATION

> Harvard Law School, J.D. **cum laude**, 1997
Executive Editor, Harvard Journal of Law and Public Policy; Federalist Society; Asia Law Society
> Brigham Young University, B.A., Political Science, **summa cum laude**, Ezra Taft Benson Scholar; University Honors, 1994
Editor-in-Chief, Journal of International and Area Studies

CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro LLP
> Represents plaintiffs in complex litigation, focusing on antitrust and financial fraud claims

EXPERIENCE

> Jeannie has successfully represented both plaintiffs and defendants in multimillion- and multibillion-dollar disputes in state and federal courts across the country
> Co-Founder and Managing Partner of Agrawal Evans LLP, a trial and appellate boutique firm based in Chicago
> Kirkland & Ellis LLP (Chicago)
> Wilson Sonsini Goodrich & Rosati (Palo Alto)

AWARDS & RECOGNITION

> President, Harvard Law Society of Illinois, 2016-2017
> Chicago Chapter Chair, J. Reuben Clark Law Society, 2016-2017
> BYU Law School Board of Advisors, 2017
> Best Lawyers, Women of Influence Nominee, 2017
> Illinois Super Lawyer, 2016 - 2018

PRESENTATIONS

> Basics of Accounting for Lawyers 2015, Practising Law Institute (PLI)
> Basics of Accounting for Lawyers 2014, Practising Law Institute (PLI)
> Preparing the Expert Witness for Deposition 2013, Pincus Professional Education

LANGUAGES

> Cantonese (Chinese)
> Mandarin (Chinese)

PERSONAL INSIGHT

Jeannie loves the outdoors — body surfing in the ocean, hiking in the mountains, running, or playing tennis with her husband and four children.

**OF COUNSEL**

Philip J. Graves

Mr. Graves brings to the firm more than 20 years of experience as a patent and intellectual property litigator, having represented companies in patent cases in many technical fields.

CONTACT

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YEARS OF EXPERIENCE

> 30

PRACTICE AREAS

> Intellectual Property

BAR ADMISSIONS

> U.S. Supreme Court
> Supreme Court of California
> U.S. Court of Appeals, Federal Circuit
> U.S. Court of Appeals, Ninth Circuit
> U.S. District Court, Central District of California
> U.S. District Court, Northern District of California
> U.S. District Court, Eastern District of California
> U.S. District Court, Southern District of California

EDUCATION

> Columbia University School of Law (J.D., 1990)
Harlan Fiske Stone Scholar
Writing and Research Editor,
Columbia Business Law Review
> University of Washington
(B.A., *cum laude*, 1987)
Phi Beta Kappa
Robert A. Dahl Award

CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro, head of the firm's intellectual property practice
> Practice focuses on intellectual property, including cases involving trademark infringement, copyright infringement, unfair competition and misappropriation of trade secrets

EXPERIENCE

> Before joining Hagens Berman, Mr. Graves' practice focused on represented technology companies in patent cases involving network security, web-hosting, image capture, digital signature and encryption technologies, nano-scale manufacturing and biotech, among many other technical fields.

LEGAL ACTIVITIES

> State Bar of California
> Alaska Bar Association
> Los Angeles Intellectual Property Law Association
- 2015 Judges' Night, Chair
- 2011 Spring Seminar, Chair
> American Intellectual Property Law Association
> Federal Circuit Bar Association

AWARDS & RECOGNITION

> Pasadena Top Attorney, Pasadena Magazine (2016)
> *40 Angelenos to Know in Intellectual Property Law*, Los Angeles Business Journal (2012)
> Southern California Super Lawyers®, Intellectual Property Litigation, Business Litigation (2004-2018)

PUBLICATIONS

> *Preparing to Defend a Section 337 Action: What District Court Litigators Need to Know*, Lead Author, New Matter (Fall 2014)
> *Intellectual Property: It's Not Just for Specialists Anymore*, Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)
> *Section 337: Whether to Respond or Default*, Lead Author, Intellectual Property Today (June 9, 2014)
> *U.S. Patent Litigation under Section 337*, Presenter, Shijingshan Scientific and Technological Services Alliance/Beijing Intellectual Property Office/Zhongguancun Scientific and Technological Park, Beijing, China (May 6, 2014)

OF COUNSEL**Philip Graves**

- › *Double Exposure: Keeping Your Confidential Information Out of the Public Eye in the Wake of Apple v. Samsung*, Lead Author, ABA Landslide Magazine (May/June 2013 Issue)
- › *Potential Ramifications of Already v. Nike*, Lead Author, Law360 (September 6, 2012)
- › *U.S. Patent Litigation Involving Pharmaceutical Patents*, Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- › *Developments in Trademark Law and the Internet: Domain Name Disputes, Banner Ads, Pop-Ups, and Related Issues*, Author, 2004 Intellectual Property Institute of the State Bar of California
- › *Damages in Copyright and Patent Infringement Actions*, Author, Intellectual Property Law Section of the Alaska Bar Association

NOTABLE CASES

- › **Stamps.com**, several patent infringement cases involving online postage generation and delivery, network security, digital signature and encryption technology. As lead trial counsel, obtained a jury verdict in Stamps.com's favor, avoiding over \$30 million in damages.
- › **Web.com Group**, patent infringement suits in Arizona and Texas concerning a variety of backend and client-facing content hosting and delivery functionalities, as well as several business litigation matters in California in which Mr. Graves obtained a dismissal of one suit on summary judgment and affirmance of another favorable judgment on appeal.
- › **Fotona d.d.**, a European manufacturer of medical lasers, in a patent infringement action involving dental laser surgery technology. Following a three day evidentiary hearing, Mr. Graves obtained a favorable resolution of the case and a full award of attorneys' fees for the client.
- › **Developer of motion capture technology**, breach of contract action involving rights in the technology. As lead trial counsel, obtained a verdict in favor of the client as well as an award of all of the client's attorneys' fees.
- › **Designer and importer of consumer electronics products**, represented in a patent infringement action venued in the International Trade Commission. The complainant dismissed its complaint on the eve of trial, following the filing of the parties' pretrial briefs and witness statements.
- › **Large publicly traded company**, in several patent infringement suits in California and Texas involving rapid prototyping technology.
- › **Technology development company**, represented in a patent infringement suit involving imaging systems used at tourist attractions and theme parks.
- › **Cosmetics company**, represented in consolidated suits alleging unfair competition and infringement of patents covering various prostaglandin analogs.

PERSONAL INSIGHT

Phil took a break from his judicial clerkship in 1991 to travel a war zone (Croatia, Serbia, Kosovo) and was chased down a mountainside by Kosovar rebels.

OF COUNSEL

Laura Hayes

Ms. Hayes is involved in class-action lawsuits against pharmaceutical companies and is committed to the vigorous prosecution of antitrust cases.

CONTACT

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YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Connecticut Judicial Branch
- > Appellate Division of the Rhode Island Office of the Public Defender

BAR ADMISSIONS

- > Supreme Judicial Court of the Commonwealth of Massachusetts

COURT ADMISSIONS

- > U.S. District Court for the District of Massachusetts

EDUCATION

- > Boston University School of Law, J.D., 2007
- > Middlebury College School of Arabic
- > Boston University, B.S., magna cum laude

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

RECENT CASES

- > *In re Intuniv Antitrust*
- > *In re Effexor Antitrust*
- > *In re Loestrin 24 Fe Antitrust Litigation*
- > *In re Celebrex (Celecoxib) Antitrust Litigation*

EXPERIENCE

- > Member of the team responsible for \$94 million settlement on behalf of direct purchaser class in *In re Celebrex (Celecoxib) Antitrust Litigation*, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455, and the \$120 million settlement (motion for preliminary approval pending) in *In re Loestrin 24 Fe Antitrust Litigation*, 1:13-md-02472, D.R.I., ECF Nos. 10, 1050.
- > Prior to joining Hagens Berman, Laura was an associate at Gargiulo Rudnick LLP, where she litigated Medicaid and Medicare fraud cases. She also has years of work experience doing contract work on a variety of complex litigations.
- > Following law school, Laura was a clerk for the Connecticut Judicial Branch. In that role, she addressed novel pre-emption and spoliation of evidence questions.
- > She is a graduate of Boston University School of Law, where she acted as articles editor for the *Journal of Science and Technology Law*.
- > She received her Bachelor of Science degree from Boston University with a concentration in journalism.

PERSONAL INSIGHT

Laura spends her free time in fall and winter managing and training sprint sled dogs and getting them and her husband to races in the Northeast, Quebec and sometimes Europe. She runs the B team in four-dog sled classes. Laura also serves on the board of the United States Federation of Sled Dog Sports.

**OF COUNSEL**

John D. Jenkins

John has extensive experience in the government and private sector as a trial attorney and manager of complex investigations and prosecutions.

CONTACT

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johnj@hbsslaw.com

PRACTICE AREAS

- > Investor Fraud
- > Securities

EDUCATION

- > University of Southern California, B.A. and J.D.

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > John Jenkins has considerable experience as a trial lawyer, corporate advisor, president of an internationally recognized investigative and security firm and expert in complex investigations and prosecutions.

EXPERIENCE

- > Former Deputy District Attorney in Orange County, California
- > Prior to joining Hagens Berman, Mr. Jenkins was a lawyer at Hill, Wynne, Troop & Meisinger. He also has more than 20 years of experience managing domestic and international investigations. He was previously the president of CoreFacts, before and after the sale of CoreFacts as the investigative consulting platform to what became CoreLogic, Inc. (NYSE: CLGX), a leading global risk mitigation and business solutions provider. Prior to CoreFacts, he was an executive at two leading global investigative consulting firms.

ACTIVITIES

- > Member, Board of Governors at the University of Southern California
- > Member, Board of Directors of Lear Capital

PERSONAL INSIGHT

In his spare time, John enjoys fishing with his son and watching his twin daughters compete as saber fencers.

**OF COUNSEL****Robert A. Jigarjian**

Rob brings a combination of securities industry and complex litigation experience to the firm and its clients.

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YEARS OF EXPERIENCE

> 28

PRACTICE AREAS

> Investor Fraud
> Securities

BAR ADMISSIONS

> California

COURT ADMISSIONS

> All California District and State Courts,
> U.S. Court of Appeals, Ninth Circuit,
> U.S. Court of Appeals, Second Circuit

EDUCATION

> Hamilton College, AB, 1981
> Tulane University, MBA, 1985
> Golden Gate University, JD, 1993

CURRENT ROLE

> Of counsel, Hagens Berman Sobol Shapiro LLP
> Practice primarily focuses on identifying and developing securities and derivative actions

EXPERIENCE

> Prior to joining Hagens Berman, he worked as a partner at law firms practicing primarily in securities and derivative litigation. Rob also owned his own firm within the same practice areas.
> While in law school, Rob interned with the United States Securities and Exchange Commission and worked for two prominent securities class action firms.
> Before attending law school, Rob worked for several years as an institutional sales trader for a boutique Wall Street investment bank where he specialized in analyzing and trading bank-issued securities with the firm's institutional investor clients.

LEGAL ACTIVITIES

> Rob served as a voluntary discovery referee for the California Superior Court for the county of Marin to help minimize judicial resources during discovery disputes.

NOTABLE CASES

> Matters on which Rob has worked and helped investors, corporations and a bankruptcy trustee to obtain significant recoveries include the following:

In re Equitec Rollup Litigation, No. C-90-2064 (N.D. Cal.)
In re Prison Realty Securities Litigation, No. 3:99-0452 (M.D. Tenn.)
In re Digex, Inc. Shareholders Litigation, C.A. No. 18336 (Del. Ch.)
Isco v. Kraemer, No. CV 95-08941 (Super. Ct., Maricopa Co., Ariz.)
Saito v. McKesson HBOC, Inc., No. 376, 2001 (Del.)
Saito v. McCall (Del. Ch.) Scheonfeld, et al. v. XO Communications, Inc., No. 01-018358 (N.Y. Sup. Ct., Nassau County)
In re Salomon Analyst Litigation (S.D.N.Y.) Hermerding v. Tripathi, et al., Adv. No. 09-5004 (Bankr. N.D. Cal.)

PERSONAL INSIGHT

A Maine native and recent Seattle transplant, Ted is working hard to master the intricacies of composting and to remember that the ocean lies to the west now, not the east.

**OF COUNSEL****Michella A. Kras**

State Bar of Arizona President's Volunteer Service Award, 2010

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YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

> Commercial Litigation
> Complex Civil Litigation

BAR ADMISSIONS

> Arizona
> U.S. District Court for the
District of Arizona

EDUCATION

> Arizona State University
College of Law, J.D., *magna
cum laude*, 2003
> Arizona State University, B.A.,
1997

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and complex litigation
- > Extensive expertise in complex litigation in a variety of commercial contexts, including actions involving various contractual breaches, RICO violations, securities fraud, negligent and intentional torts, and federal and state employment law

RECOGNITION

- > State Bar of Arizona President's Volunteer Service Award, 2010
- > Rising Star, Southwest Super Lawyers, 2014

EXPERIENCE

- > Member of the commercial and securities litigation group in the Phoenix office of an international law firm where she worked on complex litigation matters involving private securities offerings, private lending, asset purchase agreements, shareholder and member disputes, and federal and state wage and hour disputes
- > Associate, Steptoe & Johnson LLP, 2007-2013
- > Associate, Gammage & Burnham, work included civil litigation, employment law, election law, health care law and estate planning, 2004-2007
- > Judicial Law Clerk, Arizona Supreme Court, work consisted of a variety of appeals, including civil cases, criminal actions and attorney discipline, 2003-2004

LEGAL ACTIVITIES

- > Consistent commitment to pro bono work. She's worked on several pro bono matters, including obtaining Special Juvenile Immigrant Status for a teenager that was brought to the United States as a toddler and later abandoned by her parent
- > Volunteer and member of the steering committee for Wills for Heroes, an organization that provides free estate planning for Arizona's first responders

NOTABLE CASES

- > Successfully litigated and obtained summary judgment on multiple matters involving breach of contract, conversion, intentional interference and breach of fiduciary duty, even successfully piercing the corporate veil

**OF COUNSEL****James J. Nicklaus**

During his legal career, Mr. Nicklaus has represented clients in antitrust, securities fraud, product liability and patent litigation.

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BAR ADMISSIONS

› Massachusetts

COURT ADMISSIONS

› U.S. District Court for the
District of Massachusetts

EDUCATION

› Harvard Law School, J.D.,
magna cum laude, 1993
Harvard Legal Aid Bureau,
Student Representative
on Committee on Clinical
Education
› Harvard College, B.A.,
East Asian Languages and
Civilizations, cum laude, Phi
Beta Kappa, 1990

CURRENT ROLE

› Of Counsel, Hagens Berman Sobol Shapiro LLP
› Practice focuses on pharmaceutical antitrust litigation and investigations of potential violations of antitrust law by pharmaceutical companies

EXPERIENCE

› Prior to joining Hagens Berman, Mr. Nicklaus worked for other firms in the Boston area, including representing clients in insurance coverage, product liability and lender liability litigation at Michienzie & Sawin LLC and representing clients in insurance coverage, patent, product liability, antitrust and securities fraud litigation at Willcox, Pirozzolo & McCarthy, P.C. Mr. Nicklaus began his legal career as an associate and junior partner at Hale and Dorr LLP (now WilmerHale).

**OF COUNSEL**

Hannah Schwarzdchild

Hannah has litigated cases involving employee and consumer rights, and now focuses on antitrust claims in the pharmaceutical industry.

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YEARS OF EXPERIENCE

> 33

BAR ADMISSIONS

> State of California (inactive)
> State of Pennsylvania

PRACTICE AREAS

> Antitrust Litigation
> Consumer Rights

COURT ADMISSIONS

> U.S. District Court for the
Northern District of California
> Ninth Circuit Court of Appeals
> U.S. District Court for
the Eastern District of
Pennsylvania
> Third Circuit Court of Appeals

EDUCATION

> University of California,
Berkeley, Boalt Hall School of
Law, J.D., 1989
AmJur Award, 1988; Best
Brief Award, Moot Court
Competition, 1987
> University of California,
Berkeley, A.B., History, Phi
Beta Kappa, 1986

CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro LLP
> Practice focuses on consumer and antitrust litigation
> Involved in multi-district antitrust litigation involving brand pharmaceutical products, including Zetia, Niaspan and Suboxone, among others.

EXPERIENCE

> Prior to joining Hagens Berman, Ms. Schwarzdchild coordinated large-scale litigation projects in Boston and Philadelphia. Over the past 25 years, she has litigated employment and consumer rights cases in federal and state courts and administrative agencies, including jury and bench trials and appeals.

PUBLICATIONS

> Same-Sex Marriage and Constitutional Privacy, Berkeley Women's Law Journal, 1989.

PERSONAL INSIGHT

Hannah grew up in and around New York City. Before law school, she helped build a community arts facility in San Francisco's Mission District in the 1980s and worked on nuclear arms control at the Ploughshares Fund. Hannah has been working for LGBT rights and Middle East peace and justice for more than 20 years. These days, her best times are spent noodling around Cambridge and Cape Cod with her partner and stepdaughter in search of interesting food, art, wildlife and humans.

**OF COUNSEL**

Greer N. Shaw

Greer works hard for every client, large and small, with integrity and creativity.

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greers@hbsslaw.com

YEARS OF EXPERIENCE

> 24

PRACTICE AREAS

- > Appeals
- > Complex Commercial
- > Intellectual Property
- > Patent Litigation
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation

BAR ADMISSIONS

- > California
- > Arizona
- > Massachusetts

COURT ADMISSIONS

- > U.S. Court of Appeals, Federal Circuit
- > U.S. Court of Appeals, Ninth and First Circuits
- > U.S. District Court, Central, Northern, Eastern and Southern Districts of California
- > U.S. District Court, Districts of Arizona, Massachusetts, Nebraska and E.D. of Texas

CLERKSHIPS:

- > Honorable Bailey Aldrich, U.S. Court of Appeals, First Circuit

EDUCATION

- > Boston University School of Law, J.D., *magna cum laude*; Managing Editor, Boston University Law Review
- > University of California, Berkeley, B.A.

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

RECOGNITION

- > Southern California Super Lawyers®, Intellectual Property Litigation, 2014-2016; 2019-2020

EXPERIENCE

- > Snell & Wilmer LLP, 2011-2015
- > Graves & Shaw LLP, 2009-2011
- > Kirkland & Ellis LLP, 2004-2009
- > Goodwin Procter LLP, 1998-2003
- > U.S. Court of Appeals, First Circuit, 1997-1998

LEGAL ACTIVITIES

- > Intellectual Property Owners Association; Litigation Committee (2014-2015)
- > Los Angeles Intellectual Property Law Association; Board of Directors (2012-2015)
- > USC Intellectual Property Institute; 2015 Planning Committee
- > The Judge Paul R. Michel Intellectual Property American Inn of Court; Reporter (2008-2009), Team Captain (2009, 2012); Program Chair (2012-2014)
- > American Intellectual Property Law Association

PRESENTATIONS

- > "Nautilus, Ariad, and Beyond; The Current State of § 112's Definiteness, Enablement, and Written Description Requirements in Litigation and Prosecution," Co-Presenter, Webinar produced by the State Bar of California, Patent Interest Group (March 18, 2015)
- > "LAIPLA Goes to Court - Settlement of IP Disputes," Moderator (with Hon. George Wu, Hon. Gary Feess (Ret.) and Hon. Suzanne Segal, U.S. District Court, Central District of California), presented by the Los Angeles Intellectual Property Law Association (January 13, 2015)
- > "Careers in Intellectual Property and Entertainment Law," Panelist, sponsored by the Los Angeles Intellectual Property Law Association and Pepperdine University School of Law (October 1, 2014)
- > "Intellectual Property: It's Not Just for Specialists Anymore," Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)

OF COUNSEL

Greer Shaw

- › “Hot Topics for In-House Patent Practitioners,” Moderator, “Washington in the West 2014” conference, presented by Los Angeles Intellectual Property Law Association (January 24, 2014)
- › “Hot Topics and Notable Developments in IP Law,” Co-Presenter, Association of Corporate Counsel (Mountain West Chapter), Salt Lake City, UT (June 28, 2013)
- › “Design Patent Infringement 2013,” Co-Presenter, Webinar produced by The Knowledge Group, LLC (January 29, 2013)
- › “Litigating Patents in the Central District: Local Practices and the Patent Pilot Program from the Practitioner’s Perspective,” Moderator, Litigation Roundtable, Los Angeles Intellectual Property Law Association, Los Angeles, CA (May 30, 2012)
- › “U.S. Patent Litigation Involving Pharmaceutical Patents,” Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- › “Washington in the West Conference,” Chairperson, sponsored by Los Angeles Intellectual Property Law Association (February 14, 2012)
- › “Dual Actor Infringement: Drafting and Enforcing Telecommunication and Computer Science Claims Following BMC, Muniuction, SiRF and Akamai,” Panelist, Los Angeles Intellectual Property Law Association, 2011 Spring Seminar (June 4, 2011)
- › “IP Law – Where Do I Fit In?,” Panelist, Sponsored by The Palmer Center, the Los Angeles Intellectual Property Law Association, and the Pepperdine University Career Development Office (October 28, 2008)
- › “Patents & The Supreme Court,” Moderator, Panel presentation of the 10th Annual “Washington in the West” Conference presented by the Los Angeles Intellectual Property Law Association (January 31, 2007)
- › “Recent Developments In False Designation of Origin and Willful Patent Infringement,” Panelist, Fifth Annual Technology Law Conference, Pepperdine University School of Law, Sponsored by the Association of Corporate Counsel (June 25, 2004)

PERSONAL INSIGHT

When he is not helping clients who have been ripped off or wrongly accused, Greer enjoys scaling mountains, exploring canyons, and rappelling down waterfalls with the Altadena Mountain Rescue Team of the Los Angeles County Sheriff’s Department.

**OF COUNSEL****Benjamin J. Siegel**

Mr. Siegel is an experienced litigator with a focus on antitrust law who has represented clients in state and federal courts, on appeals, as well as before arbitrators and governmental agencies, and has achieved significant settlements.

CONTACT

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YEARS OF EXPERIENCE

> 14

PRACTICE AREAS

> Antitrust Litigation

BAR ADMISSIONS

> California

COURT ADMISSIONS

> U.S. District Court for the Northern District of California
> U.S. District Court for the Eastern District of California
> U.S. Court of Appeals
> Ninth Circuit

CLERKSHIPS

> Hon. Thomas M. Reavley, U.S. Court of Appeals for the Fifth Circuit

EDUCATION

> The University of Texas School of Law, The University of Texas LBJ School of Public Affairs, J.D., M.P.A., Order of the Coif, High Honors, 2007
> Articles Editor, Texas Law Review; Texas Law Review Best Litigation Note, Volume 85; Texas Law Public Interest Fellowship; LBJ Foundation Award, First in Class
> Yale University, B.A. Political Science, *cum laude*, Phi Beta Kappa, 2000

CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro LLP

RECENT CASES

> *In re Optical Disk Drive Prods. Antitrust Litigation*, No. 3:10-md-2143-RS (N.D. Cal.)
> *In re NCAA Grant-In-Aid Antitrust Litigation*, 4:14-md-02541-CW (N.D. Cal.)
> *In re Resistors Antitrust Litigation*, 5:15-cv-03820-JD (N.D. Cal.)

EXPERIENCE

> Following his work at Boies, Schiller & Flexner LLP in 2008-2009, Mr. Siegel has litigated cases on behalf of plaintiffs for the past seven years.

LEGAL ACTIVITIES

> Alameda County Bar Association

RECOGNITION

> Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2021 Rising Stars
> Super Lawyers, 2018

PUBLICATIONS

> Benjamin Siegel, Constitutional Rights and the Counter-Majoritarian Dilemma (May 15, 2007) (unpublished Master's thesis, University of Texas at Austin).
> Benjamin Siegel, Note, Applying a "Maturity Factor" Without Compromising the Goals of the Class Action, 85 Texas L. Rev. 741 (2007) (Texas Law Review Best Litigation Note, Volume 85).
> Benjamin Siegel et al., Beyond the Numbers: Improving Postsecondary Success through a Central Texas High School Data Center, LBJ School of Public Affairs, Policy Research Report No. 148 (2005).
> Benjamin Siegel, California Must Protect Health Care for Medi-Cal Children, 15 Youth L. News 1 (2004), available at <http://www.youthlaw.org>.
> Jenny Brodsky, Jack Habib & Benjamin Siegel, Lessons for Long-Term Care Policy, World Health Organization, Publication No: WHO/NMH7CCL/02.1 (2002).
> Jenny Brodsky, Jack Habib, Miriam Hirschfeld & Benjamin Siegel, Care of the Frail Elderly in Developed and Developing Countries: the Experience and the Challenges, 14 Aging Clinical & Experimental Research 279 (2002).

PERSONAL INSIGHT

When not working to enforce the nation's antitrust laws, Mr. Siegel enjoys spending time with his wife and two young children in his hometown of Oakland, California. He also likes playing softball and pick-up basketball with his friends.

**OF COUNSEL****Shelby R. Smith**

Shelby has dedicated her career to serving vulnerable victims of violent crimes.

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shelby@hbsslaw.com

YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Personal Injury Litigation
- > Sports Concussions
- > Social Work Negligence
- > Nursing Home/Adult Family Home Negligence
- > Daycare/School Negligence
- > Civil Rights
- > Privacy Rights
- > Consumer Protection

BAR ADMISSIONS

- > Washington

COURT ADMISSIONS

- > U.S. District Court, Western District of Washington
- > U.S. District Court, Eastern District of Michigan

EDUCATION

- > Seattle University, J.D., Member, Public Interest Law Society, 2000
- > University of Washington, B.A., *cum laude*, Sociology, 1996

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Prosecutes personal injury cases and class action cases on behalf of consumers
- > Currently represents student-athletes in personal injury litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities
- > Currently represents victims who have suffered severe personal injuries due to their mothers ingesting thalidomide during pregnancy in the late 1950's and early 1960's without knowing that the drug had not been approved by the FDA
- > She continues to represent victims of domestic violence and sexual assault to obtain protection orders so that their abusers cannot have any contact with them
- > Also represents crime victims who wish to keep their counseling records private during criminal Proceedings

NOTABLE CASES

- > *Volkswagen Emissions Defect Litigation*
- > *Mercedes BlueTEC Emissions Litigation*
- > *GM Ignition Switch Recall*
- > *Corvette Overheating*
- > *Harvey Weinstein Sexual Harassment RICO*
- > *USC and Dr. George Tyndall Sexual Abuse*

EXPERIENCE

- > Litigation associate, Williams Kastner, where she planned and executed a civil caseload involving defense of physicians, hospitals, dentists and other healthcare providers. While at Williams Kastner, Ms. Smith developed successful litigation strategies, handled case discoveries, secured depositions, managed trial preparation, drafted and argued legal motions, and conducted voir dire and jury trials.
- > Prior to working at Hagens Berman, Ms. Smith worked for 10 years at the King County Prosecuting Attorney's Office, working on cases in a diverse set of areas, including the sexual assault, violent crime, district court, domestic violence, felony filing and special drug units. During her 10 years as a prosecutor, Ms. Smith tried over 100 felony jury trials. She spent five years in the Domestic Violence Unit and Special Assault Unit where she handled hundreds of cases involving physical and sexual abuse of children and adults.

LEGAL ACTIVITIES

- > Consistent commitment to pro bono work and services for victims of domestic violence and sexual assault

PERSONAL INSIGHT

Shelby Smith was born and raised in Seattle, and graduated from Garfield High School—which also boasts Quincy Jones and Jimi Hendrix as alums. She has a passion for live music and fashion, and has never met a sport she did not enjoy competing in: while raising three children and practicing law, Shelby plays on competitive indoor and outdoor soccer teams, and runs at least one marathon and two half-marathons every year.

**OF COUNSEL****Whitney Street**

Ms. Street has been appointed to leadership positions in large antitrust class actions across the country, most recently recovering \$34 million as co-lead counsel on behalf of a proposed class of cancer patients and other end payors.

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YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > California
- > Massachusetts
- > New York
- > Texas

COURT ADMISSIONS

- > U.S. District Courts for the Northern, Southern, Eastern and Central Districts of California
- > U.S. District Court for the Southern District of New York
- > U.S. District Court for the Eastern District of New York
- > U.S. District Court for the District of Massachusetts

EDUCATION

- > University of Virginia School of Law, J.D., 2002
- > University of Virginia, B.A., Economics and Literature, 1999

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Whitney served as co-lead counsel and represented the city of Providence, Rhode Island and a putative class of indirect purchasers in an antitrust class action against Celgene Corp. for unlawfully excluding generic competition for vital cancer treatment drugs. The matter was In re Thalomid & Revlimid Antitrust Litig., 14-cv-6997 (D.N.J.), and resulted in a \$34 million settlement on behalf of the class.
- > Ms. Street was appointed co-lead counsel on behalf of a class of indirect purchasers in In re Domestic Drywall Antitrust Litig., 13-md-02437 (E.D. Pa.), which involved allegations of price-fixing and other forms of concerted conduct in violation of antitrust laws, resulting in a \$17 million settlement on behalf of the class.
- > She was also appointed to the plaintiffs' steering committee in In re Liquid Aluminum Sulfate Antitrust Litig., 16-md-02687 (D.N.J.) alleging bid-rigging, market allocation and price-fixing in the aluminum sulfate market. Settlements totaled at least \$111 million in that matter.
- > She also served on the steering committee in In re Packaged Seafood Antitrust Litig., 15-md-02670 (S.D. Cal.), an ongoing case alleging price-fixing in the market for shelf-stable seafood products.
- > Whitney served as a member of the litigation team representing direct purchasers in In re Broiler Chicken Antitrust Litig., 16-cv-08637 (N.D. Ill.), a class action alleging broiler chicken producers engaged in a price-fixing conspiracy, and in In re Pork Antitrust Litig., 18-cv-01776 (D. Minn.), a class action alleging that pork producers engaged in a price-fixing conspiracy. To date, approximately \$200 million has been obtained on behalf of direct purchasers in the Broilers matter, and \$107.5 million has been obtained on behalf of direct purchasers in the Pork matter. Both cases are ongoing against remaining defendants.
- > Whitney served as a member of the litigation teams in the following antitrust class actions: Air Cargo Shipping Services Antitrust Litigation, 06-md-1775 (E.D.N.Y.) (settlements totaling more than \$270 million); In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation, 3:03-md-1542 (D. Conn.) (partial settlements totaling \$87 million); In re Methyl Methacrylate (MMA) Antitrust Litigation, 06-md-01768 (E.D. Pa.) (settled for \$15.0 million); and In re Hydrogen Peroxide Antitrust Litigation, 05-civ-666 (E.D. Pa.) (partial settlements of more than \$4.0 million).
- > Whitney received her training at prominent litigation firms in New York and Boston where she represented clients in antitrust and securities class actions. She began her career at Pillsbury Winthrop Shaw Pittman, one of the largest law firms in California.

LEGAL ACTIVITIES

- > Contributor, Complex Litigation E-Discovery Forum, 2016 - 2021
- > Member, American Bar Association, 2016 - 2019

OF COUNSEL

Whitney Street

- › Editorial Advisory Board Member, Law360 Competition Law, 2014 - 2018
- › Co-Founder and former co-chair, American Association for Justice Antitrust Litigation Group, 2014 - 2016

PUBLICATIONS

- › Co-Author, "What Lies Ahead in High Stakes Pay-For-Delay Antitrust Litigation," American Association of Justice Business Torts Newsletter, May 2015
- › Author, "Technology Assisted Review: The Disclosure of Training Sets and Related Transparency Issues," Georgetown Law Advanced eDiscovery Institute, November 2014
- › Co-Author, "Decision Re-Affirms Critical Role of Shareholders," Benefits and Pensions Monitor, October 2014

PRESENTATIONS

- › Speaker, "The New Normal: Producing and Obtaining Phone Record Data," Complex Litigation e-Discovery Forum, November 2020
- › Panelist, "Big Data & Storylines," Complex Litigation E-Discovery Forum, September 2016
- › Moderator, "Introduction to the Use of Regression Analysis in Antitrust Class Action Litigation," American Association for Justice Webinar, August 2016
- › Panelist, Georgetown Law Advanced eDiscovery Institute, November 2014
- › Panelist, American Association for Justice Class Certification Seminar, 2013

PERSONAL INSIGHT

Whitney – a novice marathoner, ambivalent Tottenham fan and avid seeker of book recommendations – joined Hagens Berman in November 2021. Originally from the Lowcountry, she now calls California home and can often be found on the trails of Mount Diablo.

**OF COUNSEL**

Nick Styant-Browne

Served as lead counsel in the trial against Australia's major newspaper publishers, including "News," which resulted in the deregulation of the system of distribution of newspapers and magazines throughout Australia.

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YEARS OF EXPERIENCE

> 29

PRACTICE AREAS

- > Human Rights
- > Environmental Protection
- > Consumer Rights

BAR ADMISSIONS

- > Washington State Bar Association
- > Australian State Bars including Victoria, NSW, and WA
- > Supreme Court of Papua New Guinea

EDUCATION

- > University of Melbourne

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practiced class-action and multi-plaintiff litigation since 2001
- > Current projects include Rio Tinto Litigation for human rights and environmental abuses at the Panguna mine on the Pacific island of Bougainville
- > Has been lead counsel in both bench and jury class action trials in Federal Court

EXPERIENCE

- > Senior partner (one of five) at Australia's largest plaintiff law firm working on class actions, environmental litigation and antitrust litigation

LEGAL ACTIVITIES

- > Past elected member, Council of Greenpeace, Australia

NOTABLE CASES

- > Served as co-counsel on Australia's then-largest class action against a wholly owned subsidiary of Exxon, arising out of a gas plant explosion which shut down the gas supply to Melbourne and most of the State of Victoria for 10 days
- > *Rio Tinto Litigation*
Mr. Styant-Browne's practice has involved several projects in the Pacific Rim, acting principally on behalf of the indigenous peoples of poor developing Pacific nations claiming environmental and human rights abuses. His successes and passion for the causes of indigenous peoples have led to him being retained by the national governments of Pacific States including Tuvalu and the Kingdom of Tonga
- > *BHP Environmental Litigation*
Mr. Styant-Browne's meticulous outlining of the environmental devastation caused by the Ok Tedi mine in Papua New Guinea helped force mining companies adopt stricter environmental standards in developing countries
- > *Toyota Unintended Acceleration Litigation*
- > *Thalidomide Drug Litigation*

**OF COUNSEL**

Nathaniel A. Tarnor

Mr. Tarnor has litigated a wide variety of legal matters and takes pride in pursuing justice on behalf of his clients for as long as it takes to win.

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YEARS OF EXPERIENCE

> 17

BAR ADMISSIONS

> State of Illinois
> State of New York
> District of Columbia

PRACTICE AREAS

> Antitrust Litigation
> Anti-Terrorism
> Consumer Rights
> Investor Fraud
> Whistleblower Litigation

COURT ADMISSIONS

> U.S. Supreme Court
> U.S. Courts of Appeals for the 2nd and 7th Circuits, and for the District of Columbia
> U.S. District Court for the District of Columbia
> U.S. District Courts for the Northern & Central Districts of Illinois
> U.S. District Court for the Eastern & Southern District of New York

EDUCATION

> Chicago-Kent College of Law, J.D., CALI Award, 2004
> University of Illinois, B.A., Phi Beta Kappa, *summa cum laude*, Milton Ravoce Award, 2000

CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro LLP
> Represents American terrorism victims against Chiquita Brands International for violations of U.S. anti-terrorism laws in Columbia
> Practice concentrates on complex federal litigation

EXPERIENCE

> Milberg LLP, New York, NY, 2009-2016
> Practice areas include antitrust, class actions, consumer protection, contractual disputes, securities and whistleblower representation in conjunction with the U.S. Department of Justice and the U.S. Securities & Exchange Commission
> Pro Bono: Represented families of American terrorism and torture victims before the U.S. Supreme Court and Second Circuit.
> Previously provided legal assistance to human rights victims from around the world in conjunction with other prominent law firms.

RECOGNITION

> Chicago-Kent International Law Moot Court Honor Society, 2002-2004
> Captain, Chicago-Kent International Law Moot Court Team, 2002-2004
> Highest Oralist Score 2003 Philip C. Jessup International Law Moot Court Regional Competition Chicago-Kent Moot Court Team
> CALI Award Commercial Payment Systems Law

PERSONAL INSIGHT

Nathaniel enjoys competing in endurance sports and hiking with his family.

**ASSOCIATE**

Ruby K. Aliment

Ruby is a trial lawyer who has spent her entire career representing people against powerful corporations, government agencies and their insurance companies.

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YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

> Personal Injury

BAR ADMISSIONS

> Washington

COURT ADMISSIONS

> U.S. District Court, Western
District of Washington
> Ninth Circuit Court of Appeals

EDUCATION

> Seattle University School of
Law, J.D., magna cum laude,
2016
> University of Puget Sound,
B.A., 2012

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Ruby's practice focuses on personal injury and wrongful death claims.

EXPERIENCE

> Before joining Hagens Berman, Ruby worked at a boutique litigation firm where she represented people with cancer and their families against corporations, government agencies and their insurance companies in state and federal courts throughout the Pacific Northwest. Ruby played a key role in firm's robust trial practice, which involved starting at least four trials each year. Ruby second-chaired five trials and took three of them to verdict, including the first plaintiffs' verdict in a premises liability case for asbestos exposure in Washington state.

> Prior, Ruby represented individuals with varied personal injury claims including the family whose case led to the Washington Supreme Court's decision in Vargas v. Inland, which expanded liability for general contractors who fail to create a safe workplace.

> Ruby graduated magna cum laude from Seattle University Law School where she managed the Seattle Journal for Social Justice, worked for the Homeless Rights Advocacy Project, interned at Legal Voice, and served as the Janet D. Steiger Fellow at the Washington State Office of the Attorney General in the Consumer Protection and Antitrust Divisions. In college, Ruby worked closely with her university to improve its campus sexual violence procedures. She continued training students and campus leaders on violence prevention and intervention strategies and providing survivors support even after graduation.

PRO BONO

> Most recently, Ruby volunteered with the Seattle Clemency Project and represented a man who was sentenced to 50 years as a juvenile and seeking early release due to the system's failure to account for his young age.

LEGAL ACTIVITIES

> Member, Washington State Association for Justice
> Member, American Association for Justice

PUBLICATIONS

> "No Pets Allowed: Discrimination, Homelessness, and Pet Ownership," Homeless Rights Advocacy Project, 2015.
> "Saying 'Yes': How California's Affirmative Consent Policy Can Transform Rape Culture," 14 Seattle Journal for Social Justice 187, 2015.

ASSOCIATE

Ruby K. Aliment

PRESENTATIONS

- > “The Criminalization of Homelessness and Poverty,” Seattle Art Institute’s Spring Lecture Series, May 18, 2016.
- > “Legal and Policy Issues Affecting Visibly Poor People,” Seattle University School of Law’s Poverty Law Conference, February 20, 2016.
- > “No Pets Allowed: Discrimination, Homelessness, and Pet Ownership,” Seattle University School of Law’s Homeless Rights Advocacy Project, November 24, 2015

PERSONAL INSIGHT

Born and raised in Seattle, Ruby currently lives in Capitol Hill with her very-mini miniature pinscher, Pip.

**ASSOCIATE**

Tory Beardsley

Ms. Beardsley has experience in prosecuting a variety of cases, including wrongful death, medical malpractice, negligence, fraud, consumer protection, data breach and bad faith insurance cases.

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YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

> Consumer Rights

INDUSTRY EXPERIENCE

> Consumer Fraud
> Medical Negligence

BAR ADMISSIONS

> Arizona

COURT ADMISSIONS

> U.S. District Court for the
District of Arizona
> U.S. District Court for the
District of Colorado

EDUCATION

> Arizona State University
Sandra Day O'Connor College
of Law, J.D.
> University of Arizona, B.A.,
Journalism & English
Literature

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Ms. Beardsley has experience prosecuting wrongful death, medical malpractice, negligence, negligence per se, intentional and negligent infliction of emotional distress, unjust enrichment, fraud, consumer protection, data breach and bad faith insurance cases.

RECENT CASES

> Member of the trial team representing the families of three patients who died after receiving dialysis at DaVita clinics. The case culminated with a \$383.5 million jury verdict.
> Ms. Beardsley has also aided in prosecuting data breach cases litigated by the firm in Arizona.

RECENT SUCCESS

> In June 2018, Ms. Beardsley was on the trial team where a Denver jury awarded a monumental \$383.5 million jury verdict against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.

EXPERIENCE

> Prior to beginning her litigation career at Hagens Berman, Ms. Beardsley specialized in land use and development with other firms in the Phoenix area, working closely with the local municipalities and politicians to gain approval on proposed developments and ensure developments compliance with city code and zoning ordinance.

ACTIVITIES

> Chair - Herberger Young Leadership Board; Member

PERSONAL INSIGHT

When she's not dedicating her time to the law, Tory enjoys staying active in a variety of ways. You can find her swimming, hiking, trail running or on her road bike. Tory is also active at Phoenix's Herberger Theater Center as chair of the Young Leadership Board, an auxiliary board tasked with fundraising and cultivating the next generation of theater patrons.

**ASSOCIATE****Jacob Berman**

Whether in his legal practice or volunteer work, Jake dedicates his time to helping those who need it most.

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YEARS OF EXPERIENCE

> 3

PRACTICE AREAS

- > Class Actions
- > Mass Torts
- > Personal Injury Litigation

INDUSTRY EXPERIENCE

- > Personal injury
- > Mass Tort
- > Class-action Law

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California

EDUCATION

- > Loyola Law School, J.D., May 2018, Hobbs/Poehls District Attorney Practicum, Consumer Law Society, Member (Fall 2014–2018)
- > University of Denver, Denver, CO, B.A., Political Science, June 2013

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Jake worked on personal injury matters at Robinson Calcagnie Inc. where he represented plaintiffs in numerous catastrophic injury cases and managed all aspects of the case from client onboarding to settlement. Jake conducted and defended depositions in personal injury cases and mass torts and planned and implemented a strategy to retain stronger personal injury cases for the firm. He also drafted complaints, discovery motions, pre-trial motions and assisted in trial preparation.
- > Previously, he worked as a law clerk for the Los Angeles District Attorney, Victim Impact and Juvenile Unit where he conducted juvenile adjudication hearings, including direct and cross examination, presenting evidence, and arguing motions to dismiss and suppress. He also conducted felony preliminary hearings, including direct and cross examination, and presenting evidence.
- > Jake was also a summer associate at prominent plaintiffs firms where he drafted arguments for opposition to motion for summary judgement in a consumer auto-defect class-action case, reviewed exhibits and organized deposition questions to depose opposing counsel's defense experts and composed jury instructions in an auto-defect class-action case and product defect class-action case. Jake also has experience writing research memoranda on topics such as appeals bonds, class certification and summary judgment.

RECOGNITION

- > Published OCTLA Magazine, Volunteer Outreach in Communities Everywhere, Most Valuable Worker Award (2008),

PERSONAL INSIGHT

Jake Berman was born and raised in the Seattle area. He has a passion for coaching sports and being active in the outdoors. As a former collegiate cyclist, Jake is constantly competing in new sports or exploring a new trail run.



ASSOCIATE

Hannah Brennan

Hannah is committed to improving access to medicines – both domestically and abroad – and has experience in drug pricing, patent and international right to health litigation.

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PRACTICE AREAS

- › Antitrust Litigation
- › Civil & Human Rights Litigation
- › Consumer Rights
- › Medical Devices
- › Pharmaceutical Fraud
- › RICO

INDUSTRY EXPERIENCE

- › Drug Pricing
- › Patent
- › International Right to Health Litigation
- › International Trade Agreements

BAR ADMISSIONS

- › Massachusetts

COURT ADMISSIONS

- › Third Circuit

CLERKSHIPS

- › Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit
- › Honorable Theodore McKee, Former Chief Judge of United States Court of Appeals for the Third Circuit

EDUCATION

- › Yale Law School, J.D., 2013
- › Brown University, B.A., 2009

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP
- › Practice focuses on drug pricing, consumer access to medications, healthcare fraud, antitrust and patent fraud
- › Member of the HBSS team representing a proposed class of insulin consumers in their claims against Eli Lilly, Novo Nordisk and Sanofi for fraudulently and unfairly increasing the cost of live-saving insulin medications. HBSS has been named lead counsel in this case.
- › Member of the HBSS team litigating claims against GSK for its fraudulent marketing of the diabetes medication, Avandia. HBSS has been named lead counsel in this case.
- › Member of the HBSS team litigating claims against the Commonwealth of Massachusetts for its failure to enforce the Endangered Species Act to protect the Northern Atlantic right whale.

RECENT SUCCESS

- › **Successful Third Circuit appeal of sealing orders in In re Avandia Marketing, Sales Practices and Products Liability Litigation.** Hannah briefed and argued the class plaintiffs' appeal of two district court orders sealing the entire summary judgment record. The Third Circuit issued a precedential opinion adopting the standard the plaintiffs urged for the public's common law right of access and vacated the district courts' orders. The Third Circuit also instructed the district court to consider the First Amendment argument the plaintiffs' advanced. In re Avandia Mktg., Sales Practices & Prod. Liab. Litig., 924 F.3d 662 (3d Cir. 2019). Hannah also successfully briefed the issue on remand to the United States District Court for the Eastern District of Pennsylvania: the Court unsealed all of the summary judgment records at issue. In re Avandia Mktg., Sales Practices & Prod. Liab. Litig., No. 07-MD-01871, 2020 WL 5358287 (E.D. Pa. Sept. 3, 2020).
- › **Successful Third Circuit appeal of summary judgment ruling in In re Avandia Marketing, Sales Practices and Products Liability Litigation.** Hannah lead the team that briefed the class plaintiffs' appeal of the district court's grant of summary judgment in favor of the defendant. The Third Circuit issued a precedential opinion siding with the plaintiffs on all three issues presented in the appeal. The Third Circuit remanded the case to the district court and ordered further discovery for the plaintiffs.
- › **\$51.25 million class recovery in In re Restasis Antitrust Litigation.** Assisted in the litigation of claims against Allergan for engaging in an anticompetitive scheme to keep generic versions of the eye medication, Restasis, off the market. The alleged scheme included fraud on the U.S. Patent and Trademark Office, sham litigation against generic manufacturers, meritless citizen petitions to the Food and Drug Administration and sham transfer of patents to a Native American Tribe in an attempt to avoid invalidation. In re Restasis Antitrust Litigation, 18-md-2819, E.D.N.Y., ECF No. 50.
- › **\$94 million class recovery in In re Celebrex Antitrust Litigation.** Hannah was member of the HBSS team that litigated claims against Pfizer for fraudulently obtaining patents from the U.S. Patent and Trademark Office and then asserted those patents to delay generics competition in violation of federal

ASSOCIATE

Hannah Brennan

antitrust law. The case settled mere weeks before trial. In re Celebrex (Celecoxib) Antitrust Litigation, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455.

EXPERIENCE

- › Prior to joining Hagens Berman, Ms. Brennan clerked for the Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit and the Honorable Theodore McKee, Chief Judge of United States Court of Appeals for the Third Circuit.
- › She was awarded a Yale Gruber Fellowship in Global Justice and Women's Rights to work for Public Citizen's Global Access to Medicines Program. At Public Citizen, she worked on a broad range of healthcare issues, including: negotiation of the intellectual property provisions of the Trans-Pacific Partnership Agreement, compulsory licensing of HIV medications in Peru, and policies for improving access to Hepatitis C medications for veterans, Native Americans and prisoners.
- › In law school, Ms. Brennan worked in the Global Health and Justice Clinic, where she helped develop a human rights approach to intellectual property law. She also served in the Workers and Immigrants' Rights Advocacy Clinic, where she obtained a substantial settlement for a group of Latino construction workers with unpaid wage claims. She further represented Connecticut DREAMers in their legislative and regulatory campaigns to secure financial aid for undocumented students at Connecticut state universities.
- › Prior to law school, Ms. Brennan served as Fulbright Scholar in Lima, Peru, where she researched labor rights abuses in the domestic housework industry and advocated for greater government regulation of this area.

LEGAL ACTIVITIES

- › Member, American Association for Justice
- › Member, Federal Bar Association
- › Member, Boston Bar Association

RECOGNITION

- › Charles G. Alborn Prize for Excellency in Appellate Advocacy

PUBLICATIONS

- › Hannah Brennan, Unsealing Court Records: Key Learnings from the Third Circuit's Avandia Jurisprudence, American Association for Justice Trial Magazine (July 2021).
- › Hannah Brennan, Christine Monahan, Zain Rizva, & Amy Kapczynski, *Government Patent Use: How a Little Known Statute Can Bring Down Drug Prices and Transform Health*, 18 Yale J. of L. & Tech. 275 (2016).
- › Hannah Brennan, *The Cost of Confusion: The Paradox of Trademarked Pharmaceuticals*, 22 Mich. Telecomm. & Tech. L. Rev. 1 (2016)
- › Hannah Brennan & Burcu Kilic, *Freeing Trade at the Expense of Local Crop Markets?: A Look at the Trans-Pacific Partnership's New Plant Related Intellectual Property Rights From Human Rights Perspective*, Harv. Hum. Rts. J. Online (2015)
- › Burcu Kilic, Hannah Brennan, & Peter Maybarduk, *What Is Patentable Under the Trans-Pacific Trade Partnership?*, 40 Yale J. Int'l L. Online 1 (2015)
- › *Inside Views: The TPP's New Plant-Related Intellectual Property Provisions*, Intellectual Property Watch (Oct. 17, 2014)

ASSOCIATE

Hannah Brennan

LANGUAGES

> Spanish

PERSONAL INSIGHT

Hannah's favorite city is Lima, her favorite state is Vermont and her favorite 90s action movie is *The Fugitive*.

**ASSOCIATE**

Rochella T. Davis

Rochella is experienced in handling issues of first impression in complex matters.

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YEARS OF EXPERIENCE

> 4

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Supreme Court of the United States Virgin Islands

BAR ADMISSIONS

- > New York

EDUCATION

- > Suffolk University Law School, J.D., Trial & Appellate Advocacy Concentration with distinction, 2017, Journal of Trial & Appellate Advocacy
- > Johns Hopkins University, M.S., 2022
- > University of the Virgin Islands, B.A., summa cum laude, 2014

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Rochella focuses on nationwide antitrust class actions. She is actively involved in class action suits challenging anticompetitive conspiracies among pharmaceutical manufacturers and anticompetitive conduct in other industries.
- > Key member of a team of attorneys analyzing causation issues and developing generic entrant causation theories; instrumental in drafting, serving, and negotiating third-party discovery; actively involved in party discovery negotiations; and a part of the trial preparation team in In Re Glumetza Antitrust Litigation.
- > Key role in drafting, serving, and negotiating discovery and now a member of a team of attorneys tasked with addressing privilege issues and investigating privilege claims in In Re Lantus (Insulin Glargine) Antitrust Litigation.
- > Actively involved in preparing for and drafting key submissions, such as pleadings and motions in In Re Inclusive Access Antitrust Litigation (Student Textbook Price-Fixing Antitrust).

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Davis served as an appellate law clerk to Chief Justice Rhys S. Hodge of the Supreme Court of the United States Virgin Islands where she conducted legal research and analyzed issues of first impression.
- > In law school, Ms. Davis represented criminal defendants accused of misdemeanors as a certified student attorney in the Suffolk Defenders Clinic.

PRO BONO

- > Suffolk University Law School Pro Bono Honors, 2017. Rochella completed 270 hours of pro bono service in law school.

LEGAL ACTIVITIES

- > American Bar Association, Antitrust Division
- > New York Bar Association, Antitrust Division
- > Virgin Islands Bar Association

RECOGNITION

- > Robert A. Fuchs Memorial Prize in Labor Law, 2016

PUBLICATIONS

- > Talent Can't Be Allocated: A Labor Economics Justification for No-Poaching Agreement Criminality in Antitrust Regulation, 12 Brook. J. Corp. Fin. & Com. L. 279 (2018).
- > To Whom Should We Point Our Stylus?: Allocating the Burden of Review in E-discovery of Social Media Content, 22 Suffolk J. Trial & App. Advoc. 121 (2017).

PERSONAL INSIGHT

When she's not vigorously representing her clients' interests, Rochella enjoys cooking and exploring food culture in new cities.

**ASSOCIATE**

Rachel E. Fitzpatrick

Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son.

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YEARS OF EXPERIENCE

> 10

PRACTICE AREAS

- > Complex Civil Litigation
- > Consumer Fraud
- > Mass Tort

BAR ADMISSIONS

- > Arizona

EDUCATION

- > Arizona State University, B.S., *magna cum laude*, 2007
- > Arizona State University
Sandra Day O'Connor College
of Law, J.D., 2011

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex civil litigation and nationwide class actions, including consumer fraud and mass tort
- > Ms. Fitzpatrick worked on behalf of student-athlete plaintiffs in the highly publicized cases *Keller v. Electronic Arts* and *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*. The cases allege that video game manufacturer Electronic Arts, the National Collegiate Athletic Association and the Collegiate Licensing Company violated state right of publicity laws and the NCAA's contractual agreements with student-athletes by using the names, images and likenesses of the student athletes in EA's NCAA-themed football and basketball video games.

RECENT SUCCESS

- > In March 2012, Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son from his burning home. The verdict is believed to be the largest in Columbiana County, Ohio history.

NOTABLE CASES

- > *Keller v. Electronic Arts Inc.*, U.S. Court of Appeals, Ninth Circuit, Case No. 10-15387
- > *In re: NCAA Student-Athlete Name and Likeness Licensing Litigation*, U.S. District Court, ND Cal., Case No. 3:09-CV-01967-CW
- > *Antonick v. Electronic Arts, Inc.*, U.S. District Court, ND Cal., Case No. 3:11-CV-01543-CRB

PERSONAL INSIGHT

Ms. Fitzpatrick spent three years as a professional NFL cheerleader for the Arizona Cardinals and traveled with the squad to Iraq, Kuwait and the United Arab Emirates to perform for troops stationed overseas.

**ASSOCIATE**

Anthea D. Grivas

Working on behalf of consumers, continuing a long-standing dedication to public interest legal advocacy.

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Consumer Protection
- > Anti-Trust
- > Civil and Human Rights

BAR ADMISSIONS

- > Washington

EDUCATION

- > University of Washington
School of Law, J.D., 2001
- > University of Washington, B.A.
Political Science, 1995

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Significant complex multi-party litigation experience with an emphasis on anti-trust price-fixing, product liability and nationwide class action cases on behalf of consumers. Ms. Grivas develops successful litigation theories and strategies, drafts legal motions and handles all aspects of large-scale multi-firm case discovery.
- > Ms. Grivas' contributions to the firm have included:
 - Member of *In re Automotive Parts Antitrust Litigation* team
 - Drafted interrogatories and discovery motions, managed multi-firm review and oversaw in-house deposition preparation in *In re Toyota Motor Corp. Sudden, Unintended Acceleration* matter
 - Extensive discovery work in an anti-trust case brought against several of the world's largest manufacturers of TFT-LCD products
 - Part of team working on class-action litigation brought by collegiate student athletes who suffered concussions/traumatic brain injuries
 - Litigation against a large, publicly traded medical waste disposal company on behalf of small businesses
 - Nationwide class-action cases brought by homeowners with catastrophic property damage claims against makers of water connectors
 - Litigation involving the world's largest fruit and vegetable company, claiming it misled consumers about its environmental record

RECENT SUCCESS

- > *NCAA Concussions* – part of HB legal team whose efforts resulted in settlement providing medical-monitoring program for current and former student-athletes, sweeping changes to the NCAA's approach to concussion treatment and prevention, and a \$5 million concussion research fund.
- > *In re Toyota Motor Corp. Sudden, Unintended Acceleration* – part of HB legal team that obtained record settlement on behalf of auto purchasers.
- > *In re TFT-LCD (Flat Panel) Antitrust Litigation* – part of HB legal team that obtained settlement on behalf of TFT-LCD product purchasers.
- > *Trabakoolas v. Watts Water Technologies, Inc.* – part of HB legal team that obtained settlement on behalf of customers.
- > *Dole Bananas* – part of HB legal team whose efforts resulted in settlement on behalf of local communities in Guatemala.

ASSOCIATE**Anthea D. Grivas****RECOGNITION**

- › Ms. Grivas has been recognized by the University of Washington's law school for her commitment to advocacy on behalf of the public interest, and was awarded the university's annual dean's list award for high scholarship.
- › Public Justice recognized the *In re Toyota Motor Corp. Sudden, Unintended Acceleration* team for its work on behalf of auto consumers.

EXPERIENCE

- › Ms. Grivas has a long-standing dedication to legal advocacy on behalf of traditionally underrepresented groups. She is a former co-chair of an organization that helps prepare Violence Against Women Act self-petitions on behalf of survivors of domestic violence, has represented refugees with disabilities in INS administrative proceedings, worked as an advocate for families receiving Temporary Assistance for Needy Families benefits, and has visited womens' shelters to conduct public assistance trainings.
- › As a summer law clerk, Ms. Grivas worked on *Arc of Washington vs. Quasim*, a significant case brought on behalf of individuals with developmental disabilities. She was tasked with researching and constructing a legal argument against the state of Washington's claim of deliberative process privilege, and her work helped expose a state audit report containing what the *Seattle Post-Intelligencer* described as "damning revelations" regarding the state's limited oversight of services for disabled individuals.
- › Ms. Grivas also has a strong technical background, incorporating over a decade of electronic discovery institutional knowledge, and has seven years of experience in litigation impacting the software industry, including work in the compliance phase of *US v. Microsoft*.

LEGAL ACTIVITIES

- › Northwest Immigrant Rights Project
- › Solid Ground/Fremont Public Association
- › Public Interest Law Association
- › Women's Law Caucus
- › Immigrant Families Advocacy Project
- › American Civil Liberties Union of Washington
- › KCBA Neighborhood Legal Clinics program

PUBLICATIONS

- › Author, "An Unreal Dream: The Impact of DNA Technology on the American Criminal Justice System," (DeNovo, XVI.IV, 2002)

NOTABLE CASES

- › *Toyota Motor Corp. Sudden, Unintended Acceleration*
- › *In re TFT-LCD flat panel litigation*
- › *NCAA Concussions*

PERSONAL INSIGHT

Ms. Grivas is a lifelong musician who has performed at the Northwest Folklife Festival, Northwest Orchestra Festival, the Nippon Kan theater and as principal violinist and concertmaster with a local symphony orchestra.

**ASSOCIATE**

Abbye Klamann Ognibene

Ms. Ognibene believes in taking on corporations in the fight for plaintiffs' rights, including the right to online privacy and to fair pricing in medical care and consumer goods.

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abbyeo@hbsslaw.com

YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

- > Antitrust Litigation
- > Class Actions
- > Consumer Rights

BAR ADMISSIONS

- > California
- > District of Columbia
- > New York

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Central District of California
- > U.S. Court of Appeals, Ninth Circuit

EDUCATION

- > University of Michigan, J.D., cum laude, 2016
- > University of Missouri Columbia, B.J., cum laude, 2011

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Core team member in *Staley v. Gilead*, which seeks to hold HIV drug manufacturers accountable for allegedly using their market power to artificially inflate prices for HIV medication and prevent safer medications from coming to market sooner.
- > Involved in cutting-edge litigation in *In re Humira (Adalimumab) Antitrust Litigation*, alleging novel theories regarding the suppression of competition for the blockbuster biologic drug, Humira.

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Ognibene was an associate at a start-up litigation boutique, where she helped launch a plaintiffs' class-action practice group.
- > She also worked on cutting-edge class-action litigation at Lieff Cabraser Heimann & Bernstein, focusing on digital privacy and antitrust cases.
- > While in law school, Abbye worked for more than two years as a law clerk to the legal team of *DeBoer v. Snyder*, consolidated sub nom. *Obergefell v. Hodges*, which guaranteed the nationwide right to marry for same-sex couples.

RECOGNITION

- > National Lawyers Guild, Massachusetts Chapter Member

PERSONAL INSIGHT

Before attending law school, Abbye worked in radio journalism in her home state of Missouri. She spends her time outside of the office with her family and two large rescue dogs, preferably in Vermont with a glass of whiskey in one hand and a good book in the other.

**ASSOCIATE**

Kristie A. LaSalle

Ms. LaSalle is committed to combatting fraud, waste and abuse in the pharmaceutical industry.

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YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Law Clerk, Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit

BAR ADMISSIONS

- > Massachusetts
- > New York

COURT ADMISSIONS

- > U.S. Supreme Court
- > U.S. Court of Appeals, First Circuit
- > U.S. Court of Appeals, Third Circuit
- > U.S. Tax Court
- > U.S. District Court for the District of Massachusetts

EDUCATION

- > Brooklyn Law School, JD, *magna cum laude*, 2012
- > Swarthmore College, BA 2006

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide class-action litigation against pharmaceutical companies that violate antitrust, consumer protection and anti-fraud laws.
- > Responsible for managing a team of lawyers across several law firms in *In re Lantus Antitrust Litigation*, No. 16-cv-16252 (D. Mass), a case challenging an anticompetitive scheme by drugmaker Sanofi-Aventis designed to prevent competition and keep insulin prices unaffordable.
- > Litigating a case against generic drugmaker Ranbaxy (now Sun Pharmaceuticals) for challenging a decade-long campaign of deceit regarding its ability to manufacture safe, effective drugs and follow the manufacturing regulations enforced by the FDA. Ms. LaSalle is responsible for developing the evidence of the fraud, and developing and successfully arguing a novel legal theory to meet the defendants' wrongdoing.
- > Ms. LaSalle is regularly called upon to handle consequential briefing in cases involving especially complex or convoluted regulatory regimes at both the trial and appellate court levels.

EXPERIENCE

- > After law school, Ms. LaSalle served for two years as a law clerk in the Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit, where she handled motions practice and appeals of complex class-action litigation.

RECOGNITION

- > Order of the Barristers
- > Scholarly Journal Writing Award

PUBLICATIONS

- > Kristie LaSalle, "The Other 99% of the Expressive Conduct Doctrine: the Occupy Wall Street Movement and the Importance of Recognizing the Contribution of Conduct to Speech," 18 *Tex. J. on Civ. Rights & Civ. Liberties* 1 (2013)
- > Kristie LaSalle, "A Prescription for Change: Citizens United's Implications for Regulation of Off-Label Promotion of Prescription Pharmaceuticals," 19 *J.L. Pol'y* 867 (2011)
- > Kristie LaSalle & Kristen Johnson, *The Misapplication of the Presumption of Patent Validity*, 33 *Antitrust Health Care Chronicle* 11 (2018)
- > Lauren G. Barnes & Kristie A. LaSalle, *Private Antitrust Claims Explained*, presented at Am. Ass'n for Justice Annual Convention, Boston, July 27, 2017

PERSONAL INSIGHT

Kristie is the unexpected combination of a performing improviser, competitive weightlifter and Ravenclaw.

**ASSOCIATE**

Raffi Melanson

As a former government trial attorney, Raffi focuses his legal practice on zealously challenging fraudulent and deceptive business practices of corporate entities and other bad actors through strategic class-action litigation.

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PRACTICE AREAS

- › Antitrust Litigation
- › Investor Fraud
- › Securities

BAR ADMISSIONS

- › Massachusetts
- › New York
- › District of Columbia

COURT ADMISSIONS

- › Fourth Circuit Court of Appeals

CLERKSHIPS

- › Magistrate Judge Andrea K. Johnstone, U.S. District Court for the District of New Hampshire, 2021
- › Hon. Joseph N. Laplante, U.S. District Court for the District of New Hampshire, 2019–2020

EDUCATION

- › Georgetown University Law Center, J.D., 2013
- › Boston University, B.A., *cum laude*, International Relations, Economics & Mathematics, 2010

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- › Prior to joining Hagens Berman, Raffi worked as a law clerk in the District of New Hampshire, drafting judicial orders for judges in complex cases and assisting them with the resolution of novel litigation and trial issues. In this role, he became intimately familiar with how judges work and how courts operate.
- › Before clerking, Raffi worked on large price-fixing, market domination and deceptive advertising litigation at a top 100 law firm while maintaining an active criminal defense and immigration pro bono docket.
- › After graduating from law school, Raffi served as an assistant attorney general for the District of Columbia, where he investigated and civilly prosecuted corporations engaged in sophisticated financial fraud perpetrated against DC residents.

PUBLIC SERVICE

- › Volunteer, Northern New England Chapter of the Cystic Fibrosis Foundation

PERSONAL INSIGHT

Raffi grew up near Cape Cod and has since preferred to live near the coast of a large body of water. Outside of work, he enjoys biking around the city, hiking, listening to comedy and political podcasts, and competing in amateur boxing. During the winter, Raffi shifts to activities best done indoors, such as board games and cooking, but will occasionally venture outside to go snowboarding, if it's not too cold.

**ASSOCIATE**

Lauren S. Miller

Lauren is devoted to her clients through her work advocating for individuals harmed by dangerous pharmaceutical drugs and defective medical devices.

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YEARS OF EXPERIENCE

> 9

BAR ADMISSIONS

> Alabama

COURT ADMISSIONS

- > U.S. District Court for the Northern District of Alabama
- > U.S. District Court for the Middle District of Alabama
- > U.S. District Court for the Southern District of Alabama

PRACTICE AREAS

- > Consumer Rights
- > Mass Torts
- > Personal Injury
- > Pharmaceutical Fraud
- > Product Liability

INDUSTRY EXPERIENCE

- > Pharmaceuticals
- > Medical Devices

EDUCATION

- > Cumberland School of Law, J.D., 2012
- > Middle Tennessee State University, B.S in Public Relations, 2009

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Court-appointed member of Plaintiffs' Steering Committee in In Re: Zantac (Ranitidine) Products Liability Litigation among 100 applicants; member of bellwether, deposition, discovery, and science and experts committees.

EXPERIENCE

- > Prior to joining Hagens Berman, Lauren was an associate at a well-respected plaintiffs' firm in Birmingham, Alabama where she focused on representing individuals harmed by defective pharmaceutical drugs and medical devices. In addition to this work, Lauren also represented clients in consumer fraud and personal injury litigation and advocated on behalf of survivors of sexual assault.
- > She served on the discovery, expert, and Daubert committees for personal injury plaintiffs in In Re: Viagra (Sildenafil Citrate) and Cialis (Tadalafil) Products Liability Litigation.

LEGAL ACTIVITIES

- > Birmingham Bar Association
- > Alabama Association of Justice
- > American Association of Justice

RECOGNITION

- > Ones to Watch, The Best Lawyers in America – 2021, 2022
- > Women to Watch, Birmingham Business Journal – 2020
- > Top Women Attorneys, B-Metro Magazine – 2019, 2020
- > Mid-South Rising Star, Super Lawyers – 2019, 2020
- > Top 40 Under 40, The National Trial Lawyers – 2017, 2018, 2019
- > Birmingham Top Attorney Rising Star, Birmingham Magazine – 2017

NOTABLE CASES

- > In Re: Zantac (Ranitidine) Products Liability Litigation, U.S. District Court, S.D. Fla., Case No. 9:20-md-02924

PERSONAL INSIGHT

Lauren was born in California, spent most of her childhood in Arkansas, and took a slight detour to Tennessee before coming to Alabama for law school. When she is not practicing law or spending time with her two daughters, Lauren enjoys hiking, boxing and painting.

**ASSOCIATE****Peter A. Shaeffer**

Mr. Shaeffer has represented clients in class action and complex commercial litigation in areas of securities fraud, consumer protection, product liability and contractual disputes.

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YEARS OF EXPERIENCE

> 9

BAR ADMISSIONS

> Illinois

COURT ADMISSIONS

> U.S. District Court for the
Northern District of Illinois

EDUCATION

> Vanderbilt University Law
School, J.D., 2013
> Tufts University, B.A., magna
cum laude, 2008

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> Prior to joining Hagens Berman, Peter was an associate at Latham & Watkins LLP, where he represented clients in class action and complex commercial litigation in areas of securities fraud, consumer protection, product liability and contractual disputes.

> Previously, Mr. Shaeffer was a judicial intern for the Hon. Jeffrey Cole of the United States District Court for the Northern District of Illinois, and also served as a paralegal specialist for the U.S. Department of Justice's antitrust division.

PERSONAL INSIGHT

Originally from the Chicagoland area, Mr. Shaeffer enjoys jogging along the 606 trail, partaking in the city's brewery scene, and spending time with his wife and young dog, Wolfie.

**ASSOCIATE**

Whitney K. Siehl

Ms. Siehl works tirelessly and has achieved millions of dollars in settlements for her clients. Her passion and empathy is unmatched.

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YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

- > Civil & Human Rights Litigation
- > Class Actions
- > Employment Litigation
- > Personal Injury Litigation
- > Sexual Abuse & Harassment

BAR ADMISSIONS

- > Illinois

COURT ADMISSIONS

- > United States District Court for the Northern District of Illinois
- > United States Court of Appeals for the Seventh Circuit
- > Supreme Court of the United States

CLERKSHIPS

- > Extern for Judge George C. Smith on the Southern District of Ohio

EDUCATION

- > The Ohio State University
Moritz College of Law, J.D.,
cum laude, 2013
- > Northwestern University, B.A.,
2009

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Ms. Siehl's Plaintiffs' litigation practice focuses on complex class-action and individual cases in the areas of sexual abuse, sexual harassment, and sports law
- > Represents an actress and entertainment industry class against The Weinstein Company, Harvey Weinstein and related companies for racketeering and sexual assault
- > Represents students and alumnae of the University of Southern California in a class-action lawsuit against the university and Dr. George Tyndall for his alleged decades-long sexual abuse of patients

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Siehl was an associate in the Chicago office of a well-respected Plaintiffs' firm representing families and children in birth injury and birth trauma litigation nationwide.
- > She worked previously at another Chicago firm where she gained experience in all aspects of civil litigation with a focus on medical malpractice and professional liability matters.

RECENT SUCCESS

- > Ms. Siehl played a significant role in a \$4 million settlement for a child who suffered severe and permanent brain damage due to the medical providers' delay in recognizing a placental abruption.
- > Assisted in a \$3.5 million settlement for a child with a hypoxic-ischemic brain injury that resulted from too much Pitocin and a physician's failure to recognize fetal distress.

RECOGNITION

- > 2020, 2021 Rising Star, Super Lawyers Magazine for Class Actions
- > 2019 Rising Star, Super Lawyers Magazine for Plaintiffs' Personal Injury
- > 2017 Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association
- > 2013 Member of National Champion Team for Sutherland Cup National Constitutional Law Moot Court Competition
- > CALI Award for Highest Grade in Legislation Clinic, Dispute Systems Design, and Comparative Legal Professions
- > Named a Public Service Fellow with Dean's Special Recognition

ASSOCIATE

Whitney K. Siehl

LEGAL ACTIVITIES

- › Women's Bar Association of Illinois
 - Officer Positions
 - Financial Secretary - 2020 - 2021
 - Recording Secretary - 2019 - 2020
 - Board of Directors - 2017 - Present
- › American Association for Justice Birth Trauma Litigation Group, Member
- › Illinois Trial Lawyers Association, Member

ACTIVITIES

- › Professional Board Member, PAWS Chicago – the Midwest's largest no-kill animal shelter; TEAM PAWS Marathon Team 2015-present

PRO BONO

- › In 2017, Ms. Siehl received an Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association for her dedication to representing underserved individuals in employment discrimination matters.

PUBLICATIONS

- › *#Us Too: Gender Inequality in the Legal Profession*, American Association for Justice, Birth Trauma Litigation Group Newsletter, Lead Article, February 2018.

PERSONAL INSIGHT

Whitney is an avid golfer and chairs the annual golf outing for the Women's Bar Association of Illinois. She was previously a member of the Miami University cross country and track teams, where the cross country team was selected as NCAA Academic All-Americans. She serves as a pace group leader for Chicago Marathon training and with the 2021 Chicago Athlete Magazine Ambassador Team, helps inspire busy professionals to live healthier lives. To date, she has completed 10 marathons, a half Iron distance triathlon, and numerous short course triathlons including the 2019 Escape from Alcatraz Triathlon in San Francisco.

**ASSOCIATE**

Emilee Sisco

Ms. Sisco practices in the areas of sports litigation, antitrust and consumer protection. As a former Division I athlete, she has worked on the firm's cases against the NCAA, furthering the rights of college-athletes across the nation.

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YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

> Antitrust Litigation
> Consumer Rights
> Sports Litigation

BAR ADMISSIONS

> Washington

COURT ADMISSIONS

> U.S. District Court, Western
District of Washington

EDUCATION

> Seattle University School of
Law, J.D.
> University of Oregon, B.A.

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> Law Clerk for Washington State Office of the Attorney General – Antitrust Division

LEGAL ACTIVITIES

> During 2L and 3L years in law school, Ms. Sisco was a fulltime volunteer intern for the WSBA Moderate Means Program. She volunteered more than 250 hours of pro bono service during law school.

RECOGNITION

> Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2019, 2021

RECENT CASES

> *Namoff v. Fleishman & Shapiro, P.C. et al*
> *In re: National Prescription Opiate Litigation*
> *In re: NCAA Athletic Grant-In-Aid Cap Antitrust Litigation*
> *In re: General Motors LLC Ignition Switch Litigation*

LANGUAGES

> Latin

PERSONAL INSIGHT

Ms. Sisco was a Division I volleyball athlete for the University of Oregon and University of Colorado. She was a member of the U.S. Women's Volleyball A3 team and was also a three-sport varsity athlete throughout high school, earning top 10 state finishes in two events at the WIAA Track & Field Championship.

**ASSOCIATE**

Hannah Song

Hannah is dedicated to holding institutions accountable on behalf of consumers and vulnerable populations.

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PRACTICE AREAS

- › Antitrust Litigation
- › Class Action
- › Consumer Rights

BAR ADMISSIONS

- › California

EDUCATION

- › Stanford Law School, J.D., 2021
- › University of California, Berkeley, B.A., 2015

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- › Prior to joining Hagens Berman, Hannah worked on antitrust and consumer protection issues in various settings including at the Department of Justice Antitrust Division.
- › Hannah has experience in quantitative methods and has worked previously as an economic consultant supporting economic experts in securities, tax, antitrust, mortgage-backed securities and other litigation.

PRO BONO

- › Hannah started the Racial and Disability Justice Pro Bono Project (RAD Justice) at Stanford Law School, which aids Latinx families with disabled children in obtaining state services under the Lanterman Act in California.

PERSONAL INSIGHT

Hannah enjoys live music, boxing and reading science fiction in her spare time.

**ASSOCIATE**

Jessica Thompson

Jessica began her legal career at an AMLaw 100 firm representing Fortune-ranked corporations in antitrust, intellectual property and financial services industries. Though grateful for the intense training that those matters provided, Jessica is proud to now be working for the good guys.

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YEARS OF EXPERIENCE

> 12

PRACTICE AREAS

- > Class Actions
- > Consumer Rights
- > Emissions Litigation
- > Employment Litigation

BAR ADMISSIONS

- > District of Columbia
- > Maryland
- > Washington

EDUCATION

- > University of Baltimore School of Law, Baltimore, Maryland, J.D. *magna cum laude*, 2010
 - Honors: Class Rank 21/333; G.P.A. 3.68
 - Honors: Highest Grade in the Class Award, Evidence
 - Law Review: Staff Editor, University of Baltimore Law Review
- > University of Baltimore, Baltimore, Maryland, B.A. *cum laude*, 2005
 - Major: Community Studies and Civic Engagement

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex consumer protection cases, primarily within the realms of automotive and emissions litigation
- > Ms. Thompson is currently involved in many of the firm's high-profile auto cases, including litigation against General Motors for faulty ignition switches that are linked to more than 120 fatalities, and emissions-cheating cases brought against Mercedes, Fiat Chrysler and GM. She worked on the Volkswagen CleanDiesel emissions lawsuits brought on behalf of consumers and of franchise dealers.

RECENT SUCCESS

- > Litigating and reaching favorable settlements in diesel emissions lawsuits against vehicle manufacturers and suppliers
- > Defeating multiple motions to dismiss in diesel emissions lawsuits on RICO and Clean Air Act preemption grounds
- > Litigating and reaching favorable settlements in discrimination matter against an insurance company

EXPERIENCE

- > Crowell & Moring LLP, Washington, D.C., Associate, 2011 - 2014
- > Cadwalader, Wickersham & Taft LLP, Washington, D.C., Associate, 2011
- > Howrey LLP, Washington, D.C., Litigation Associate, 2010 - 2011
- > Howrey LLP, Washington, D.C., Summer Associate, 2009
- > Montgomery County State's Attorney's Office, Rockville, MD, Student Attorney, 2010

ACTIVITIES

- > Webinar: "Garden Leaves and Other Strategies to Protect Trade Secrets When Losing Employees," Crowell & Moring, March 28, 2013 - Present
- > Workshop: "Don't Sign that Yet!," Crowell & Moring, Washington, D.C., March 5, 2013 - Present

PUBLICATIONS

- > "The ITC Can Play a Critical Role in Combating International Trade Secret Theft," Intellectual Property Today, Jan. 20, 2012
- > Client Alerts & Newsletters:
 - "Consensus Grows as Congress Continues to Refine Its Efforts to Create a Federal Civil Cause of Action For Certain Trade Secret Theft," Regulatory Alert (May 12, 2014)
 - "Federal Trade Secret Reform Continues With Two New Attempts to Improve Protection," Regulatory Alert (July 22, 2013)

ASSOCIATE

Jessica Thompson

- "Supreme Court Rejects Attempt by Class Action Plaintiff to Plead Around Federal Court Jurisdiction,"
(Mar. 22, 2013)

PERSONAL INSIGHT

Jessica comes from a working-class Baltimore family. Though she has dutifully relearned the pronunciation of words like water (not "wooder") and wash (not "warsh"), she continues to inquire about "dem O's" and refuses to participate in the singing of "Shout" at the seventh-inning stretch. It's an abomination.

**ASSOCIATE**

Breanna Van Engelen

Breanna advocates on behalf of consumers in complex litigation, including in antitrust cases and cases involving unfair competition.

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PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights

BAR ADMISSIONS

- > Washington

EDUCATION

- > University of Michigan Law School, J.D.
- > Washington State University, B.A., *magna cum laude*

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Breanna was an associate at K&L Gates LLP in Seattle, where she focused on Internet and technology law. Breanna took one of the first electronic impersonation cases in Washington state to trial. At trial, she secured an \$8.9 million dollar verdict for her clients – the largest verdict ever awarded to a non-celebrity in an electronic impersonation/invasion of privacy case.

MEDIA INTERVIEWS

- > Brooke Jarvis, *How One Woman's Digital Life Was Weaponized Against Her*, WIRED (Nov. 11, 2017, 6:00 AM) (<https://www.wired.com/story/how-one-womans-digital-life-was-weaponized-against-her/>)

PRESENTATIONS

- > "Taking the Distribution of Intimate Images to Trial," Presentation at 9th Annual Domestic Violence Symposium, Seattle, WA, Sept. 2017

PERSONAL INSIGHT

Breanna grew up in Idaho, where she learned to ski in the winter and race horses on mountain trails in the summer. Before becoming an attorney, Breanna taught at a pre-school in eastern Washington. When she's not working, you can find Breanna on her parents' ranch in Texas, taking care of the land and snuggling animals.

**ASSOCIATE**

Mark Vazquez

During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

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YEARS OF EXPERIENCE

> 9

BAR ADMISSIONS

> Illinois

CLERKSHIPS

- > Hon. John Z. Lee, Northern District of Illinois
- > Hon. Jesse G. Reyes, Illinois Appellate Court, First District

EDUCATION

- > DePaul University College of Law, J.D., *summa cum laude*, 2012
- > Editor, DePaul Law Review
- > University of Chicago, B.A., 2006

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Mark comes to Hagens Berman with a variety of clerkship experience, having clerked for both Judge John Z. Lee at the federal trial level and Justice Jesse G. Reyes at the state appellate level.
- > During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

PUBLICATIONS

- > *People v. Kladis and the Illinois Courts' Treatment of Evidence Spoliation by Law Enforcement*, Illinois State Bar Association Criminal Justice Newsletter, Vol. 56, No. 1 (August 2012)

PERSONAL INSIGHT

An avid musician, Mark has been playing bass and guitar for various rock, blues, jazz, and country acts since he was in grade school. You can frequently hear him alongside his father at bar association events throughout Chicago—that is, should you be able to hear anything in a crowded room full of lawyers.

**ASSOCIATE**

Stephanie A. Verdoia

Stephanie brings to the firm a deep knowledge of professional sports policies, protocols and governance to enrich Hagens Berman's robust sports law practice.

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PRACTICE AREAS

› Sports Litigation

INDUSTRY EXPERIENCE

› Sports Governance
› Sports Policy and Protocols

EDUCATION

› University of Washington
School of Law, J.D., 2021,
Order of Barristers
› Seattle University, B.A.
Political Science and Legal
Studies, summa cum laude,
2015

CURRENT ROLE

› Associate, Hagens Berman Sobol Shapiro LLP
› Ms. Verdoia's practice at the firm's Seattle office focuses primarily on sports litigation, where she applies her deep knowledge of sports governance, policies and protocols to bolster the firm's expansive work in this area of law.

EXPERIENCE

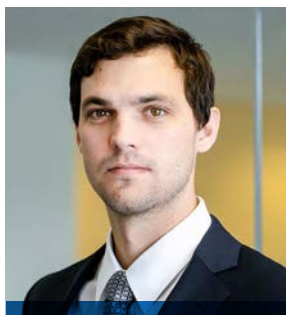
› Prior to joining Hagens Berman, Ms. Verdoia interned at Seattle's Legal Voice, where she researched legal issues regarding gender equality by analyzing the interplay between constitutional principles, recently enacted state statutes and prevailing precedent.
› Ms. Verdoia also interned with the legal department at Seattle Sounders FC, where she provided legal research and solutions responding to the evolving developments of the COVID-19 pandemic.

ACTIVITIES

› Her additional experience in professional sports lends itself to the firm's sports litigation practice area. Ms. Verdoia has years of experience in the realm of professional soccer as a midfielder in Norway's Topserien top division soccer and with the National Women's Soccer League (NWSL) both for the Boston Breakers and most recently the OL Reign (formerly known as Seattle Reign FC).
› During her time in these roles, she trained with the top NWSL team to enhance squad development with the Reign; led Norway's Vålerenga Fotbal Damer to the national championship game; and was one of only 36 women nationally drafted into the professional female league when she began her professional sports career in 2015 with the Boston Breakers.
› Ms. Verdoia has also served as a league representative, helping to take a leadership role in the sport by conducting conversation with key league figures to further players' interests and advance gender equity in sport. She also implemented working standards to create a safer environment and established a framework for a future players association.

PERSONAL INSIGHT

As a lifelong soccer player, Stephanie spends her free time coaching youth soccer teams at the OL Reign Academy. She also enjoys camping anywhere in the Pacific Northwest with her fiancé, Shane, and her dog, Stevie.

**ASSOCIATE**

Bradley J. Vettraiño

Mr. Vettraiño focuses on enforcing the antitrust laws against pharmaceutical monopolists and has spent his entire career challenging corporate misconduct.

CONTACT

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YEARS OF EXPERIENCE

> 8

BAR ADMISSIONS

> Illinois
> Massachusetts
> Missouri

COURT ADMISSIONS

> U.S. District Court, District of Massachusetts
> U.S. District Court, Southern District of Illinois

EDUCATION

> Washington University in St. Louis School of Law, J.D., 2013
> Metropolitan State University of Denver, B.A., 2009

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on pharmaceutical antitrust litigation and prosecuting other healthcare-related fraud.
- > Core member of the team litigating In re Zetia (ezetimibe) Antitrust Litigation, MDL No. 2836 (E.D. Va.), a federal antitrust suit against Merck & Co and Glenmark Pharmaceuticals alleging the two unlawfully agreed to delay access to generic ezetimibe for years, resulting in billions in overcharges to purchasers.
- > Responsible for day-to-day management of in In re Lantus Direct Purchaser Antitrust Litigation, 16-cv-12652 (D. Mass), alleging that Sanofi-Aventis wrongfully listed and asserted patents, unlawfully extending its monopoly over its multi-billion dollar per-year injectable insulin glargine product, Lantus.
- > Core member of the team litigating antitrust claims against Amgen and Teva in In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litigation, which alleges alleging a multi-faceted market allegation scheme.
- > Instrumental in overcoming motions to compel arbitration against class representatives in multiple cases.

RECOGNITION

- > Rising Star, Super Lawyers Magazine
- > Upon graduating law school, Mr. Vettraiño received the Dan Carter-Earl Tedrow Memorial Award, as the student who most embodied the aims of the legal profession.

LEGAL ACTIVITIES

- > Member, American Association For Justice

EXPERIENCE

- > Before joining Hagens Berman, Mr. Vettraiño was an associate at a nationwide class-action firm, where he prosecuted numerous securities, merger and acquisition, and consumer class actions on behalf of both individuals and large public pension funds.
- > After graduating from Washington University in St. Louis School of Law in 2013, Mr. Vettraiño worked for two preeminent toxic tort and products liability firms representing individuals harmed by corporate negligence and greed.

PERSONAL INSIGHT

When not driving his wife crazy by singing the same five songs to their infant son on repeat, Brad enjoys spending his free time fly fishing (with limited success).

**ASSOCIATE****Ted Wojcik**

Ted is devoted to working on behalf of those harmed by corporate misconduct, and has experience advocating for individuals in several contexts.

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tedw@hbsslw.com

YEARS OF EXPERIENCE

> 6

BAR ADMISSIONS

> Georgia

CLERKSHIPS

- > Judge Mark H. Cohen, U.S. District Court for the Northern District of Georgia, Atlanta, GA, 2016-2018
- > Judge Marjorie Allard, Alaska Court of Appeals, Anchorage, AK, 2015-2016

EDUCATION

- > Yale Law School, J.D., 2015
- > Dartmouth College, A.B., 2011, *magna cum laude*

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Ted served as a clerk to U.S. District Judge Mark H. Cohen, and prior to that, for Judge Marjorie Allard in the Alaska Court of Appeals.
- > During law school, Ted interned for the Alaska Public Defender Agency in Palmer, Alaska, and the New Orleans City Attorney's Office. He also worked as a student attorney in the landlord/tenant and immigration legal services clinics, and was an editor for the Yale Law Journal.
- > Before law school, Ted worked for a year as a high school teacher in the Marshall Islands.

PERSONAL INSIGHT

A Maine native and recent Seattle transplant, Ted is working hard to master the intricacies of composting and to remember that the ocean lies to the west now, not the east.

**ASSOCIATE**

Abby Wolf

Abby cares deeply about justice and fairness. Through class actions, she is focused on exposing the truth, holding the powerful accountable and helping consumers fight back against corporate wrongdoing.

CONTACT

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YEARS OF EXPERIENCE

> 5

PRACTICE ARES

- > Antitrust Litigation
- > Class Action
- > Consumer Rights

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Central District of California
- > U.S. Court of Appeals for the Fourth Circuit

CLERKSHIPS

- > U.S. District Court for the Eastern District of California, Judge Dale A. Drozd, 2020 – 2021
- > U.S. District Court for the Southern District of West Virginia, Judge Joseph R. Goodwin, 2016 – 2017

EDUCATION

- > University of California, Davis School of Law, King Hall, J.D., 2016
- > University of California, Berkeley, B.A., 2011

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Abby was an associate at Lief Cabraser Heimann & Bernstein LLP, where she worked on behalf of cities, counties and Native American tribes in the nationwide opioid litigation. She also represented survivors of the 2017 and 2018 wildfires in California sparked by the negligence of local utility companies.

PUBLICATIONS

- > “The World Still Looks to California: The CalECPA as a Model Step for Privacy Reform in the Digital Age,” The Journal of Law and Technology at Texas, Aug. 1, 2017

PRESENTATIONS

- > Mass Torts Committee Breakout: “Public Nuisance Law and Its Impact on the Opioid Litigation and Future Mass Torts,” Panelist, Jan. 31, 2020

PERSONAL INSIGHT

When not practicing law, Abby enjoys yoga, baking and spending time with her pet rabbit, Ralphie.

**ASSOCIATE**

Wesley A. Wong

Mr. Wong is an investor rights attorney who assists in the development and prosecution of securities class-action cases, derivative actions and opt-out litigation. He has experience working in all stages of litigation, including at trial.

CONTACT

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YEARS OF EXPERIENCE

> 3

PRACTICE AREAS

> Investor Fraud
> Securities

INDUSTRY EXPERIENCE

> General Civil Litigation
> Complex Civil Litigation
> Class Actions
> Financial Services Regulatory Compliance

BAR ADMISSIONS

> California

COURT ADMISSIONS

> U.S. District Court for the Eastern District of California
> U.S. District Court for the Northern District of California

EDUCATION

> University of San Francisco School of Law, J.D., 2016
> San Francisco State University, B.S., cum laude, 2012

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Mr. Wong's practice focuses on securities litigation.

RECENT SUCCESS

> Mr. Wong represented and defended a major rapid transit public transportation system serving the San Francisco Bay Area in a \$75 million breach of contract and implied covenant of good faith/fair dealing case at trial. He successfully tried the case to verdict as a key member of the trial team and obtained a complete defense verdict.

EXPERIENCE

> Litigated a variety of cases at all stages of litigation, including at trial
> Worked in the financial services industry as an analyst prior to law practice
> Prior experience working with banking industry regulators to resolve regulatory compliance matters

ACTIVITIES

> The Risk Management Association, Golden Gate Chapter, Young Professionals Board Member 2017-2018

LEGAL ACTIVITIES

> Asian American Bar Association of the Greater Bay Area

PERSONAL INSIGHT

When he's not practicing law, Wesley enjoys writing, directing and producing short films and music videos. Wesley has worked with electronic dance music and hip hop music artists in the management, production, dealmaking and financing of various projects.

U.K. Legal Team



CO-MANAGING DIRECTOR, HAGENS BERMAN UK LLP

Michael J. Gallagher Jr.

Michael, through his understanding of regulatory and legal issues, serves diverse and global clients seeking to enforce their rights against well-financed corporations.

CONTACT

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michaelg@hbsslaw.com

YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Antitrust & Competition
- > Automotive Litigation
- > Consumer Rights
- > Group Litigation
- > Investor Fraud

INDUSTRY EXPERIENCE

- > Finance
- > Management and Administration

BAR ADMISSIONS

- > Foreign Registered Attorney, England and Wales
- > New York
- > Pennsylvania

COURT ADMISSIONS

- > Foreign Registered Attorney in England and Wales
- > Sixth Circuit Court of Appeals
- > U.S. District Courts for the Eastern, Northern, Southern and Western Districts of New York
- > U.S. District Courts for the Eastern, Middle and Western Districts of Pennsylvania

CURRENT ROLE

- > Co-Managing Director and Partner, Hagens Berman UK LLP
- > Michael's work focuses on competition litigation, group litigation, and consumer protection, as well as building the firm's practice offerings for its global clients.

CAREER HIGHLIGHTS

- > In Re Dealer Management Systems
- > Sullivan v. Barclays (Euribor)
- > In Re Libor-Based Financial Instruments

RECENT SUCCESS

- > Mr. Gallagher supported, now-Senator Elizabeth Warren, and the Congressional Oversight Panel, in reviewing the U.S. Department of the Treasury's use of the Troubled Asset Relief Program's funds by overseeing the Treasury's actions, assessing the impact of spending to stabilize the economy, evaluating market transparency and ensuring effective foreclosure mitigation efforts.

EXPERIENCE

- > Prior to joining Hagens Berman, Michael was a partner at multiple prominent plaintiff law firms, where he represented plaintiffs in multiple international antitrust and consumer protection litigations in various jurisdictions (each case valued in excess of \$500 million) and lead a team of partners and associates litigating those actions.
- > Mr. Gallagher also was responsible for administration and development of United Kingdom and European Union global offices, doing so with a focus on diversity and operational improvements.
- > His litigation work focuses on complex litigation extensively in finance and commodity markets.

PRO BONO

- > Mr. Gallagher provides Pro Bono services to the Institute for Human Identity, one of the oldest LGBTQ affirming therapy sites in the country. He regularly volunteers his service for issues of social justice including immigration rights support, diversity, equity and inclusion.

LEGAL ACTIVITIES

- > Pure Equitas International Consultancy – Board Member and Advisor
- > Member, AAJ Antitrust Subcommittee

CO-MANAGING DIRECTOR**Michael J. Gallagher Jr.****CLERKSHIPS**

- › Sixth Circuit Court of Appeals, Honorable Helene N. White, 2013 - 2014
- › U.S. Securities and Exchange Commission, Law Clerk for the Division of Enforcement - Trial Unit, May 2012 - September 2013) under Chairperson Mary Schapiro
- › Antitrust Division of the U.S. Department of Justice, September 2010 - January 2011

EDUCATION

- › Rutgers University Law School, Camden, J.D., 2011
Lax Scholar and Kaplan Scholar
- › Franklin and Marshall College, B.A. in International Business Relations and Non-Profit Management
- › Additional coursework in finance and management from Wharton School of Business at the University of Pennsylvania, Fox School of Business at Temple University, and Tohoku Gakuin University

PUBLIC SERVICE

- › Trustee, David Adamany Trust, 2016 – Present
- › Board Member, New York Civil Liberties Union, 2015-2018; Investment Committee member, 2016-2018
- › Supporter, Project HOME

RECOGNITION

- › Pennsylvania Governor's Award for Community Service
- › American Civil Liberties Union's Pennsylvania Advocacy Award

NOTABLE CASES

- › In Re Dealer Management Systems Antitrust Litigation
- › Sullivan v. Barclays (Euribor) Commodities Litigation
- › In Re Libor-Based Financial Instruments Antitrust Litigation
- › In re Term Commodities Cotton Futures Litigation
- › Sonterra Capital Master Fund, LTD. V. Barclays Bank
- › In re Aluminum Warehousing Antitrust Litigation
- › United States of America ex rel., Beverly Brown v. Celgene Corporation
- › In re Keurig Green Mountain Coffee Antitrust Litigation
- › In re Lithium Ion Batteries Antitrust Litigation
- › In re Dole Food Co., Inc., Stockholder Litigation
- › In re London Silver Market, Ltd. Antitrust Litigation
- › In re Commodity Exchange, Inc. Gold Futures and Options Trading Litigation
- › Castro v. Sanofi Pasteur, Inc. (re Menactra)
- › In re American Express Anti-Steering Rules Litigation
- › In re Longtop Financial Technologies Limited Securities Litigation
- › In re Crude Oil Commodity Futures Litigation

PERSONAL INSIGHT

Michael's husband is a former Broadway dancer who is now a psychotherapist. In addition to having two left feet, Michael is regularly psychoanalyzed every time he does not put away the dishes. However, because of being married to a psychotherapist, Michael is regularly reminded interpersonal relationships are of utmost importance and prides himself on personal engagement and connection with clients and those he works with. Michael enjoys his daily workouts and meditations, is an aspiring farmer, and is obsessed with all things animals – especially his dog, a Cavalier King Charles Spaniel.

EXHIBIT 12

quinn emanuel trial lawyers
quinn emanuel urquhart & sullivan, llp

**The Wall Street Journal: “A Global Force in Business Litigation”
Law Firm “Most Feared” Globally By Large Businesses**

- 900+ litigators and arbitration practitioners—the largest and most successful litigation and arbitration law firm in the world.
- 29 offices located in 11 countries: New York, London, Los Angeles, Silicon Valley, San Francisco, Chicago, Washington, D.C., Houston, Seattle, Boston, Salt Lake City, Paris, Hong Kong, Tokyo, Mannheim, Hamburg, Munich, Brussels, Sydney, Zurich, Shanghai, Perth, Stuttgart, Austin, Atlanta, Neuilly-La Defense, Miami, Riyadh, and Doha.
- Our global capabilities make coordinated representation in multi-jurisdictional litigation (e.g., competition, patent, product liability, antitrust cases, government investigations and prosecutions) more effective and efficient.
- Most Feared Law Firm in the world— For the 2nd year in a row, a survey of 240 major companies conducted by independent Consulting Group BTI identified us as the firm they least wanted to face as opposing counsel. Ranked on every BTI Fearsome Foursome report BTI has published on the topic.
- We try more major business cases than any other law firm. At least once each year, we are in a trial or an arbitration pursuing or defending against a claim for over \$1 billion in damages.
- Partners have tried over 2,500 trials and arbitrations and won 86% of them.
- Our top international arbitration practitioners in London, Paris, New York, Washington, D.C., Los Angeles, and Hong Kong have collectively conducted arbitrations before all leading arbitral authorities—including the largest ICC arbitration ever. *Global Arbitration Review* consistently ranks us as one of the leading firms for international arbitration in the world, and our arbitration specialists are rated among the world’s best by *Chambers*, *Legal 500*, and *Law360*.
- We have obtained four 10-figure verdicts, seven 9-figure jury verdicts, fifty-one 9-figure settlements, and nineteen 10-figure settlements. No other firm can say that.
- We have won almost \$80 billion in judgments and settlements; \$28 billion in a recent two-year period. No other firm can say that.
- When representing defendants; we have won cases outright where the plaintiffs were seeking billions of dollars. When representing plaintiffs, we have recovered hundreds of millions of dollars in several cases. We bring unmatched ability and credibility to whichever side we are on.
- Because of our formidable reputation as trial lawyers, we get better settlements.

quinn emanuel urquhart & sullivan, llp

Attorney Advertising. Prior results do not guarantee a similar outcome.

- We pride ourselves on our negotiation skills and recognize it is often not in our client's interest to go to trial. Some of our greatest achievements—particularly in the white collar area—you will never hear about because the prosecutors dropped the charges or settled them. We are particularly proud of resolving suits on a business basis without resorting to the courts.
- We have grown without a merger or acquisition of a large group. Our growth has come from recruiting top law students from top law schools and very selective lateral partner hiring. Forty-eight of our partners were managing partners or practice heads at their prior firm. At last count, 221 of our attorneys (or 36%) were law review editors in law school and/or clerked for judges.
- We have the most successful patent litigation practice in the world; nearly 140 of our lawyers also have science or engineering degrees.
- We have litigated cases regarding automated driving, CRISPR gene editing, and other cutting-edge technologies. We have been involved in the largest multi-jurisdiction patent disputes including the “smartphone wars,” where we were the defender of the Android operating system, and the ongoing *Apple v. Qualcomm* litigation. We have the leading patent litigation practice in Germany, the second most important IP jurisdiction in the world, and a specialized ITC practice team in Washington, D.C. Thus, we can offer clients representation in the most important patent dispute venues under one roof.
- The *Global Competition Review* named our antitrust and competition practice among the “25 Global Elite 2021,” and number five in their list of the world's top 10 competition litigation practices.
- We have the preeminent finance industry litigation practice in the world. We have the ability to be adverse to all major money center banks. We have unequaled experience in disputes regarding bankruptcy, restructuring, and complex financial products, such as derivatives, swaps, commodities, futures and options, RMBS, and CDOs. We were named “Banking Group of the Year” by *Law360* four out of the last five years.
- In 17 multi-billion dollar RMBS cases we brought on behalf of FHFA, we recovered approximately \$23 billion for U.S. taxpayers in settlements from major investment banks. We were also appointed co-lead counsel in the credit default swaps antitrust case, which alleged that major Wall Street banks conspired with Markit and ISDA to boycott the exchange trading of CDS. After two years of litigation, we obtained a settlement of more than \$1.86 billion, even though both the DOJ and EC had investigated and failed to bring charges.
- We have one of the top white collar defense practices in the world. Over 25 partners are former Assistant United States Attorneys—two of whom were the United States Attorney in their districts. Sam Williamson is the only former U.S. prosecutor practicing in China (he is a fluent Mandarin speaker). We represent individuals and companies in U.S. and international investigations and cases. The partners in this group regularly conduct internal investigations in every industry. We were named the “Most Impressive Investigations Practice of the Year” by *Global Investigations Review*, the leading legal periodical covering global white-collar investigations, and twice named “White Collar Group of the Year” by *Law360*.
- With former U.S. prosecutors in the U.S. (the most of any firm), Europe, and Asia, clients can be secure in the knowledge that issues are being handled by the same quality of lawyers they are used to dealing with in the U.S.

- Twice voted “Class Action Group of the Year” by *Law360* for successes in antitrust, securities, consumer fraud, and wage and hour class action litigation on both defense and plaintiff sides. In the past three years, defeated more than 20 class actions with prejudice at the pleading stage, and prevailed in more than two dozen others by defeating class certification, obtaining summary judgment, or resolving the case with no monetary payment. We are one of the few firms to have actually tried multiple class actions to verdict.
- Our appellate practice, headed by nationally recognized advocate Kathleen Sullivan, has been recognized as one of the best in the U.S. and enables us to protect our clients’ wins and turn around any losses. We have overturned six 8- and 9-figure verdicts. We have been named to *The National Law Journal’s* “Appellate Hot List” eight out of the last nine years and recognized as “Appellate Group of the Year” by *Law360*.
- Voted “International Law Firm of the Year” by London legal publication, *The Lawyer*.
- Leading UK legal periodical *Legal Business* named us “U.S. Law Firm of the Year” three times.
- *JUVE*, Germany’s most prestigious legal directory, named us both “IP Law Firm of the Year” and “Patent Law Firm of the Year.”
- Both *Corporate Int’l Magazine* and *Global Law Experts* named us “Business Litigation Law Firm of the Year in Japan.” Our Asia practice was also named “Best in IP” at *Asialam’s* Asia-Pacific Dispute Resolution Awards, and our victory for Samsung in smartphone patent litigation against Apple was named “Matter of the Year.”
- *The American Lawyer* twice ranked us among the top six business litigation departments in the U.S. and named us the top IP department in the country.
- Twice named “International Trade Commission Law Firm of the Year” by *Managing IP*.
- Twice named “Product Liability Firm of the Year” by *Chambers USA* and recently awarded “Product Liability Group of the Year” by *Law360*.
- Named “Antitrust Litigation Department of the Year” by *The Recorder*.
- Two-time winner of *Law360’s* “Insurance Practice Group of the Year” award.
- Named one of the eight “Most Innovative Law Firms” by BTI Consulting Group.
- Close relationships with leading Democratic and Republican officials in Washington, D.C. facilitate fair hearings for client positions. Three of our partners have worked in the White House: two for Democrats, one for Republicans.
- Twenty four partners were law school professors — one was the Dean of the Stanford Law School.
- We have a demonstrated record of advancing women. In 2010, Kathleen Sullivan became a name partner, marking the first time a woman held this position at an Am Law 100 law firm. Seventeen women are either office managing partners or practice group chairs.

- We have been recognized as one of the most diverse major firms in the U.S. Five years in a row, *The American Lawyer* has recognized us as one of the “Top Firms for Diversity.” We have also been named one of the top firms for minority attorneys by *Law360*.
- We only do one thing — disputes work — and we are the best at it. We win.

EXHIBIT 13

2020 Antitrust Annual Report

Class Action Filings in Federal Court

Published August 2021



UNIVERSITY OF
SAN FRANCISCO

School of Law



2020 Antitrust Annual Report

Foreword

We are pleased to present the 2020 Antitrust Annual Report produced in partnership with the University of San Francisco Law School and The Huntington National Bank. Key findings include:

- From 2009-2020, a mean number of 126 consolidated complaints were filed per year, with outlier years as low as 72 and as high as 220.
- From 2009-2020, there were Defendant Wins in 109 cases as a result of judgments on the pleadings, summary judgment, judgment as a matter of law, or trial.
- From 2009-2020, most antitrust class actions that reached final approval did so within 5-7 years.
- The mean settlement amount varied by year from \$6 million to \$41 million, and the median amount varied by year from \$2 million to \$11 million.
- The total annual settlements ranged from \$225 million to \$5.3 billion per year.
- The cumulative total of settlements was \$27.6 billion from 2009-2020.

We want to acknowledge several people who helped with the report including Lindsay Tejada and Abby Van Nostran. We would also like to acknowledge Lex Machina as our primary data source.

We hope that you find this information interesting and helpful.

Professor Joshua Davis
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davisj@usfca.edu

Rose Kohles
The Huntington National Bank
rose.kohles@huntington.com



2020 Antitrust Annual Report

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2020 Antitrust Annual Report

2020 Year at a Glance

Federal Antitrust Class Actions

Total #
Consolidated
Filings

220



Cases with Claim
Defendant Win

11



Cases with
Settlements
Reaching Final
Approval

36



Total Settlements

\$3.2B



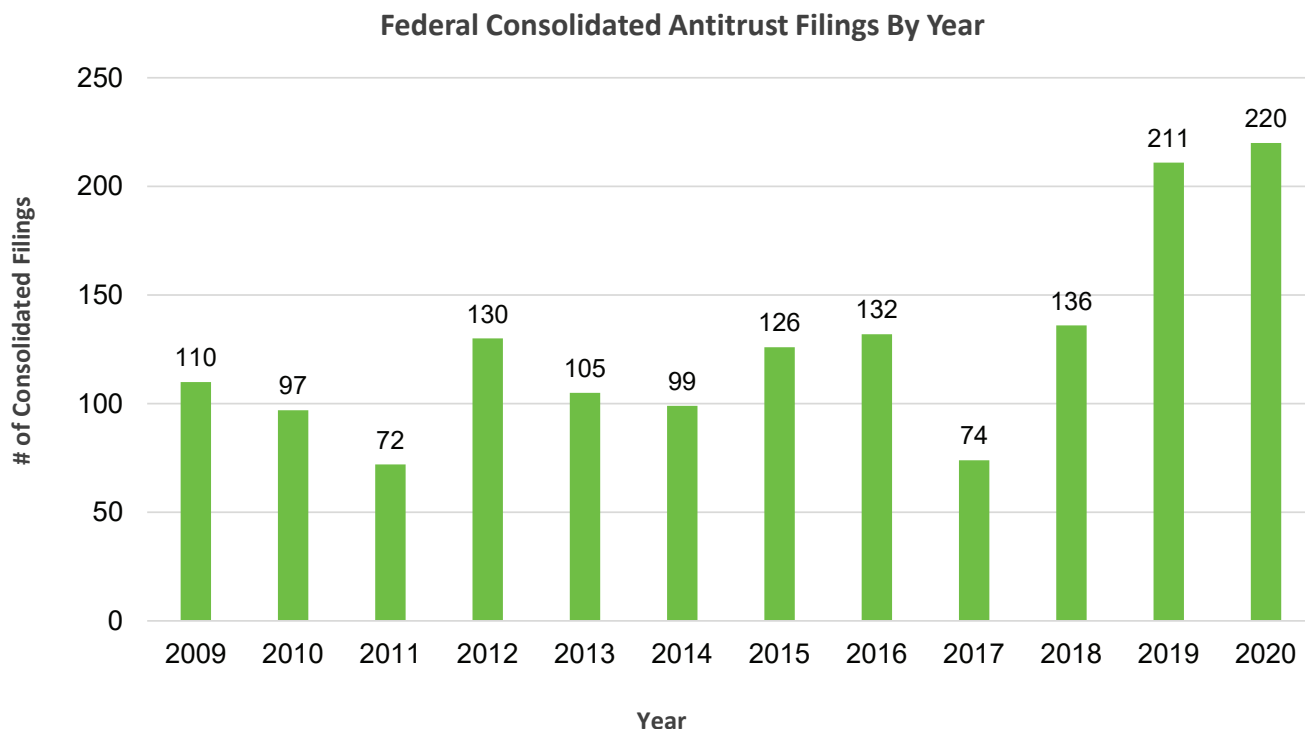
2020 Antitrust Annual Report

Consolidated Filings by Year

The number of consolidated filings generally increased from 2009 through 2020. Filings reached a low point in 2011—72 filings—and increased in 6 of the 9 years since then. During the 12-year period, the 220 filings in 2020 were well above the mean of 126. In contrast, 2011 and 2017—72 and 74 filings, respectively—were below the mean by more than one standard deviation. (A standard deviation is approximately 47 filings.) In 2019 and 2020, filings increased dramatically to 211 and 220 respectively.

Less clear is what these numbers mean. Without 2019 and 2020, the unexplained variation between years was much greater than the increasing trend over the years. The 130 filings in 2012 are similar to the 132 filings in 2016 and the 136 filings in 2018, and different from the 72 filings in 2011 and the 74 filings in 2017. Perhaps these variations from year to year are random. If so, from 2009 through 2018 we see a gradual increase in filings with a great deal of annual variability.

Figure 1: **Federal Antitrust Filings**
2009 - 2020



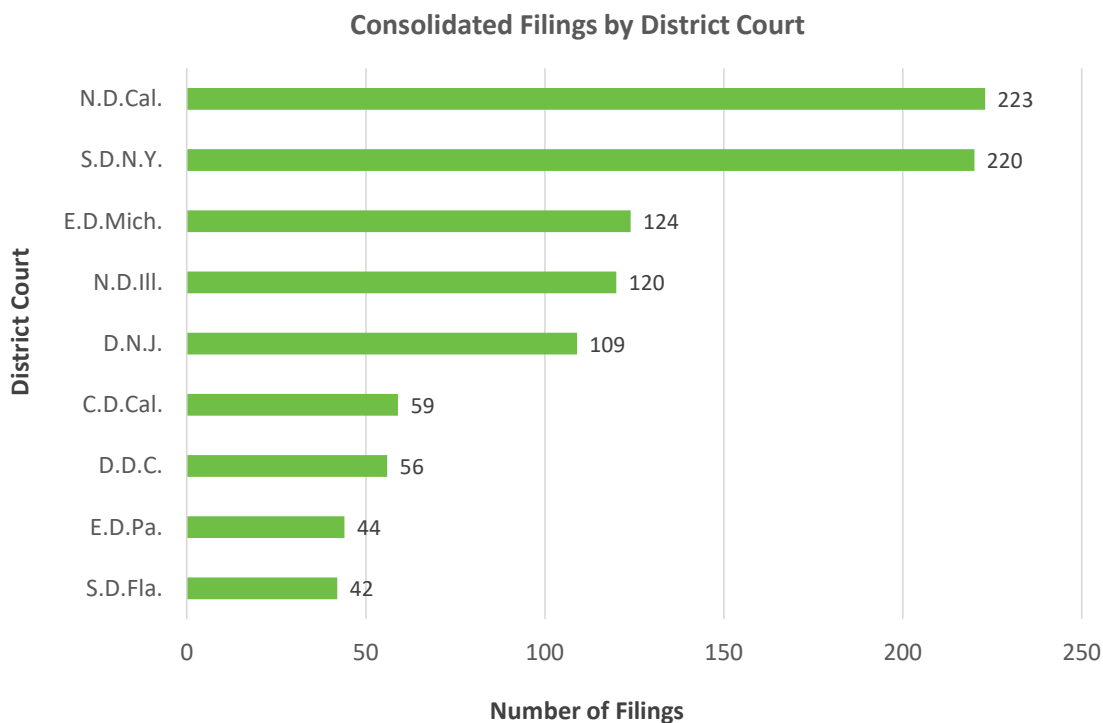
2020 Antitrust Annual Report

Consolidated Filings by District Court

Since 2009, there were approximately 1,500 consolidated antitrust class action filings across all federal district courts in the United States. Of these districts, the Northern District of California (223) and the Southern District of New York (220) stand out as the most frequent forums. Overall, plaintiffs file the most cases in five district courts—add the Eastern District of Michigan, the Northern District of Illinois, and the District of New Jersey to the others listed above.

We may wonder whether the filing behaviors are based on the law in the district and circuit, a desire for judicial expertise based on experience in antitrust law, geography of the defendants, or some combination of the three. The relatively large number of antitrust cases filed in these five courts may be a characteristic of the underlying cases and defendants themselves.

Figure 2: **Federal Antitrust Filings by District Court by Year**
2009 - 2020



2020 Antitrust Annual Report

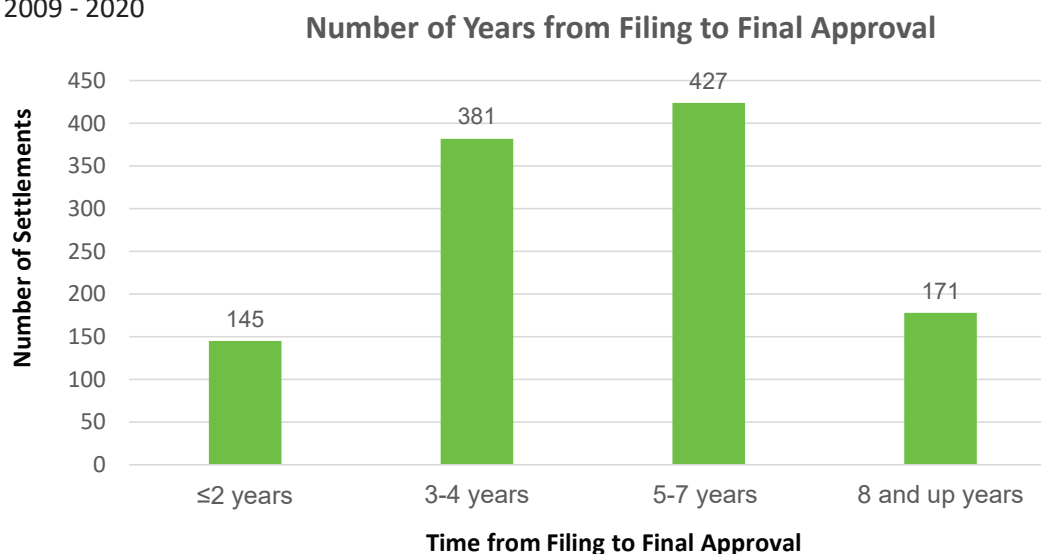
Time from Filing to Final Approval

During the period from 2009-2020, the median time from the filing of the complaint to the order granting final approval of a settlement was 5.1 years. Figure 3 illustrates a general increase in the length of time to reach final approval from 4.5 years in 2009 to 6.3 years in 2020.

Figure 3: **Percentage of Cases Settled by Number of Years from Filing to Final Approval**
2009 - 2020

Percentage of Cases Settled by Number of Years from Filing to Final Approval					
Year	≤2 years	3-4 years	5-7 years	8+ years	Mean Years
2009	15.4%	34.6%	46.2%	3.8%	4.5
2010	17.9%	43.6%	33.3%	5.1%	4.3
2011	9.9%	51.6%	33.0%	5.5%	4.2
2012	13.4%	41.8%	37.3%	7.5%	4.7
2013	8.2%	18.4%	51.0%	22.4%	5.5
2014	6.0%	11.9%	50.7%	31.3%	7.4
2015	16.7%	26.9%	26.9%	29.6%	5.1
2016	30.5%	34.4%	16.9%	18.2%	4.5
2017	6.5%	58.7%	26.1%	8.7%	4.4
2018	11.4%	24.4%	60.2%	4.0%	4.9
2019	1.9%	42.1%	48.6%	7.5%	5.5
2020	10.1%	26.4%	34.5%	29.1%	6.3
All Years	12.9%	33.9%	38.0%	15.2%	5.1

Figure 4: **Number of Years from Filing to Final Approval for Federal Cases**
2009 - 2020



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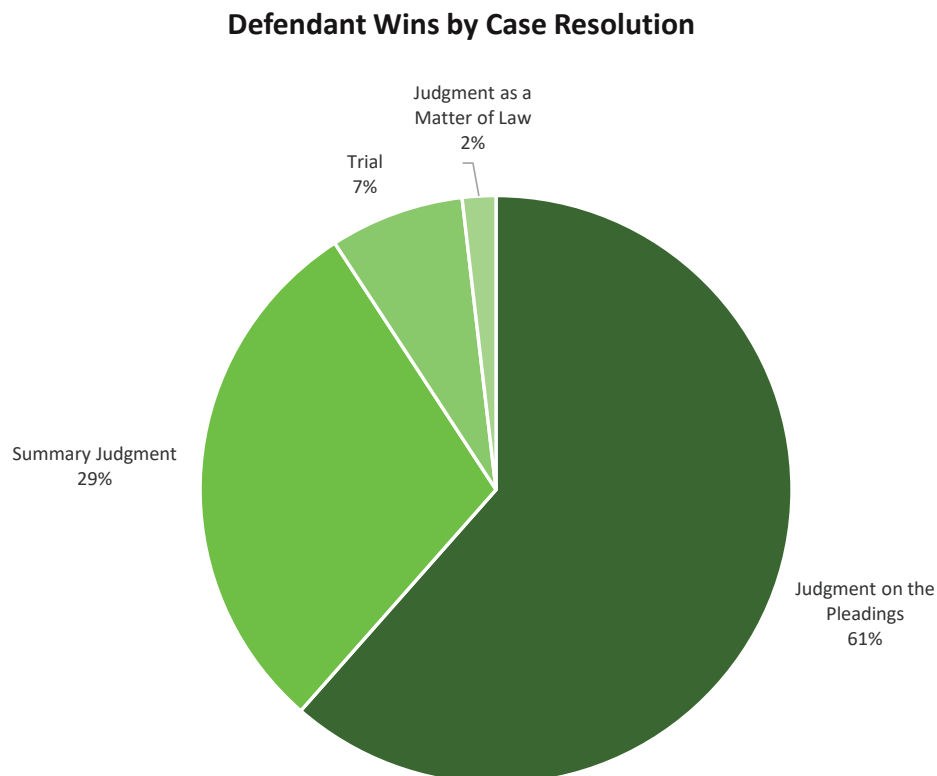
Defendant Wins by Case Resolution

Of the 109 cases won by defendants between 2009-2020, nearly two-thirds were based upon judgment on the pleadings. Over one quarter of them were won at summary judgment.

Figure 5: **Defendant Wins by Case Resolution**
2009 - 2020

Defendant Wins by Case Resolution		
Case Resolution	# of Cases	% of Cases
Judgment on the Pleadings	67	61%
Summary Judgment	32	29%
Trial	8	7%
Judgment as a Matter of Law	2	2%
Total	109	100%

Figure 6: **Percentage of Defendant Wins by Case Resolution**
2009 - 2020



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Defendant Wins by Length of Case Resolution

Comparing figures 5, 6, and 7, judgment on the pleadings was the quickest resolution in favor of defendants, and the most frequently awarded by the courts. Judgments on the pleadings were ordered on average 1.6 years after filing. Summary judgment was ordered on average 4.3 years after filing, and was also a frequent way for a defendant to win. Judgment as a matter of law during trial was ordered on average 3.7 years after filing. As expected, a resolution by trial was the most time consuming, lasting on average for 8 years between filing and a court's order to resolve a case. Note a peculiarity: cases in which defendants win on summary judgment ultimately take longer to resolve on average (8.8 years) than cases in which defendants win at trial (8.5 years).

Figure 7: **Defendant Wins by Length of Case Resolution**
2009 - 2020



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Top Defense Counsel in Defendant Wins

Rank	Firm	# of Cases 2009-2020
1	Morgan Lewis & Bockius LLP	14
2	Gibson, Dunn & Crutcher LLP	12
3	Kirkland & Ellis LLP	9
4	Sidley Austin LLP	9
5	Baker Botts LLP	8
6	O'Melveny & Myers LLP	8
7	Winston & Strawn LLP	8
8	Skadden, Arps, Slate, Meagher & Flom LLP	8
9	Boies, Schiller & Flexner LLP	7
10	Latham & Watkins LLP	7
11	Locke Lord LLP	7
12	Paul, Weiss, Rifkind, Wharton & Garrison LLP	7
13	Mayer Brown LLP	7
14	Wilmer Cutler Pickering Hale and Door LLP	7
15	Bingham McCutchen LLP	6
16	Faegre Drinker Biddle & Reath LLP	6
17	Hogan Lovells US LLP	6
18	Sullivan & Cromwell LLP	6
19	White & Case LLP	6

Note: Cases with more than one law firm as listed on complaint are attributed to each firm.

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Total Settlement Amount by Year

From the data analyzed, 2016 and 2018 stand out for the total settlement amount by year. These years are also notable for the number of settlements reaching final approval. In 2016, 156 settlements reached final approval, while in 2018, 176 settlements did the same.

High dollar settlements in 2016 include:

- In re: Credit Default Swaps Antitrust Litigation: \$1.8B
- In re: Urethane Antitrust Litigation: \$835M
- In re: Automotive Parts Antitrust Litigation: \$224M for end payors class (first round of settlements)

High dollar settlements in 2018 include:

- In re: Foreign Exchange Benchmark Rates Antitrust Litigation: \$2.3B
- In re: LIBOR Based Financial Instruments Antitrust Litigation: \$590M
- In re: ISDAfix Antitrust Litigation: \$504M

After a record year in 2018 of \$5.3B, the settlements in 2019 declined significantly to only \$999M, then increased to \$3.7B in 2020.

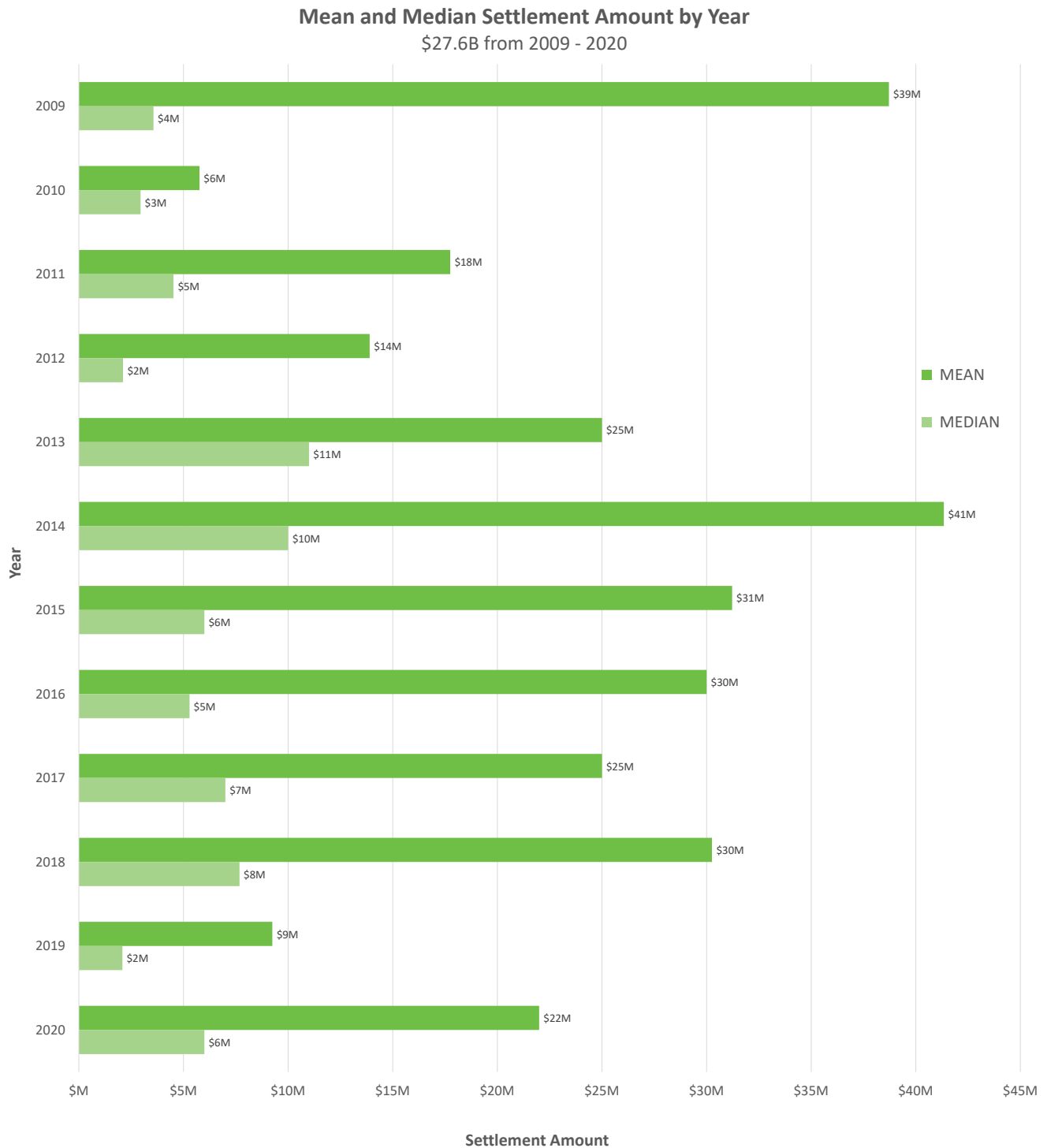
Figure 8: **Total Settlement Amount by Year**
2009 - 2020



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Average Settlement Amount by Year

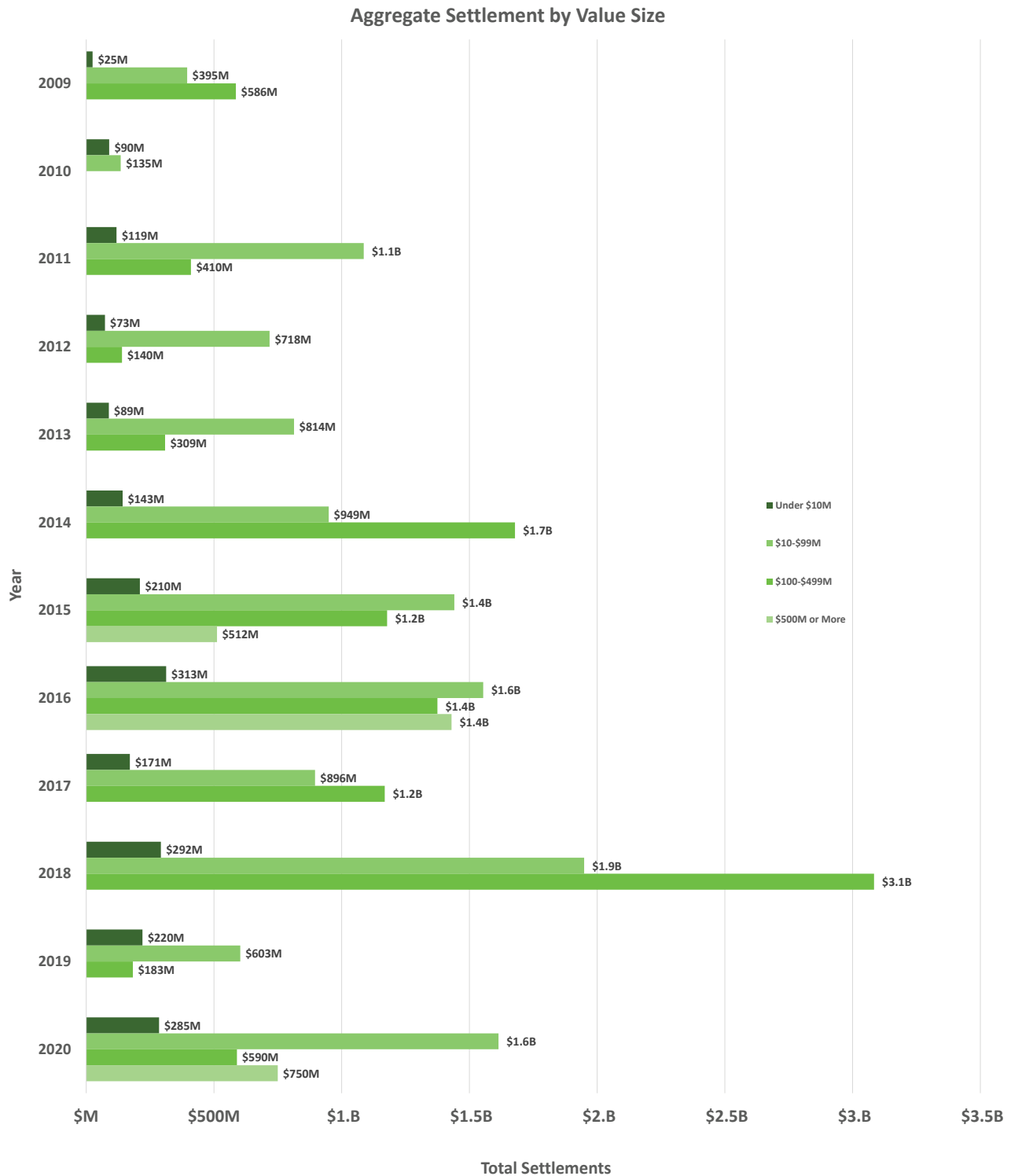
Figure 9: Mean and Median Federal Case Settlement Amount by Year
2009 - 2020



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Aggregate Settlement Value by Size

Figure 10: Aggregate Federal Settlement Value by Size
2009 - 2020



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Settlements by Industry

Figure 11: Aggregate Settlement Amount by Industry
2009 - 2020

Industry	Aggregate Settlement Amount	# of Settlements	Average Settlement Amount
Financial Services	\$8,194,819,307	121	\$67,725,779
Pharmaceuticals	\$4,099,544,378	79	\$51,892,967
Electronics Manufacturing	\$3,288,889,566	144	\$22,839,511
Automotive Manufacturing	\$2,405,903,520	405	\$5,940,503
Chemical Manufacturing	\$1,837,589,300	56	\$32,814,095
Airlines	\$1,493,809,442	43	\$34,739,754
Agriculture	\$993,012,500	39	\$25,461,859
Entertainment	\$749,566,763	10	\$74,956,676
Publishing	\$584,419,000	9	\$64,935,444
Logistics and Freight	\$575,515,228	32	\$17,984,851
Media	\$474,000,000	5	\$94,800,000
Manufacturing - Wood Products	\$376,400,000	3	\$125,466,667
Healthcare	\$317,274,187	49	\$6,474,983
Telecommunications	\$270,258,618	2	\$135,129,309
Energy	\$268,412,500	22	\$12,200,568
Manufacturing - Metals	\$236,558,749	13	\$18,196,827
Athletics	\$213,414,445	2	\$106,707,223
Manufacturing / Construction	\$209,450,000	8	\$26,181,250
Insurance	\$169,465,769	5	\$33,893,154
Food Processing	\$155,295,500	13	\$11,945,808
Manufacturer - Medical Supplies	\$121,000,000	6	\$20,166,667
All Others	\$542,725,193	58	\$9,357,331

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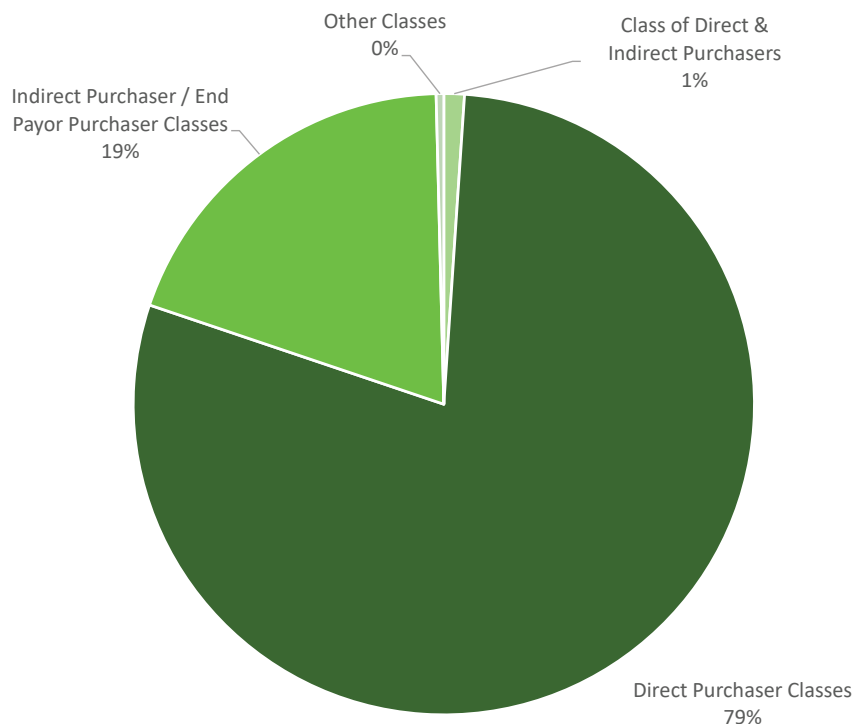
Recoveries by Class Type

The number of settlements and the amount of the class recoveries are strikingly similar for direct purchaser class actions than for indirect purchaser class actions; however, from 2009 through 2020, direct purchaser actions recovered far more in total than indirect purchaser actions—\$22.2 billion and \$5.4 billion, respectively. That is because the direct purchaser settlements averaged slightly over \$30 million while the indirect purchaser settlements averaged approximately \$14 million. The ultimate result is that direct purchaser settlements recovered just over four times as much as indirect purchaser actions.

Figure 12: **Recoveries by Class Type**
2009 - 2020

Recoveries by Class Type	# of Settlements	% of Settlements	Aggregate Amount	% of Amount
Direct Purchaser Classes	582	51.8%	\$21,816,919	79%
Indirect Purchaser / End Payor Purchaser Classes	531	47.2%	\$5,358,029,278	19%
Class of Direct & Indirect Purchasers	5	0.4%	\$294,025,769	1%
Other Classes	6	0.5%	\$109,100,000	0%
Total	1,124	100%	\$27,577,323,966	100%

Recoveries by Class Type



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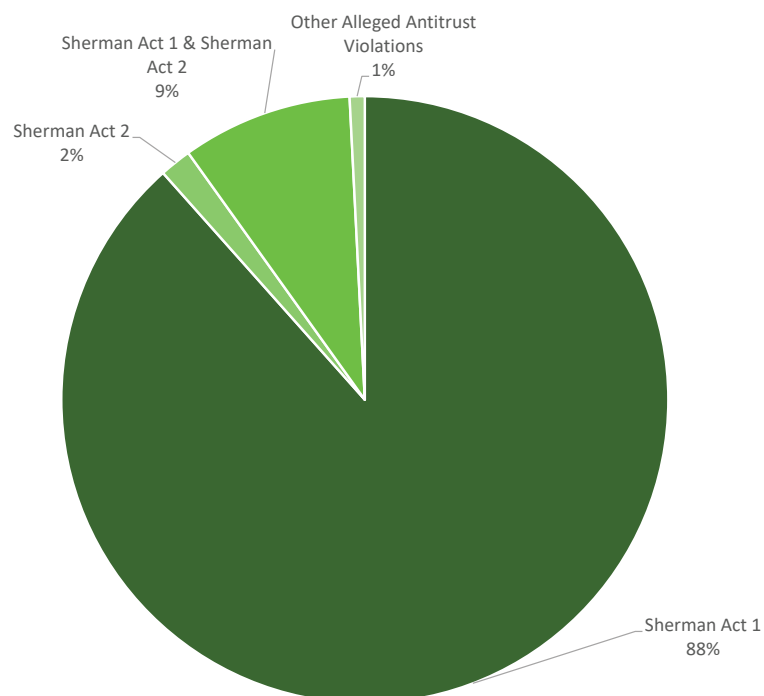
Settlements by Alleged Antitrust Violation

The vast majority of antitrust recoveries in federal court—almost 90%—were in cases brought only under Section 1 of the Sherman Act. These entail allegations of a contract, combination or conspiracy—sometimes called concerted action—and would include traditional horizontal agreements to fix prices. Far fewer recoveries occurred in actions—slightly over 2%—based solely on Section 2 of the Sherman Act, which does not require concerted action and would include illegal monopolization. Approximately 9% of recoveries came in actions pursuing claims under both Section 1 and Section 2. The recoveries were more balanced when measured not by number of settlements but by amounts recovered. Section 1 claims accounted for over \$20 billion of recoveries—73%—Section 2 claims for slightly over \$1 billion—4%—and cases involving claims under Section 1 and Section 2 for \$6 billion—21%.

Figure 13: Recoveries by Class Type
2009 - 2020

Alleged Antitrust Violation	# of Settlements	% of Settlements	Aggregate Amount	% of Amount
Sherman Act 1	993	88%	\$20,241,922.717	73%
Sherman Act 2	19	2%	\$1,075,200,000	4%
Sherman Act 1 & Sherman Act 2	102	9%	\$5,925,126,249	21%
Other Alleged Antitrust Violations	9	1%	\$335,075,000	1%
Total	1,124	100%	\$27,577,323,966	100%

Settlements by Alleged Antitrust Violation



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Cases with Settlements Reaching Final Approval in 2020

Rank	Case Name	Co-Lead Counsel	Aggregate Settlement Amount in 2020
1	Namenda Antitrust Litigation - Direct Purchaser	Berger Montague PC Garwin Gerstein & Fisher LLP	\$750,000,000
2	GSE Bonds Antitrust Litigation - Indirect Purchasers	Lowey Dannenberg PC Scott + Scott Attorneys at Law LLP	\$386,500,000
3	Capacitors Antitrust Litigation - Direct Purchasers	Joseph Saveri Law Firm Inc	\$340,050,000
4	Fresh Dairy Products Antitrust Litigation - Direct Purchasers	Barrett Law Group PA NastLaw LLC Roberts Law Firm	\$220,000,000
5	LIBOR-Based Financial Instruments Antitrust Litigation - Exchange Based Plaintiffs	Kirby McInerney LLP Lovell Stewart Halebian Jacobson LLP	\$187,000,000
6	Automotive Parts Antitrust Litigation - End Payors	Cotchett Pitre & McCarthy LLP Robins Kaplan LLP Susman Godfrey LLP	\$183,958,000
7	Optical Disk Drive Products Antitrust Litigation - Indirect Purchasers	Hagens Berman Sobol Shapiro LLP	\$180,000,000
8	Loestrin 24 FE Antitrust Litigation - Direct Purchasers	Berger Montague PC Faruqi & Faruqi LLP Hagens Berman Sobol Shapiro LLP Kessler Topaz Meltzer & Check LLP	\$120,000,000
9	Lovenox Blood Clot Drug Antitrust Class Action - Indirect Purchasers	Lieff Cabraser Heimann & Bernstein LLP	\$120,000,000
10	LIBOR-Based Financial Instruments Antitrust Litigation - Bondholder Plaintiffs	Morris and Morris LLC Counselors At Law Weinstein Kitchenoff & Asher LLC	\$68,625,000

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Cases with Settlements Reaching Final Approval in 2020 (Continued)

Rank	Case Name	Co-Lead Counsel	Aggregate Settlement Amount in 2020
11	Vista Healthplan, Inc. v. Cephalon, Inc. et al (Provigil) - Indirect Purchasers	Criden & Love PA Kessler Topaz Meltzer & Check LLP Spector Roseman & Kodroff PC	\$65,877,600
12	Loestrin 24 FE Antitrust Litigation - Indirect Purchasers	Cohen Milstein Sellers & Toll PLLC Hilliard & Shadowen LLP Miller Law LLC Motley Rice LLC	\$63,500,000
13	Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation - Direct Purchasers	Hagens Berman Sobol Shapiro LLP	\$51,250,000
14	Resistors Antitrust Litigation - Direct Purchasers	Cohen Milstein Sellers and Toll PLLC Hagens Berman Sobol Shapiro LLP	\$50,250,00
15	Railway Industry Employee No-Poach Antitrust Litigation - Direct Plaintiffs	Fine Kaplan and Black RPC Lieff Cabraser Heimann & Bernstein LLP	\$48,950,000
16	Automotive Parts Antitrust Litigation - Direct Purchaser	Freed Kanner London & Millen LLC Kohn Swift & Graf PC Preti Flaherty Beliveau & Pachios LLP Spector Roseman & Kodroff PC	\$47,958,941
17	1-800 Contacts Antitrust Litigation - Direct Purchasers	Boies Schiller Flexner LLP Robbins Geller Rudman & Dowd LLP	\$40,000,000
18	Carlin v. Dairy America (Milk Powder)	Cohen Milstein Sellers & Toll PC Keller Rohrback	\$40,000,000
19	Thalomid & Revlimid Antitrust Litigation - Indirect Purchasers	Block & Leviton LLP Hach Rose Schirripa & Cheverie LLP Hausfeld LLP	\$34,000,000
20	Mushroom Litigation - Direct Purchaser	Garwin Gerstein & Fisher LLP	\$33,700,000

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Cases with Settlements Reaching Final Approval in 2020 (Continued)

Rank	Case Name	Co-Lead Counsel	Aggregate Settlement Amount in 2020
21	Resistors Antitrust Litigation - Indirect Purchasers	Cotchett Pitre & McCarthy LLP	\$33,400,000
22	The Shane Group, Inc. et al v. Blue Cross Blue Shield of Michigan - Direct Purchasers	Cohen Millstein Sellers & Toll PLLC Gustafson Gluek PLLC The Miller Law Firm PC Wolf Haldenstein Adler Freeman & Herz LLC	\$29,990,000
23	Contant et al v. Bank Of America Corporation et al - Indirect Purchasers	Berger Montague PC	\$23,630,000
24	LIBOR-Based Financial Instruments Antitrust Litigation - Indirect OTC Plaintiffs	Hagens Berman Sobol Shapiro LLP Lite DePalma Greenberg LLC	\$21,775,000
25	FWK Holdings LLC v. Shire PLC et al (Intuiv) - Direct Purchasers	Hagens Berman Sobol Shapiro LLP	\$19,900,000
26	Natural Gas Wisconsin Antitrust Settlement - Indirect Purchasers	Kohner Mann & Kailas SC Perkins Coie LLP Polsinelli PC	\$15,000,000
27	Broiler Chicken Antitrust Litigation - Direct Purchasers	Lockridge Grindal Nauen PLLP Pearson Simon & Warshaw LLP	\$13,350,000
28	Disposable Contact Lens Antitrust Litigation - End Payors	Hausfeld LLP Robins Kaplan LLP Scott + Scott Attorneys at Law LLP	\$13,000,000
29	Pre-Filled Propane Tank Antitrust Litigation - Direct Purchasers	Berger Montague PC Cohen Milstein Sellers & Toll PLLC Susman Godfrey	\$12,562,500
30	Royal Mile Company, Inc. et al v. UPMC et al - Direct Purchasers	Boies Schiller & Flexner LLP Del Sole Cavanaugh Stroyd LLC Scott M. Hare Esquire Stone Law Firm LLC Stone & Magnanini LLP	\$7,500,000

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Cases with Settlements Reaching Final Approval in 2020 (Continued)

Rank	Case Name	Co-Lead Counsel	Aggregate Settlement Amount in 2020
31	County of Monmouth, New Jersey v. Florida Cancer Specialists, P.L. et al - Direct Purchasers	Robins Kaplan LLP	\$7,187,500
32	LIBOR Based Financial Instruments Antitrust Litigation - Lender Class	Pomerantz LLP	\$4,000,000
33	Kjessler v. Zaappaaz, Inc. et al - Direct Purchasers	Burns Charest LLP	\$3,555,000
34	McCormick & Company, Inc., Pepper Products Marketing and Sales Practices Litigation - End Payors	Fegan Scott LLC KamberLaw LLC	\$2,500,00
35	Aftermarket Automotive Sheet Metal Parts Litigation - Indirect Purchasers	Barnow and Associates PC Cozen O'Connor Howard Law Firm Karon LLC Roberts Law Firm, P.A.	\$50,000
36	Zetia (Ezetimibe) Antitrust Litigation - Direct Purchasers	Hagens Berman Sobol Shapiro LLP	non-monetary



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Top 50 Cases with Settlements Reaching Final Approval 2009-2020

Rank	Case Name	Co-Lead Counsel	Aggregate Settlement Amount
1	Foreign Exchange Benchmark Rates Antitrust Litigation - Direct Purchasers	Hausfeld LLP Scott + Scott Attorneys at Law LLP	\$2,310,275,000
2	Credit Default Swaps Antitrust Litigation - Direct Purchasers	Pearson Simon & Warshaw LLP Quinn Emanuel Urquhart & Sullivan LLP	\$1,864,650,000
3	Air Cargo Shipping Services Antitrust Litigation - Direct Purchasers	Hausfeld LLP Kaplan Fox & Kilsheimer LLP Levin Sedran & Berman Robins Kaplan LLP	\$1,235,907,442
4	Automotive Parts End Payors	Cotchett Pitre & McCarthy LLP Robins Kaplan LLP Susman Godfrey LLP	\$1,220,850,658
5	TFT-LCD (Flat Panel) Antitrust Litigation - Indirect Purchasers	Alioto Law Firm Zelle LLP	\$1,082,055,647
6	Urethane Antitrust Litigation - Direct Purchasers	Cohen Milstein Sellers & Toll PLLC Fine Kaplan and Black RPC	\$919,000,000
7	Namenda Direct Purchaser Antitrust Litigation - Direct Purchasers	Berger Montague PC Garwin Gerstein & Fisher LLP	\$750,000,000
8	Klein et al v. Bain Capital Partners, LLC et al (Leveraged Buyouts) - Direct Purchasers	Robbins Geller Rudman & Dowd LLP Robins Kaplan LLP Scott + Scott Attorneys at Law LLP	\$590,500,000
9	LIBOR Based Financial Instruments Antitrust Litigation (MDL 2262) - OTC Class	Hausfeld LLP Susman Godfrey LLP	\$590,000,000
10	Electronic Books Antitrust Litigation - Direct Purchasers	Hagens Berman Sobol Shapiro LLP Cohen Milstein Sellers & Toll PLLC	\$566,119,000

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Top 50 Cases with Settlements Reaching Final Approval 2009-2020 (Continued)

Rank	Case Name	Co-Lead Counsel	Aggregate Settlement Amount
11	Automotive Parts Antitrust Litigation - Direct Purchaser Plaintiffs	Freed Kanner London & Millen LLC Kohn Swift & Graf PC Preti Flaherty Beliveau & Pachios LLP Spector Roseman & Kodroff PC	\$531,454,335
12	King Drug Company of Florence, Inc vs. Cephalon, Inc., et al (Provigil) - Direct Purchasers	Garwin Gerstein & Fisher LLP	\$512,000,000
13	ISDAfix Antitrust Litigation - Direct Purchasers	Quinn Emanuel Urquhart & Sullivan LLP Robbins Geller Rudman & Dowd LLP Scott + Scott Attorneys at Law LLP	\$504,500,000
14	Sullivan v. Barclays PLC et al (Euribor) - Direct Purchasers	Lovell Stewart Halebian & Jacobson LLP Lowey Dannenberg PC	\$491,500,000
15	Capacitors Antitrust Litigation - Direct Purchasers	Joseph Saveri Law Firm Inc	\$489,090,000
16	TFT-LCD (Flat Panel) Antitrust Litigation - Direct Purchasers	Lieff Cabraser Heimann & Bernstein LLP Pearson Simon & Warshaw	\$473,022,242
17	High-Tech Employee Antitrust Litigation - Direct Purchasers	Berger Montague PC Grant & Eisenhofer PA Joseph Saveri Law Firm Inc Lieff Cabraser Heimann & Bernstein LLP	\$435,000,000
18	Polyurethane Foam Antitrust Litigation - Direct Purchasers	Boies Schiller Flexner LLP Quinn Emanuel Urquhart & Sullivan LLP	\$432,300,000
19	Automotive Parts Antitrust Litigation - Dealership Plaintiffs	Barrett Law Group PA Cuneo Gilbert & LaDuca LLP Larson King LLP	\$402,361,277
20	GSE Bonds Antitrust Litigation - Indirect Purchasers	Lowey Dannenberg Scott + Scott Attorneys at Law LLP	\$386,500,000

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Top 50 Cases with Settlements Reaching Final Approval 2009-2020 (Continued)

Rank	Case Name	Co-Lead Counsel	Aggregate Settlement Amount
21	Currency Conversion Fee Antitrust Litigation	Berger Montague PC Hulett Harper Stewart Robbins Geller Rudman & Dowd LLP	\$385,500,000
22	Kleen Products LLC et al v. International Paper et al - Direct Purchasers	Freed Kanner London & Millen LLC MoginRubin LLP	\$376,400,000
23	Precision Associates, Inc et al v. Panalpina World Transport (Freight Forwarders) - Direct Purchasers	Cotchett Pitre & McCarthy LLP Gustafson Gluek PLLC Lockridge Grindal Nauen PLLP Lovell Stewart Halebian & Jacobson LLP	\$344,315,228
24	Laydon v Mizuho Bank, Ltd. Et al (Euroyen) - Direct Purchasers	Berman Tabacco Lovell Stewart Halebian & Jacobson LLP Lowey Dannenberg	\$307,000,000
25	Southeastern Milk Antitrust Litigation - Direct Purchasers	Baker Hostetler Brewer & Terry PC	\$303,600,000
26	Dynamic Random Access Memory - Indirect Purchasers	Cooper & Kirkham Gustafson Gluek PLLC MoginRubin LLP Straus & Boies	\$287,650,000
27	Tricor Direct Purchaser Antitrust Litigation	Berger Montague PC Garwin Gerstein & Fisher LLP Kaplan Fox & Kilsheimer LLP Odom & Des Roches Rosenthal Monhait & Goddess The Smith Foote Law Firm	\$250,000,000
28	Pharmaceutical Industry Average Wholesale Price Litigation (MDL 1456) - Indirect Purchasers	Hagens Berman Sobol Shapiro LLP Hoffman & Edelson LLC Spector Roseman & Kodroff PC Wexler Wallace LLP	\$247,000,000
29	Dial Corporation, et al v. News Corporation et al - Direct Purchasers	Kellogg Hansen Todd Figel & Frederick PLLC Susman Godfrey LLP	\$244,000,000
30	Municipal Derivatives Antitrust Litigation (MDL 1950) - Direct Purchasers	Boies Schiller Flexner LLP Hausfeld LLP Susman Godfrey LLP	\$223,514,307

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Top 50 Cases with Settlements Reaching Final Approval 2009-2020 (Continued)

Rank	Case Name	Co-Lead Counsel	Aggregate Settlement Amount
31	First Impressions Salon, Inc. v. National Milk Producers Federation et al - Direct Purchasers	Barrett Law Group PA NastLaw LLC Roberts Law Firm	\$220,000,000
32	Cathode Ray Tube (MDL 1917) - Direct Purchasers	Saveri & Saveri	\$212,200,000
33	National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation - Direct Purchasers	Hagens Berman Sobol Shapiro LLP Pearson Simon & Warshaw LLP	\$208,664,445
34	Optical Disk Drive Products Antitrust Litigation - Indirect Purchasers	Hagens Berman Sobol Shapiro LLP	\$205,000,000
35	Steel Antitrust Litigation - Direct Purchasers	Fine Kaplan and Black RPC Kellogg Hansen Todd Figel & Frederick PLLC	\$193,899,999
36	Domestic Drywall Antitrust Litigation - Direct Purchasers	Berger Montague PC Cohen Milstein Sellers & Toll PLLC Spector Roseman & Kodroff PC	\$192,500,000
37	Neurontin Antitrust Litigation (MDL 1479) - Direct Purchasers	Garwin Gerstein & Fisher LLP Kaplan Fox & Kilsheimer LLP	\$190,000,000
38	Libor-Based Financial Instruments Antitrust Litigation - Exchange Based Plaintiffs	Kirby McInerney LLP Lovell Stewart Halebian Jacobson LLP	\$187,000,000
39	Blessing v. Sirius XM Radio Inc. - Direct Purchasers	Cook Hall & Lampros LLP Grant & Eisenhofer PA Milberg LLP	\$180,000,000
40	Marchese v. Cablevision Systems Corporation et al - Direct Purchasers	Taus Cebulash & Landau LLP	\$179,093,858

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Top 50 Cases with Settlements Reaching Final Approval 2009-2020 (Continued)

Rank	Case Name	Co-Lead Counsel	Aggregate Settlement Amount
41	Animation Workers Antitrust Litigation	Cohen Milstein Sellers & Toll PLLC Hagens Berman Sobol Shapiro LLP Susman Godfrey LLP	\$168,950,000
42	Lidoderm Antitrust Litigation - Direct Purchasers	Faruqi & Faruqi LLP Garwin Gerstein & Fisher LLP Hagens Berman Sobol Shapiro LLP	\$166,000,000
43	Haley Paint Company, et al v. Kronos Worldwide, Inc. (Titanium Dioxide) - Direct Purchasers	Cera LLP Joseph Saveri Law Firm Inc Lieff Cabraser Heimann & Bernstein LLP Shapiro Sher Guinot & Sandler	\$163,500,000
44	Polyurethane Foam Antitrust Litigation - Indirect Purchasers	Miller Law LLC	\$151,250,000
45	Flonase Antitrust Litigation - Direct Purchasers	Hagens Berman Sobol Shapiro LLP Kessler Topaz Meltzer & Check LLP	\$150,000,000
46	Transpacific Passenger Air Transportation Antitrust Litigation - Direct and Indirect Purchasers	Cotchett Pitre & McCarthy LLP Hausfeld LLP	\$147,902,000
47	Aggrenox Antitrust Litigation (MDL 2516) - Direct Purchasers	Garwin Gerstein & Fisher LLP	\$146,000,000
48	Lithium Ion Batteries Antitrust Litigation - Direct Purchasers	Berman Tabacco Pearson Simon & Warshaw LLP Saveri & Saveri	\$139,300,000
49	Processed Egg Products Antitrust Litigation - Direct Purchasers	Bernstein Liebhard Hausfeld LLP Lite DePalma Greenberg Susman Godfrey LLP Weinstein Kitchenoff & Asher LLC	\$136,425,000
50	Universal Delaware, Inc. v. Ceridian Corporation et al - Direct Purchasers	Berger Montague PC Lieff Cabraser Heimann & Bernstein LLP Quinn Emanuel Urquhart & Sullivan LLP	\$130,000,000

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Class Recovery by Settlement Size

This report analyzes class recoveries by dividing settlements by a category, with the smallest settlements included in a single category of recoveries under \$10 million and the largest settlements in a category of \$1 billion or more.

Generally speaking, the larger the class settlement recovery by category, the higher the median percentage the class retained, the lower the median percentage awarded in attorney's fees, and the lower the median percentage paid in expenses. As shown in Figure 14, for recoveries under \$10 million, the median percentage the class received was 61% and the median fees and costs awarded were 30% and 9%, respectively. In contrast, for settlement recoveries greater than or equal to \$1 billion the median class recovery was 85%, the median fee award 14%, and the median expenses 1%.

While the median class recovery on the whole increased incrementally as a percentage of the class settlement, and the median expenses incrementally decreased, the awards of attorney's fees varied less. The median award of attorney's fees remained largely around 30% for recoveries up to \$249 million. Between \$250 - \$999 million, attorneys' fees were 25 to 26%. The median fee award decreased significantly—again, to 14%—only for recoveries greater than or equal to \$1 billion.

Looking at the data as a whole, Figure 15 illustrates the median class recovery was 67% of the settlement amount, the median award of attorney's fees was 30%, and the median expenses were 3%. When we move from the median to totals, we see that plaintiff classes received 75% of the total settlement recoveries between 2009 and 2020, attorney's fees awards were 23%, and expenses were 2%.

Many of these numbers would be expected. For example, as the settlement recoveries increase in size, the percentage allocated in expenses decreases. That likely reflects economies of scale, ones that have generally been recognized by commentators.

The median numbers in this Report, however, reveal that typical attorneys' fees in antitrust class actions is actually 25 to 30%. They also indicate that 30% is typical unless the recovery is greater than \$100 million. Further, they suggest that so-called "mega-funds"—in which attorneys receive a significantly smaller percentage fee award when there is a really large class recovery—arise only when there is a settlement in excess of \$1 billion, if at all. To confirm this last point, an econometric analysis would be helpful.

This analysis largely involves medians. It does so because median are informative about typical cases. It protects against weighing larger settlements more heavily than smaller settlements in assessing patterns. Note, for example, that we get different results when we analyze the median fees and expenses for all of the settlements than when we consider the total percentages allocated to fees and expenses. Yet these results are perfectly consistent. As for the typical antitrust class action from 2009 through 2020, the court awarded 30% of the class recovery in fees and 3% in expenses, and 67% of the recovery was available to class members. Medians help to analyze a typical case, weighing large and small cases equally.

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Class Recovery by Settlement Size (continued)

In contrast, an analysis of overall percentages as illustrated in Figure 16, weighs cases with larger recoveries more heavily than cases with smaller recoveries. But that approach can be valuable too. The overall amounts and percentages can be particularly instructive if we want to assess the benefits and efficiency of private antitrust enforcement. In that case, it is useful to know that the total recovery over 12 years was \$28.1 billion, that lawyers received 23% of this amount—about \$6.5 billion—that expenses totaled 2%—about \$562 million—and that the plaintiff classes had available 75% of the total settlements—about \$21 billion.

Figure 14: **Class Recovery by Settlement Size - Median**
2009 - 2020

Settlement Amount	Class Recovery	Attys Fees	Expenses	Total
\$1B+	85%	14%	1%	100%
\$500-\$999M	73%	26%	1%	100%
\$250-\$499M	74%	25%	1%	100%
\$100-\$249M	68%	30%	2%	100%
\$50-\$99M	67%	30%	3%	100%
\$10-\$49M	65%	31%	4%	100%
<\$10M	61%	30%	9%	100%
All Settlements	67%	30%	3%	100%

2020 Antitrust Annual Report

Class Recovery by Settlement Size (continued)

Figure 15: **Class Recovery by Settlement Size - Median**
2009 - 2020

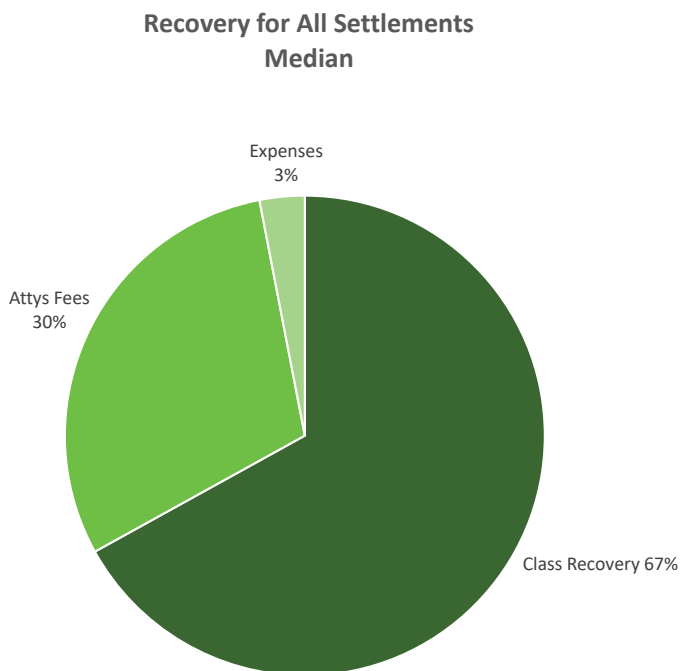
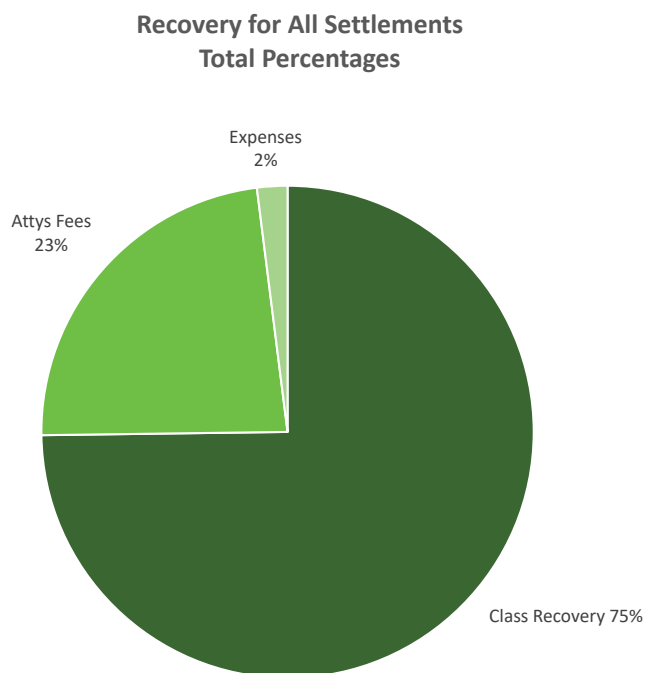


Figure 16: **Class Recovery by Settlement Size - Total Percentages**
2009 - 2020





2020 Antitrust Annual Report

Top 25 Firms Acting as Defense Counsel

Rank	Firm	# Cases Defended 2009-2020
1	Latham & Watkins LLP	398
2	Gibson, Dunn & Crutcher LLP	391
3	Skadden, Arps, Slate, Meagher & Flom LLP	327
4	Kirkland & Ellis LLP	324
5	Jones Day	254
6	Morgan Lewis & Bockius LLP	248
7	Hogan Lovells US LLP	246
8	Freshfields Bruckhaus Deringer LLP	(tie) 243
8	O'Melveny & Myers LLP	(tie) 243
10	Crowell & Moring LLP	235
11	Covington & Burling LLP	199
12	Arnold & Porter Kaye Scholer LLP	197
13	Simpson Thacher & Bartlett LLP	195
14	Paul, Weiss, Rifkind, Wharton & Garrison LLP	(tie) 187
14	Vinson & Elkins LLP	(tie) 187
16	WilmerHale	181
17	White & Case	180
18	Cleary Gottlieb Steen & Hamilton LLP	176
19	Wilson Sonsini Goodrich & Rosati	172
20	Sullivan & Cromwell LLP	(tie) 170
20	Winston & Strawn LLP	(tie) 170
22	Mayer Brown LLP	162
23	Faegre Drinker Biddle & Reath LLP	159
24	Foley & Lardner LLP	157
25	Sidley Austin LLP	153

Note: Cases with more than one law firm listed on the docket are attributed to each firm.

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Top 25 Lead Counsel in Complaints Filed

Rank	Firm	# of Complaints Filed 2009-2020
1	Hausfeld LLP	292
2	Hagens Berman Sobol & Shapiro LLP	272
3	Spector Roseman & Kodroff PC	265
4	Berger Montague PC	248
5	Cohen Milstein Sellers & Toll PLLC	234
6	Gustafson Gluek PLLC	228
7	Lockridge Grindal Nauen PLLP	208
8	Cuneo Gilbert & LaDuca LLP	197
9	Susman Godfrey LLP	196
10	The Miller Law Firm (Rochester, MI)	196
11	Freed Kanner London & Millen LLC	194
12	Cotchett Pitre & McCarthy LLP	187
13	Grant & Eisenhofer PA	177
14	NastLaw LLC	176
15	Labaton Sucharow LLP	175
16	Nussbaum Law Group PC	175
17	Glancy Prongay & Murray LLP	155
18	Barrett Law Group PA	(tie) 147
18	Mantese Honigman PC	(tie) 147
20	Kaplan Fox & Kilsheimer LLP	143
21	Robins Kaplan LLP	142
22	Scott+Scott Attorneys at Law LLP	139
23	Kohn Swift & Graf PC	136
24	Boies Schiller Flexner LLP	134
25	Heins Mills & Olson PLC	125

Note: Filings with more than one law firm as listed on complaint are attributed to each firm.

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Top 25 Lead Counsel in Number of Settlements

Rank	Firm	# of Settlements 2009-2020
1	Cotchett Pitre & McCarthy LLP	201
2	Susman Godfrey LLP	186
3	Robins Kaplan LLP	163
4	Barrett Law Group PA	146
5	Cuneo Gilbert & LaDuca LLP	(tie) 145
5	Larson King LLP	(tie) 145
7	Hausfeld LLP	113
8	Freed Kanner London & Millen LLC	82
9	Spector Roseman & Kodroff PC	81
10	Preti Flaherty Beliveau & Pachios LLP	77
11	Kohn Swift & Graf PC	75
12	Berger Montague	74
13	Labaton Sucharow LLP	61
14	Hagens Berman Sobol Shapiro LLP	60
15	Lovell Stewart Halebian Jacobson LLP	56
16	Cohen Milstein Sellers & Toll PLLC	54
17	Gustafson Gluek PLLC	49
18	Kaplan Fox & Kilsheimer LLP	(tie) 46
18	Quinn Emanuel Urquhart & Sullivan LLP	(tie) 46
20	Scott + Scott, Attorneys at Law, LLP	45
21	Pearson Simon & Warshaw LLP	41
22	Garwin Gerstein & Fisher LLP	39
23	Boies Schiller Flexner LLP	(tie) 36
23	Lockridge Grindal Nauen PLLP	(tie) 36
25	Levin Sedran & Berman	(tie) 34
25	Saveri & Saveri	(tie) 34

Note: Settlements with more than one law firm as lead counsel are attributed to each firm.

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Top 25 Lead Counsel in Class Recovery

Rank	Firm	Aggregate Settlement Class Recovery 2009-2020	# of Settlements 2009-2020	Average Settlement Class Recovery 2009-2020
1	Hausfeld LLP	\$5,246,341,749	113	\$46,427,803
2	Scott + Scott, Attorneys at Law LLP	\$3,871,775,000	45	\$86,039,444
3	Quinn Emanuel Urquhart & Sullivan LLP	\$3,007,850,000	46	\$65,388,043
4	Berger Montague PC	\$2,919,778,068	74	\$39,456,460
5	Susman Godfrey LLP	\$2,869,842,465	186	\$15,429,261
6	Pearson Simon & Warshaw LLP	\$2,791,236,687	41	\$68,078,944
7	Cohen Milstein Sellers & Toll PLLC	\$2,597,742,369	54	\$48,106,340
8	Hagens Berman Sobol Shapiro LLP	\$2,562,411,845	60	\$42,706,865
9	Robins Kaplan LLP	\$2,508,880,600	163	\$15,391,906
10	Garwin Gerstein & Fisher LLP	\$2,411,699,000	39	\$61,838,436
11	Cotchett Pitre & McCarthy LLP	\$1,935,455,363	201	\$9,629,131
12	Kaplan Fox & Kilsheimer LLP	\$1,856,444,942	46	\$40,357,499
13	Robbins Geller Rudman & Dowd LLP	\$1,595,900,000	33	\$48,360,606
14	Lieff Cabraser Heimann & Bernstein LLP	\$1,479,772,242	30	\$49,325,741
15	Lovell Stewart Halebian Jacobson LLP	\$1,460,245,228	56	\$26,075,808
16	Levin Sedran & Berman LLP	\$1,331,023,917	34	\$39,147,762
17	Lowey Dannenberg PC	\$1,201,750,000	15	\$80,116,667
18	Fine Kaplan and Black RPC	\$1,190,818,749	21	\$56,705,655
19	Spector Roseman & Kodroff PC	\$1,184,281,935	81	\$14,620,765
20	Zelle LLP	\$1,142,427,647	29	\$39,394,057
21	Alioto Law Firm	\$1,083,199,397	17	\$63,717,612
22	Joseph Saveri Law Firm LLC	\$1,038,050,000	23	\$45,132,609
23	Freed Kanner London & Millen LLC	\$1,028,548,085	82	\$12,543,269
24	Labaton Sucharow LLP	\$858,035,750	61	\$14,066,160
25	Boies Schiller Flexner LLP	\$853,264,307	36	\$23,701,786

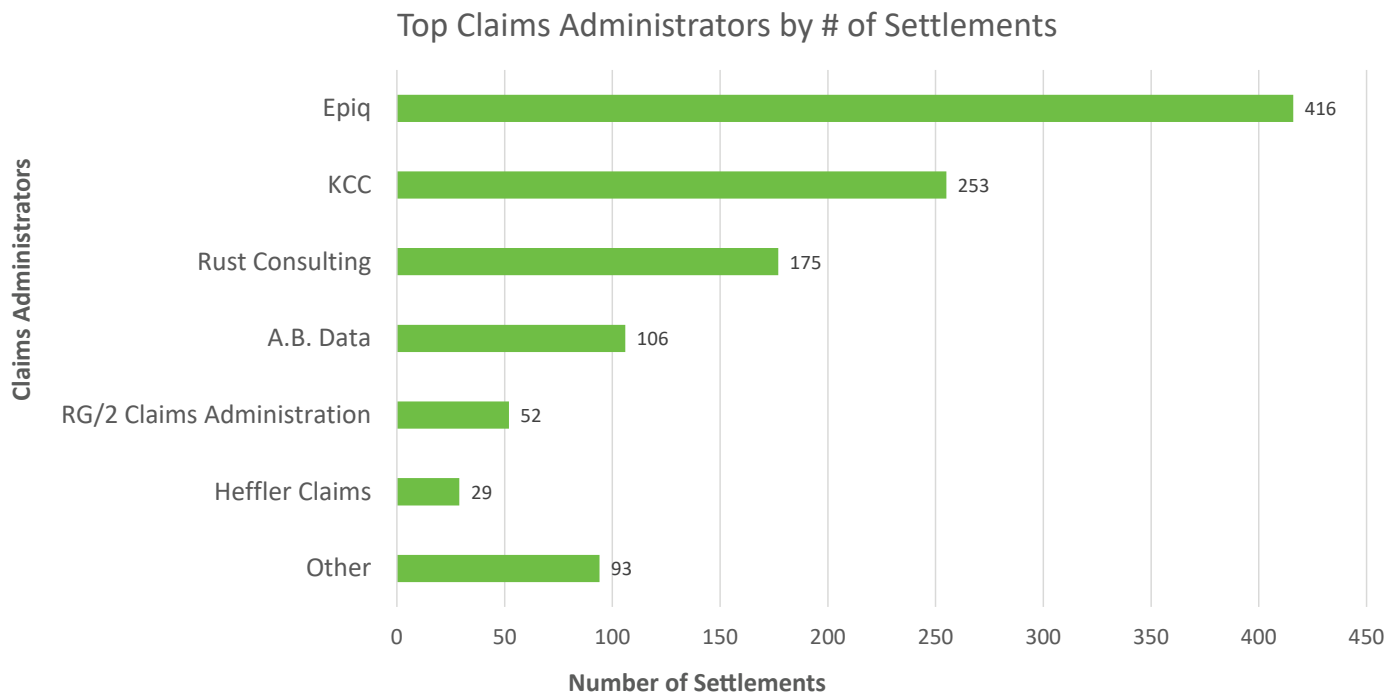
Note: Settlements with more than one law firm as lead counsel are attributed to each firm.

2020 Antitrust Annual Report

Top Claims Administrators

Figure 17: **Top Claims Administrators by Aggregate Settlement Amount**
2009 - 2020

Rank	Claims Administrator	Aggregate Settlement Amount 2009-2020	# of Settlements 2009-2020	Average Settlement Amount 2009-2020
1	Epiq	\$12,221,709,340	416	\$29,379,109
2	Rust Consulting	\$6,858,209,515	175	\$39,189,769
3	KCC	\$3,026,455,889	253	\$11,962,276
4	A.B. Data	\$2,618,159,100	106	\$24,699,614
5	Heffler Claims	\$636,680,000	29	\$21,954,483
6	RG/2 Claims Administration	\$494,819,068	52	\$9,515,751
	Other	\$1,721,291,053	93	\$18,508,506

Figure 18: **Top Claims Administrators by Number of Settlements**
2009 - 2020

Notes:

1. Epiq includes the Garden City Group (GCG)
2. Rust Consulting includes Complete Claims Solutions
3. KCC includes Administar and Rosenthal & Company

2020 Antitrust Annual Report

Methodology and Sources

Cases Analyzed

The cases analyzed in the preceding report represent three individual data sets: complaints filed from 2009-2020, cases won by defendants from 2009-2020, and cases with settlements reaching final approval or verdicts awarded within the time period of 2009-2020. Settlement data analyzed within the 2009-2020 period are not first evaluated by complaint filing date; which is to say, any settlement granted final approval during the eleven year analysis period is represented in the data, regardless of when the complaint was filed. Only settlements granted final approval within the eleven year analysis period are represented in the data. Regarding cases with multiple settlements, settlements reaching final approval outside of the eleven-year period of the study are excluded. Settlement Amounts refer to the full dollar value awarded by the court, inclusive of awards to lead plaintiffs, attorneys' fees, expenses, etc.

Sources

Data for this report are collected primarily through Lex Machina's Legal Analytics Platform. Lex Machina uses artificial intelligence to categorize federal court case data from PACER (Public Access to Court Electronic Records). The case data obtained from Lex Machina was verified by the supporting court docket and supplemented with additional data points also available through the Lex Machina platform. All analysis, commentary, and conclusions were reviewed by each member of the authoring team.

Historical data in this report may vary from last year's edition due to updates in case status, additional sources of information, or new methodology for analysis. The authors will continually update the data set for accuracy to provide the most recent information available.

The data gathered are not necessarily exhaustive of every settlement during the analyzed period. While this is intended to be an accurate reflection of class action matters in federal courts, there is a possibility that cases have been excluded due to source limitations or unintentional error.

Disclaimer

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2020 Antitrust Annual Report

About Us

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Founded in 1912, the University of San Francisco School of Law has a tradition of educating effective lawyers who graduate with the professional skills and theoretical foundation necessary to succeed in the legal profession. The USF School of Law offers a rigorous education with a global perspective in a diverse, supportive community. Our graduates are skilled, ethical professionals prepared for any legal career — from intellectual property law to litigation and more — with a commitment to social justice as their enduring foundation. The USF School of Law is fully accredited by the American Bar Association and is a member of the Association of American Law Schools.

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**IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
COLUMBIA**

ANDREW MACKMIN, *et al.*,

Plaintiffs,

v.

VISA INC., *et al.*,

Defendants.

Civil Action No. 1:11-Cv-1831-RJL

Description: Antitrust – Class Action

DECLARATION OF STEVEN A. SKALET

I, Steven A. Skalet, declare upon personal knowledge and under penalty of perjury that the following is true and correct to the best of my knowledge, information, and belief:

1. I am interim co-lead Class Counsel in the above-captioned matter and was a principal in the Washington D.C. firm of Mehri & Skalet, PLLC (“M&S”) until 2021, with over 40 years of continuous litigation and transactional experience in consumer protection and fraud, bank fraud, real estate, employment, and class action litigation. I am a member of the Bars of the District of Columbia, Maryland, and many federal courts.

2. In 2001, I co-founded M&S and we have since been lead counsel or co-lead counsel in successful class actions with substantial settlements against Dell, Inc., Mercury Marine, Hewlett Packard, Apple, Sony, Ford, Verizon, Mitsubishi, Ciox, Morgan Stanley, and many other companies. Cyrus Mehri served as lead counsel before this Court in *Brown v Medicis Pharmaceutical Company*, which resulted in one of the largest gender discrimination settlements in U.S. history on a per class member basis. Most recently, M&S co-led a consumer class action

against Farmers Insurance Company that resulted in a 15 million dollar recovery and changes in company practices that will save tens of millions of dollars annually for California consumers.

3. Among other accomplishments, I have been an advisor to the Federal Reserve Board, served on a District of Columbia Bar Committee and Montgomery County Advisory Committee, and have been peer selected as a “Super Lawyer” and “Top Attorney in Washington, DC.” I actively participated in Community Associations Institute activities and was Chair of the District of Columbia Legislative Action Committee for many years. In 1999 and again in 2001, I was awarded the Public Advocate Award for my work on District of Columbia legislation. I am a long-serving director of the Studio Theatre in Washington, DC.

4. M&S has been involved in this case from its inception and acted as local counsel in connection with the initial court filings and service of process. M&S also participated in drafting the Complaint and participated extensively in research, motions practice, discovery, document review and in briefing the appeal. M&S was appointed as one of three Interim Co-Lead Counsel by Order dated March 3, 2016.

5. M&S partner Craig Briskin was the primary counsel at M&S on the case, with oversight from partners Steven Skalet and Cyrus Mehri and assistance from numerous associates and paralegals as referenced in the matrix of time spent in the case.

6. Craig Briskin joined M&S in 2007 from the New York office of Labaton Sucharow, where he specialized in anti-trust law. Steven Skalet and Cyrus Mehri have extensive litigation experience, especially with respect to large class actions. Mr. Briskin is currently an attorney in Washington DC with Public Justice P.C., the country’s largest public interest law

firm. A copy of his CV is attached as Exhibit A. I have retired as an equity partner and am currently “of counsel” with M&S.

7. M&S maintains regular hourly billing rates for all attorneys, paralegals, and law clerks whose case-related work time is billed. These rates are reasonable for attorneys of similar experience, reputation, and expertise, and are consistent with the prevailing market rates for attorneys with comparable levels of experience in Washington, D.C.

8. The lodestar amount (hours worked times hourly rates) is based on the time recorded in contemporaneous billing records. Daily, M&S attorneys and paralegals record their billable time to the nearest tenth of an hour in a detailed, contemporaneous, and task-specific manner on a computerized billing program called TimeSolv. Such billing records have been maintained for this case. The tasks on which work was done, on an individual timekeeper, and a day-by-day basis are specified in the detailed time entries, which we can make available if requested for *in camera* review.

9. Craig Briskin and I have reviewed the billing records from my firm, and I certify to the Court that these records accurately reflect work reasonably performed in connection with the litigation of this matter. A matrix displaying M&S’s lodestar and hours as of this date by biller, at both historical and current rates, not including work in connection with this fee application, is attached as Exhibit B.

10. M&S has advanced unreimbursed case-related costs and expenses of \$406,910. A summary of the costs and expenses incurred is attached in Exhibit C.

11. The time expended and expenses incurred in prosecuting this action were reasonable for the diligent litigation and fair resolution of this matter. This case has a number of complex and

challenging legal and factual issues. The result achieved for the settlement class is outstanding. The lodestar reflected in Exhibit B also does not include the time to be devoted to preparing for and appearing at the final approval hearing or handling class member inquiries and other post-hearing matters.

12. Based on my substantial class action experience. I believe the fees and costs requested are extremely reasonable considering the degree of work required to litigate and successfully settle this case and the risk undertaken by Class Counsel, including the risks of advancing out-of-pocket costs in a contingency case and the risk of non-payment of fees if the case were not won or settled. Attached hereto as Exhibit D is a firm resume for M&S. Further information about the firm can be found at www.findjustice.com.

13. Executed on February 24, 2022.

/s/ Steven A. Skalet
Steven A. Skalet (DC No. 359804)

EXHIBIT A

CRAIG L. BRISKIN
8712 Maywood Avenue
Silver Spring, MD 20910
(202) 981-1124

EDUCATION

HARVARD LAW SCHOOL, Juris Doctor, 1998
Activities: Harvard Legal Aid Bureau, Board Member and Student Attorney
Harvard Civil Rights-Civil Liberties Law Review, Senior Editor

HARVARD COLLEGE, Bachelor of Arts in Psychology *cum laude*, 1994
Honors: John Harvard Scholarship, Harvard College Scholarship
Institute of Politics Award for Political Journalism

EXPERIENCE

PUBLIC JUSTICE, Washington, DC 2021-present
Richard Zitrin Anti-Court Secrecy Senior Attorney. Litigate to unseal court records concerning public health and safety issues; develop legislative and educational initiatives to combat improper sealing and confidentiality in litigation.

JUSTICE CATALYST LAW, New York, NY 2019-2021
Senior Counsel. Develop innovative litigation to protect employees and consumers. Subject areas currently include medical debt, COVID-19 disinformation and illegal pyramid schemes.

MEHRI & SKALET, PLLC, Washington, DC 2007-2019
Partner (2009-2019); Associate (2007-09). Managed all aspects of litigation in antitrust and consumer class actions. Investigated potential cases and legal theories, drafted pleadings, managed and conducted discovery, coordinated briefing, argued motions, and supervised associates. Co-lead counsel in *Osborn v. Visa Inc.* (antitrust class action alleging nationwide price-fixing of ATM access fees); *Gambino v. MGUH* and *Silver v. GBMC* (cases alleging overcharges for medical records); *Worth v. CVS* (false claims in marketing of Omega-3 supplement). Co-counsel with AARP in *Bennett v. Donovan*, an Administrative Procedure Act case that resulted in HUD changing its regulations and guidance to protect spouses of reverse mortgage borrowers from foreclosure.

LABATON SUCHAROW LLP, New York, NY 2001-2007
Associate. Litigated class actions and managed complex discovery in the areas of antitrust, securities, consumer protection and commodities law. Cases included *In re Natural Gas Commodity Litigation* (commodity fraud class action; settlements over \$100 million), *In re Air Cargo Shipping Services Antitrust Litigation* (antitrust class action alleging international price-fixing conspiracy), *In re Buspirone Antitrust Litigation*, and several other cases challenging a brand-name drug maker's anticompetitive blocking of generic competitor products.

NEW YORK LEGAL ASSISTANCE GROUP, New York, NY 1999-2001
National Association of Public Interest Law Fellow, Immigrant Protection Unit. Represented clients in individual and impact litigation in the areas of welfare, disability and immigration law. Represented public benefit recipients in fair hearings. Briefed and argued successful appeals of Social Security disability cases in federal court, and successfully appealed benefit terminations in state court.

ALASKA SUPREME COURT, Anchorage, AK 1998-1999
Law Clerk to Justice Alexander O. Bryner. As Marriage Commissioner, presided over 11 civil weddings.

EXHIBIT B

TimeKeeper	Status	Year	Hourly Rate	Hours to date	Total Lodestar to Date
Angoff, Jay	Attorney	2013	\$ 695.00	1.5	\$ 1,042.50
Best, Zachary W.	Law Clerk	2011	\$ 200.00	0.5	\$ 100.00
Bohl, Rebecca A.	Paralegal	2013	\$ 175.00	0.25	\$ 43.75
Briskin, Craig	Attorney	2017	\$ 715.00	8.3	\$ 5,934.50
Briskin, Craig L.	Attorney	2011	\$ 600.00	56.5	\$ 33,900.00
Briskin, Craig L.	Attorney	2012	\$ 600.00	97.3	\$ 58,380.00
Briskin, Craig L.	Attorney	2013	\$ 600.00	186.65	\$ 111,990.00
Briskin, Craig L.	Attorney	2014	\$ 600.00	170.75	\$ 102,450.00
Briskin, Craig L.	Attorney	2015	\$ 660.00	189.2	\$ 124,872.00
Briskin, Craig L.	Attorney	2016	\$ 685.00	290.4	\$ 198,924.00
Briskin, Craig L.	Attorney	2017	\$ 685.00	333.7	\$ 228,584.50
Briskin, Craig L.	Attorney	2018	\$ 685.00	482.7	\$ 330,649.50
Briskin, Craig L.	Attorney	2019	\$ 685.00	150.8	\$ 103,298.00
Carter, Anthony	Paralegal	2018	\$ 195.00	8.05	\$ 1,569.75
Carter, Anthony	Paralegal	2019	\$ 200.00	0.436	\$ 87.20
Charles, Dominic	Paralegal	2019	\$ 200.00	7.076	\$ 1,415.20
Charles, Dominic	Paralegal	2020	\$ 200.00	1.1	\$ 220.00
Charles, Dominic	Paralegal	2021	\$ 205.00	4	\$ 820.00
Cottrell, Brett	Attorney	2018	\$ 865.00	417.6	\$ 361,224.00
Darabnia, Amitis	Attorney Doc Reviewer	2018	\$ 460.00	156	\$ 71,760.00
Davis, Jamboa	Administrative	2021	\$ 205.00	3	\$ 615.00
Dhanvanthari, Anita	Attorney Doc Reviewer	2018	\$ 460.00	941	\$ 432,860.00
Eardley, Ellen L.	Attorney	2011	\$ 450.00	1.75	\$ 787.50
Eardley, Ellen L.	Attorney	2014	\$ 575.00	0.2	\$ 115.00
Eardley, Ellen L.	Attorney	2018	\$ 718.00	1.7	\$ 1,220.60
Eardley, Ellen L.	Attorney	2019	\$ 740.00	0.4	\$ 296.00
Eardley, Ellen L.	Attorney	2020	\$ 740.00	0.3	\$ 222.00
Eardley, Ellen L.	Attorney	2021	\$ 760.00	0.1	\$ 76.00
Foster, LeeAnn	Paralegal	2018	\$ 200.00	8.7	\$ 1,740.00
Foster, LeeAnn	Paralegal	2019	\$ 195.00	2.5	\$ 487.50
Foster, LeeAnn	Paralegal	2020	\$ 200.00	0.2	\$ 40.00

TimeKeeper	Status	Year	Hourly Rate	Hours to date	Total Lodestar to Date
Frye, Brianna	Paralegal	2021	\$ 205.00	0.8	\$ 164.00
Heidmann, Rachel	Paralegal	2011	\$ 175.00	11.75	\$ 2,056.25
Heidmann, Rachel	Paralegal	2012	\$ 195.00	7.75	\$ 1,511.25
Kabasakalian, Natalie	Attorney Doc Reviwer	2018	\$ 375.00	307.5	\$ 115,312.50
Karsh, Joshua	Attorney	2021	\$ 915.00	1	\$ 915.00
Lieder, Michael	Attorney	2018	\$ 865.00	0.1	\$ 86.50
Lieder, Michael	Attorney	2021	\$ 915.00	2.4	\$ 2,196.00
Lin, Earl	Paralegal	2017	\$ 190.00	8	\$ 1,520.00
Lin, Earl Y.	Paralegal	2015	\$ 180.00	0.6	\$ 108.00
Lin, Earl Y.	Paralegal	2016	\$ 190.00	9.9	\$ 1,881.00
Lin, Earl Y.	Paralegal	2017	\$ 190.00	49.3	\$ 9,367.00
Lin, Earl Y.	Paralegal	2018	\$ 195.00	6.8	\$ 1,326.00
Majeed, Jannat	Attorney	2018	\$ 455.00	967.001	\$ 439,985.46
Malcolm, Meredith	Paralegal	2017	\$ 190.00	5	\$ 950.00
Malcolm, Meredith	Paralegal	2018	\$ 190.00	44.991	\$ 8,548.29
Mehri, Cyrus	Attorney	2011	\$ 695.00	6.25	\$ 4,343.75
Mehri, Cyrus	Attorney	2012	\$ 695.00	0.2	\$ 139.00
Mehri, Cyrus	Attorney	2015	\$ 795.00	5	\$ 3,975.00
Mehri, Cyrus	Attorney	2016	\$ 825.00	9.7	\$ 8,002.50
Mehri, Cyrus	Attorney	2017	\$ 825.00	11.4	\$ 9,405.00
Mehri, Cyrus	Attorney	2018	\$ 865.00	3.4	\$ 2,941.00
Mehri, Cyrus	Attorney	2020	\$ 895.00	2	\$ 1,790.00
Mehri, Cyrus	Attorney	2021	\$ 915.00	8.7	\$ 7,960.50
Monahan, Christine	Associate	2018	\$ 360.00	0.1	\$ 36.00
Monahan, Christine	Associate	2019	\$ 455.00	3	\$ 1,365.00
Rana, Amit	Paralegal	2013	\$ 195.00	2.5	\$ 487.50
Reyes, Tatiana L.	Paralegal	2013	\$ 195.00	2.5	\$ 487.50
Reyes, Tatiana L.	Paralegal	2014	\$ 195.00	2.75	\$ 536.25
Skalet, Steven A.	Attorney	2011	\$ 695.00	1.25	\$ 868.75
Skalet, Steven A.	Attorney	2012	\$ 695.00	2.6	\$ 1,807.00
Skalet, Steven A.	Attorney	2013	\$ 195.00	5.4	\$ 1,053.00

TimeKeeper	Status	Year	Hourly Rate	Hours to date	Total Lodestar to Date
Skalet, Steven A.	Attorney	2014	\$ 750.00	0.6	\$ 450.00
Skalet, Steven A.	Attorney	2015	\$ 795.00	3.1	\$ 2,464.50
Skalet, Steven A.	Attorney	2016	\$ 825.00	12.4	\$ 10,230.00
Skalet, Steven A.	Attorney	2017	\$ 825.00	24.6	\$ 20,867.00
Skalet, Steven A.	Attorney	2019	\$ 895.00	7.9	\$ 7,070.50
Skalet, Steven A.	Attorney	2020	\$ 895.00	21.2	\$ 19,052.00
Skalet, Steven A.	Attorney	2021	\$ 915.00	6	\$ 5,490.00
Susong, Elizabeth	Paralegal	2014	\$ 195.00	0.5	\$ 97.50
Wasik, Joanna	Attorney	2015	\$ 330.00	30.7	\$ 10,131.00
Wasik, Joanna	Attorney	2016	\$ 420.00	29.2	\$ 12,264.00
Wasik, Joanna	Attorney	2017	\$ 420.00	66.1	\$ 27,762.00
Wasik, Joanna	Attorney	2018	\$ 440.00	226.3	\$ 99,572.00
Wasik, Joanna	Attorney	2019	\$ 455.00	10	\$ 4,550.00
Wilgus-Null, Taryn	Attorney	2013	\$ 400.00	0.1	\$ 40.00
Yeh, Teresa	Attorney	2013	\$ 300.00	10.4	\$ 3,120.00
Yeh, Teresa	Attorney	2014	\$ 310.00	0.2	\$ 62.00
Yeh, Teresa	Attorney	2015	\$ 405.00	0.1	\$ 40.50
Total Lodestar Computed at Historical Rates				5461.704	\$ 3,030,112.50
Total Lodestar Computed at 2021 Rates				5461.704	\$ 3,709,772.33

EXHIBIT C

Type of Expense	Final Expenses
Litigation Assessment	\$ 385,000.00
Court Costs (Filing, etc)	\$ 1,075.00
Experts/Consultants	
Online document database	441.9
Federal Express	
Hearing Transcripts	\$ 490.55
Lexis/WestLaw	\$ 5,053.55
Messenger/Delivery	
Photocopies - In House	\$ 2,873.55
Photocopies - Outside	
Postage	\$ 317.06
Service of Process	
Special Supplies	
Telephone/telecopier	\$ 264.11
Travel	\$ 2,265.09
Miscellaneous	\$ 9,129.49

Total \$ **406,910.30**

EXHIBIT D



Firm Resume

(Last Updated February 23, 2022)

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OUR BACKGROUND & COMMITMENT

Mehri & Skalet, PLLC (“M&S”) handles high-impact cases with integrity and has a track record for getting far-reaching results. We prove every day that the law can be used to achieve fairness and justice.

M&S is a law firm with seasoned attorneys who fight complex cases on behalf of employees, whistleblowers, and consumers. M&S attorneys bring together decades of front-line experience in litigation and issue advocacy, building upon strong ties with public interest, consumer, labor, whistleblower, and civil rights organizations. M&S combines superior legal work and advocacy to serve our clients.

Our search for justice for our clients takes us to federal and state courts across the country where we primarily litigate: civil rights and consumer rights class actions; whistleblower suits alleging fraud against the government; cases involving corporate abuse in insurance, financing, and other areas; as well as individual cases with a public interest impact.

OUR PRACTICE AREAS

Civil Rights

M&S represents employees in individual and class discrimination cases filed across the United States. M&S also represents professionals, who have reached the heights of their careers but continue to face discrimination from their employer, to ensure that they receive fair economic and non-economic terms in their severance agreements.

Using federal and state anti-discrimination laws, M&S represents individuals fighting unlawful discrimination that adversely impacts their employment, business, or financial circumstances. While M&S maintains a broad-based practice, many of our cases fit into these general categories of discrimination:

- glass ceiling and discrimination in promotions and advancement;
- discrimination in pay and distribution of business opportunities;
- discrimination in hiring, including by way of testing and other selection procedures;
- discrimination in contract formation and financial endeavors;
- discrimination in employment benefits, including pregnancy policies; and
- sexual harassment.

M&S has forged creative partnerships with key civil rights organizations that have pertinent subject-matter expertise to address such discrimination.

Key Civil Rights Cases

A sample of current and past civil rights cases prosecuted by M&S lawyers includes:

* *Borders v. Wal-Mart Stores, Inc., No. 17-cv-00606 (S.D. Ill.)*

M&S and co-counsel at The National Women's Law Center and A Better Balance represented a nationwide settlement class of several thousand Walmart employees who allege that the company's policies discriminate against pregnant workers, and that the company systemically fails to provide pregnant workers the same

types of workplace accommodations available to others. The matter resulted in a groundbreaking, court-approved \$14 million settlement in April 2020.

*** *Chalmers v. City of New York*, No. 20-cv-03389 (S.D.N.Y.)**

In May 2020, M&S, along with co-counsel Valli Kane & Vagnini LLP, launched a class race discrimination lawsuit against the City of New York, on behalf of New York City Fire Protection Inspectors and Associate Fire Protection Inspectors (FPIs) and their union, AFCSME District Council 37 Local 2507. The FPIs claim that for over a decade they have been paid substantially less each year than New York City’s building inspectors who work for the Department of Buildings. The FPIs allege that the pay difference arises because of race—more FPIs than building inspectors are people of color. The pay gap cannot be explained by differences in their jobs, according to the FPIs, who contend that the job requirements and duties of the two types of jobs are similar and that FPI jobs are physically riskier. They also allege that the discrimination is part of a pattern of racial discrimination by the Fire Department of New York. The class certification motion is pending.

*** *Howard v. Cook Cty. Sheriff’s Office*, No. 17-cv-08146 (N.D. Ill.)**

M&S and co-counsel represent hundreds of women employed by the Cook County Jail as correctional officers, sheriff deputies, paramedics, nurses, and in other jobs. The suit documents a pattern of pervasive and disturbing sexual harassment by inmates directed at women working in the Jail and failure by Sheriff Tom Dart and the County to take action to address it. The matter is currently before the U.S. District Court for the Northern District of Illinois, with bellwether trials set for summer 2022.

*** *Brown v. Medicis Pharm. Corp.*, No. 13-cv-01345 (D.D.C.)**

M&S and co-counsel represented a class of over 200 women who alleged that Medicis’s top executives created a sexually hostile environment for the women in its sales force and discriminated against them in pay and promotions. Under the court-approved settlement, Medicis agreed to pay a total of about \$7.1 million, an average of over \$30,000 per class member, and to provide comprehensive programmatic relief.



* *White v. Lynch, EEOC Case No. 510-2012-00077X*

M&S represented a certified class of over 400 women alleging sexual harassment, and that the federal Bureau of Prisons permitted the inmates at its largest correctional complex to create a hostile work environment based on sex over many years. The women alleged that many managers were hostile toward their presence in the workforce and that the agency did not adopt reasonable measures to prevent or deter the virtually incessant sexual harassment by the inmates. This case settled for \$20 million for the class of workers and meaningful injunctive relief aimed at reforming policies and practices to eliminate sexual harassment.

* *Carter v. Wells Fargo Advisors, LLC, No. 09-cv-01752 (D.D.C.); Amochaev v. Smith Barney, No. 4:05-cv-01298-PJH (N.D. Cal.); Augst-Johnson v. Morgan Stanley & Co., Inc., No. 06-cv-01142 (D.D.C.)*

As part of our Women on Wall Street Project, M&S along with co-counsel filed separate class action lawsuits against Wachovia Securities, LLC, Smith Barney, and Morgan Stanley alleging that each company had engaged in systemic gender discrimination against its female financial advisors. Settlement was achieved in each case—with Wells Fargo Advisors/Wachovia for \$32 million, with Smith Barney for \$33 million, and with Morgan Stanley & Co for \$47 million—exceeding \$114 million in total. The settlements also provided significant programmatic relief, including specified changes to internal company policies, and the appointment of independent diversity monitors.

* *Norflet v. John Hancock Life Ins. Co., No. 04-cv-01099 (D. Conn.)*

In 2004, M&S, along with co-counsel, initiated a ground-breaking class action against John Hancock Life Insurance for its company-wide policy prohibiting the sale of life insurance to African American consumers in the early to mid-20th century. The lawsuit also confronted John Hancock's practice of offering African Americans substandard and seriously inferior life insurance products when it did sell insurance to African Americans.

The Court granted the Plaintiff's motion for class certification in 2007. The parties reached a settlement in 2009, which created a \$24-million fund to pay claims to

the class plus fees and costs. There was also a large *cy pres* component of approximately \$15 million, which was distributed to organizations that benefit African American communities by a court-appointed committee.

* ***Robinson v. Ford Motor Co., Nos. 04-cv-00844, 04-cv-00845 (S.D. Ohio)***

M&S and the U.S. Equal Employment Opportunity Commission (“EEOC”) each filed a lawsuit in 2004, challenging Ford’s procedures for selecting apprentices nationwide. The suits alleged that, since 1997, Ford had discriminated against African American workers on the basis of race in selecting apprentices. The two cases were consolidated in the Southern District of Ohio.

Judge S. Arthur Spiegel approved a settlement agreement in 2005. Judge Spiegel said, “[t]he settlement provides substantial monetary and non-monetary benefits to the class... as well as extensive systemic relief. The new testing procedures benefitted not only the class members, but potentially also all employees and future employees of Ford.” The EEOC held a Commissioners’ meeting that focused on this settlement and removing bias in testing procedures in 2007.

* ***Ingram v. Coca-Cola Co., No. 98-cv-03679 (N.D. Ga.)***

Four named plaintiffs represented a class of 2,200 current and former salaried, African American employees of Coca-Cola in this class action filed in 1999. The case involved race discrimination in promotions, compensation, and evaluations. The plaintiffs alleged a substantial difference in pay between African American and white employees; a “glass ceiling” that kept African Americans from advancing past entry-level management positions; “glass walls” that channeled African Americans to management in areas like human resources and away from power centers such as marketing and finance; and senior management knowledge of these problems since 1995 and a failure to remedy them.

In 2001, the Court approved a final settlement agreement, valued at \$192.5 million and designed to ensure dramatic reform of Coca-Cola's employment practices. A court-appointed task force chaired by Alexis Herman, former Secretary of Labor, issued several annual task force reports highlighting the progress Coca-Cola made in complying with the settlement agreement.

* *Roberts v. Texaco*, No. 94-cv-02015 (S.D.N.Y.)

Six plaintiffs filed *Roberts v. Texaco* as a class action in 1994, alleging that Texaco discriminated against African American employees by failing to promote and adequately compensate them in relation to white employees. Each of the six plaintiffs hit a glass ceiling when they tried to advance to management. In addition, in an industry that was known to be behind in diversity, Texaco employed even fewer people of color than other employers in the oil industry. Discovery revealed that African Americans were significantly under-represented in higher levels of management. The investigation also revealed that Texaco maintained a secret list of “high potential” employees and no African Americans were on that list. The case was settled in 1996 for what was the largest sum ever allowed in a race discrimination case, \$176.1 million. In addition to damages, the settlement called for pay raises for about 1,400 black employees as well as systemic programmatic relief.

* * *

Whistleblower Protection

Whistleblowers serve as society’s canaries in the coal mine, alerting the public to fraud, waste, abuse, and criminal activity. M&S recognizes the critical role whistleblowers can play in protecting public funds; ensuring the safety of food, drugs and automobiles; protecting the environment; exposing securities laws violations and financial crimes; and revealing problems in many other sectors of the economy.

M&S attorneys investigate and litigate cases under the U.S. False Claims Act (FCA) and the state versions of the that law – which prohibit frauds perpetrated against the government through a wide variety of means, including government contracts and government-funded projects; military aerospace and weapons systems; private prisons and detention centers; subsidized housing; government-funded health care; and federal grants.

Similarly, M&S attorneys advise whistleblowers who submit information to the Securities and Exchange Commission, the Internal Revenue Service, the U.S. Commodity Futures Trading Commission, the U.S. Department of Justice, the Federal Deposit Insurance Corporation, and the U.S. Treasury Department concerning



violations of standards maintained by those agencies. Successful prosecutions based on this information may result in a whistleblower award.

The firm also represents whistleblowers who have been subjected to retaliation in violation of any of the 24 major federal whistleblower protection provisions. M&S also litigates cases under the state equivalents of those federal laws.

The attorneys, who spearhead M&S's whistleblower practice, have been at the forefront of shaping whistleblower law and policy for more than 30 years. Partner Richard Condit, who was previously Senior Counsel at the Government Accountability Project, has over 30 years of experience providing whistleblower protection. Partner Cleveland Lawrence III has 20 years of experience working on whistleblower cases and issues, and previously served as Co-Executive Director of whistleblower organizations Taxpayers Against Fraud and its sister organization, TAF Education Fund.

Key Whistleblower Cases

A sample of current and past, disclosable whistleblower cases prosecuted by M&S lawyers includes:

****United States ex rel. Relator 1, Relator 2, Relator 3, and Relator 4 v. Bechtel Corporation, et al., Case No. 4:17-CV-05074-SMJ (E.D. Wash.)***

M&S and co-counsel Smith & Lowney represented four whistleblowers whose actions resulted in the government uncovering a ten-year period of overcharging for labor costs and related wrongdoing by construction giants Bechtel and AECOM. In 2020, the whistleblowers' efforts resulted in a \$57.75 million settlement between the government and the contractors, which is one of the largest involving a Department of Energy (DOE) facility. They received \$13.75 million, nearly 24% of the government's recovery, as their reward which is authorized under the federal False Claims Act. The share the whistleblowers received is one of the highest ever received in a case where the government has chosen to intervene. Each of the whistleblowers also settled their individual whistleblower retaliation claims.

*** *Busche v. URS Energy & Constr., Inc.*, DOL No. 10-1960-14-002**

This was a whistleblower retaliation case filed by a former engineer and manager working at the DOE's Hanford Waste Treatment Plant against URS Energy and Construction, Inc. and Bechtel National, Inc. (BNI). In 2016, URS, BNI, and Ms. Busche arrived at a mutually satisfactory resolution of her case.

*** *Johnson v. Not-For-Profit Hosp. Corp.* (Resolved Pre-Filing)**

This case concerned a claim of whistleblower retaliation by the Human Resources Director of the only public hospital in the District of Columbia. The case was favorably concluded in 2018.

The firm litigates other whistleblower matters that are either under seal or under investigation and cannot be disclosed.

* * *

Workers' Rights

Wage and hour laws exist to protect employees, who are often dependent upon their employers for financial security, from being exploited in the workplace. At M&S, we use our understanding of the law to ensure that workers receive the wages and benefits they have earned.

M&S represents a class of about 25,000 federal employees who were required to work during the partial government shutdown in October 2013 but were not paid on their regularly scheduled paydays by the government. They allege that they were not timely paid minimum wage and, to the extent that they were required to work overtime, were not timely paid overtime wages either. The Court of Federal Claims has ruled that the government did indeed violate the FLSA, and the parties and the Court are still analyzing damages for individual employees.

The firm also litigates wage and hour cases against private employers. For example, the firm has been litigating a case against MetLife on behalf of approximately 125 dental consultants who were misclassified as independent contractors and denied overtime pay. In January 2020, the U.S. District Court for the Southern District of New York granted final approval of a \$3,390,000 settlement on behalf of the class. In 2021,



M&S along with co-counsel, achieved a \$31.5 million settlement on behalf of the class who sued the parent company of discount retailers Marshalls, TJ Maxx, and HomeGoods asserting wage and hour claims. And in 2008, M&S, along with co-counsel, filed suit on behalf of a putative class of Bank of America mortgage loan officers who were misclassified as exempt from the FLSA and thereby were improperly denied reimbursement of expenses, in violation of California law. In September 2010, the Court approved the class action settlement, which provided for payment of more than \$8 million to class members.

* * *

Consumer Protection, Insurance, and Healthcare

M&S enforces the rights of consumers against a variety of abuses. Our lawyers believe that consumers can ensure that the marketplace remains fair and efficient by using the class action vehicle to achieve relief on behalf of all persons affected by an unfair or deceptive practice. M&S also represents people in disputes with insurance companies, including people who claim insurance companies have refused to pay or who have been overcharged, unfairly discriminated against, or unlawfully declined or misled. The strength and integrity of our consumer protection practice benefits from our attorneys' strong ties to premier consumer advocate organizations, such as the Center for Auto Safety, Public Justice, the Center for Science in the Public Interest, and Public Citizen. The combined expertise of our team provides whistleblowers and healthcare fraud tipsters with the strategic insights necessary to investigate and litigate their claims. We also represent and advise governmental entities, non-profit organizations, and interest groups regarding insurance-related issues. M&S partner, Jay Angoff, is a former state and federal insurance regulator with expertise in the Affordable Care Act.

M&S attorneys investigate and litigate all types of consumer protection issues, including:

- automotive and other consumer product defects and recalls;
- enforcing the Affordable Care Act;
- excessive or unjustified insurance rates;



-
- antitrust, unfair pricing, and deceptive billing practices;
 - predatory lending, credit, and insurance schemes;
 - consumer and small business online and support services;
 - fraud or unfair practices in real estate, banking, and finance; and
 - medical, pharmaceutical, and healthcare-related fraud.

M&S has handled both individual and class action product liability cases, with an emphasis on defective construction materials, such as defective water pipes, defective exterior siding products, and fire-retardant plywood. Each of these products were foisted on an unsuspecting public by manufacturers who refused to voluntarily take responsibility for their defective products, which caused enormous economic and health problems.

Key Consumer Protection, Insurance, and Healthcare Cases

M&S is litigating or has settled several consumer class actions. These include:

* ***Harris v. Farmers Ins. Exch., No. BC579498 (Cal. Super. Ct., L.A. Cty.)***

In 2015, M&S and co-counsel filed a class action complaint in California challenging Farmers Insurance Company's practice of charging its most loyal policyholders more than what was justified by the risk they present, based on their lack of price sensitivity. Named plaintiffs are three long-term, Farmers policyholders. In August 2020, after multiple court proceedings, a proceeding before the California Insurance Department, and extensive negotiations, Judge Maren Nelson approved a \$15 million settlement which will compensate long-term, Farmers policyholders who were overcharged.

* ***Kelly v. Alieria Companies, Inc., No. 20-cv-05038 (W.D. Mo.)***

In April 2020, M&S, along with co-counsel Sirianni Youtz Spoonemoore Hamburger, launched a class action lawsuit in Missouri against Alieria and Trinity Healthshare for issuing purported "health care sharing ministry" health plans that fail to comply with state and federal law. The lawsuits allege that Alieria and Trinity have been refusing to pay claims for health benefits that would otherwise be covered under

state and/or federal law, have violated Missouri's consumer protection act, and have issued illegal policies and plans that fail to include certain required benefits.

*** *Harris v. Farmers Ins. Exch.*, No. BC579498 (Cal. Super. Ct., L.A. Cty.)**

M&S represented consumers in class action alleging that two D.C. hospitals overcharge their patients for copies of their own medical records. Hospitals and other care providers received millions of federal tax dollars to convert to electronic medical recordkeeping systems, to make medical care more cost-efficient and accessible for patients. Yet defendants continued charging the same high per-page rates for electronic records that they charged for paper records that had to be manually copied. The case has been settled and a settlement class certified and overcharges for the production of medical records have been refunded to individual patients and their counsel.

*** *In Purdue Pharma L.P. et al.*, No. 19-23649-RDD (Bankr. S.D.N.Y.)**

In 2019, on behalf of Chicago Public Schools (CPS), M&S filed a class action complaint in the multi-district opioid litigation underway in federal court in Cleveland, Ohio, seeking damages for expenses related to special education, other educational supports, counseling, and employee health insurance inflicted on public schools by the companies that created the opioid epidemic. M&S has helped public schools across the country secure the creation of a groundbreaking Public School District Special Education Trust totaling \$30.5 million to be funded by Purdue and Mallinckrodt, two pharmaceutical companies that played a major role in the opioid crisis and who filed for Chapter 11 bankruptcy.

With input from Public School Districts, counsel will select a Trustee who will notify all school districts nationwide of the grant process and invite proposals for projects to provide abatement through the public schools. As a result, public schools will soon be able to apply for grants such as for direct services, including: hiring special education staff; grants for multi-disciplinary programs, such as partnerships between schools and social services providers; and grants to create models to train staff to provide special education or multi-disciplinary services to abate the ravages of the opioid epidemic in schools.

*** *In Re: McKinsey & Co., Inc., National Prescription Opiate Consultant Litigation, 21-MD-2996-CRB (N.D. Cal.)***

M&S and co-counsel, on behalf of public school districts in Maine, New York, Tennessee, West Virginia, Kentucky, Ohio, and Florida, brought lawsuits against McKinsey for the harm it caused in these districts. These cases were transferred to the California MDL, which is being supervised by Judge Charles Breyer in the Northern District of California. Judge Breyer appointed Cyrus Mehri to the MDL's 10-member plaintiffs' steering committee to represent the interests of public school districts.

*** *Worth v. CVS Pharmacy, Inc., 16-cv-00498 (E.D.N.Y.)***

M&S was co-counsel with Center for Science in the Public Interest and another law firm on behalf of two consumers in a class action filed in federal court in the Eastern District of New York, alleging that CVS falsely marketed its Algal-900 DHA product to improve memory. Plaintiffs alleged that the study CVS relied on for its claim was conducted by the in-house scientists for another supplements company, which withdrew its own product from the market after the Federal Trade Commission warned that the study did not support its memory claims. In addition, Plaintiffs alleged that larger and more rigorous studies have consistently found no effect of DHA supplements on memory. That case settled in late 2019 with refunds available to purchasers of the product.

*** *In re MagSafe Apple Power Adapter Litig., 09-cv-01911 (N.D. Cal.)***

M&S served as co-lead class counsel on behalf of millions of consumers, alleging that Apple's MagSafe adapter, which powered its laptop computers, was defectively designed and would prematurely fray and fail to work. In 2015, a California federal court approved a settlement providing up to 100% cash refunds for adapters that failed in the first year of use, and a percentage of the purchase cost for adapters that failed up to three years after purchase. In addition, Apple provided a free, redesigned adapter for anyone who presented one at an Apple store.

* * *

Real Estate, Housing, and Lending

Guided by the expertise of Steve Skalet, who has over 35 years of litigation and transactional experience in real estate and financial fraud, M&S has represented clients



in cases involving real estate, lending and debt collection practices, and defective construction materials.

In the class action context, the firm handles cases under the Equal Credit Opportunity Act, Truth in Lending Act, Fair Debt Collection Practices Act, Real Estate Settlement Procedures Act, and other federal and state consumer protection statutes.

*** Reverse Mortgages: *Bennett v. Donovan*, No. 11-cv-00498 (D.D.C.), and *Plunkett v. Castro*, No. 14-cv-00326 (D.D.C.)**

M&S represented plaintiffs in a series of cases in federal court in the District of Columbia that resulted in three landmark reforms in the federal reverse mortgage program: (1) U.S. Department of Housing and Urban Development (HUD) revised the program in 2015 to allow surviving spouses of borrowers to obtain protection from foreclosure; (2) HUD rewrote its model mortgages in 2014 to protect spouses from foreclosure; and (3) HUD withdrew illegal “guidance” it had issued in 2008 that prevented borrowers from selling their homes to spouses or family members at fair market value.

M&S and AARP Foundation Litigation sued HUD in 2011 on behalf of three individuals, all of whom faced foreclosure soon after they lost their spouses. HUD immediately withdrew its illegal guidance restricting the borrower’s right to sell the property. The Court of Appeals for the D.C. Circuit ruled in 2013 that Plaintiffs had standing to challenge HUD’s illegal regulations, and also opined that HUD’s regulations were illegal. Soon afterward, a federal district court ruled that HUD’s regulations were illegal and remanded the matter to HUD to fashion a remedy. Beginning with mortgages issued in August 2014, all surviving spouses in the reverse mortgage program were eligible for protection from foreclosure. In June 2015, HUD announced a program allowing surviving spouses to stay in their homes by having the reverse mortgages assigned to HUD. Based on HUD’s own estimates, this litigation likely benefitted tens of thousands of current borrowers and their families, and future borrowers in the program.

*** Sonoda v. Amerisave Mortg. Corp., No. 11-cv-01803 (N.D. Cal.)**

In 2011, M&S, along with co-counsel, filed a class action in California against Amerisave Mortgage Corporation for violating the Truth in Lending Act through their deceptive advertising practices in the selling of residential mortgages. The suit alleged that Amerisave promised customers they could quickly request a “lock-in” of low advertised online rates, required the consumer to pay for a property appraisal prior to the rate being locked-in, and then allowed the lock-in period to expire, locking the customer into the agreement at a higher rate. In 2013, the case was settled for \$3.1 million, which was distributed to class members to compensate them for a portion of the improper fees they paid.

*** Metropolitan Money Store Cases (D.C. Super. Ct.)**

M&S represented numerous homeowners who had been stripped of hundreds of thousands of dollars of home equity through a mortgage rescue scam that lured individuals facing potential foreclosure to “temporarily” sign away the deeds to their homes with a promise of redemption after their credit improved through credit counseling. This practice allowed scam artists to gain access to home equity which was then stolen from the homeowner. The Washington Lawyers’ Committee on Civil Rights and Urban Affairs referred the clients to M&S, which provided *pro bono* representation to these victims of fraud. In 2009, M&S successfully resolved the cases to protect the homeowners.

* * *

Sports Law

M&S’s attorneys have a long and robust history of promoting fairness in the sports industry. M&S founding partner Cyrus Mehri, together with Johnnie L. Cochran, Jr., co-founded the Fritz Pollard Alliance, an affinity group for NFL coaches of color, and helped design the NFL’s Rooney Rule. The Rule, which was adopted by the NFL in 2002, mandates that any league club seeking a head coach or general manager interview at least one candidate of color. With the Rule in place, the NFL has reached historical numbers of head coaches and general managers of color.

American University Professor and M&S of counsel attorney, N. Jeremi Duru, is an active member of the national sports law community and has written extensively on



both sports and employment law, including co-authoring “Sports Law and Regulation: Cases, Materials, and Problems (4th ed.) (Wolters Kluwer)” and “The Business of Sports Agents (3d ed.) (University of Pennsylvania Press)” as well as authoring “Advancing the Ball: Race, Reformation, and the Quest for Equal Coaching Opportunity in the NFL (Oxford University Press).”

Mr. Mehri and Professor Duru represented the Fritz Pollard Alliance, the organization of coaches, scouts, and front office personnel of color in the NFL for approximately 15 years. They have also advised the Professional Footballers Association in the United Kingdom (the UK’s soccer players union) in its efforts to increase diversity among managers in the UK soccer community.

OUR ATTORNEYS

Cyrus Mehri

Cyrus Mehri is a founding partner of Mehri & Skalet. He litigates cases involving discrimination, civil and consumer rights, and corporate fraud. The business press has long followed Mr. Mehri’s work. *The New York Times* stated, “Mr. Mehri’s vision for corporate America involves sweeping change, not the piece meal kind.” *Fast Company* said “He is something of a one-man army in the battle against business as usual . . . [H]is impact—both in terms of penalties and remedies—is undeniable.” His work has been recognized in numerous books and articles, most recently in *Diversity Inc*, authored by award winning author Pamela Newkirk. In 2021, the *Wall Street Journal* profiled Mr. Mehri in its Future of Work section and described Mr. Mehri as having fought “some of the most significant workplace race-discrimination lawsuits in U.S. history.”

Mr. Mehri’s reputation is well-earned. He has led and co-led some of the largest and most significant race and gender cases in U.S. history, including the two largest race discrimination class actions in history: *Roberts v. Texaco Inc.*, which settled in 1997 for \$176 million and *Ingram v. The Coca-Cola Company*, which settled in 2001 for \$192.5 million. Both settlements include historic programmatic relief, featuring independent Task Forces with sweeping powers to reform key human resources practices such as pay, promotions and evaluations. Trial Lawyers for Public Justice named Mr. Mehri a

finalist for “Trial Lawyer of the Year” in 1997 and 2001 for his work on the Texaco and Coca-Cola matters respectively.

Currently, Mr. Mehri is leading a nationwide effort on behalf of public school districts adversely impacted by the opioid crisis due to rising special education and supplemental education costs to opioid-exposed children, including children diagnosed with neonatal opioid withdrawal syndrome. Mr. Mehri led the negotiations that resulted in an agreement to establish the Public School District Special Education Trust totaling \$30.5 million from the Purdue and Mallinckrodt Bankruptcy proceedings. Judge Charles Breyer appointed Mr. Mehri to serve on the Plaintiffs Steering Committee on behalf of Independent School Districts nationwide in the McKinsey consulting company opioid litigation.

Mr. Mehri has a history of representing defrauded investors, pensioners and consumers, as well as small businesses subjected to price-fixing, in other class actions. For example, the 1993 case *Florin v. Nations Bank* restored \$16 million to a pension plan that was bilked by company insiders at Simmons Mattress Company. In 1991, *In re Bolar Pharmaceutical Co.* returned over \$25 million to defrauded shareholders. Mr. Mehri serves as co-lead counsel in numerous consumer class actions. Mr. Mehri helped to prosecute one of the largest securities cases in history, a \$2.5 billion settlement with AOL Time Warner.

Mr. Mehri’s work supports underrepresented groups in various settings. On April 6, 2004, Mr. Mehri, along with Martha Burk and the National Council of Women’s Organizations, announced a project called “Women on Wall Street.” The project focuses on gender discrimination in financial institutions. As a result of the project, in 2007, M&S announced a \$46 million settlement with Morgan Stanley on behalf of female financial consultants. In 2008, the firm announced a comparable \$33 million settlement with Smith Barney, and in 2011, the firm reached a comparable \$32 million settlement with Wachovia Securities/Wells Fargo Advisors. These are settlements that have sweeping reforms that will fundamentally change the allocation of business opportunities at these brokerage houses.

Furthermore, Mr. Mehri served as lead counsel in *Robinson v. Ford Motor Company*. The settlement created a record 279 highly coveted apprenticeship positions



for African American employees as well as payment of \$10 million. In a May 2007 EEOC Commissioners meeting, Mr. Mehri and others testified about this settlement's significance on testing procedures in the workplace.

Additionally, Mr. Mehri uses his expertise to provide recommendations to the judicial nominations space. In September 2008, Mr. Mehri testified before the Senate Judiciary Committee alongside Supreme Court litigant Lilly Ledbetter. Mr. Mehri's testimony called for diversifying the pool of potential judicial nominations not just in terms of race and gender but also in terms of life and work experience.

Mr. Mehri is also an instrumental advisor in sports law. On September 30, 2002, Mr. Mehri and Johnnie L. Cochran, Jr. released the report, "Black Coaches in the National Football League: Superior Performance, Inferior Opportunities." The report became the catalyst for the NFL's creation of a Workplace Diversity Committee and the adoption of a comprehensive diversity program. The NFL reached a record number of African American head coaches. Mr. Mehri co-founded the Fritz Pollard Alliance, an affinity group for coaches of color, front office, scouting personnel and game day officials in the NFL. In 2007, the Miami-Dade County Office of the Mayor and Board of County Commissioners gave Mr. Mehri the "Distinguished Visitor" Award.

Mr. Mehri frequently authors or contributes to scholarly works. In October 2008, Mr. Mehri co-authored a paper—with M&S partner Ellen Eardley— called "21st Century Tools for Advancing Equal Opportunity: Recommendations for the Next Administration." The American Constitution Society published this paper along with papers by several other authors including Senator Ted Kennedy and Former Attorney General Janet Reno. For the 2008 National Employment Law Association Convention, Mr. Mehri co-authored a paper, "A 'Toolbox' for Innovative Title VII Settlement Agreements." Mr. Mehri also has co-authored an article in Fordham's Journal of Corporate and Financial Law entitled "One Nation, Indivisible: The Use of Diversity Report Cards to Promote Transparency, Accountability, and Workplace Fairness." He also co-authored—with M&S partner Michael Lieder—a book chapter entitled "Addressing the Ever Increasing Standards for Statistical Evidence: A Plaintiff Attorney's Perspective," which was published in *Adverse Impact Analysis: Understanding Data, Statistics, and Risk* (2017). Mr. Mehri is a frequent guest on radio and TV, including



NPR and the *New York Times* podcast, the Daily. He has recently published articles in *The Atlantic*, *Politico* and the *Washington Post*.

Mr. Mehri graduated from Cornell Law School in 1988, where he served as Articles Editor for the Cornell International Law Journal. After law school, he clerked for the Honorable John T. Nixon, U.S. District Judge for the Middle District of Tennessee. Since then, Mr. Mehri has received numerous awards. Mr. Mehri received the Outstanding Youth Alumnus Award from Hartwick College and the Alumni Award from Wooster School in Danbury, Connecticut “for becoming a beacon of good, positively affecting the lives of many.” Mr. Mehri gave the 2009 Commencement Speech at Hartwick College and the Founder’s Day Speech at Wooster School. The Pigskin Club of Washington, DC awarded Mr. Mehri the prestigious “Award of Excellence.” In March 2003, the Detroit City Council passed a testimonial resolution honoring Mr. Mehri and wishing him “continued success in changing the fabric of America.” In 2007, the Miami-Dade County Office of the Mayor and Board of County Commissioners gave Mr. Mehri the “Distinguished Visitor” Award. In 2019, Mr. Mehri accepted the Diversity and Trailblazing Award at the D&I Honors hosted by Diverse & Engaged during Congressional Black Caucus week. In 2021, Mr. Mehri received an Honorary Doctor of Laws degree from Hartwick College.

In 2017, Mr. Mehri co-founded the consulting company, Working Ideal.

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Steven A. Skalet

Steven A. Skalet is a founding partner of M&S and was its managing partner for 20 years. He has over 40 years of litigation and transactional experience in real estate, consumer fraud, bank fraud, discrimination, civil rights and class action litigation. He recently retired as an equity partner and is currently “of counsel” to the firm and in that capacity maintains an interest in a variety of cases.

Mr. Skalet was involved in all aspects of the firm's litigation practice—especially in the areas of consumer and financial fraud—and continued his real estate and finance practice.



Mr. Skalet began his career with the Washington, D.C. firm of Melrod, Redman & Gartlan, where he worked on several American Civil Liberties Union cases, including a case granting women the right to employment with the U.S. Park Service as park police.

Mr. Skalet has had a varied litigation practice before state and federal courts throughout his career. From 1973 until the formation of M&S, Mr. Skalet practiced with Kass & Skalet, PLLC, and various iterations of the firm, a well-known real estate, litigation, complex business, and consumer protection firm. The firm's practice focused on real estate and litigation, including consumer class actions under the Truth-in-Lending and Equal Credit Opportunity acts. The firm represented many tenant associations who purchased their rental property under the District of Columbia Tenant Opportunity To Purchase Act, and represented many condominium, cooperative and homeowner associations. That firm grew to approximately 23 lawyers in 3 jurisdictions and, when it split up in 1995, was known as Kass, Skalet, Segan, Spevack & Van Grack, PLLC.

In 2001, Mr. Skalet and Cyrus Mehri started M&S, concentrating in complex litigation and class actions. The firm has developed a varied and successful litigation practice in state and federal courts. Since its inception Mr. Skalet has been lead counsel or co-lead counsel in successful class action cases against Dell, Inc., Mercury Marine, Hewlett Packard, Sony, Apple, Ford, Verizon, Mitsubishi, Morgan Stanley, and many other companies.

Mr. Skalet has been an advisor to the Federal Reserve Board on credit and banking matters. He has served on the Montgomery County Advisory Committee reviewing the wholesale simplification of the Montgomery County Code. He also served on the District of Columbia Bar Committee responsible for drafting form commercial leases and the Montgomery County Board of Realtors committee responsible for drafting residential real estate contracts.

Mr. Skalet has actively participated in Community Associations Institute activities and was Chair of the District of Columbia Legislative Action Committee for many years. In 1999, and again in 2001, he was awarded the Public Advocate Award for his work on District of Columbia legislation.



Mr. Skalet graduated from the University of Pennsylvania School of Law in 1971 and the University of Rochester in 1968.

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Jay Angoff

Jay Angoff is a partner at M&S and heads the firm's insurance practice. He previously served as the first director of the Affordable Care Act (ACA) implementation at HHS and as the Missouri Insurance Commissioner, making him one of the few people to have served as both a state Insurance Commissioner and the chief federal insurance regulator.

He is currently counsel in cases challenging the practice of price optimization—charging policyholders based on their willingness to tolerate a price increase, rather than on the risk they present—as well as the systematic overcharging of enlisted members of the military.

Cases in which Mr. Angoff has obtained refunds for consumers overcharged by insurers include: *Harris v. Farmers Insurance Exchange* (Cal. Super. Ct., L.A. Cty.) (\$15 million settlement), *Landers v. Interinsurance Exchange of the Automobile Club* (Cal. Super. Ct., L.A. Cty.) (\$24 million settlement), *Clutts v. Allstate* (Ill. Cir.) (\$6 million settlement), and *Foundation for Taxpayer and Consumer Rights v. GEICO* (Cal. Super. Ct., L.A. Cty.) (settlement valued at up to \$12 million).

Mr. Angoff has also represented and advised state insurance departments in connection with proposed mergers and restructurings, including the Maryland, Pennsylvania, Montana, and Missouri Departments. He also represents and advises both for-profit and non-profit organizations on the ACA- and other insurance-related matters, including in rate proceedings before state regulators.

Mr. Angoff also serves as an expert witness on insurance-related issues. Among the issues he has testified on are: payments constituting illegal rebates; fronting arrangements; illusory coverage; duties of primary and excess insurers; an insurer's duties in connection with its surplus; the scope of the business judgment rule; the insurable interest rule; the duty of an insurer to settle within policy limits when liability is reasonably clear; and the duty of the insured to inform the insurer of a material

change in the risk. Although not an actuary, his knowledge of actuarial concepts enables him to go toe-to-toe with actuaries both as a litigator and as an expert witness.

Recent decisions making new law in which he has prevailed include *St. Louis Effort for AIDS v. Huff*, 782 F.3d 1016 (8th Cir. 2015), in which the 8th Circuit struck down a Missouri statute limiting the ability of ACA-authorized consumer assistance organizations to help consumers obtain health insurance, and *Corbin v. Allstate*, 140 N.E.3d 810 (Ill. App. Ct. 2019) in which the Illinois Appellate Court held that the filed rate doctrine does not apply to filed auto insurance rates in Illinois.

At HHS, Mr. Angoff's responsibilities included developing the regulations implementing the ACA's individual and small group market reforms, including the Patient's Bill of Rights, Medical Loss Ratio rule and Rate Review rule; implementing the Consumer Assistance, Exchange, and Rate Review grant programs; and establishing the Early Retiree Reinsurance Program and Preexisting Condition Insurance Plan. At HHS, Mr. Angoff also served as Senior Advisor to the Secretary and as Regional Director for Region VII, headquartered in Kansas City.

Between 1993 and 1998, Mr. Angoff served as Director of the Missouri Department of Insurance. There, he became one of the first Insurance Commissioners to order a traditionally non-profit Blue Cross plan to establish a healthcare foundation with the full value of its assets. After five years of ultimately successful litigation, he oversaw the establishment of the foundation, the Missouri Foundation for Health, which is now one of the nation's largest healthcare foundations with over \$1.2 billion in assets. He also helped implement a health insurance exchange for state workers, which reduced their health insurance rates by up to 45%. And he established a competitive bidding process for workers compensation insurers that reduced workers comp rates by 24%. He also oversaw and accelerated the run-off of the Transit Casualty and Mission insolvencies, two of the largest and longest-running insurer insolvencies in the nation.

Prior to his service in Missouri, Mr. Angoff served as Deputy Insurance Commissioner of New Jersey and Special Assistant to the Governor for Health Insurance Policy. In those positions, he helped draft and implement New Jersey's individual and small group reform laws. He is also one of the primary drafters of

Proposition 103, the California auto insurance reform initiative approved by the voters in 1988.

Mr. Angoff began his career as an antitrust lawyer with the Federal Trade Commission. He also served as a staff attorney for Congress Watch, a public interest lobbying organization, as counsel to the National Insurance Consumer Organization, and as Vice-President for Strategic Planning for Quotesmith.com (now insure.com), an internet quotation service and insurance broker.

He has written for The New York Times, The Washington Post, and The Wall Street Journal, among other publications, and has appeared on MSNBC and Fox News. He is the recipient of the James R. Kimmey Lifetime Achievement Award and the Rory Ellinger Award for Public Interest Litigation.

Mr. Angoff is a member of the District of Columbia, Missouri, New Jersey, and U.S. Supreme Court bars, and is a graduate of Oberlin College and Vanderbilt Law School.

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Richard Condit

Richard Condit is a partner at M&S, and co-chairs the firm's Whistleblower Rights Practice. His practice includes cases involving whistleblower retaliation, disclosures to the SEC and other federal agencies, and false claims or fraud against the government or its contractors. Mr. Condit has over 30 years of experience working with whistleblowers of diverse backgrounds in a wide variety of industries, representing lawyers, doctors, bank executives, firefighters, social workers, police officers, engineers, and laborers. The subject matter of the issues raised by whistleblowers Mr. Condit has worked with are equally diverse, covering such problems as fraud against the government, nuclear safety, environmental protection, bank fraud, food safety, mortgage fraud, securities law or regulatory violations, public transit safety, and many others.

Most recently, Mr. Condit, along with co-counsel, represented four whistleblowers whose actions resulted in the government uncovering a ten-year period of overcharging for labor costs and related wrongdoing by construction giants Bechtel and AECOM. In 2020, their efforts resulted in a \$57.75 million settlement between the



government and the contractors, which is one of the largest involving a U.S. Department of Energy facility. They received \$13.75 million, nearly 24% of the government's recovery and one of the highest ever received in a case where the government has chosen to intervene.

Prior to joining M&S, Mr. Condit worked at the Government Accountability Project (GAP)—first from 1987-1995 and again in 2007. In his first stint at GAP, he helped develop the organization's environmental whistleblower and citizen enforcement programs. When Mr. Condit returned to the organization, he served as Senior Counsel and lead GAP's in-house litigation of whistleblower and open government cases. Richard is also former General Counsel for Public Employees for Environmental Responsibility (PEER), where he led the group's whistleblower litigation efforts. Moreover, he previously served as an adjunct faculty member of the University of the District of Columbia David A. Clarke School of Law, teaching Whistleblower Law and Practice in the classroom and through the school's highly regarded clinical program. Mr. Condit is admitted to practice before the U.S. Supreme Court and multiple federal district courts. He has also appeared before several U.S. Courts of Appeal and regularly practices before the U.S. Department of Labor, the U.S. Office of Special Counsel, the U.S. Merit Systems Protection Board, and various state courts and agencies.

Mr. Condit's expertise is recognized by whistleblower law and support organizations. In 2021, he appeared at Whistleblowers of America's first Workplace Promise Institute conference and spoke on a panel focused on legal protections for whistleblowers. Mr. Condit also spoke at the Taxpayer's Against Fraud 21st Annual Conference. At the TAF conference, he moderated a panel that discussed the mental health challenges, stress, and trauma experienced by whistleblowers.

Mr. Condit's work was recognized in Tom Mueller's 2019 book, *Crisis of Conscience: Whistleblowing in the Age of Fraud*; former U.S. EPA senior criminal enforcement lawyer Richard Emory's 2019 book, *Fighting Pollution and Climate Change*; and Chip Ward's 1999 book, *Canaries on the Rim – Living Downwind in the West*.

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Ellen Eardley

Ellen Eardley is a partner at M&S and a member of the management team. She practices civil rights and employment discrimination law and also offers diversity, equity, inclusion, and justice consulting services.

Ms. Eardley co-leads the firm's civil rights practice. She represents people who have experienced race discrimination, sex discrimination, sexual assault, and other civil rights violations in the workplace and at school. She represents over 500 plaintiffs who have experienced sexual harassment while working at the Cook County Jail in Chicago, *Howard v. Cook County Sheriff's Office*, No. 17-8146 (N.D. Ill.), which is one of the largest sexual harassment cases in history. Along with co-counsel from the National Women's Law Center and A Better Balance, Ms. Eardley was lead counsel in *Borders v. Wal-Mart Stores, Inc.*, a nationwide pregnancy discrimination class action in which a district court approved a \$14-million settlement.

A leader on issues of diversity, inclusion, equity, and justice (DEIJ), Ms. Eardley offers strategic consulting services to organizations, employers, schools, non-profits, and government entities. In collaboration with the Working IDEAL consulting network, she provides racial equity assessments, conducts investigations of allegations of discrimination, and develops DEIJ plans intended to dismantle structural barriers to inclusion.

Ms. Eardley was formerly the Assistant Vice Chancellor for Civil Rights & Title IX at the University of Missouri. She served on both the Chancellor's and Provost's staffs and was responsible for addressing discrimination and sexual violence in a community of more than 60,000 people. She founded the University's first institutional equity office, creating a central place to address all forms of discrimination and sexual violence with an intersectional lens. Ms. Eardley was credited with building a team of highly qualified equity professionals, increasing transparency through annual reports, improving key equity-related university policies, and co-chairing university-wide task forces to address sexual violence as well as to improve accommodations for pregnant students. She increased campus resources for disability inclusion and fought to ensure that trans students could use their lived names on key documents, such as diplomas.

Before taking on her university administrator role, Ms. Eardley practiced law at M&S for eight years, where she was a Partner. She also taught Sex Discrimination Law at American University's Washington College of Law during this time. Ms. Eardley began her legal career as a fellow and counsel at the National Women's Law Center. She also was an associate at a labor and employment firm now known as McGillivray Steele Elkin, LLP. In addition to her law degree, Ms. Eardley holds a master's degree in women's and gender studies.

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Michael Lieder

Michael Lieder is a partner at M&S who joined the firm in 2012. Since then, he has worked primarily on employment discrimination, wage and hour, and insurance class action litigation for the firm. He has been lead counsel or had a significant role in five of the civil rights class action lawsuits discussed above – *Borders v. Wal-Mart Stores, Inc.*, *Chalmers v. City of New York*, *Richardson v. City of New York*, *Brown v. Medicis*, and *White v. Lynch* – in the wage and hour case against MetLife mentioned above, and several other concluded or ongoing cases.

Mr. Lieder's work includes "Onward and Upward after *Wal-Mart v. Dukes*," co-authored with M&S's Cyrus Mehri, on successfully pursuing employment justice in the wake of *Wal-Mart v. Dukes*. He also co-authored—with M&S co-founder Cyrus Mehri—a book chapter entitled "Addressing the Ever Increasing Standards for Statistical Evidence: A Plaintiff Attorney's Perspective" which was published in *Adverse Impact Analysis: Understanding Data, Statistics, and Risk* (2017).

Prior to joining M&S, Mr. Lieder was of counsel, a partner, and a member of Sprenger & Lang, PLLC. At that firm, he generally served as lead counsel or in another leading role in employment discrimination, ERISA, wage and hour, and consumer class action litigation, including the following prominent cases:

- *In re TV Writers Cases*, No. 268836 et al. (Cal. Super. Ct., L.A. Cty. 2011) (settled this age discrimination class action against major television networks, studios, and talent agencies on behalf of members of the Writers Guild of America for about \$70

million, believed to be the largest settlement of an age discrimination class action ever);

- *Whitaker v. 3M Co.*, (Minn. Sup. Ct., Ramsey Cty. 2011) (settled this age discrimination class action claiming discrimination primarily in potential ratings, training, and promotions for about \$16 million plus injunctive relief);
- *Seraphin v. SBC Internet Servs., Inc.*, No. CV 09-131-S-REB (D. Idaho 2011) (consumer class action);
- *Jarvoise v. RAND Corp.*, No. 1:96-CV-2680 (D.D.C. 2007) (settled this gender discrimination class action claiming discrimination in pay for about \$3 million);
- *Carlson v. C.H. Robinson Worldwide, Inc.*, No. CV-02-3780 (D. Minn. 2006) (settled this gender discrimination class action on behalf of about 230 women against a logistics company for \$15 million, about \$65,000 per class member, one of the largest per capita settlements ever of a gender discrimination class action);
- *Lucich v. New York Life Ins. Co.*, No. 01-1747 (S.D.N.Y. 2004) (settled this ERISA pension benefits class action on behalf of sales agents for \$16 million and agreement to make retirement benefits available to more agents);
- *Franklin v. First Union Corp.*, Nos. 3:99cv344 and 610 (E.D. Va. 2001) (settled this ERISA breach of fiduciary duty class action for about \$26 million in what is believed to be the first successful challenge to plan fiduciaries selecting own underperforming funds in 401(k) plan);
- *Thornton v. National Railroad Passenger Corp.*, No. 98-890 (D.D.C. 2000) (settled this race discrimination class action for trackworkers for \$16 million and broad injunctive relief, most of which was incorporated into a collective bargaining agreement and is thereby enduring);
- *McLaurin v. National Railroad Passenger Corp.*, No. 98-2019 (D.D.C. 1999) (settled this race discrimination class action for managers and professionals for \$8 million and broad injunctive relief including salary adjustments for employees identified as underpaid in pay equity analysis);

- *Hyman v. First Union Corporation*, No. 94-1043 (D.D.C. 1997) (settled this age discrimination collective action for \$58.5 million, believed at the time to be the largest settlement of an age discrimination collective action and still possibly the largest per capita);
- *Burns v. Control Data Corporation*, No. M.D. 4-96-41 (D. Minn. 1997) (settled this age discrimination collective action for \$29 million);
- *In Re: Maytag Corporation/Dixie Narco Plant Closing Litigation*, No. 92-C-417 (W.V. Cir. Ct., Jefferson Cty 1995) (settled this breach of contract and fraud class action arising out of the closing of a factory for \$16.5 million); and
- *In re Pepco Employment Litigation*, No. 86-0603 (D.D.C. 1993) (settled this race discrimination class action for \$38.5 million and broad injunctive relief).

The settlements in many of the cases required comprehensive injunctive relief in addition to substantial payments to the class members. In many of these cases, Mr. Lieder worked closely with co-counsel from other firms.

Mr. Lieder is well-known in the class action employment bar. He has written papers and spoken at seminars and webinars concerning certification of employment discrimination class actions, the impact of *Dukes* on certification of employment discrimination class actions, statistical evidence in employment discrimination cases, mediation of employment discrimination cases, the Age Discrimination in Employment Act, Rule 23(f) review of class action certification decisions, ERISA litigation, and wage-and-hour litigation. He also has authored several amicus briefs to the Supreme Court and Courts of Appeal. In 2007, he was named one of “500 Leading Plaintiffs’ Lawyers in America” by Lawdragon magazine, and in 2013, he was selected as a “Super Lawyer.”

Before beginning work at Sprenger & Lang in 1991, Mr. Lieder graduated magna cum laude from Georgetown University Law Center, where he was a Notes and Comments editor on the Georgetown Law Journal. Mr. Lieder also worked for six years as an associate at the Madison, Wisconsin office of Foley & Lardner LLP, and served as a visiting assistant professor for a year at the University of Toledo College of Law.



Mr. Lieder is an accomplished author with wide-ranging interests. He co-authored a book, *Wild Justice: The People of Geronimo vs. the United States*, published by Random House in 1997, which was favorably reviewed by the New York Times and the Washington Post, among other leading publications.

Mr. Lieder also wrote or co-authored five pieces published in various law journals:

- Class Actions Under ERISA, 10 Employee Rights & Employment Policy J. 665 (2006);
- Navajo Dispute Resolution and Promissory Obligations: Continuity & Change in the Largest Native American Nation, 18 Amer. Ind. L. Rev. 1 (1992);
- Constructing a New Action for Negligent Infliction of Economic Loss: Building on Cardozo & Coase, 66 Wash. L. Rev. 937 (1991);
- Religious Pluralism and Education in Historical Perspective: A Critique of the Supreme Court's Establishment Clause Jurisprudence, 22 Wake Forest L. Rev. 813 (1987); and
- Adjudication of Indian Water Rights Under the McCarran Amendment: Two Courts Are Better Than One, 71 Geo. L.J. 1023 (1983).

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Cleveland Lawrence III

Cleveland Lawrence III is a partner at M&S, where he is Co-Chair of the Whistleblower Rights Group. He is an expert on False Claims Act, whistleblower, fraud, and compliance issues, and has been a thought leader in the *qui tam* community for more than a decade. At the firm, Mr. Lawrence has been lead counsel or had a significant role in several of the whistleblower cases discussed above, including the case against Bechtel and AECOM that resulted in a \$57.75 million settlement between the government and the contractors, which is one of the largest involving a U.S. Department of Energy facility. From 2008 to 2016, Mr. Lawrence led the Taxpayers Against Fraud Education Fund (TAFEF) and its sister organization, Taxpayers Against Fraud. In those capacities, he regularly met with whistleblowers, federal and state government officials, private attorneys, and the public to combat fraud against federal

and state funds. He also served as editor in-chief of TAFEF’s law journal, the False Claims Act & *Qui Tam* Quarterly Review, and managed annual national seminars on the IRS, SEC, and CFTC whistleblower programs.

A seasoned litigator, Mr. Lawrence also has experience as outside counsel, having handled a variety of fraud, compliance, ethics, and whistleblower issues—including as defense counsel. Prior to his service at TAFEF, Mr. Lawrence spent more than six years as an associate at Weil, Gotshal & Manges, LLP, where among other things, he defended clients against FCA lawsuits, and assisted clients facing internal investigations and administrative subpoenas from government agencies. In addition to these duties, he counseled corporate and individual clients in several other areas of litigation practice, including complex commercial law, products liability, bankruptcy, antitrust, class action, insurance coverage, healthcare, employment, and environmental law.

Throughout his career, Mr. Lawrence has worked with the highest levels of all three branches of Government to shape whistleblower law and policy. He has partnered with high-ranking officials from the U.S. Department of Justice to coordinate the nation’s largest annual False Claims Act conference—which often featured Directors of the IRS, SEC, and CFTC whistleblower programs as well. In addition to arguing before federal district and circuit courts on behalf of his own whistleblower clients, Mr. Lawrence has authored and filed numerous amicus curiae briefs on behalf of TAFEF in federal and state courts across the country—including the United States Supreme Court. In addition, Mr. Lawrence has: testified before Congress and state legislatures regarding FCA and whistleblower-related legislation; represented a testifying witness during Congressional committee hearings; prepared draft and model federal and state legislation; and submitted multiple comment letters to federal agencies implementing Dodd-Frank and other whistleblower reward programs.

Mr. Lawrence has examined whistleblowing from multiple perspectives and frequently speaks about the topic to a variety of audiences, including conferences, seminars, and other educational events for whistleblowers and attorneys sponsored by the American Bar Association, the Federal Bar Association, the National Healthcare Anti-Fraud Association, TAF, and others; law students, graduate students, compliance



officers, and other groups; and media outlets such as *Law360*, *POLITICO*, and *The CPA Journal*.

Mr. Lawrence received a B.A. from Georgetown University and he graduated, with honors, from The George Washington University Law School, where he was a member of the Public Contracts Law Journal. A native of New Orleans, he is a founder and president of the Lagniappe Education Foundation, a 501(c)(3) non-profit organization that provides scholarship assistance to deserving college-bound graduates from his *alma mater*, Edna Karr High School.

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Joshua Karsh

Mr. Karsh joined M&S in 2020, opening up the firm's Chicago office. In his 30 years of practice, Mr. Karsh has represented all kinds of clients—individual workers and nation states, community-based organizations and litigation classes with tens or hundreds of thousands of class members, sole proprietors, and large companies. He is a seasoned trial and appellate litigator: he has tried multiple cases to verdict (before both judges and juries), arbitrated and mediated cases, and briefed and argued appeals across the country.

For clients he has represented as plaintiffs, Mr. Karsh has recovered hundreds of millions of dollars. On behalf of defendants, he has successfully prevented what would have been crushing judgments.

Mostly, Mr. Karsh likes to stir up “good trouble” (as Congressman John Lewis would call it)—by bringing cases that advance social justice, curb fraud, make markets more efficient, or make government and corporate interests more responsive and transparent. The following is a summary of just some of the areas in which Mr. Karsh has litigated: employment discrimination; voting rights; police misconduct; whistleblower claims and false claims act litigation; consumer protection; free speech (First Amendment); stock fraud, commodities fraud, and shareholder derivative suits; antitrust law; labor law; partnership disputes; insurance coverage; and immigrant rights.

Before joining M&S, Mr. Karsh was the Legal Director for the National Immigrant Justice Center. Before that, he was a partner and shareholder in a high-powered litigation boutique in Chicago, where he worked for almost twenty years.

Mr. Karsh is a graduate of the University of Chicago Law School and Yale University, and clerked for United States District Court Judge Hubert L. Will. He is a member of the American Law Institute (ALI), a Fellow of the College of Labor and Employment Lawyers, and has been heralded as an Illinois Super Lawyer® and listed on the Illinois Leading Lawyer Network List.

Mr. Karsh has served on the Boards of Directors of the Chicago Lawyers' Committee for Civil Rights and the Jewish Council on Urban Affairs, and as President of the Jewish Reconstructionist Congregation in Evanston, Illinois, where he lives with his wife and two sons.

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Ezra Bronstein

Ezra Bronstein is a Senior Associate at M&S. Building on his government experience, Mr. Bronstein guides domestic and foreign whistleblowers, from crypto technologists and construction workers to consultants and investors, through their legal matters, including the SEC's and CFTC's whistleblower reward programs, qui tam cases against government contractors, and lawsuits relating to workplace retaliation. Mr. Bronstein also litigates class actions targeting abusive or fraudulent business practices and represents independent school districts nationwide in opioid-related litigation.

Before joining M&S, Mr. Bronstein directed the Federal Housing Finance Agency Office of Inspector General's whistleblower operations, led public corruption investigations, and participated in prosecutions of complex white-collar crimes. Mr. Bronstein also assessed regulatory compliance and internal controls of Fannie Mae, Freddie Mac, Federal Home Loan Banks, and the Federal Housing Finance Agency, and recommended improvements in public reports to Congress.

Mr. Bronstein serves as a board member and legal advisor to several nonprofit organizations, including Geder Avos, an organization dedicated to preserving historic Jewish cemeteries and mass graves in Eastern and Central Europe.



Mr. Bronstein graduated from The George Washington University Law School in 2012, where he was a Presidential Merit Scholar. While in law school, Mr. Bronstein interned at the U.S. Securities and Exchange Commission and a public company. Before law school, Mr. Bronstein volunteered as a community organizer and teacher in Johannesburg and Pretoria, South Africa, and was ordained as a rabbi.

Mr. Bronstein is a member of the District of Columbia and New York Bars and is admitted to practice before numerous federal courts.

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Desireé Langley

Desireé Langley joined Mehri & Skalet in 2019 as an Associate Attorney. Ms. Langley's practice primarily involves representing employees in class action lawsuits and individual severance matters with a focus on race and gender discrimination, retaliation, and sexual harassment. In addition, Ms. Langley represents employees experiencing disability discrimination under the ADA, as well as consumers harmed by discriminatory and unfair business practices.

Prior to joining Mehri & Skalet, Ms. Langley worked as an Assistant Public Defender in Maryland, where she represented indigent clients charged with misdemeanors and felonies. Prior to this role, Ms. Langley was a Litigation Fellow with the ACLU National Prison Project, where she assisted attorneys in class lawsuits involving the inhumane treatment of prisoners.

Ms. Langley graduated from George Mason University School of Law in 2017, where she served as the President of the Black Law Students Association, Vice President of the Trial Advocacy Association and Pro-Bono Society, and a student attorney in the Mental Health Clinic. Prior to attending law school, Ms. Langley was a special education teacher at Anacostia High School.

Desireé serves as a board member to oneTILT, a non-profit organization dedicated to transforming schools and nonprofits into inclusive, equitable, and diverse spaces one manager at a time. She also volunteers as a mock trial coach at George Mason School of Law. In 2019, her team won the regional ABA Labor and Employment Trial Competition in Washington, D.C., qualifying for nationals.



Ms. Langley is a member of the DC and Virginia Bars.

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Autumn Clarke

Autumn Clarke joined Mehri & Skalet in September 2021 as an Associate Attorney. Prior to joining Mehri & Skalet in this capacity, Ms. Clarke worked as the Peggy Browning Fund Fellow and Summer Associate at Mehri & Skalet in 2020 where she assisted attorneys in class action litigation.

Ms. Clarke graduated from American University Washington College of Law (WCL) in 2021. At WCL, Ms. Clarke served as the Executive Communications & Development Editor for the Administrative Law Review, a student attorney in the Civil Advocacy Clinic, and the Vice President of the Black Law Students Association (BLSA). She went on to serve as the Member-at-Large and the National Director for the Nelson Mandela International Negotiations Competition for the National Board of Directors of NBLSA. Lastly, Ms. Clarke interned for the Montgomery County, Maryland Circuit Court and the Lawyers' Committee for Civil Rights Under Law during her law school career.

Ms. Clarke is a member of the Maryland Bar. Her application for the DC Bar is pending, but she is currently supervised by licensed DC Bar members.

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Judge U.W. Clemon

Retired U.S. District Judge U.W. Clemon (Chief Judge N.D. Alabama), joined M&S as Of Counsel on January 1, 2017. Judge Clemon was Alabama's first black federal judge, serving as the Chief Judge of the Northern District of Alabama from 1999-2006. Joining M&S gives him a chance to return to his roots in civil rights and other public spirited and complex litigation.

Judge Clemon served as the trial judge during Lilly Ledbetter's successful trial against Goodyear. The Supreme Court created new legal standards and reversed Ms. Ledbetter's trial victory. In her dissent, Justice Ginsberg called on Congress to act to restore the law and the legal principles consistent with Judge Clemon's trial decisions.



The Lilly Ledbetter bill became the first law that President Obama signed into law as President. Ms. Ledbetter has this to say about Judge Clemon: “There is no finer person or jurist than Judge U.W. Clemon. As the presiding judge, he managed my trial exactly how it should have been. He was fair to both sides. But for him, I may never have had my day in court and may never have had the opportunity to make history to change the law for the better for all Americans.”

Judge Clemon serves on the plaintiffs’ Steering Committee in perhaps the largest antitrust case in the nation, BlueCross Antitrust. Judge Clemon is also frequently deployed as a mediator, arbitrator or court-appointed Special Master including serving as Special Master in a historic M&S case, *Norflet v. John Hancock*.

As a student activist at Miles College, Judge Clemon confronted the infamous Eugene “Bull” Connor over Birmingham’s segregation ordinances in 1962 and marched with Dr. Martin Luther King in the following year. In 1968 he graduated from Columbia Law School, where he began a life-long relationship with the NAACP Legal Defense & Educational Fund, Inc.

Before his judicial appointment, Judge Clemon was a civil rights lawyer. He sued Coach Paul Bear Bryant in 1969 to desegregate the University of Alabama’s football team, and has represented many plaintiffs in employment cases. He was the first African American elected to the Alabama State Senate since Reconstruction and served respectively as chairman of the Rules and Judiciary Committees.

He confronted Governor George C. Wallace on many race-related issues. After nearly thirty years of service, Judge Clemon retired from the federal bench in 2009.

Judge Clemon was profiled in the New York Times Magazine for his decades-long involvement in the debate over desegregation in Alabama public schools. Judge Clemon represented Black plaintiffs in a lawsuit against suburban Gardendale, Alabama, whose all-white council proposed plans to split the community’s schools into its own district, separate from the more diverse schools in Jefferson County. The district judge found that race discrimination was a motivating factor, but allowed the split to go forward. Judge Clemon argued the case on appeal, and in February 2018 the decision was reversed.



* * *

N. Jeremi Duru

N. Jeremi Duru, a Professor of Law at American University's Washington College of Law, serves as Of Counsel to M&S. Before entering academia, Professor Duru was an associate at M&S, where he represented plaintiffs' interests in employment discrimination and other civil rights matters.

Much of Professor Duru's work involved challenges to discriminatory employment practices in professional athletics. In recognition of this work, the National Bar Association honored Professor Duru with its 2005 Entertainment and Sports Lawyer of the Year award. Professor Duru has lectured and written extensively on sports law and employment law topics and, among other publications, is co-author of *Sports Law and Regulation: Cases, Materials, and Problems* (3d ed.) (Wolters Kluwer) and author of *Advancing the Ball: Race, Reformation, and the Quest for Equal Coaching Opportunity in the NFL* (Oxford University Press). In 2018, he received both the American University Faculty Award for Outstanding Teaching and the Washington College of Law Award for Excellence in Teaching.

After receiving his undergraduate education at Brown University, Professor Duru completed a joint-degree program at Harvard University, receiving a Master's degree in Public Policy from the John F. Kennedy School of Government and a Juris Doctorate from Harvard Law School. He then served as a law clerk to the Honorable Damon J. Keith of the United States Court of Appeals for the Sixth Circuit.



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CASE NO. 1:11-cv-01831-RJL

ANDREW MACKMIN, *et al.*,

Plaintiffs,

v.

VISA INC., *et al.*,

Defendants.

Action Pending in United States
District Court for the District of
Columbia

No. 1:11-cv-01831-RJL

DECLARATION OF DENNIS W. CARLTON

I, Dennis W. Carlton, declare as follows:

1. I am the David McDaniel Keller Professor of Economics at the Booth School of Business of the University of Chicago. I received my A.B. in Applied Mathematics and Economics from Harvard University and my M.S. in Operations Research and Ph.D. in Economics from the Massachusetts Institute of Technology. I have served on the faculties of the Law School and the Department of Economics at the University of Chicago and the Department of Economics at the Massachusetts Institute of Technology. I am also currently a Senior Managing Director at Compass Lexecon.

2. On September 19, 2019, I submitted an expert report in support of Plaintiffs' motion for class certification. Subsequently, I submitted a rebuttal to several analyses from Prof. Glenn Hubbard and Mr. Tony Hayes, who had submitted expert reports as Defendants' class-certification experts. I also sat for a deposition regarding my expert analyses, excerpts of which I understand from counsel this Court considered along with my reports when deciding Plaintiffs' class certification motion.

3. In connection with their recent fee petition, I understand from counsel that Plaintiffs request reimbursement of expenses out of the settlement fund. One of those expenses is the \$9.004 million that Compass Lexecon billed for roughly four and a half years of work from early 2016 to late 2020. I have been asked by counsel to provide this declaration in order to explain the work I and my team at Compass Lexecon performed for Plaintiffs and the now-certified class, including why that work proved to be complex and time-consuming, even compared to other high-profile, high-stakes antitrust class actions.

4. My team's first tasks in this case included advising on Plaintiffs' discovery efforts, including what types of documents and data would best help me to analyze the effects

and impact of Defendants' access-fee rules, and from which entities to seek data. A single ATM transaction involves multiple different entities, including the ATM network provider, the issuing bank, the acquiring bank, the ATM operator, and (sometimes) other entities. There are many firms of each type, *e.g.*, network providers and banks; collectively, hundreds of different firms participated in this industry during the relevant period for the issues raised in this matter. The flow of funds between these entities is similarly complex, with fees being set, charged and received in multiple directions and in a complex array of relationships. Given this inherent complexity, it was clear that discovery from the Defendants alone was not enough to analyze the allegation in this case. My team therefore advised on which entities to seek discovery from, and what should be sought from each type of entity.

5. After Plaintiffs issued discovery requests (with my team's input) to Defendants, a series of letters were exchanged between Plaintiffs' counsel and Defendants' counsel regarding the availability and format of Defendants' proposed production. Compass Lexecon provided advice, analysis and follow-up questions throughout that process. From just Defendants alone, this required a substantial amount of time and effort, involving advice on the discovery requests and multiple rounds of data analysis leading to data-specific questions and answers that enabled me and my staff to make sense of and analyze the data accurately.

6. The Defendants, however, were not the only entities whose data and documents were involved in constructing an informative picture of the ATM industry. Accordingly, with Compass Lexecon's input, Plaintiffs sought discovery from nearly two dozen third parties, including other major ATM network providers and certain key payment processors. This third-party discovery also involved extensive time and effort.

7. Once Plaintiffs received data from the different discovery targets in the case, our task as economists was to review, reconcile, and, where necessary, standardize that data so that I and my staff could use it in our analyses to assess the effects of Defendants' access-fee rules. Data sets – especially large and complex ones covering lengthy periods of time and many parties – generally require substantial review and reconciliation before being suitable for further analysis. That is particularly the case when attempting to analyze and reconcile data sets from multiple parties. For example, the banks alone produced billions of transactions across multiple productions, sometimes correcting previous productions. In total we processed and analyzed over 3.5 terabytes of raw data from banks, networks, and processors.

8. On the reconciliation side, the effort involved in getting data sets from different discovery targets to line up with one another was substantial. As a simple example, two data sets from two different discovery targets may each contain hundreds of thousands of names of counter-parties. However, the naming conventions are rarely consistent across discovery targets, and can be further complicated by typographical errors and other entry mistakes. Discovery targets may track information differently, or may use different accounting treatments, or may allocate elements differently. Compass Lexecon explored and reconciled each of these potential sources of discrepancies. The overall task of reviewing and reconciling the produced data therefore required substantial attention to detail, including multiples rounds of checks to confirm. In total, with the assistance of counsel, Compass Lexecon received, reviewed, and analyzed over 27,000 files.

9. Furthermore, all of this effort was subject to change (often multiple times) depending on explanations from the producing party regarding the data. During the review and reconciliation process, Compass Lexecon assisted counsel with drafting questions for dozens of

communications with the producing parties, and the responses to those questions in certain cases required substantial additional work and/or revisions to prior work when our understanding of the data changed. This review and reconciliation process, thus, was an important first step for my statistical analyses.

10. Following these data efforts, the next task was for me with assistance from my team to prepare and submit my opening expert report. That process included multiple different work streams, all of which were time-consuming and document- and data-intensive. On the document side, Compass Lexecon worked through (with assistance from counsel) thousands of files that the many different entities produced; reviewed key depositions; and researched the relevant academic literature. On the data side, after extensive analysis, I presented a report containing statistical analyses for the Court to consider for its eventual class-certification decision. This type of econometric work is time-consuming and complex, requiring substantial expertise and attention to detail, including checks and double-checks. The value of that work also is not limited to class certification proceedings. Compass Lexecon's substantial data and econometric work has yielded cleaned datasets and analytic foundations for any future analyses I may be called upon to perform as this case proceeds against non-settling defendants Visa and MasterCard.

11. In addition to conducting my own econometric analyses, I responded to over 100 regression models submitted by Defendants' expert, Prof. Glenn Hubbard. Those regressions were based on a different dataset and methodology than I had used, which required substantial analyses to understand, replicate, and critique. I also extended Prof. Hubbard's analyses, incorporating additional data that Prof. Hubbard had not used, as well as providing several other

empirical analyses of the data. The results of this time-consuming and laborious process featured prominently in my rebuttal report and Plaintiffs' class-certification reply brief.

12. As an illustration of the complexity of such empirical work, I noted in my rebuttal report that Prof. Hubbard had made a conceptual error in some of his regressions. Explaining how Prof. Hubbard erred required a detailed mathematical proof spanning three pages of text. *See* ECF No. 217-19, Appendix B. The complexity of the explanation of this single error highlights the complexity of the underlying analyses and why they were so time consuming. This is just one example of the type of work that went into my own initial analyses, as well as the type of work underlying my response to Prof. Hubbard's analyses.

13. Overall, the work I and my staff performed for this case was of the type Compass Lexecon performs in a number of cases in which I am retained to act as a testifying economic expert for an antitrust class action. Compared to other antitrust class actions I have worked on, the extent and complexity of the data and documents involved were unusually high. However, the substantial effort devoted to the analyses allowed me to provide this Court with what I believe was a thorough and accurate study of the ATM industry and the effects of the challenged restraints.

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

Executed February 25, 2022 in Bethesda, Maryland.



Dennis W. Carlton

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CASE NO. 1:11-cv-01831-RJL

ANDREW MACKMIN, *et al.*,

Plaintiffs,

v.

VISA INC., *et al.*,

Defendants.

Action Pending in United States
District Court for the District of
Columbia

No. 1:11-cv-01831-RJL

DECLARATION OF ALAN S. FRANKEL

I, Alan S. Frankel, declare as follows:

1. I am Chairman of Coherent Economics, LLC, which I founded in 2007. I received a B.A. in economics in 1982, an M.A. in economics in 1985, and a Ph.D. in economics in 1986, each from the University of Chicago. My primary field of concentration in the Ph.D. program was Industrial Organization. I am a Senior Editor of the Antitrust Law Journal, the leading professional journal dedicated to legal and economic issues arising in antitrust, competition, and consumer protection disputes. I am a member of the U.S. Advisory Board of the Institute for Consumer Antitrust Studies, and I am an Adjunct Professor and teach a course in Law & Economics at the Loyola University Chicago School of Law.

2. I began studying competition in and among payment card networks – including credit card, debit card, and ATM networks – in the 1980s. Since then, I have authored or coauthored numerous articles in professional publications concerning competition issues arising in payment card networks, which have been cited by economists, regulators, and others in many jurisdictions. I have spoken about competition in payment card networks and related issues at professional conferences on dozens of occasions, including at events sponsored by various central banks, bar associations, universities, and industry groups across the U.S. and abroad. I have published academic articles concerning ATM networks and other payment card networks, and I have been retained by government competition authorities including the United States Department of Justice, the U.K. Office of Fair Trading, the Canadian Commissioner of Competition, the New Zealand Commerce Commission, and the Chilean Fiscalía Nacional Económica, and by private parties in the United States, Europe, and Australia, concerning ATM or other payment card networks.

3. On September 20, 2019, Dr. Dennis Carlton submitted an expert report in support of Plaintiffs' motion for class certification, and thereafter submitted a rebuttal report responding to certain analyses from Glenn Hubbard, Defendants class certification expert. I and others on my staff at Coherent Economics provided extensive support to Dr. Carlton in the preparation of these reports. We also provided support to class counsel as consulting experts to assist them in prosecuting this litigation.

4. In connection with their recent fee petition, I understand that Plaintiffs request reimbursement of expenses out of the settlement fund. One of those expenses is the \$3,472,188.91 that I and my colleagues at Coherent Economics billed for our work in this case. So that the Court may better assess Plaintiffs' request, I provide this declaration in order to explain the work Coherent Economics performed for Plaintiffs and the now-certified class.

5. As detailed above, a focus of my career as an expert economist has been on competition in payment card systems. At the outset of this matter and throughout the case, I provided my unique expertise on this topic to support class counsel and Dr. Carlton's work. Additionally, my staff aided Dr. Carlton and the staff of Compass Lexecon by developing discovery requests, reviewing relevant produced and public documents, processing multiple large datasets, and synthesizing that work into Dr. Carlton's expert reports and exhibits.

6. Our early work in this matter focused primarily on developing discovery requests, receiving data and document production from Defendants and third-parties, reviewing in detail the documents and data received, and engaging in several rounds of correspondence with Defendants and third-parties to assure ourselves and the team at Compass Lexecon that we not only received the information we needed to conduct an analysis of the issues in this matter, but

also understood and could process what we had received. The data were voluminous, arranged in a variety of formats, and complex.

7. This time-consuming and multi-faceted effort of document and data gathering and analysis involved not only Defendant card networks (Visa and Mastercard) and Defendant banks (Bank of America, Wells Fargo, and Chase), but also several third-party ATM network providers and key payment processors.

8. Each network, bank, ATM provider and processor has its own record-keeping methods and unique internal terminology concerning its data. Coherent Economics personnel converted the differently organized and formatted datasets that we received from various parties and non-parties into a standardized and manageable format for further analysis. This was a time- and labor-intensive process requiring Coherent personnel to review data documentation, develop methods to combine and compare the data correctly, and prepare the data for further use by us and by Dr. Carlton. This process was further complicated by the sheer amount of data produced in this matter. The Coherent Economics team processed multi-terabyte files containing transaction-level data from some of the largest banks in the country. Multiple rounds of updates or supplements from the producing parties were also processed and integrated carefully into our existing databases, with appropriate quality control checks.

9. Coherent Economics coordinated all data processing, analysis, and quality control work with the staff of Compass Lexecon.

10. In addition to data processing and analysis, the Coherent Economics team supported Dr. Carlton in preparation of his opening report. This involved document, deposition, and literature review, additional data collection and processing from public data sources,

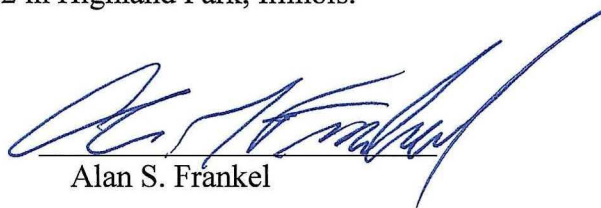
construction and audit of Dr. Carlton's regression analysis, and generally assuring the quality of the text and exhibits presented in that report.

11. Coherent Economics also participated in the preparation of Dr. Carlton's reply to Mr. Hubbard. Coherent personnel coordinated efforts with the staff of Compass Lexecon to replicate Mr. Hubbard's data analysis work and undertake the additional data processing projects needed to prepare Dr. Carlton's reply report.

12. In summary, the complex nature of this matter and the sheer scope and size of the data and documents produced required a major commitment of time and labor. However, the work performed by Coherent Economics was essential for Dr. Carlton to provide an accurate and reliable opinion in this matter.

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

Executed February 25, 2022 in Highland Park, Illinois.



Alan S. Frankel

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANDREW MACKMIN, *et al.*,

Plaintiffs,

v.

VISA INC., *et al.*,

Defendants.

Civil Action No. 1:11-cv-1831-RJL

Assign Date: 8/4/2015

Description: Antitrust – Class Action

**DECLARATION OF ANDREW MACKMIN IN SUPPORT OF MOTION FOR AWARD
OF ATTORNEYS' FEES, REIMBURSEMENT OF LITIGATION EXPENSES, AND
SERVICE AWARDS FOR CLASS REPRESENTATIVES**

I, Andrew Mackmin, declare as follows:

1. I am a class representative in the above-entitled action. I make this declaration from personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently hereto.

2. As a class representative, I understand that it is my responsibility to be informed of the work done by my attorneys on the case, to make my own judgment about the fairness of any settlements, and that I am required to consider the interests of all members of the Class in addition to my own. I am aware that I am free to disagree with my attorneys about the merits of a settlement and make my views known to the Court.

3. I became a plaintiff in this litigation in January 2012, more than a decade ago. Throughout the history of the case, I have diligently performed my duty to assist counsel in prosecuting the lawsuit by investing significant time and effort to fulfill my role as a class representative. I have remained informed regarding the status of the litigation by monitoring its progress and communicating with my attorneys, including by reviewing pleadings and correspondence.

4. I have also invested significant time facilitating the discovery process. At the direction of counsel, I took steps to preserve documents of potential relevance to this case. I subsequently reviewed discovery requests from defendants, including 46 document requests and 26 interrogatories. I discussed these discovery requests with my counsel and reviewed proposed responses for accuracy. To fulfill my discovery obligations, I also gathered potentially responsive documents for my counsel's further review. I understand that my counsel ultimately produced 258 documents, spanning 1331 pages, to the defendants.

4. In December 2019, I sat for a full-day deposition. In the days leading up to my deposition, I reviewed case filings and documents while meeting with my counsel to discuss the deposition process and prepare. Following my deposition, I reviewed the transcript for accuracy and executed an errata making certain changes.


5. In sum, I estimate that I have spent approximately 200 hours fulfilling my obligations as a class representative over the decade I have been involved in this case. Throughout my time as a plaintiff in this case, my attorneys have never made any promises regarding compensation for my service, and I willingly agreed to participate in this case with no guarantee of personal benefit. I understand, however, that my attorneys are requesting that the Court authorize an award in the amount of \$10,000 for my participation as a class representative. While recognizing that the Court has complete discretion to determine whether any service award should be provided, I believe the amount requested by my counsel is warranted given the time and effort I have devoted to this case.

6. I have reviewed the settlements with each Bank Defendant, discussed them with my attorneys, and I approve the settlement terms both as an individual and as a representative of the Class. I understand that, under the settlements, the Bank Defendants will make cash payments totaling \$66.74 million, with the Bank of America Defendants paying \$26,420,000, the Wells Fargo Defendants paying \$20,820,000, and the Chase Defendants paying \$19,500,000. I further understand that the Bank Defendants agreed to assist the notice and claims process to facilitate administration of the settlement and distribution of funds to class members. In exchange, the settlements contemplate that settlement class members will release the Bank Defendants from claims that were or could have been brought in this action. The release does

not extend to Visa or MasterCard, and the claims asserted against them may continue to be litigated.

7. I believe the settlements were reached through arms' length negotiations, and reflect my counsel's independent determination that the settlement terms are fair, reasonable, and in the best interests of the Class. I agree with that determination.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on 2/24/2022, at Buffalo, New York.

DocuSigned by:


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Andrew Mackmin

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANDREW MACKMIN, *et al.*,

Plaintiffs,

v.

VISA INC., *et al.*,

Defendants.

Civil Action No. 1:11-cv-1831-RJL
Assign Date: 8/4/2015
Description: Antitrust – Class Action

**DECLARATION OF SAM OSBORN IN SUPPORT OF MOTION FOR AWARD OF
ATTORNEYS' FEES, REIMBURSEMENT OF LITIGATION EXPENSES, AND
SERVICE AWARDS FOR CLASS REPRESENTATIVES**

I, Sam Osborn, declare as follows:

1. I am a class representative in the above-entitled action. I make this declaration from personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently hereto.

2. As a class representative, I understand that it is my responsibility to be informed of the work done by my attorneys on the case, to make my own judgment about the fairness of any settlements, and that I am required to consider the interests of all members of the Class in addition to my own. I am aware that I am free to disagree with my attorneys about the merits of a settlement and make my views known to the Court.

3. I became a plaintiff in this litigation in January 2012, more than a decade ago. Throughout the history of the case, I have diligently performed my duty to assist counsel in prosecuting the lawsuit by investing significant time and effort to fulfill my role as a class representative. I have remained informed regarding the status of the litigation by monitoring its progress and communicating with my attorneys, including by reviewing pleadings and correspondence.

4. I have also invested significant time facilitating the discovery process. At the direction of counsel, I took steps to preserve documents of potential relevance to this case. I subsequently reviewed discovery requests from defendants, including 46 document requests and 26 interrogatories. I discussed these discovery requests with my counsel and reviewed proposed responses for accuracy. To fulfill my discovery obligations, I also gathered potentially responsive documents for my counsel's further review. I understand that my counsel ultimately produced 425 documents, spanning 2080 pages, to the defendants.

4. In December 2019, I sat for a full-day deposition. In the days leading up to my deposition, I reviewed case filings and documents while meeting with my counsel to discuss the deposition process and prepare. Following my deposition, I reviewed the transcript for accuracy and executed an errata making certain changes.

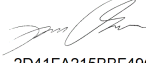
5. In sum, I estimate that I have spent between 150-200 hours fulfilling my obligations as a class representative over the decade I have been involved in this case. Throughout my time as a plaintiff in this case, my attorneys have never made any promises regarding compensation for my service, and I willingly agreed to participate in this case with no guarantee of personal benefit. I understand, however, that my attorneys are requesting that the Court authorize an award in the amount of \$10,000 for my participation as a class representative. While recognizing that the Court has complete discretion to determine whether any service award should be provided, I believe the amount requested by my counsel is warranted given the time and effort I have devoted to this case.

6. I have reviewed the settlements with each Bank Defendant, discussed them with my attorneys, and I approve the settlement terms both as an individual and as a representative of the Class. I understand that, under the settlements, the Bank Defendants will make cash payments totaling \$66.74 million, with the Bank of America Defendants paying \$26,420,000, the Wells Fargo Defendants paying \$20,820,000, and the Chase Defendants paying \$19,500,000. I further understand that the Bank Defendants agreed to assist the notice and claims process to facilitate administration of the settlement and distribution of funds to class members. In exchange, the settlements contemplate that settlement class members will release the Bank Defendants from claims that were or could have been brought in this action. The release does

not extend to Visa or MasterCard, and the claims asserted against them may continue to be litigated.

7. I believe the settlements were reached through arms' length negotiations, and reflect my counsel's independent determination that the settlement terms are fair, reasonable, and in the best interests of the Class. I agree with that determination.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on 2/25/2022, at Washington, D.C.

DocuSigned by:


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Sam Osborn

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ANDREW MACKMIN, *et al.*,

Plaintiffs,

v.

VISA INC., *et al.*,

Defendants.

Civil Action No. 1:11-cv-1831-RJL
Assign Date: 8/4/2015
Description: Antitrust – Class Action

**[PROPOSED] ORDER GRANTING *MACKMIN* CONSUMER PLAINTIFFS' MOTION
FOR AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF LITIGATION
EXPENSES, AND SERVICE AWARDS FOR CLASS REPRESENTATIVES**

This matter comes before the Court on the *Mackmin* Consumer Plaintiffs' Motion for Award of Attorneys' Fees, Reimbursement of Litigation Expenses, and Service Awards for Class Representatives ("Motion"). The Court, having considered the Motion, and all papers filed in support thereof and opposition thereto, and the argument of counsel, and good cause appearing, hereby GRANTS the motion and ORDERS that:

1. Class Counsel are awarded attorneys' fees of **\$20,022,000**, together with a proportional share of interest earned on the Settlement Fund for the same time period until disbursed to Class Counsel.
2. Class Counsel are awarded reimbursement of their litigation costs and expenses in the amount of **\$10,000,000**.
3. Class Representatives Andrew Mackmin and Sam Osborn shall each receive a service award of **\$10,000**.
4. The attorneys' fees awarded, reimbursement of litigation costs and expenses, and the service awards shall be paid from the Settlement Fund and the interest earned thereon.

IT IS SO ORDERED.

DATED: _____

HONORABLE RICHARD J. LEON
UNITED STATES DISTRICT COURT JUDGE

Presented by:

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By: /s/ Steve W. Berman
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*Interim Co-Lead Counsel
for Mackmin Consumer Plaintiffs*