

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ALASKA ELECTRICAL PENSION FUND,
et al.,

Plaintiffs,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

Lead Case No.: 14-cv-7126 (JMF)

**JOINT DECLARATION OF DANIEL L. BROCKETT, CHRISTOPHER M. BURKE,
AND DAVID W. MITCHELL IN SUPPORT OF LEAD COUNSEL'S MOTION
FOR AN AWARD OF ATTORNEYS' FEES AND PAYMENT OF LITIGATION
EXPENSES, AND LEAD PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF SETTLEMENT AGREEMENT**

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	2
II. FACTUAL BACKGROUND.....	4
III. CLASS PLAINTIFFS’ PROSECUTION OF THE ACTION.....	5
A. Plaintiffs’ Counsel Conduct Pre-Appointment Case Investigations and File Initial Complaints.....	7
B. Lead Counsel Seek Consolidation of Actions and Appointment as Lead	8
C. Lead Counsel Continue to Investigate Claims and File the Consolidated Class Action Complaint	9
D. Plaintiffs’ Counsel Receive Defendants’ First Joint Motion to Dismiss the Consolidated Class Action Complaint	9
E. Lead Counsel Continue to Investigate Claims and File the Consolidated Amended Class Action Complaint.....	10
F. Plaintiffs’ Counsel Oppose Defendants’ Second Round of Motions to Dismiss the Consolidated Amended Class Action Complaint.....	11
G. Lead Counsel Continue to Investigate Claims, and File the Second Consolidated Amended Class Action Complaint	11
H. Plaintiffs’ Counsel Oppose Defendants’ Third Round of Motions to Dismiss the Second Consolidated Amended Class Action Complaint.....	12
I. Plaintiffs Take Significant Document and Deposition Discovery From Defendants and Third Parties.....	12
J. Lead Counsel Negotiate Settlement and the Production of Initial Settling Defendants’ Transaction Data and Documents.....	14
1. History of Settlement Negotiations With Initial Settling Defendants	15
2. Attorney Proffers Obtained from the Initial Settling Defendants.....	16
3. Document Discovery Obtained from the Initial Settling Defendants.....	16
4. Data Discovery Obtained from the Initial Settling Defendants	17
K. Plaintiffs Make Substantial Document Productions	19
L. Plaintiffs’ Counsel Depose Defendants’ Executives and Traders	21
M. Plaintiffs’ Counsel Defend Plaintiffs’ Depositions.....	22
N. Lead Counsel Complete Third-Party Discovery.....	23
O. Plaintiffs’ Motion for Class Certification	24
1. The Parties’ Class Certification Briefing.....	24

2.	Plaintiffs’ Counsel’s Offensive and Defensive Class Certification Expert Deposition Discovery	25
P.	Lead Counsel Prepare For The May 16 Evidentiary Hearing.....	27
Q.	Lead Counsel Negotiate Settlement With The Newly Settling Defendants	27
R.	Lead Counsel Oversee Development of the Plan of Distribution, and the Notice Plan For Both The Approved Initial Settlement and The Preliminarily Approved New Settlement.....	28
S.	Lead Counsel Prepare For And Attend The May 30, 2018 Fairness Hearing For The Initial Settlement	36
T.	Other Significant Efforts by Lead Counsel.....	37
IV.	LEAD COUNSEL’S APPLICATION FOR AN AWARD OF ATTORNEYS’ FEES AND PAYMENT OF LITIGATION EXPENSES	38
V.	ACCOMPANYING DECLARATIONS	42
VI.	CONCLUSION.....	43

Pursuant to 28 U.S.C. § 1746, we, Daniel L. Brockett, Christopher M. Burke, and David W. Mitchell, declare as follows:

1. We are, respectively, partners of the law firms Quinn Emanuel Urquhart & Sullivan, LLP (“Quinn Emanuel”), Scott+Scott Attorneys at Law LLP (“Scott+Scott”), and Robins Geller Rudman & Dowd, LLP (“Robbins Geller”). By Order dated November 25, 2014, the Court appointed our three firms interim co-lead counsel (“Lead Counsel”) for the class in the above-captioned action (the “ISDAfix Action”). Dkt. No. 137. By Orders dated May 11, 2016, December 19, 2016, and July 12, 2017, the Court appointed us settlement class counsel for the Settlement Classes. Dkt. Nos. 228, 337, and 492. By orders dated June 1, 2018, the Court granted final approval to a settlement amounting to \$408.5 million reached with ten of the fifteen defendants in this action. Dkt. Nos. 648-657 (the “Initial Settling Defendant” and the “Initial Settlement”). By Order dated June 26, 2018, the Court granted preliminary approval to a settlement amounting to \$96.0 million reached with the remaining five defendants in this action (the “Newly Settling Defendants” and the “New Settlement”). Dkt. 669.¹ Our firms have collectively prosecuted the ISDAfix Action and we have personal knowledge of the matters set forth in this Declaration.

2. We respectfully submit this Declaration in support of Plaintiffs’ motion for final approval of the New Settlement. We also submit this Declaration in support of: (i) Plaintiffs’ proposed Plan of Distribution for allocating the proceeds of the New Settlement Agreement to

¹ Unless otherwise defined herein, all capitalized terms have the meanings ascribed to them in the Stipulations and Agreements of Settlement with Bank of America N.A. (“Bank of America”); Barclays Bank PLC and Barclays Capital Inc. (“Barclays”); B.N.P Paribas SA (“BNP”); Citigroup Inc. (“Citigroup”); Credit Suisse AG, New York Branch (“Credit Suisse”); Deutsche Bank AG (“Deutsche Bank”); The Goldman Sachs Group, Inc. (“Goldman Sachs”); HSBC Bank USA, N.A. (“HSBC”); ICAP Capital Markets LC (“ICAP”); JPMorgan Chase & Co. (“JPMorgan”); Morgan Stanley & Co. LLC. (“Morgan Stanley”); Nomura Securities International, Inc. (“Nomura”); Royal Bank of Scotland PLC (“RBS”); UBS AG (“UBS”), and Wells Fargo Bank, N.A. (“Wells Fargo”).

eligible class members (the “Plan of Distribution”); and (ii) Lead Counsel’s motion for an award of attorneys’ fees, payment of litigation expenses, and incentive awards and costs for Plaintiffs.

I. INTRODUCTION

3. On the eve of what would have been a pivotal evidentiary hearing concerning class certification, Plaintiffs and the five Newly Settling Defendants agreed to a \$96 million settlement. In the aggregate, the New Settlement and the Initial Settlement (collectively, “Settlement Agreements”) create settlement funds of \$504,500,000.00 for the benefit of the Settlement Class. Lead Counsel estimates that the \$504,500,000 settlement funds represents 35% to 73% of the expected trial demand (which is between \$689 million and \$1.4 billion). The amount agreed to by each Settling Defendant is set forth in the chart below:

Settling Defendant	Amount
Bank of America	\$50,000,000
Barclays	\$30,000,000
Citigroup	\$42,000,000
Credit Suisse	\$50,000,000
Deutsche Bank	\$50,000,000
Goldman Sachs	\$56,500,000
HSBC	\$14,000,000
JPMorgan	\$52,000,000
RBS	\$50,000,000
UBS	\$14,000,000
BNP Paribas	\$33,500,000
Nomura	\$8,750,000
Morgan Stanley	\$33,500,000
Wells Fargo	\$8,750,000
ICAP	\$11,500,000

4. The New Settlement is the product of hard-fought, arms’-length negotiations among experienced counsel. Before settling, Class Counsel gained a thorough understanding of the relative strengths and weaknesses of the claims and the range of possible damages. Based on our extensive pre-suit investigation, a thorough analysis of the discovery record, and our briefing

of dispositive motions as well as class certification, we think the settlements are an outstanding result for the Settlement Class and respectfully submit that the New Settlement should be approved.

5. We also seek final approval of the Plan of Distribution for the New Settlement. The Plan of Distribution was developed by Lead Counsel in consultation with our economists at Compass Lexecon and Fideres, both highly regarded economic consulting firms. We also worked closely with the claims administrator, Epiq Class Action & Claims Solutions, Inc. (“Epiq”) to ensure a fair and reasonable method for distributing the net settlement fund. The Plan of Distribution for the proposed New Settlement is significantly the same as the one to which the Court granted final approval in respect of the Initial Settlements. Dkt. Nos. 648-657.

6. Lead Counsel seek an attorneys’ fee award of 30% of the settlement funds (or \$151,350,000 plus interest). We believe the requested fee is commensurate with our collective efforts, the substantial risk undertaken, and the outstanding results achieved. Lead Counsel, in the face of significant risks, secured the Settlement Agreements after more than four years of investigation and litigation against fifteen large and sophisticated financial institutions. This case is not a follow-on action where Plaintiffs piggybacked on the efforts of government regulators and law enforcement. Although certain news reports had disclosed government investigations into potential misconduct regarding the ISDAfix benchmark when Plaintiffs’ first complaint was filed in September 2014, no regulator or agency had concluded its investigation or made any findings. There was, thus, no guarantee that any government action would be taken. Indeed, as of the time Class Counsel first informed the Court of the proposed New Settlement, ten of the fifteen Settling Defendants—who will pay a combined \$276 million—had not yet been penalized by any government agency for ISDAfix-related misconduct, making Plaintiffs’

Counsel's efforts against those defendants the only successful prosecution as of that date.² In total, Lead Counsel and the firms working under our direction, Labaton Sucharow LLP, Grant & Eisenhofer, P.A., Berger Montague P.C., McCulley McCluer PLLC (together, with Lead Counsel, "Plaintiffs' Counsel") devoted 158,667 hours to prosecuting this case, collectively investing \$89,729,629.97 in total lodestar.

7. Lead Counsel also seek payment from the settlement funds of \$18,429,687.63 (plus interest) in litigation expenses incurred in connection with the prosecution of the action. As described below, these expenses were reasonably incurred and essential to the results achieved.

8. Finally, Lead Counsel recognize the significant contributions of the Plaintiffs as class representatives in this matter and respectfully submit that these contributions warrant incentive awards and the reimbursement of any expenses that Plaintiffs incurred. The incentive award amounts sought are \$100,000 for each of Erste Abwicklungsanstalt (EAA) and Portigon AG, and \$50,000 for each of Alaska Electrical Pension Fund, Genesee County Employees' Retirement System, Pennsylvania Turnpike Commission, The City of New Britain, The County of Montgomery, and The County of Washington. Each Plaintiff spent considerable time and resources assisting Lead Counsel and ably fulfilled their duties as class representatives, as detailed in the accompanying Plaintiffs' declarations. Without them, this litigation would not have occurred, and important public policies would have gone unenforced.

II. FACTUAL BACKGROUND

9. In the operative complaint, the Second Consolidated Class Action Complaint

² As of May 21, 2018, when Class Counsel informed the Court of an agreement in principle with the Newly Settling Defendants, Dkt. No. 671, the CFTC had imposed penalty orders upon Deutsche Bank, Royal Bank of Scotland, Goldman Sachs, Citibank, and Barclays, but had not imposed orders on the remaining Defendants.

(“SAC”) (Dkt. No. 387), Plaintiffs allege that Defendants conspired to fix prices in the market for interest rate derivatives in violation of Section 1 of the Sherman Antitrust Act, 15 U.S.C. §1. Plaintiffs also allege claims for breach of contract and unjust enrichment.

10. The SAC alleges that Defendants implemented this conspiracy through at least two mechanisms. First, the SAC alleges that the banks would “bang the close” by executing a series of rapid-fire transactions immediately before the opening of the ISDAfix polling window. By doing this, they were able to move the ICAP reference rate (and ultimately ISDAfix) in the direction they wanted. The traders also frequently communicated with Defendant ICAP shortly before 11:00 a.m., issuing instructions to ICAP regarding the level at which they wanted ISDAfix set on that day. They also frequently discussed the amount of “ammo” the bank was willing to spend in order to push ISDAfix to the desired level.

11. Second, the SAC alleges that Defendants would then “rubber-stamp” the ISDAfix reference rates in order to ensure that those rates became the published ISDAfix rates. This rubberstamping resulted in Defendant banks accepting ICAP’s reference rate almost every single day between 2006 and December 2012.

12. Plaintiffs’ Counsel have developed and supported these allegations through an extensive body of evidence, which they have submitted to the Court in support of Plaintiffs’ motion for class certification. As a result, Plaintiffs allege that Class Members paid or received prices for interest rate derivatives that do not reflect the competitive forces of supply and demand protected by the antitrust laws. Plaintiffs also allege that such misconduct breached Defendants’ contracts with certain Class Members, and unjustly enriched Defendants.

III. CLASS PLAINTIFFS’ PROSECUTION OF THE ACTION

13. As of August 31, 2018, all Plaintiffs’ Counsel in this action have spent more than 158,000 hours prosecuting this action. That results in a total lodestar of \$89,729,629.97, using

current billing rates. These hours and resulting lodestar were contributed primarily by Lead Counsel and Labaton Sucharow LLP.

14. As explained further below, the main tasks carried out by Plaintiffs' Counsel include, among other things:

- Investigating the facts and legal theories that formed the basis for the allegations, including reviewing publicly available information and news articles, interviewing interest rate derivative market participants and traders, and consulting with economic and financial experts to identify economic and statistical evidence of collusion;
- Drafting the initial complaints and two detailed consolidated amended complaints;
- Prosecuting and defending numerous motions, including successfully opposing Defendants' three joint and three individual motions to dismiss;
- Engaging in extensive discovery and settlement negotiations, as well as numerous meet-and-confer discussions, resulting in Defendants' production of approximately 4.89 million documents, amounting to more than 21.4 million printable pages;
- Reviewing nearly all documents produced to date, including listening to or reviewing written transcripts of approximately 161,648 audio files;
- Obtaining terabytes of transaction data from Defendants and non-parties (including Thompson Reuters and Bloomberg), which required conducting numerous meet and confers, analyzing data samples, and formatting the data for application in this case;
- Collecting, reviewing, and then producing over 2.1 million documents, amounting to a total of approximately 5.9 million printable pages, on behalf of Class Plaintiffs, and then preparing for and defending their depositions;
- Collecting, analyzing and then producing a vast amount of transactional data held by plaintiffs and various third party investment managers and custodians relating to plaintiffs' ISDAfix-relevant transactions;
- Taking 37 depositions of Defendants' current and former employees and corporate representatives, and non-parties;
- Engaging in numerous telephonic or in person negotiation or mediation sessions with the Settling Defendants;
- Negotiating the Settlement Agreements, including resolving various issues, such as the extent and timing of the cooperation provision, the scope of Settling Defendants' document production, the Settlement Class definition and the scope of the release;

- Drafting the Settlement Agreements and their exhibits;
- Briefing multiple motions for preliminary approval;
- Developing a fair and cost effective Plans of Notice, and a fair and reasonable Plan of Distribution, in consultation with experts, the Settling Defendants and the Claims Administrator, and preparing briefing in support of Plaintiffs’ two motions for preliminary approval of the plans;
- Engaging in extensive briefing and expert discovery in respect of Plaintiffs’ motion for class certification;
- Preparing for the evidentiary hearing of Plaintiffs’ class certification experts scheduled for May 16, 2018;
- Preparing for and attending the Fairness Hearing in respect of the \$408.5 million Initial Settlement held on May 30, 2018;
- Responding to Class Members’ questions regarding the Plans of Notice and Plan of Distribution in respect of both the approved Initial Settlement and the proposed New Settlement; and
- Consulting extensively with factual, subject matter, and academic experts on numerous aspects of the case, including through pre-filing investigation and preparation of the initial complaints, and issues arising in discovery, class certification, and at mediation.

A. Plaintiffs’ Counsel Conduct Pre-Appointment Case Investigations and File Initial Complaints

15. Lead Counsel filed the first action arising out of ISDAfix manipulation, *Alaska Electrical*, on September 4, 2014, following an extensive, year-long investigation of the Defendant banks’ conduct. This investigation was undertaken at Lead Counsel’s risk and cost, and largely without the benefit of prior U.S. regulatory findings. In fact, the *Alaska Electrical* case was filed before it was revealed that the U.S. Commodity Futures Trading Commission (“CFTC”) had uncovered evidence of possible criminal wrongdoing in connection with ISDAfix

and before it had referred the case to the Department of Justice.³

16. Our pre-complaint investigation required significant research into the ISDAfix setting process, the connection between the ISDAfix rate and interest rate derivatives products (such as swaps and swaptions), and the market for interest rate derivatives more generally. To assist our understanding of these complex topics, we retained world-renowned economists who carried out extensive analysis regarding the pattern of ISDAfix submissions and the movement of swaps rates around the ISDAfix setting window.

17. We also located and retained industry consultants who provided real-world market intelligence as to how ISDAfix could have been manipulated, and was being manipulated, by the major sell-side banks. These industry consultants provided us with background and context to understand Defendants' manipulation, including information about the structure of typical USD interest rate derivative desks, transaction flows for USD-denominated interest rate derivatives, the USD ISDAfix setting process, and potential scenarios for abuse of the ISDAfix benchmark. With the assistance of quantitative analysts, our industry consultants also conducted reviews and analyses of sample data sets, including tick data from Bloomberg, in order to determine the scale of damages to investors. The result was a well-developed complaint that was supported by extensive factual and economic evidence.

B. Lead Counsel Seek Consolidation of Actions and Appointment as Lead

18. After the filing of the *Alaska Electrical* complaint, four other ISDAfix class actions were filed (both in this District and in the District of New Jersey). We worked with all other counsel in those actions to organize the litigation efficiently. These negotiations resulted in

³ See Matthew Leising and Tom Schoenberg, *CFTC Said to Alert Justice Department of Criminal Rate Rigging*, BLOOMBERG (Sept. 8, 2014), <http://www.bloomberg.com/news/2014-09-08/cftc-said-to-alert-justice-department-of-criminal-rate-rigging.html>.

the voluntary dismissal of the action filed in the District of New Jersey (and its refiling in this District). We were thus able to avoid a protracted MDL proceeding, which would have delayed prosecution of the case. Our efforts also facilitated the Court's unopposed entry of orders consolidating the cases in this District. Dkt. Nos. 98, 109.

19. We also led discussions with ten other plaintiff law firms who were vying for a lead counsel appointment. Eventually, we were able to reach an agreement with these firms that obviated the need for a contested leadership structure. Manual for Complex Litigation, Fourth, § 21.272 ("There are several methods for selecting among competing applicants. By far the most common is the so-called 'private ordering' approach: The lawyers agree who should be lead class counsel and the court approves the selection."). This work, too, saved the class significant time and money. Our firms were appointed Lead Counsel in October 2014 following the filing of an uncontested application. Dkt. No. 77.

C. Lead Counsel Continue to Investigate Claims and File the Consolidated Class Action Complaint

20. Following our appointment, we continued to investigate the facts and possible additional legal theories. At the same time, our experts continued to analyze the available transaction data and ISDAfix submissions to determine whether there existed patterns consistent with collusion or other manipulation.

21. The results of this further investigation were set forth in a Consolidated Complaint filed on October 31, 2014. Dkt. 99. We filed the Consolidated Class Action Complaint on behalf of eight Plaintiffs, adding almost 20 pages of additional factual allegations and economic evidence to the original complaint.

D. Plaintiffs' Counsel Receive Defendants' First Joint Motion to Dismiss the Consolidated Class Action Complaint

22. Defendants moved to dismiss on December 12, 2014, filing a 50-page brief in

support of their motion. Defendants argued that the complaint failed to plead (i) injury in fact or damages; (ii) antitrust injury; (iii) each Defendants' participation in a conspiracy; (iv) Commodity Exchange Act claims; (v) timely claims; (vi) a breach of contract claim; and (vii) a claim for unjust enrichment. Dkt. No 151.

23. On December 15, 2014, the Court ordered that Plaintiffs respond to Defendants' 50-page brief either by filing an amended complaint, or by opposing Defendants' motion no later than January 23, 2015. Dkt. No 154.

E. Lead Counsel Continue to Investigate Claims and File the Consolidated Amended Class Action Complaint

24. We responded to the Court's December 15, 2014 order by electing to continue to investigate and to file a new pleading by the deadline in the Court's order. We then spent the next two months carefully reviewing the arguments made in Defendants' motion to dismiss and consulting with our experts and industry consultants. Eventually, after more expert analysis and fact development, Plaintiffs filed the Consolidated Amended Complaint on February 12, 2015.⁴ Dkt. No. 164. By this time, Plaintiffs' Counsel had incurred millions of dollars in expert costs and attorney time.

25. The Consolidated Amended Complaint added 40 more pages of factual allegations, including for the first time an appendix of days during the Class Period that were tentatively identified as potential manipulation days. The new pleading also expanded Plaintiffs' "rubberstamping" allegations and alleged a "structural break" in the conspiracy in late 2012, when LIBOR and other financial benchmark rates came under regulatory scrutiny. The analysis showed that Defendants' ISDAfix submissions—while uniform for nearly six years from 2006 to

⁴ Plaintiffs sought, and the Court granted, an extension from January 23, 2015 until February 12, 2015 for Plaintiffs to file the Consolidated Amended Complaint. Dkt. Nos. 162, 163.

late 2012—suddenly began to disperse at the same time these regulatory investigations were publicly announced.

F. Plaintiffs' Counsel Oppose Defendants' Second Round of Motions to Dismiss the Consolidated Amended Class Action Complaint

26. On April 13, 2015, Defendants responded to Plaintiffs' Consolidated Amended Class Action Complaint by filing two motions: (1) a Joint Motion to Dismiss, with a 50-page brief in support; and (2) a Supplemental Motion to Dismiss on behalf of Nomura. Dkt. Nos. 172, 175.

27. Plaintiffs filed their 60-page opposition to Defendants' joint motion, and an opposition to Nomura's Supplemental motion, on June 2, 2015. Dkt. No. 195. Defendants filed a 30-page joint reply brief, and a supplemental reply brief, on July 10, 2015. Dkt. No. 204.

28. On March 28, 2016, the Court issued a decision on Defendants' April 13 Motion to Dismiss. That decision denied Defendants' motion to dismiss our antitrust claims, but dismissed Plaintiffs' tortious interference and breach of implied good faith claims. The Court also dismissed Plaintiffs' breach of contract claims as against Nomura. Dkt. No. 209.

G. Lead Counsel Continue to Investigate Claims, and File the Second Consolidated Amended Class Action Complaint

29. On January 13, 2017, in accordance with the deadline for amendments in the operative Scheduling Order, Dkt. No. 328, Plaintiffs sought leave to file another amended complaint. Specifically, we sought leave to name additional plaintiffs, and to engage in "housekeeping" amendments, "such as clarifying definitions, updating language to account for the passage of time, referencing the regulatory actions that post-date the filing of the last complaint, and providing a few examples of Defendants' acts of ISDAfix manipulation." Dkt. No. 353. Defendants opposed that motion on January 23, 2017. Dkt. No. 361. Plaintiffs filed a reply on January 26, 2017. Dkt. No. 370.

30. The Court granted Plaintiffs' motion for leave to amend on February 1, 2017, Dkt. No. 379, and we filed a Second Consolidated Amended Complaint on February 7, 2017. The new complaint—the Second Amended Consolidated Complaint—added 12 pages of additional fact allegations.

H. Plaintiffs' Counsel Oppose Defendants' Third Round of Motions to Dismiss the Second Consolidated Amended Class Action Complaint

31. On March 6, 2017, the Defendants filed three separate Motions to Dismiss Plaintiffs' Second Consolidated Amended Complaint: (1) a motion from Wells Fargo seeking dismissal of Plaintiffs' breach of contract and unjust enrichment claims against Wells Fargo; (2) a motion from Nomura seeking dismissal of Plaintiffs' unjust enrichment and breach of contract claims against Nomura; and (3) a joint motion to dismiss seeking dismissal on standing grounds. We filed a 60-page opposition brief on March 28, 2017, and Defendants filed their replies on April 7, 2017. Dkt. Nos. 424, 425, 427.

32. On February 2, 2018, the Court issued an Opinion and Order which largely sided with Plaintiffs' positions and analysis on the important issues. It denied Defendants' joint motion to dismiss, but granted in part and denied in part Wells Fargo's motion, and granted Nomura's motion. The net effect of the Court's ruling was that: Plaintiffs' antitrust claims survived in full; Plaintiffs' breach of contract claims survived against all the non-settling Defendants with whom Plaintiffs had a privity relationship; and Plaintiffs' unjust enrichment claims survived against all non-settling Defendants with whom the named Plaintiffs had some relationship. Dkt. No. 568.

I. Plaintiffs Take Significant Document and Deposition Discovery From Defendants and Third Parties

33. Fact discovery proceeded throughout the above-described rounds of motion to dismiss briefing. Following an initial pretrial conference on May 5, 2016, the Court issued a

Civil Case Management Plan and Scheduling Order on May 6, 2016. That plan set an aggressive discovery schedule, with January 13, 2017 as the deadline for the parties' substantial completion of document production and ordered that all fact discovery relating to class certification be completed by March 17, 2017. Dkt. No. 224.

34. In the months that followed, Plaintiffs' Counsel engaged in numerous meet-and-confer discussions with Defendants to negotiate a Stipulation and Order of Confidentiality ("Confidentiality Stipulation") regarding the handling of confidential materials. These negotiations were required to address foreign privacy and confidentiality obligations arising from the laws of multiple foreign jurisdictions where various Defendants were headquartered, or where foreign counterparties who engaged in relevant interest rate derivative transactions were located. The parties reached agreement on a Confidentiality Stipulation that was entered by the Court on July 1, 2016. Dkt. No. 257.

35. Similarly, Lead Counsel engaged in extensive negotiations with Defendants to agree upon an electronic discovery protocol ("Electronic Discovery Stipulation") and an expert discovery protocol ("Expert Discovery Stipulation"). Once agreed, these protocols were entered by the Court on August 9, 2016, and June 15, 2017, respectively. Dkt. Nos. 268, 480.

36. Plaintiffs' Counsel also engaged in multiple rounds of meet-and-confer discussions with Defendants regarding their objections to producing various categories of documents pursuant to the Court's case management plan dated May 6, 2016. Many of these negotiations resulted in an impasse, requiring motion practice from Plaintiffs. Some examples include:

- a. Plaintiffs' letter-motion dated September 12, 2016, seeking to compel production of materials produced by the Defendants to regulators. This

motion was initially denied without prejudice, but later granted after Plaintiffs narrowed their request. Dkt. Nos. 286, 299, 306, 338, 357.

- b. Plaintiffs' letter-motion dated January 25, 2017, seeking to compel Newly Settling Defendant Wells Fargo's production of transaction data and electronically stored documents, which Wells Fargo ultimately agreed to produce. Dkt. Nos. 365, 389.
- c. Plaintiffs' letter-motion dated April 24, 2017, seeking the appointment of a Magistrate Judge to supervise Newly Settling Defendant Morgan Stanley's production of documents, which the Court granted, Dkt. Nos. 434, 437, 438, and after which the Magistrate Judge ordered Morgan Stanley to produce documents, Minute Order dated May, 10, 2017.

37. As a result of Plaintiffs' diligent pursuit of relevant discovery, Defendants ultimately produced approximately 4.89 million documents, amounting to more than 21.4 million printable pages.

J. Lead Counsel Negotiate Settlement and the Production of Initial Settling Defendants' Transaction Data and Documents

38. Concurrent with their discovery negotiations with the Newly Settling Defendants, Plaintiffs' Counsel engaged in multiple meet and confers with the Initial Settling Defendants regarding the scope of discovery that Initial Settling Defendants would produce as part of their ongoing cooperation obligations.⁵ Ultimately, the Initial Settling Defendants agreed to provide

⁵ Plaintiffs moved for preliminary approval of settlements with Bank of America, Barclays, Citi, Credit Suisse, Deutsche Bank, JPMorgan, and Royal Bank of Scotland in May 2016; for preliminary approval of a settlement with Goldman Sachs in December 2016; and for preliminary approval of settlements with HSBC and UBS in July 2017.

the following categories of information: (i) an attorney proffer and interviews with current employees; (ii) production of all relevant documents (including written documents and audio tape recordings); and (iii) transaction data.

1. *History of Settlement Negotiations With Initial Settling Defendants*

39. Settlement discussions with the Initial Settling Defendants began with Defendant Barclays in late Summer 2015, and extended into Summer 2017 for settlement with HSBC and UBS.

40. With respect to the first eight Initial Settling Defendants (Bank of America, Barclays, Citibank, Credit Suisse, Deutsche Bank, Goldman Sachs, JPMorgan, and RBS) the settlement communications and negotiations were conducted directly between Class Counsel and counsel for Initial Settling Defendants, and occurred both in person, by email, and telephonically.

41. With respect to the last two Initial Settling Defendants (HSBC and UBS), settlement negotiations occurred both directly between counsel, and then through a formal mediation session and with follow-up mediation assistance from prominent mediator, Hon. Layn Phillips (Ret.).

42. In respect of both the direct negotiations with the first eight Initial Settling Defendants, and the mediated negotiations with the later two Initial Settling Defendants, the settlement was reached only after protracted discussions on complex issues.

43. These issues included, for example, (i) the parties' views on the likelihood of Plaintiffs' claims surviving the motion to dismiss stage of the litigation; (ii) the likelihood of Plaintiffs achieving class certification; (iii) the relative strength of Plaintiffs' evidence of each Initial Settling Defendant's culpability in respect of Plaintiffs' allegations of wrongdoing; (iv) the strength of Plaintiffs' antitrust claims generally (and the likelihood of Defendants being

jointly liable for any wrongdoing); (v) each Initial Settling Defendant's share of the market for interest rate derivatives (including especially derivatives expressly linked to ISDAfix) relative to other Defendants; (vi) the degree of non-monetary cooperation that a given Initial Settling Defendant was willing to offer; (vii) whether a given Initial Settling Defendant received a "first mover discount" for being willing to settle ahead of other Defendants; and (viii) whether a given Initial Settling Defendant had been subject of penalties or enforcement by a government regulator.

2. Attorney Proffers Obtained from the Initial Settling Defendants

44. Plaintiffs' Counsel conducted a series of proffers or interviews with representatives for each Initial Settling Defendant. We mostly interviewed regulatory counsel who had carried out the investigation of each banks' settlement in ISDAfix. We covered a range of relevant topics, including interviewing these representatives and their counsel, sometimes on multiple occasions, and investigated, among other things, the banks' respective interest rates trading businesses, ISDAfix rate submission processes, and communications with other banks and ICAP. These proffers were vitally important in the early stages of the litigation. For instance, they helped to illuminate the role of the Initial Settling and Newly Settling Defendants in the overall alleged conspiracy, and helped us to understand the Newly Settling Defendants' likely defenses. These proffers remained valuable as the litigation progressed against the Newly Settling Defendants. Additionally, the Initial Settlement Agreement with the Initial Settling Defendants provided for up to three interviews with current employees of each Initial Settling Defendant regarding the conspiracy.

3. Document Discovery Obtained from the Initial Settling Defendants

45. Pursuant to their cooperation obligations, the Initial Settling Defendants first agreed that they would provide to Plaintiffs their entire productions to the CFTC. These

productions comprised a huge number of pages of documentary material, such as Bloomberg chats, e-mails, PowerPoint presentations, Excel spreadsheets, internal memoranda, and policies and procedures. The CFTC productions also included thousands of audio files and tape recordings which needed to be transcribed and reviewed (*i.e.*, listened to) in real time. These materials also included presentations prepared by the Initial Settling Defendants for the CFTC in connection with the ISDAfix investigation, which Newly Settling Defendants originally withheld from production.

46. These materials were invaluable to Plaintiffs' understanding of the scope and methods of Defendants' alleged manipulation, and directly informed the drafting of Plaintiffs' Second Consolidated Amended Class Action Complaint, and Plaintiffs' Motion for Class Certification. Dkt. Nos. 387, 500. These documents not only implicated the Initial Settling Defendants in the conspiracy; they also provided evidence to support the Class's claims against the remaining Newly Settling Defendants.

4. *Data Discovery Obtained from the Initial Settling Defendants*

47. In May 2016, after reaching a settlement with the first seven Initial Settling Defendants, Plaintiffs began negotiations with each of the Initial Settling Defendants concerning the production of transaction data (*i.e.*, trading records concerning the relevant interest rate swaps, swaptions, and other financial transactions at issue). These negotiations were complex, and required considerable time and attention. We also received input from economic consultants who assisted us in understanding which financial products were directly tied to ISDAfix, the relevant data fields necessary to evaluate these products, and how the data should be organized and formatted.

48. The process of identifying with each Initial Settling Defendant what financial products and data were at issue was itself long and complex. This process took different levels

of analysis and time spent with each Initial Settling Defendant, depending on that Defendant's business and state of its records. It required an understanding not only of common financial instruments such as Treasury bonds and plain vanilla interest rate swap, but also more exotic financial instruments such as swaptions, swap spreads, constant maturity swaps, callable constant maturity swap spreads, ISDAfix-linked CDs, ISDAfix-linked Notes, snowballs, steepeners, cap floor straddles, range accruals, digital options, inverse floaters, volatility swaps, no volatility swaps, and other proprietary products invented by specific Initial Settling Defendants.

49. After identifying the full scope of relevant products, we negotiated with each Initial Settling Defendant regarding the data fields that needed to be produced. Common data fields included, for example, the date and time when the transaction was entered into; the fixed rate, the floating rate, date conventions, the tenor of the instrument; the expiry date; the premium paid at initiation; and whether the swaption was "American" or "European" style. We later asked for additional fields including whether the swaption was exercised or expired, the currency in which the trade was settled, and notional value.

50. Apart from the data fields, we negotiated with Initial Settling Defendants regarding counterparty identification data. Counterparty data was also necessary to identify members of the Settlement Class and to assist in determining damages. But this was a sensitive request for the Initial Settling Defendants. They were particularly concerned about revealing the identities of counterparties or beneficiaries who might be covered by foreign data privacy laws.

51. After agreeing on the relevant data fields, we asked Initial Settling Defendants to perform experimental data pulls on small selections of data, embarking on an iterative process that went on for many months leading up to full production. In early 2017, after resolving numerous miscellaneous problems that arose throughout this process, Lead Counsel reached

detailed agreements with each of the Initial Settling Defendant who had settled at the time regarding (i) the list of products for which they would pull data, (ii) the time periods over which they would pull this data, and (iii) the data fields that would be retrieved. After data productions from the Initial Settling Defendants began in 2017, additional questions arose, and renewed conversations persisted for months throughout 2017. In some instances, a supplemental data pull was required and performed. During this time, we were in frequent communication with our data consultants to ensure they received the answers and data necessary to prepare workable models for class certification and settlement administration.

52. The above processes were repeated with the Newly Settling Defendants in an adversarial discovery setting. Plaintiffs' Counsel learned from their negotiations with the Initial Settling Defendants (which began earlier, because of their cooperation obligations) then repeated each of the above steps again with the Newly Settling Defendants during fact discovery.

K. Plaintiffs Make Substantial Document Productions

53. Throughout 2016 and 2017, Plaintiffs worked diligently to locate and produce documents responsive to Newly Settling Defendants' requests for the production of documents. In total, Newly Settling Defendants issued a total of 35 requests to Plaintiffs, with numerous subparts. We served objections and responses, and thereafter engaged in meet-and-confer discussions with Newly Settling Defendants regarding the scope of our productions.

54. We coordinated the responses to Defendants' document requests with each of the Plaintiffs and their separate counsel. Specifically, working with separate counsel for each Plaintiff, we: (i) prepared the initial draft responses; (ii) collected information regarding the scope of documents and information to be produced; (iii) reached internal agreement on proposed edits; (iv) circulated a revised draft to all Plaintiffs' Counsel; and (v) ultimately obtained sign off from all Plaintiffs on the final form of the responses and objections.

55. In preparing a response to Defendants' document requests, each of Plaintiffs' Counsel searched both hard copy and electronic documents; reviewed the collected documents for privilege and responsiveness; applied privilege redactions (or withheld documents altogether) and prepared corresponding privilege logs; and formatted the electronic records for production to Defendants. At times, this required working with Plaintiffs to retrieve and restore information committed to backup systems or media.

56. In total, Plaintiffs produced over 2.1 million documents, amounting to a total of 5.9 million printable pages and hundreds of thousands of digital transactional records. The productions include, among other things, investment manager documents, internal reports and policies, transaction data, and email communications.

57. Throughout this process, there were several disputes with Defendants over the scope of Plaintiffs' productions, leading to multiple motions to the Court. Most of these motions filed by Defendants were unsuccessful. Examples include the following:

- a. Defendants' letter-motion dated July 11, 2016, seeking to compel production of expert analyses referenced or considered in preparing Plaintiffs' Complaint, which the Court declined to rule on because "Defendants' request is either moot or unripe (or both)." Dkt. Nos. 259, 261.
- b. Defendants' letter-motion dated November 18, 2016, seeking to compel production of alleged transactions with Defendants and ISDA-linked transactions not listed in Appendix A to the Complaint, which the Court denied because Defendants' request was unripe. Dkt. No 308, 313.
- c. Defendants' motion dated December 16, 2016, seeking to compel

production of Plaintiffs' additional financial transaction data, which the Court denied because Defendants' data requests were moot, irrelevant, and overbroad. Dkt. No 333, 372.

L. Plaintiffs' Counsel Depose Defendants' Executives and Traders

58. In accordance with the operative case management schedule, Plaintiffs prepared for and conducted party depositions throughout the Spring and Summer of 2017.

59. Plaintiffs' Counsel took nearly forty depositions of defense witnesses, and also took additional expert and third party depositions. Most of these were taken between March and June in 2017. They included six Rule 30(b)(6) corporate representative depositions and the depositions of approximately thirty individuals, including current and former employees of Initial Settling and Newly Settling Defendants.

60. The schedule was demanding and required close coordination. On some days, we were required to take the depositions of two fact witnesses at the same time, in different locations. To prepare for these depositions, Plaintiffs' Counsel typically reviewed hundreds of documents per witness, pulled relevant spreadsheets illustrating trading patterns, retrieved trade confirms, consulted with our experts and non-testifying data consultants, and prepared lengthy witness outlines, summaries of the documents, and biographies of the witnesses. Further complicating matters, some deponents were fluent in languages other than English, and routinely conducted business in these languages, necessitating translation of those documents in preparation for those individual's depositions. Many of these depositions were defended by as many as a dozen attorneys representing various Defendants, along with individual counsel for the witnesses.

61. During the same time period, Plaintiffs' Counsel noticed the corporate depositions of the five Newly Settling Defendants, Morgan Stanley, ICAP, Wells Fargo, BNPP, and

Nomura. Plaintiffs' Counsel met and conferred with counsel for these Newly Settling Defendants to agree on the scope of dozens of different deposition topics, pursuant to Fed. R. Civ. P. 30(b)(6). We reviewed not only the thousands of documents (including audio files) produced in discovery, but also existing deposition testimony given by individual personnel who worked at the Defendants and who in some instances directly executed or commanded manipulative trades.

62. These depositions yielded valuable information that was used to support Plaintiffs' Motion for Class Certification (Dkt. No. 500); Plaintiffs' testifying experts' Reports (Dkt. No. 503); and our Reply Reports (Dkt. Nos. 556-558).

M. Plaintiffs' Counsel Defend Plaintiffs' Depositions

63. Concurrent with conducting fact depositions of Defendants' witnesses, Plaintiffs' Counsel also defended the depositions of Plaintiffs.

64. On January 12, 2017, Newly Settling Defendants noticed the 30(b)(6) depositions of each of the Plaintiffs. The notice covered 19 different topics. As with offensive depositions, Lead Counsel and assisting Plaintiffs' Counsel negotiated with the Newly Settling Defendants the lists of topics for the depositions. Over the course of several months, the parties met and conferred regarding scheduling and the scope of noticed topics. Eventually, the notices were amended and reissued.

65. Plaintiffs' Counsel worked closely with Plaintiffs to prepare them for their depositions. This included reviewing thousands of documents produced by Plaintiffs, and meeting with the deponents, both over the phone and in person. Preparation for these depositions required not only preparing the witnesses to be familiar with documents that had been produced in discovery; it also required the defending attorneys—with the assistance of Plaintiffs' expert consultants—to become familiar with and analyze trade confirms and the

details of specific interest rate derivative trades.

N. Lead Counsel Complete Third-Party Discovery

66. Apart from party discovery, Plaintiffs' Counsel issued deposition or document subpoenas to a number of non-parties as well. We met and conferred with each of the non-parties regarding their responses and objections, the scope of discovery, and their respective document productions and depositions.

67. We served document subpoenas on multiple third parties, including: Michael DiTore; Mizuho Capital Markets Corporation ("Mizuho"); MarkitSERV, LLC ("MarkitSERV"); Tradeweb Markets, LLC ("Tradeweb"); Tradition America, LLC ("Tradition"); Tullett Prebon Financial Services, LLC ("Tullett Prebon"); and the International Swaps and Derivatives Association, Inc. ("ISDA"). Plaintiffs' Counsel also served deposition subpoenas on ISDA, as well as third party former employees of Defendants: Nicholas Farr; Doug Rhoten; Loai Alzubi; Julien Gaubert; Olivier Pariente; and Charles Fletcher.

68. As former employees of Defendants, Gaubert, Pariente, Farr, Rhoten, Alzubi, and DiTore were likely in possession of documents and communications relevant to Plaintiffs' claims. Mizuho is a broker-dealer and bank which was formerly a member of the ISDAfix reference rate panel, and was potentially in possession of documents and communications relating to the ISDAfixing process. MarkitSERV, Tradeweb, Tradition, and Tullett Prebon are swaps brokers akin to Defendant ICAP, and likely possessed relevant documents concerning ICAP's conduct.

69. We also subpoenaed ISDA, the industry body responsible for administering ISDAfix. The ISDA deposition was particularly relevant in showing how the banks undermined the original ISDAfix rate setting process and set up instead a process that ISDA had not blessed.

70. We were also required to address unsuccessful discovery objections from third

parties, including, for example, the unsuccessful Motion to Quash Subpoena filed by former Deutsche Bank employee Charles Fletcher. Dkt. Nos. 446, 456.

O. Plaintiffs' Motion for Class Certification

1. The Parties' Class Certification Briefing

71. On August 2, 2017, Plaintiffs moved for class certification. Dkt. No. 500. Plaintiffs' motion and supporting brief were nearly 70 pages long. Dkt. No. 501. They were accompanied by three expert reports (Dkt. No. 503), each of which was more than 100 pages long.

72. The length of these materials was necessary given the scale of the conspiracy (including more than a dozen sophisticated defendants over a period of more than seven years) and the complexity of the issues and subject matter involved.

73. For example, Plaintiffs' expert, Mr. Farrell, submitted a report dedicated almost entirely to explaining the meaning of the jargon found in the Bloomberg chats and recorded phone calls produced by Defendants, based upon his review of thousands of instances of potentially suspicious communications between the Bank Defendants and ICAP. Mr. Farrell's report provided explanations of dozens of carefully selected examples of interactions that, in Mr. Farrell's opinion, were not consistent with legitimate market practice.

74. Another of Plaintiffs' experts, Professor Craig Pirrong, built a damages ribbon modelled upon an extensive review of relevant academic literature and damages approaches approved by courts in comparable litigations. Prof. Pirrong's report then provided explanations, examples, and results from his application of this damages ribbon to the facts of this case based upon the examples selected by Mr. Farrell.

75. Plaintiffs' third expert, Professor Michael Williams, conducted an exhaustive survey of the Defendant Banks' ISDAfix rate submissions across the class period, explaining

why—in his opinion—the near unanimous rates submitted were not the Defendants Banks’ own independent estimates of where ISDAfix rates should be, but instead the product of a collusive agreement.

76. Plaintiffs’ Counsel began preparing their motion for class certification and the supporting expert reports while fact discovery was ongoing. The motion itself incorporated supporting evidence that required almost 300 exhibits. (These 300 exhibits were *in addition to* the expert reports and exhibits.) Plaintiffs included all these materials to demonstrate that liability would be common to all class members.

77. Preparing these papers and materials took months of extensive legal research and preparation with Plaintiffs’ experts by teams of attorneys at Plaintiffs’ Counsel. At the same time, Plaintiffs’ Counsel were taking almost 40 fact depositions and holding frequent conference calls with Defendants regarding data productions.

2. *Plaintiffs’ Counsel’s Offensive and Defensive Class Certification Expert Deposition Discovery*

78. When Plaintiffs filed a motion for class certification at the end of July 2017, we disclosed three testifying experts: Prof. Pirrong, Dr. Williams, and Mr. Farrell. These three experts were deposed in September 2017. All three depositions required extensive preparation. We met with each expert individually to prepare and then defended what were sometimes multi-day depositions, reflecting the complexity of the arguments and the data.

79. When Newly Settling Defendants opposed Plaintiffs’ motion for class certification—following their depositions of Plaintiffs’ experts—they did so by undertaking a full-court press. They filed a 70 page opposition brief, Dkt. No. 538, but also filed extensive expert reports in rebuttal to each of Plaintiffs’ class certification experts, as well as three *Daubert* motions to exclude the reports of Plaintiffs’ experts, Dkt. Nos. 529-537.

80. Between their opposition brief, *Daubert* motions, and rebuttal expert reports, Newly Settling Defendants challenged almost every conceivable aspect of Plaintiffs' class certification motion and of Plaintiffs' experts' reports in support. The Court ordered Plaintiffs to respond to Newly Settling Defendants' three motions with one consolidated opposition memorandum of law, and permitted Plaintiffs' to file reply reports responding to each of Newly Settling Defendants' experts' rebuttal reports. Dkt. No. 541. This required extensive work by Plaintiffs' Counsel in response.

81. For example, when Newly Settling Defendants disclosed their experts in November 2017, Dkt. No. 540, we immediately began analyzing their reports and researched their academic articles and previous testimony. These efforts included, but were not limited to, an exhaustive review of all sources cited by Newly Settling Defendants' experts. We also retained Dr. Paul Milgrom of Stanford University to act as a fourth rebuttal expert in addition to the three experts that Plaintiffs had already retained. Plaintiffs' Counsel also spent considerable time conferring with our experts (and non-testifying consultants) in an effort to analyze the information that Newly Settling Defendants' experts relied upon to develop lines of inquiry for their depositions. All of this work was particularly time-consuming in light of the massive amounts of information generated by the experts and the breadth of their challenges, and posed significant risk for Plaintiffs and the Class.⁶

82. We prepared the consolidated *Daubert* opposition papers while simultaneously

⁶ Indeed, the Court noted as much at the Fairness Hearing on May 30, 2018. Hearing Tr. at 27:20-28:5 (concluding that the Court's decision to approve the Initial Settlements under Fed. R. Civ. P. 23 was confirmed and reinforced because "nearly every element of both Rule 23 and plaintiff's theories of impact and causation have been contested and, suffice it to say, my engagement with those motion papers, the many hundreds if not thousands of pages of them, certainly gives me a firm basis on which to conclude that the matters here are complicated and plaintiff's success was by no means guaranteed with respect to the settling defendants").

preparing our class certification reply brief and working with our experts on their respective class certification reply reports.

P. Lead Counsel Prepare For The May 16 Evidentiary Hearing

83. After reviewing the parties' respective *Daubert* motions, motions for class certification, and related papers, the Court determined it would benefit from a limited evidentiary hearing, including live testimony from Plaintiffs' expert, Dr. Craig Pirrong, and Newly Settling Defendants' expert, Dr. Andrew Carron. Dkt. 625. By an order dated April 16, 2018, the Court requested that the parties attend a hearing on May 16, 2018, and be prepared to address five specific issues which encompassed: the use of time windows to calculate permanent impact of manipulation; the use of certain other financial instruments as control variables in detecting the manipulation of swap rates; the cross-tenor effects of manipulation; and the availability of data to determine certain "but for" loss causation issues.

84. To prepare for this hearing, Plaintiffs' Counsel met with their expert, Dr. Craig Pirrong, and his supporting team at Compass Lexecon. We did so to assist Dr. Pirrong in preparing talking points, questions, and explanations with respect to each of the issues the Court raised in its order.

85. Plaintiffs' Counsel also reviewed the expert report of Dr. Andrew Carron, including reviewing his reliance materials and relevant secondary sources, and all critiques of those materials offered by Dr. Pirrong, to prepare for the hearing. Dkt. 625 at 2.

Q. Lead Counsel Negotiate Settlement With The Newly Settling Defendants

86. While preparing for the evidentiary hearing, Dkt. 625, Lead Counsel continued to engage in settlement discussions with the Newly Settling Defendants. The decisive round of settlement discussions began on May 10, and continued—almost non-stop—throughout the day for the next four days.

87. During this time, Lead Counsel exchanged views with counsel for the Newly Settling Defendants regarding the possible benefits of pursuing the Class's claims through trial; the expense of further litigation; the risk of adverse rulings or findings before or at trial (including the risk of any adverse developments at or as a result of the live evidentiary hearing); and the merits of the parties' respective positions on multiple legal issues, including Plaintiffs' pending class certification motion.

88. These extensive and hard-fought discussions ultimately resulted in the Newly Settling Defendants agreeing to a joint settlement amount of \$96.0 million.

R. Lead Counsel Oversee Development of the Plan of Distribution, and the Notice Plan For Both The Approved Initial Settlement and The Preliminarily Approved New Settlement

89. Lead Counsel's efforts through fact discovery, and during class certification and the associated expert discovery, were closely intertwined with the development of the Plan of Distribution for the proceeds from the Initial Settlement Agreement, which the Court approved. We are proposing a virtually identical Plan of Distribution for the New Settlement. Lead Counsel worked with Plaintiffs' experts and the Court-appointed Claims Administrator to establish a virtually identical Plan of Distribution and Notice Plan for the proposed New Settlement.

90. In particular, we worked closely and extensively with economist Dr. Chris Fiore of Compass Lexecon to develop a multi-pool, multi-instrument distribution model. The model is designed to account for relative differences in the damages suffered by differently positioned participants that transacted in different interest rate derivatives products. Lead Counsel and our experts also worked hard to ensure that the claims process would not be unduly burdensome for Class Members and would not involve unwarranted administrative costs. Lead Counsel believes the Initial Plan of Distribution fairly and adequately compensates injured Settlement Class

members.

91. Lead Counsel also worked closely with Epiq, the Court-appointed claims administrator. This work began during the negotiations with the Initial Settling Defendants over counterparty data in the summer of 2017. Epiq helped Lead Counsel ensure we received adequate counterparty names and contact information.

92. In Respect Of Notice For The Initial Settlement: In coordination with Epiq, Lead Counsel devised and effectuated notice to the Settlement Class in accordance with the Orders of the Court. On October 24, 2017, the Court issued an Order Providing for Notice to the Settlement Class and Preliminarily Approving the Plan of Distribution in respect of the Initial Settlement (the “Initial Notice Order”). Dkt. No. 521. This included the Court’s approval of Plaintiffs’ proposed Long Form Notice, Claim Form, and Summary Notice that had been prepared and submitted by Lead Counsel for the Initial Settlement with the Initial Settling Defendants.

93. Pursuant to the Initial Notice Order, and in coordination with Epiq, Lead Counsel in October 2017 immediately began implementation of the notice plan as to the Initial Settlement that had been preliminarily approved by the Court. Lead Counsel, among other things, instructed Epiq to execute the comprehensive notice plan, which included, among other means: direct notice by mail, both to reasonably identifiable potential Settlement Class Members’ brokers or other nominees that may have executed relevant ISDAfix transactions on behalf of beneficial owners; printed summary notice in various publications; and notice via the Internet.

94. Pursuant to the Initial Notice Order, Lead Counsel also instructed Rust Consulting, Inc. (“Rust”) to give reasonable notice to other potential Settlement Class Members that certain Initial Settling Defendants believed required special handling (as described above).

Lead Counsel also worked with the Initial Settling Defendants to directly disseminate notice to other foreign counterparties based on potential foreign privacy concerns.

95. With respect to direct notice by mail for the preliminarily approved Initial Settlement, Lead Counsel oversaw the dissemination of notice to every potential Class Member that could be identified through reasonable efforts. First, as of January 19, 2018, Epiq mailed direct notice to a total of 36,854 potential Settlement Class Members based on name and address information that was primarily obtained from the Initial Settling Defendants' business records. Declaration of Cameron R. Azari in Support of Plaintiffs' Motion for Final Approval of Settlements with Ten Defendants (the "First Azari Decl.") (Dkt. No. 611) ¶9. The "Notice Packet" mailed by Epiq (and other claims administrators and certain Initial Settling Defendants) consists of the Notice of Proposed Settlement of Class Action (the "Notice") and the Proof of Claim and Release Form (the "Claim Form")—both of which were approved by the Court. The Notice Packet also included a full page insert stating in English, and in twelve other relevant languages, that translated versions of the Notice and Claim Form are available on the dedicated Settlement Website, as further described below, in these languages.

96. At the direction of Lead Counsel, the Claims Administrator also mailed the Notice Packet for the Initial Settlement to banks, brokers, and other nominees that may have executed relevant transactions on behalf of potential Settlement Class Members. First Azari Decl. ¶36. Accompanying each of these Notice Packets was a cover letter instructing the nominees to either mail the Notice Packet to any beneficial owner(s), or provide Epiq with a list of names and addresses of any beneficial owners so it may distribute the Notice Packet accordingly. *Id.* ¶36.

97. Second, as of January 19, 2018, Rust, as agent of certain of the Initial Settling

Defendants, directly mailed the Notice Packet to 18,985 potential Settlement Class Members that required special handling due to potential foreign privacy concerns asserted by these Defendants. *See* Declaration of Jason Rabe in Support of Plaintiffs' Motion for Final Approval of Settlements with Ten Defendants. (Dkt. No. 608) ¶10. KCC, as agent for Initial Settling Defendant Deutsche Bank in connection with the Initial Settlement, directly provided the Notice Packet to 400 potential Settlement Class Members for substantially the same reasons. *See* Declaration of Patrick Ivie in Support of Plaintiffs' Motion for Final Approval of Settlements (KCC) (Dkt. No. 612).

98. Third, Lead Counsel worked with a total of six of the ten Initial Settling Defendants—namely Barclays, Citigroup, Credit Suisse, HSBC, JPMorgan, and UBS—to ensure they provided direct notice for the Initial Settlement to certain of their own counterparties that required additional handling, primarily to accommodate potential foreign privacy concerns. *See* Declarations in Support of Plaintiffs' Motion for Final Approval of the Settlement of Michael T. Lee (JPMorgan), Abigail Deering (Barclays), Marc Leuzinger (Citibank, Switzerland), Audrey Ng (Citibank, Singapore), Matthew Popowsky (UBS), Manuel F. Gomez (Credit Suisse), and Sandra Adams (HSBC) (Dkt Nos. 603-607, 609-610).

99. In addition to these multiple forms of direct mail notice, and pursuant to the Court's Initial Notice Order, between January 19 and 22, 2018, Lead Counsel caused the Claims Administrator to issue the Summary Notice approved by the Court in numerous publications. First Azari Decl. ¶11. At the direction of Lead Counsel, and pursuant to the Initial Notice Order, the Claims Administrator also issued an informational press release through PR Newswire. *Id.* ¶46.

100. Lead Counsel also caused Epiq to publish digital banner advertisements for the

Initial Settlement on the global edition websites of *FinancialTimes.com* and *WSJ.com*. First Azari Decl. ¶41. Each Internet display linked any user that clicked on the banner advertisement to the dedicated Settlement Website, as further described below. *Id.* ¶42. Epiq similarly caused sponsored links to be listed through various Internet search engines. *Id.* ¶43.

101. Lead Counsel also directed the Claims Administrator to continue to maintain a telephone information line that was established on January 18, 2018, which could be accessed toll-free within the United States, and internationally, through which live agents were made available should any caller wish to reach a person for further information. *Id.* ¶50. Finally, Epiq has set up and monitored an email address—info@ISDAfixAntitrustSettlement.com—for any requests or inquiries from potential Settlement Class Members. *Id.* ¶51.

102. In Respect Of Notice For The New Settlement: On January 18, 2018, Lead Counsel oversaw the launch by Epiq of a dedicated Settlement Website at <http://www.IsdafixAntitrustSettlement.com> to enable potential Settlement Class members to obtain information about the Settlements and to file a claim electronically. First Azari Decl. ¶48.

103. On June 26, 2018, the Court issued an Order Preliminarily Approving an Additional Settlement and the Related Plan of Distribution, and Approving the Manner and Forms for Notice (the “New Notice Order,” and together with the Initial Notice Order, the “Notice Orders”). Dkt. No. 669. This included the Court’s preliminary approval of Plaintiffs’ proposed Notice, Claim Form, and Summary Notice, as further described below, that had been prepared and submitted by Lead Counsel for the proposed New Settlement.

104. As with the Initial Notice Order, immediately following the New Notice Order, Lead Counsel began implementation of the notice plan as to the proposed New Settlement that was preliminarily approved by the Court.

105. Lead Counsel, among other things, instructed Epiq to execute this comprehensive notice plan for the proposed New Settlement. As with the approved Initial Settlement, this included, among other means: direct notice by mail, both to reasonably identifiable potential Settlement Class Members and brokers or other nominees that may have executed relevant ISDAfix transactions on behalf of beneficial owners; printed summary notice in various publications; and notice via the Internet.

106. Pursuant to the New Notice Order, Lead Counsel also instructed third-party claims administrator Rust to give reasonable notice to other potential Settlement Class Members that certain Settling Defendants believed required special handling, primarily due to foreign privacy restrictions that prohibited the disclosure of counterparty identities to Epiq. Lead Counsel also worked with the Settling Defendants to directly disseminate notice to other foreign counterparties based on potential foreign privacy concerns.

107. Lead Counsel also oversaw the mailing of a substantially similar notice packet to the Notice Packet distributed as part of the approved Initial Settlement. First, as of August 14, 2018, Epiq mailed direct notice to a total of 39,973 reasonably identified potential Settlement Class Members based on name and address information that was primarily obtained from the Settling Defendants' business records. *See* Declaration of Cameron R. Azari, Esq., on the Implementation and Adequacy of Class Notice Plan for Proposed Settlement, dated September 26, 2018 and filed concurrently herewith (the "Second Azari Decl.") ¶¶12, 17. The "New Notice Packet" for the proposed New Settlement mailed by Epiq (and other claims administrators and Settling Defendants), as referred to herein, consisted of the Notice of an Additional Proposed Settlement of Class Action and the Proof of Claim and Release Form, both of which were preliminarily approved by the Court in the New Notice Order. The New Notice Packet also

included a full page insert stating in English, and in twelve other relevant languages, that translated versions of these documents were, and continue to be, available on the dedicated Settlement Website in these languages. *Id.*

108. At the direction of Lead Counsel, as of August 14, 2018, the Claims Administrator also mailed the New Notice Packet for the proposed New Settlement to 1,358 banks, brokers, and other nominees that may have executed relevant transactions on behalf of potential Settlement Class Members. Second Azari Decl. ¶19. Accompanying each of these New Notice Packets was a cover letter instructing the nominees to either mail the New Notice Packet to any beneficial owner(s), or provide Epiq with a list of names and addresses of any beneficial owners so it may distribute the New Notice Packet accordingly. *Id.*

109. Second, as of August 14, 2018, Rust, as agent of certain Settling Defendants, directly mailed the New Notice Packet for the proposed New Settlement to 20,032 potential Settlement Class Members that required special handling due to potential foreign privacy concerns asserted by these Defendants. *See* Declaration of Jason Rabe Regarding Mailing of the Proposed Settlement Notice and Proof of Claim Forms to Certain Settlement Class Members, filed concurrently herewith, ¶¶8-9, 17. And Garden City Group, as agent for Settling Defendant Deutsche Bank in connection with the proposed New Settlement, directly provided the Notice Packet to 395 potential Settlement Class Members for substantially the same reasons. *See* Declaration of Loree Kovach Regarding Mailing of the Notice of Proposed Settlement of Class Action, filed concurrently herewith, (Garden City Group) ¶6.

110. Third, Lead Counsel worked with eight of the fifteen total Settling Defendants—namely Barclays, Citigroup, Credit Suisse, HSBC, JPMorgan, Nomura, UBS, and Wells Fargo—to ensure they provided direct notice for the proposed New Settlement to certain of their own

counterparties that required additional handling, primarily to accommodate potential foreign privacy concerns. *See* Declarations of in Support of Plaintiffs' Motion for Final Approval of Settlement, filed concurrently herewith, Michael T. Lee (JPMorgan), Abigail Deering (Barclays), Marc Leuzinger (Citibank, Switzerland), Audrey Ng (Citibank, Singapore), Matthew Popowsky (UBS), Manuel F. Gomez (Credit Suisse), Sandra Adams (HSBC), Alan S. Gruber (Nomura), and Jamuna D. Kelley (Wells Fargo).

111. In addition to these multiple forms of direct mail notice, and pursuant to the Court's New Notice Order, beginning on August 14, 2018, Lead Counsel caused the Claims Administrator to issue in numerous publications the Summary Notice of an Additional Proposed Settlement of Class Action that was preliminarily approved by the Court. *See* Second Azari Decl. ¶22. At the direction of Lead Counsel, and pursuant to the Initial Notice Order, the Claims Administrator also issued an informational press release through PR Newswire. *Id.* ¶29-30.

112. Furthermore, as of August 14, 2018, Lead Counsel also caused Epiq to publish digital banner advertisements for the proposed New Settlement on the global edition websites of *FinancialTimes.com* and *WSJ.com*. *Id.* ¶24-25. Each Internet display (which ran through September 12, 2018) linked any user that clicked on the banner advertisement to the dedicated Settlement Website. *Id.* ¶25. as of August 14, 2018, and will continue these postings through the October 13, 2018 deadline to opt out of or object to the New Settlement. *Id.* ¶¶26-28.

113. Lead Counsel also directed the Claims Administrator to continue maintenance of the telephone information line that was established January 18, 2018, which could be accessed toll-free within the United States and internationally as well, and through which live agents are made available should any caller wish to reach a person for further information. *Id.* ¶33-34. Finally, Epiq has also continued to monitor the email address

info@ISDAfixAntitrustSettlement.com previously established for the Initial Settlements in January 2018, for any requests or inquiries from potential Settlement Class Members. *Id.* ¶35.

114. Finally, and as referenced above, as of August 14, 2018, Lead Counsel oversaw the update by Epiq of the previously established dedicated Settlement Website to include important information and documents relevant to the proposed New Settlement. This site is located, and has been continuously maintained since January 2018, at <http://www.IsdafixAntitrustSettlement.com>. It enables potential Settlement Class members to obtain information about the proposed New Settlement as well as the approved Initial Settlement, and to file a claim electronically. *Id.* ¶31-32.

S. Lead Counsel Prepare For And Attend The May 30, 2018 Fairness Hearing For The Initial Settlement

115. In accordance with the schedule set by the Court in respect of the Initial Settlement, Lead Counsel presented the Initial Settlement and Plan of Distribution for final approval at the Fairness Hearing on May 30, 2018. This required that Class Counsel review extensive case materials and research, and prepare speaking points in respect of the Initial Settlement and the Plan of Distribution. This included, in respect of the latter, consulting with Epiq as the claims administrator responsible for administering the plan, and with Dr. Fiore of Compass Lexecon and his expert team who assisted counsel in the development of that plan. Class Counsel were also required to prepare an expert representative from the team who assisted counsel in the development of the plan in the event that the Court wished to hear testimony directly from this person.

116. On May 29, 2018, one day before the fairness hearing for the Initial Settlements, the Court issued an order directing Class Counsel to be prepared to respond to seven separate and distinct inquiries about the Initial Settlements at the hearing. Dkt. No. 646. On the morning of

the fairness hearing, the Court issued an additional order specifying five issues that Class Counsel should also be prepared to address. Dkt. No. 647. These included inquiries about Class Counsel's request for fees and expenses, detailed aspects of the Plan of Distribution, the monetary basis for the Initial Settlement, and whether the parties should be required to conduct reporting in respect of the claims made on the Initial Settlement. Class Counsel were required to prepare to address these issues, including through further consultation with the claims administrator responsible for administering the plan and with the experts who assisted counsel in the development of the plan.

117. The Court granted final approval to the Initial Settlement and the Plan of Distribution as applied to that settlement on June 1, 2018. Dkt. Nos. 648-657.

T. Other Significant Efforts by Lead Counsel

118. Lead Counsel took multiple other measures to ensure this Action was managed in an orderly and efficient manner. For example, we maintained close control and supervision of the work performed by other Plaintiffs' Counsel. We also took steps to ensure that all work was done by attorneys with the appropriate levels of skill and experience.

119. Throughout the matter, weekly teleconferences were held to ensure effective project management of the litigation tasks. These sessions were also used to discuss litigation strategy, and to assess the present and future needs to the case. These calls helped avoid duplication of efforts and ensured timely execution of assigned tasks.

120. Lead Counsel hosted all e-discovery related to the case, including for both Plaintiffs' and Defendants' document productions, on an advanced in-house platform, Relativity. As part of its hosting services, Lead Counsel provided access, training, and support to over 120 users along with a large suite of document and data processing services, including deduplication, native file processing, optical character recognition, TIFF creation, bates stamping, exporting,

producing, and archiving of documents and data. In addition, Lead Counsel utilized structured and conceptual analytics (including, for example, email threading, inclusive detection, near-dupe detection, concept searching, assisted review, and clustering), along with Natural Language Processing, Cognitive Analytics, and Machine Learning as part of its hosting services. These analytics have proven especially valuable in this case given the extremely large defendant and plaintiff document productions. Together with plaintiff and non-party documents, Lead Counsel housed a total of 10.5 million documents (over 31 million pages) in this case, or nearly five terabytes of data.

121. Among the structured and conceptual analytics products utilized by Lead Counsel, Relativity Assisted Review (“RAR”) and email threading have been particularly useful. RAR is designed to allow attorneys to identify a seed set of key documents that the software utilizes to return and prioritize conceptually similar and related documents in the database. Attorneys perform iterative reviews of these returned results to train the software and increase its efficacy. Lead Counsel used this technology to streamline and prioritize its review by training the system to look for certain concepts in documents, which then suggested additional documents that were conceptually similar. To further streamline the review, Lead Counsel utilized analytics to group email threads together and identify the most inclusive email. Utilizing this technology, Lead Counsel was able to more efficiently and effectively analyze the documents in developing the case for liability against Newly Settling Defendants and preparing for depositions, among other things, and ultimately reduce costs.

IV. LEAD COUNSEL’S APPLICATION FOR AN AWARD OF ATTORNEYS’ FEES AND PAYMENT OF LITIGATION EXPENSES

122. Notice of the Initial Settlement was published and sent to potential claimants in January 2018, and of the New Settlement in August 2018. The Notices each advised potential

Settlement Class Members that Lead Counsel would submit an application for an award of attorneys' fees in an amount not to exceed 30% of the settlement fund; reimbursement of litigation expenses; and interest on such attorneys' fees and expenses at the same rate as the earnings in the settlement fund, accruing from the inception of the settlement fund.

123. The fee application and expense request we are now submitting is fully consistent with that Notice. Specifically, we seek an attorneys' fee award of 30% of the settlement funds (or \$151,350,000 plus interest). We also seek payment of \$18,429,687.63 (plus interest) in litigation expenses. In total, Plaintiffs' Counsel dedicated more than 158,000 hours in the prosecution of the Action for an aggregate lodestar of over \$89 million. If granted, the requested fee would award Plaintiffs' Counsel a multiplier of approximately 1.68 on their lodestar.

124. A list of the declarations of Plaintiffs' Counsel containing details of the hours, lodestar, and litigation expenses of all Plaintiffs' Counsel who worked on this case through August 31, 2018 is provided at the end of this declaration, and those declarations will be filed concurrent with this one. Those declarations also identify the attorneys and support staff who worked on the Action, their hourly rates and number of hours billed, the lodestar value of their time, and the background and experience of the firms and attorneys. Plaintiffs' Counsel are not seeking fees for work done or expenses incurred in connection with preparing the fee and expense application.

125. As demonstrated by the resumes and attorney biographies for Plaintiffs' Counsel (attached to the individual firm declarations), our firms are among the most formidable plaintiff firms in the world. The caliber of our legal talent, the resources we can bring to all aspects of the case, and our proven track record in financial market antitrust cases is second to none. Our proven ability to take high-stakes cases to trial—and to win them—presented our adversaries in

this case with a credible threat they had to take seriously from day one. We think this legitimate trial threat was an important factor in achieving both the Initial and New Settlement Agreements.

126. From day one, we bore the risk of litigating this Action on a contingent basis. There are many examples where plaintiffs' counsel in contingency fee cases have worked thousands of hours and advanced substantial sums, only to receive no compensation. We were fully cognizant from the outset that despite our best efforts and the size of our investment, success in high-stakes cases like this one is never guaranteed. There was always the substantial risk of losing everything.

127. Lead Counsel's respectfully submit that the attorneys' fee request is consistent with what has been deemed fair and reasonable by other courts in mega fund antitrust cases. Attached as Exhibit 1 to this Joint Declaration is a chart entitled "Attorneys' Fee Awards in Mega Fund Antitrust Class Action Cases." The chart includes 40 percentage-of-the-fund method attorneys' fee awards in common fund federal antitrust class action settlements in which at least one fee award was based on a common fund of over \$100 million. The chart is based on Lead Counsel's extensive research and includes all cases found that matched the stated criteria. The fee awards listed in the chart were entered between the years 2004 and 2018. The average fee award percentage for the cases that settled for over \$500 million but under \$1 billion was 28.82%. The average multiplier for this same group of cases was 2.57.

128. Lead Counsel also move for reimbursement from the settlement funds of \$18,429,687.63 (plus interest) in litigation expenses (3.65% of the settlement funds). These are all expenses that were reasonably and necessarily incurred in the prosecution of the Action.

129. Most of the litigation expenses incurred—\$16,080,347.32, which is more than 87% of the total expenses—were for expert work. In order to prove our claims, we were

required to locate and engage highly skilled and specialized interest rate derivative market experts, market microstructure economists and scholars, experienced traders, and other subject matter experts. Engagement of these experts was indispensable to our prosecution of the Action. Defendants would not have entered into such high-value settlements without Plaintiffs' demonstrable ability to prove (among other things) unlawful conduct, class-wide impact, and damages. Similarly, development of the Plan of Distribution, including a process for claims administration, would not have been possible without the able assistance of the financial economists and data experts at Compass Lexecon. This expert work required the investment of thousands of hours of time and millions of dollars in hard costs.

130. We also incurred other reasonable expenses in prosecuting the Action, including: (i) document hosting fees, (ii) mediation fees; (iii) Court fees and service of process; (iv) out-of-pocket payments for online factual and legal research; (v) court reporters and transcripts; (vi) travel and meals; and (vii) other expenses, such as document reproduction, telephone and facsimile, postage and delivery. These expenses were reasonable and were necessarily incurred, and are detailed in the accompanying declarations submitted by Plaintiffs' Counsel.

131. From the inception of this Action, Plaintiffs' Counsel were aware that they might not recover any of the expenses they incurred and, at a minimum, would not recover any expenses until the action was successfully resolved, or partially resolved. Plaintiffs' Counsel also understood that, even assuming the Action was ultimately successful, an award of expenses would not compensate them for the lost use or opportunity cost of funds advanced to prosecute the case. Thus, Plaintiffs' Counsel were motivated to, and did, take steps to minimize expenses whenever practicable without jeopardizing the vigorous and efficient prosecution of the action. Lead Counsel maintained strict control over the expenses in this Action. Indeed, the majority of

the expenses incurred were paid out of a litigation fund created by Lead Counsel and maintained by Scott+Scott. Payment of expenditures from the litigation fund required personal approval from a partner of the Lead Counsel firm supervising the vendor. A summary of the contributions to and expenses paid and incurred by the litigation fund is set forth in Exhibit 2 to the Declaration of Daryl F. Scott, which is attached as Exhibit 3 to this Joint Declaration

132. Notably, in order to limit expenses, we imposed internal “caps” on certain expenses based on the application of the following criteria:

- (a) For out-of-town travel, airfare was billed at coach rates;
- (b) Meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner;
- (c) Internal copying is charged at \$0.10 per page; and
- (d) Online research charges reflect only out-of-pocket payments to the vendors for research done in connection with this litigation. Online research is billed based on actual time usage at a set charge by the vendor. There are no administrative charges included in these figures.

V. ACCOMPANYING DECLARATIONS

133. The following accompanying declarations—which provide the time, fees and charges and expenses of each of the Plaintiffs Counsel firms—will be filed with and reference this declaration:

Declaration	Description
1.	Declaration of Daniel L. Brockett In Support of Lead Counsel’s Motion for An Award of Attorneys’ Fees and Reimbursement of Litigation Expenses Filed On Behalf of Quinn Emanuel Urquhart & Sullivan, LLP

2.	Declaration of Brian O. O'Mara In Support of Lead Counsel's Motion for An Award of Attorneys' Fees and Reimbursement of Litigation Expenses Filed On Behalf of Robbins Geller Rudman & Dowd, LLP
3.	Declaration of Daryl F. Scott In Support of Lead Counsel's Motion for An Award of Attorneys' Fees and Reimbursement of Litigation Expenses Filed On Behalf of Scott+Scott, Attorneys at Law, LLP
4.	Declaration of Gregory S. Ascioffa In Support of Lead Counsel's Motion for An Award of Attorneys' Fees and Reimbursement of Litigation Expenses Filed On Behalf of Labaton Sucharow LLP
5.	Declaration of Michael Dell'Angelo In Support of Lead Counsel's Motion for An Award of Attorneys' Fees and Reimbursement of Litigation Expenses Filed On Behalf of Berger & Montague, P.C.
6.	Declaration of Stuart H. McCluer In Support of Lead Counsel's Motion for An Award of Attorneys' Fees and Reimbursement of Litigation Expenses Filed On Behalf of McCulley McCluer PLLC
7.	Declaration of Robert G. Eisler In Support of Lead Counsel's Motion for An Award of Attorneys' Fees and Reimbursement of Litigation Expenses Filed On Behalf of Grant & Eisenhofer, P.A.

VI. CONCLUSION

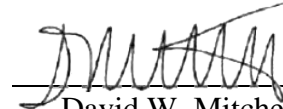
134. In view of the significant recovery for the Class and the substantial risks of this litigation, Lead Counsel respectfully submit that the New Settlement should be approved as fair, reasonable, and adequate, and that the Plan of Distribution should also be approved as fair and reasonable. In addition, based on the significant recovery for the Class in the face of substantial risks through the efforts of Lead Counsel and Plaintiffs' Counsel, Lead Counsel respectfully submit that the Court should award attorneys' fees in the amount of 30% of the settlement funds; approve reimbursement of \$18,429,687.63 in litigation expenses; and award interest on such attorneys' fees and expenses. Finally, Lead Counsel respectfully submit that the incentive awards and costs for Plaintiffs should be approved in recognition of the significant time and expenses they devoted to the successful prosecution of this case.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 28, 2018.



Daniel L. Brockett
**QUINN EMANUEL URQUHART
& SULLIVAN, LLP**
51 Madison Avenue, 22nd Floor
New York, NY 10010-1601

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 28, 2018.



David W. Mitchell
**ROBBINS GELLER RUDMAN
& DOWD LLP**
655 West Broadway, Suite 1900
San Diego, CA 92101

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 28, 2018.



Christopher M. Burke
SCOTT+SCOTT ATTORNEYS AT LAW LLP
The Helmsley Building
230 Park Avenue, 17th Floor
New York, NY 10169

Interim Co-Lead Class Counsel

EXHIBIT 1

Attorneys' Fee Awards in Mega Fund Antitrust Class Action Cases

No.	Case	Settlement Amount	Fee Percentage	Lodestar Multiplier	Amount of Attorneys' Fees Awarded	Additional Citations
1	In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig., 991 F. Supp. 2d 437, 445, 448 (E.D.N.Y. 2014)	\$5,698,744,769.87	9.56%	3.41	\$544,800,000.00	
2	In re Visa Check/Mastermoney Antitrust Litig., 297 F. Supp. 2d 503, 509, 524 (E.D.N.Y. 2003)	\$3,383,400,000.00	6.51%	3.50	\$220,290,160.44	
3	In re Credit Default Swaps Antitrust Litig., No. 13-md-2476-DLC, 2016 WL 2731524, at *17 (S.D.N.Y. Apr. 26, 2016)	\$1,864,650,000.00	13.61%	6.20	\$253,758,000.00	
4	In re Air Cargo Shipping Servs. Antitrust Litig., No. 06-MD-1775 (JG)(VVP) (E.D.N.Y.)	\$1,181,618,239.55	23.34%	1.99	\$275,743,409.98	In re Air Cargo Shipping Servs. Antitrust Litig., 2009 WL 3077396, at *16 (Sept. 25, 2009); In re Air Cargo Shipping Servs. Antitrust Litig., 2011 WL 2909162, at *6 (July 15, 2011); In re Air Cargo Shipping Servs. Antitrust Litig., 2012 WL 3138596, at *3 (Aug. 2, 2012); In re Air Cargo Shipping Servs. Antitrust Litig., 2015 WL 5918273, at *6 (Oct. 9, 2015); In re Air Cargo Shipping Servs. Antitrust Litig., ECF No. 2484, at 2 (Oct. 25, 2016)
5	In re TFT-LCD (Flat Panel) Antitrust Litig., MDL No. 1827, 2013 WL 1365900, at *7 (N.D. Cal. Apr. 3, 2013)	\$1,082,955,419.58	28.60%	2.50	\$309,725,250.00	
6	In re NASDAQ Mkt.-Makers Antitrust Litig., 187 F.R.D. 465, 489 (S.D.N.Y. 1998)	\$1,027,000,000.00	14.00%	4.00	\$143,780,000.00	
	Average (>\$1 billion):		15.94%	3.60		

No.	Case	Settlement Amount	Fee Percentage	Lodestar Multiplier	Amount of Attorneys' Fees Awarded	Additional Citations
7	In re: Urethane Antitrust Litig., No. 04-md-1616 (D. Kan.)	\$997,900,000.00	33.33%	3.23	\$325,966,666.67	In re: Urethane Antitrust Litig., ECF No. 995 (July 22, 2009); In re: Urethane Antitrust Litig., ECF No. 2210 (Dec. 13, 2011); In re: Urethane Antitrust Litig., 2016 WL 4060156, at *8 (July 29, 2016)
8	In re Automotive Parts Antitrust Litig., No. 12-md-02311 (E.D. Mich.) (End Payor Plaintiffs)	\$604,101,268.00	19.97%	1.11	\$120,631,878.00	In re Automotive Parts Antitrust Litig., 2017 WL 3525415, at *3, *4 (July 10, 2017); In re: Automotive Parts Antitrust Litig., No. 2:12-cv-00103-MOB-MKM, ECF No. 498, at 2 (June 20, 2016); In re: Automotive Parts Antitrust Litig., No. 2:12-cv-00103-MOB-MKM, ECF No. 545 (Dec. 5, 2016)
9	Dahl v. Bain Capital Partners, LLC, No. 07-cv-12388, ECF No. 1095 (D. Mass. Feb 2, 2015)	\$590,500,000.00	33.00%	2.43	\$194,865,000.00	
10	In re Cathode Ray Tube (CRT) Antitrust Litig., Case No. C-07-5944, MDL No. 1917, ECF No. 4740, at 2 (N.D. Cal. Aug. 3, 2016) (Indirect Purchaser Plaintiffs)	\$576,750,000.00	27.50%	1.96	\$158,606,250.00	
11	In re Vitamins Antitrust Litig., No. MDL 1285 (D.D.C.)	\$536,868,032.00	31.62%	-	\$169,744,132.00	In re Vitamins Antitrust Litig., 2001 WL 34312839, at *10 (July 16, 2001); In re Vitamins Antitrust Litig., 2004 WL 6080000, at *4 (Oct. 22, 2004)
12	King Drug Co. of Florence, Inc. v. Cephalon, Inc., No. 2:06-cv-1797-MSG, ECF No. 870, at 8, 10 (E.D. Pa. Oct. 15, 2015)	\$512,000,000.00	27.50%	4.12	\$140,800,000.00	
	Average (>\$500 million to <\$1 billion):		28.82%	2.57		

No.	Case	Settlement Amount	Fee Percentage	Lodestar Multiplier	Amount of Attorneys' Fees Awarded	Additional Citations
13	Spartanburg Regional Health Servs. District, Inc. v. Hillenbrand Indus., Inc., No. 03-CV-2141, ECF No. 377, at 11 (D.S.C. Aug. 15, 2006)	\$468,631,200.00	25.00%	6.22	\$117,157,800.00	
14	In re High-Tech Employee Antitrust Litig., No. 11-CV-02509-LHK, 2015 WL 5158730, at *11, *16 (N.D. Cal. Sept. 2, 2015)	\$435,159,655.75	10.53%	2.50	\$45,822,311.75	
15	In re Polyurethane Foam Antitrust Litig., No. 1:10-MD-2196 (N.D. Ohio) (Direct Purchaser Plaintiffs)	\$433,100,000.00	23.64%	1.57	\$102,380,000.00	In re Polyurethane Foam Antitrust Litig., 2015 WL 1639269, at *7 (Feb. 26, 2015), appeal dismissed (Dec. 4, 2015); In re Polyurethane Foam Antitrust Litig., 135 F. Supp. 3d 679, 691 (N.D. Ohio 2015)
16	In re Dynamic Random Access Memory (DRAM) Antitrust Litig., No. 4:02-md-01486-PJH, ECF No. 1682 (N.D. Cal. Aug. 16, 2007) (Direct Purchaser Plaintiffs)	\$325,997,000.00	25.00%	2.30	\$81,499,250.00	
17	In re Dynamic Random Access Memory (DRAM) Antitrust Litig., No. 4:02-md-01486-PJH, ECF No. 2234, at 3 (N.D. Cal. June 27, 2014) (Indirect Purchaser Plaintiffs)	\$310,720,000.00	25.21%	0.82	\$78,333,002.00	
18	Sullivan v. Barclays PLC, No. 1:13-cv-02811-PKC, ECF No. 425, at 2 (S.D.N.Y. May 18, 2018)	\$309,000,000.00	22.24%	1.36	\$68,710,000.00	
19	In re Se. Milk Antitrust Litig., No. 2:08-md-1000 (E.D. Tenn.)	\$303,600,000.00	33.33%	1.90	\$101,199,999.99	

No.	Case	Settlement Amount	Fee Percentage	Lodestar Multiplier	Amount of Attorneys' Fees Awarded	Additional Citations
20	Sullivan v. DB Investments, Inc., No. 04-02819 (D.N.J. May 22, 2008), affirmed by, Sullivan v. DB Investments, Inc., 667 F.3d 273 (3d Cir. 2011)	\$295,000,000.00	25.00%	3.50	\$73,750,000.00	In re Se. Milk Antitrust Litig., ECF No. 1329, at 9 (July 11, 2012); In re Se. Milk Antitrust Litig., 2013 WL 2155387, at *8 (May 17, 2013)
21	Precision Assocs., Inc. v. Panalpina World Transp. (Holding) Ltd., No. 08-cv-42 (JG)(VVP) (E.D.N.Y.)	\$281,343,635.91	21.01%	0.85	\$59,100,217.82	Precision Assocs., Inc. v. Panalpina World Transp. (Holding) Ltd., 2013 WL 4525323, at *17 (Aug. 27, 2013); Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd., 2015 WL 6964973, at *7 (Nov. 10, 2015)
22	In re Tricolor Direct Purchaser Antitrust Litig., No. 05-340 (SLR), ECF No. 543, at 9-10 (D. Del. Apr. 23, 2009)	\$250,000,000.00	33.33%	3.93	\$83,333,333.33	
23	In re LIBOR Based Fin. Instruments Antitrust Litig., No. 11 MD 2262 (NRB), ECF No. 2683, at 9 (S.D.N.Y. Aug. 14, 2018)	\$250,000,000.00	18.50%	1.65	\$43,478,572.43	
24	Dial Corp. v. News Corp., 317 F.R.D. 426, 438 (S.D.N.Y. 2016)	\$244,000,000.00	20.01%	1.75	\$48,825,000.00	
25	In re Buspirone Antitrust Litig., No. 1:01-cv-07951 (JGK), ECF No. 22, at 5 (S.D.N.Y. Apr. 11, 2003)	\$220,000,000.00	33.33%	8.46	\$73,333,333.33	
26	In re Cathode Ray Tube (CRT) Antitrust Litig., No. 07-cv-5944 (N.D. Cal.) (Direct Purchaser Plaintiffs)	\$212,200,000.00	30.00%	1.15	\$63,660,000.00	In re Cathode Ray Tube (CRT) Antitrust Litig., 2016 WL 183285, at *3 (Jan. 14, 2016); In re Cathode Ray Tube (CRT) Antitrust Litig., ECF No. 5169, at 3 (June 8, 2017)
27	In re: National Collegiate Athletic Assoc. Athletic Grant-In-Aid Cap Antitrust Litig., No. 4:14-md-2541, 2017 WL 6040065, at *1 (N.D. Cal. Dec. 6, 2017)	\$208,664,445.00	20.00%	3.66	\$41,732,889.00	

No.	Case	Settlement Amount	Fee Percentage	Lodestar Multiplier	Amount of Attorneys' Fees Awarded	Additional Citations
28	In re Linerboard Antitrust Litig., No. CIV.A. 98-5055, 2004 WL 1221350, at *19 (E.D. Pa. June 2, 2004), amended, No. CIV.A.98-5055, 2004 WL 1240775 (E.D. Pa. June 4, 2004)	\$202,572,489.00	30.00%	2.66	\$60,771,746.70	
29	In re Neurontin Antitrust Litig., No. 2:02-cv-1830, ECF No. 114, at 7 (D.N.J. Aug. 6, 2014)	\$190,416,438.36	33.33%	1.99	\$63,472,146.12	
30	In re: Domestic Drywall Antitrust Litig., No. 2:13-MD-2437, ECF No. 767, at 39 (E.D. Pa. July 17, 2018)	\$190,059,056.00	33.33%	1.66	\$63,353,019.00	
31	In re Optical Disk Drive Prods. Antitrust Litig., No. 3:10-md-2143 RS (N.D. Cal.) (Indirect Purchaser Plaintiffs)	\$180,000,000.00	23.77%	1.53	\$42,780,000.00	In re Optical Disk Drive Prods. Antitrust Litig., 2016 WL 7364803, at *6 (Dec. 19, 2016); In re Optical Disk Drive Prods. Antitrust Litig., ECF No. 2691, at 9 (Nov. 7, 2017)
32	In re Relafen Antitrust Litig., No. 01-12239, ECF No. 297, at 7 (D. Mass. Apr. 9, 2004)	\$175,000,000.00	33.33%	4.88	\$58,333,333.28	
33	In re Lidoderm Antitrust Litig., No. 3:14-md-02521-WHO, ECF No. 1054, at 4 (N.D. Cal. Sept. 20, 2018) (Direct Purchaser Plaintiffs)	\$166,000,000.00	27.50%	1.05	\$45,000,070.46	
34	Standard Iron Works v. Arcelormittal, No. 1:08-cv-05214, ECF. No. 539, at 2 (N.D. Ill. 2014)	\$163,900,000.00	33.00%	1.97	\$54,087,000.00	
35	In re Titanium Dioxide Antitrust Litig., No. 10-CV-00318 (RDB), 2013 WL 6577029, at *1 (D. Md. Dec. 13, 2013)	\$163,500,000.00	33.33%	2.39	\$54,500,000.00	

No.	Case	Settlement Amount	Fee Percentage	Lodestar Multiplier	Amount of Attorneys' Fees Awarded	Additional Citations
36	In re Polyurethane Foam Antitrust Litig., 168 F. Supp. 3d 985, 1013 (N.D. Ohio 2016) (Indirect Purchaser Plaintiffs)	\$151,250,000.00	24.00%	1.34	\$36,300,000.00	
37	In re Flonase Antitrust Litig., 951 F. Supp. 2d 739, 749 (E.D. Pa. 2013)	\$150,000,000.00	33.33%	2.99	\$50,000,000.00	
38	In re Aggrenox Antitrust Litig., No. 2:14-md-02516-SRU, ECF No. 743, at 7 (D. Conn. Dec. 21, 2017) (Direct Payor Plaintiffs)	\$145,000,000.00	20.00%	1.49	\$29,200,000.00	
39	In re Lithium Ion Batteries Antitrust Litig., No. 13-md-02420-YGR, ECF No. 2322 (N.D. Cal. May 16, 2018) (Direct Purchaser Plaintiffs)	\$139,300,000.00	30.00%	0.58	\$41,790,000.00	
40	In re Lidoderm Antitrust Litig., No. 3:14-md-02521-WHO, ECF No. 1055, at 1 (N.D. Cal. Sept. 20, 2018) (End Payor Plaintiffs)	\$104,750,000.00	33.33%	1.37	\$34,916,000.00	
	Average (All 40 Antitrust Mega Fund Cases):		25.57%	2.61		

CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List, and I hereby certify that I caused the foregoing document or paper to be mailed via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 28, 2018.



Daniel L. Brockett

**QUINN EMANUEL URQUHART
& SULLIVAN, LLP**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ALASKA ELECTRICAL PENSION FUND;
et al.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., et al.

Defendants.

Case Nos.: 14-cv-7126 (JMF)

Hon. Jesse M. Furman

**DECLARATION OF DANIEL L. BROCKETT IN SUPPORT OF LEAD COUNSEL'S
MOTION FOR AN AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES
FILED ON BEHALF OF QUINN EMANUEL URQUHART & SULLIVAN**

I, Daniel L. Brockett, declare as follows:

1. I am a partner in the firm of Quinn Emanuel Urquhart & Sullivan, LLP ("Quinn Emanuel" or the "Firm"), one of Lead Counsel in the above-captioned action (the "ISDAfix Action"). I submit this declaration in support of Lead Counsel's application for an award of attorneys' fees and payment of certain litigation expenses/charges ("expenses") incurred in connection with the prosecution of the ISDAfix Action.

2. The specifics of the work performed by Quinn Emanuel attorneys are set forth in the concurrently-filed Joint Declaration of Co-Lead Counsel.

3. Attached as Exhibit 1 is a schedule indicating the amount of time spent by Quinn Emanuel attorneys and professional support staff who were involved in the ISDAfix Action from inception through August 31, 2018. We include the lodestar calculation (hours recorded x hourly rates) based on our Firm's current hourly rates. These are the same rates we charge to clients in non-contingent fee matters, and these rates have been found reasonable and consistent with

market in other complex or class action litigation. For personnel who are no longer employed by the Firm, the lodestar calculation is based on their hourly rates in the final year of employment with the Firm.

4. The schedule was created from contemporaneous daily time records regularly prepared and maintained by my firm. We excluded time expended on the application for attorneys' fees and payment of litigation expenses.

5. The total number of hours reflected in Exhibit 1 is 49,950.2, resulting in a lodestar of \$34,647,754.00. Of this amount, \$32,960,330.50 is for attorneys' time and \$1,687,423.50 is for professional support staff.

6. As detailed in Exhibit 2, we seek payment of \$4,206,263.00 in litigation expenses from inception through August 31, 2018. All of these expenses were incurred in connection with the prosecution of the ISDAfix Action.

7. In determining which litigation costs to include, we applied certain caps and protocols as follows:

- (a) For out-of-town travel, airfare is included only at coach rates.
- (b) Meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.
- (c) Internal copying is charged at \$0.10 per page.
- (d) Online research charges reflect only out-of-pocket payments to the vendors for research done in connection with the ISDAfix Action. Online research is billed based on actual time usage at a set charge by the vendor. There are no administrative charges included in these figures.

8. These expenses are all reflected on the books and records of Quinn Emanuel. These books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred.

9. My firm has reviewed the time and expense records that form the basis of this declaration to correct any billing errors.

10. Attached as Exhibit 3 are brief biographies of Quinn Emanuel and the individual attorneys who worked on the ISDAfix Action.

I declare, under penalty of perjury, that the foregoing facts are true and correct. Executed on September 28, 2018.



Daniel L. Brockett

EXHIBIT 1**QUINN EMANUEL URQUHART & SULLIVAN, LLP
TIME REPORT**

Inception through August 31, 2018

NAME	HOURS	HOURLY RATE	LODESTAR
Partners			
Alden Anthony	34.4	1050	36,120
Andersen, Jeremy	2741.6	1005	2,755,308
Brockett, Daniel	2249.2	1375	3,092,650
Cooper, David M	16.7	980	16,366
Cunningham, Daniel P.	1268.9	1375.00	1,744,737.5
Greenwald, Marc L.	2425.5	1175	2,849,962.5
Kramer, Karin	71.5	1135	81,152.5
Oblak, Jonathan B.	704.3	1055	743,036.5
Olson, Steig D.	469.9	1045	491,045.5
Rashid, Sami H.	143.7	940	135,078
Wolfson, Adam B.	44.5	950	42,275
Of Counsel			
Armillei, David	24.4	920	22,448
Barker, Christopher	332.3	910	302,393
Lepri, Thomas J.	27.3	885	24,160.5
Reinheimer, Justin	2693.6	910	2,451,176
Associates			
Bernstein, Jesse	122.1	670	81,807
Carroll, Brendan	2545.7	670	1,705,619
Delphey, Sean	279.6	840	234,864
Dockery, Clinton	47.4	850	40,290
Fleisher, Ryan	759.8	630	478,674
Futter, Toby	2442.4	860	2,100,464
Golden, Augustus	710.0	840	596,400
Janus, Kevin A.	2975.8	875	2,603,825
Keech, Ryan Q	29.1	840	24,444
Kiefer, Joseph N.	1464.2	835	1,222,607
Landsman-Roos, Nick	118.0	790	93,220
LeRay, David	1245.3	790	983,787
O'Connor, Michael J.	148.2	860	127,452
Plant, Miles H.	87.6	835	73,146
Popejoy, Thomas	1448.3	670	970,361
Sears, William	349.9	745	260,675.5
Sutton, Andrew	1604.6	630	1,010,898

NAME	HOURS	HOURLY RATE	LODESTAR
Senior Staff Attorneys			
Shandel, Jeffrey G.	1120.8	535	599,628
Staff Attorneys			
Barth, Janice	829.2	350	290,220
Bass, Vladimir	768.4	350	268,940
Bowley, Joseph	1238.4	350	433,440
Draisin, David	924.3	350	323,505
Estinville, Mandy	655.9	350	229,565
Evans, Olubayo	534.5	350	187,075
Faulkner, Jonathan	1364.0	350	477,400
Kanyicska, Greg	198.8	350	69,580
Kern, Sarah	150.9	350	52,815
Kunkel, Elizabeth	633.5	350	221,725
Martinez, Allyson	1248.1	350	436,835
Meth, Israel	571.4	350	199,990
Mulgrave, Alcides	1446.4	350	506,240
Needleman, Daniel	320.9	350	112,315
Ngo, Tony	1313.4	350	459,690
Park, Sye	344.1	350	120,435
Siman, Haley	534.9	350	187,215
Tanzer, Kenneth	1106.5	350	387,275
Law Clerks			
Lee, Alice H.	1401.5	385	539,577.5
Paralegals			
Cook, Sarah	2270.5	320	726,560
Gately, Fiona	2.8	320	896
Juhn, Edward	23.5	320	7,520
McNeil, Pollyanna	215.2	320	68,864
Peterson, Stephanie	476.3	320	152,416
Rattinger, Pamela	450.0	320	144,000
Sanichar, Lalindra	74.1	300	2,2230
Litigation Support			
Alcantara, Aaron	0.7	175	122.5
Bandes, James	20.9	250	5225
Dementiev, Konstantin	16.5	175	2,887.5
Nelson, Roy	10.5	365	3,832.5
Smith, Patricia	17.0	365	6,205
Sobrevilla, Boris	20.0	175	3,500
Zhang, James	20.5	175	3,587.5
TOTALS	49,950.2		34,647,754.00

EXHIBIT 2**QUINN EMANUEL URQUHART & SULLIVAN, LLP
EXPENSE REPORT**

Inception through August 31, 2018

CATEGORY	AMOUNT
Court Fees	\$630.00
Service of Process	\$3,410.25
Online Legal Research	\$254,902.22
Document Management/Litigation Support	\$108,493.17
Telephones/Faxes	\$4,782.79
Postage & Express Mail	\$890.96
Hand Delivery Charges	\$1,138.84
Local Transportation	\$7,298.69
Internal Copying	\$38,841.01
Outside Copying	\$21,651.64
Out of Town Travel	\$78,897.83
Court Reporters and Transcripts	\$203.24
Meals*	\$24,836.12
Deposition/Meeting Hosting Costs	\$44,343.10
Experts	\$2,465,131.16
Mediation Fees	\$9,179.16
Contributions to Litigation Fund	\$1,141,633.00
TOTAL EXPENSES:	\$4,206,263.00

* All meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALASKA ELECTRICAL PENSION FUND, et al.,	:	Lead Case No. 1:14-cv-07126-JMF
	:	
Plaintiffs,	:	Hon. Jesse M. Furman
	:	
vs.	:	
	:	
BANK OF AMERICA, N.A., et al.,	:	
	:	
Defendants.	:	
	:	

**DECLARATION OF BRIAN O. O'MARA IN SUPPORT OF LEAD COUNSEL'S
MOTION FOR AN AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES
FILED ON BEHALF OF ROBBINS GELLER RUDMAN & DOWD LLP**

I, BRIAN O. O'MARA, declare as follows:

1. I am a partner in the firm of Robbins Geller Rudman & Dowd LLP ("Robbins Geller" or the "Firm"), one of Plaintiffs' Lead Counsel in the above-captioned action (the "Action"). I submit this declaration in support of Lead Counsel's application for an award of attorneys' fees in connection with services rendered in the Action, as well as for payment of litigation expenses/charges ("expenses") in connection with the prosecution of the Action.

2. The specifics of the work performed by Robbins Geller is described in the Joint Declaration of Co-Lead Counsel, concurrently filed with this declaration.

3. Attached hereto as Exhibit 1 is a schedule indicating the amount of time spent by Robbins Geller attorneys and professional support staff who were involved in the ISDAfix litigation. The included lodestar calculation (hours recorded x hourly rates) for those individuals is based on the Firm's current hourly rates. The hourly rates for the attorneys and professional support staff of the Firm included in Exhibit 1 are the usual and customary rates set by the Firm which have been accepted in other complex or class action litigation. For personnel who are no longer employed by the Firm, the lodestar calculation is based on their hourly rates in the final year of employment with my Firm. The schedule was created from contemporaneous daily time records regularly prepared and maintained by my Firm. Time expended on the application for attorneys' fees and litigation expenses has been excluded from this application.

4. The total numbers of hours reflected in Exhibit 1 is 32,275.33, resulting in a lodestar of \$16,089,597.50. Of this amount, \$15,163,646.75 is for attorneys' time and \$925,950.75 is for professional support staff time.

5. As detailed in Exhibit 2, my Firm seeks a total of \$4,544,796.51 in litigation expenses in connection with the prosecution of the ISDAfix Action through and including August 31, 2018.

6. In determining which litigation costs to include, we applied certain caps and protocols, as follows:

- (a) For out-of-town travel, airfare is included only at coach rates.
- (b) Meals are capped at \$20 per person for breakfast; \$25 per person for lunch; and \$50 per person for dinner.
- (c) Internal copying is charged at \$0.10 per page.
- (d) Online research charges reflect only out-of-pocket payments to the vendors for research done in connection with this Action. Online research is billed based on actual time usage at a set charge by the vendor. There are no administrative charges included in these figures.

7. These expenses are all reflected on the books and records of Robbins Geller. These books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred.

8. We reviewed the relevant time and expense records and have corrected any errors or mistakes.

9. The identification and background of my Firm and its partners is attached hereto as Exhibit 3.

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on September 25, 2018.

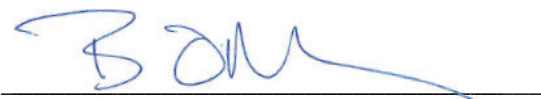

BRIAN O. O'MARA

EXHIBIT 1

EXHIBIT 1*Alaska Electrical Pension Fund, et al. v. Bank of America Corporation, et al.**1:14-cv-07126-JMF***Robbins Geller Rudman & Dowd LLP****Inception through August 31, 2018**

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Daniels, Patrick	(P)	38.00	875	\$ 33,250.00
Gusikoff Stewart, Ellen	(P)	48.85	990	48,361.50
Jodlowski, Steven	(P)	2,278.70	750	1,709,025.00
Mitchell, David	(P)	3,033.45	835	2,532,930.75
O'Mara, Brian	(P)	2,191.30	790	1,731,127.00
Rudman, Samuel	(P)	10.50	1030	10,815.00
Taylor, Susan	(P)	158.25	765	121,061.25
Abel, Lawrence	(A)	2,038.81	580	1,182,509.80
Bakshi, Debashish	(A)	16.50	400	6,600.00
Browne, Lonnie	(A)	1,597.35	475	758,741.25
Kinnon, Christopher	(A)	34.00	355	12,070.00
Robert, Caroline	(A)	29.50	570	16,815.00
Serra, Vincent	(A)	117.00	570	66,690.00
Stein, Jeffrey	(A)	104.50	550	57,475.00
Bandman, Randi D.	(OC)	153.63	990	152,093.70
Bays, Lea	(OC)	95.00	730	69,350.00
Coughlin, Patrick J.	(OC)	626.65	1075	673,648.75
Kelly, Ashley	(OC)	89.85	520	46,722.00
Miller-Pierce, Roxana	(OC)	86.70	950	82,365.00
Shingler, Arthur	(OC)	34.10	900	30,690.00
Araya-Schraner, Natasha	(SA)	269.50	360	97,020.00
Bowens, M. Lamontt	(SA)	450.70	375	169,012.50
Cho, Grace	(SA)	148.75	375	55,781.25
Daniel-Duckering, Jennifer	(SA)	555.00	375	208,125.00
Lin, David	(SA)	36.00	375	13,500.00
Mehta, Dharmi	(SA)	881.10	375	330,412.50
Stickney, Alexis	(SA)	319.30	375	119,737.50
Baig, Daniel	(PA)	3,551.80	360	1,278,648.00
Capobianco, Joseph	(PA)	513.15	360	184,734.00
Gazallo, Taghreed	(PA)	3,545.40	360	1,276,344.00
Losasso, Ian	(PA)	517.30	360	186,228.00

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Mccue, Charles T.	(PA)	1,563.80	375	586,425.00
Saba, Amy	(PA)	142.00	375	53,250.00
Verhulst, Inge	(PA)	39.30	360	14,148.00
Youngkin, Joshua	(PA)	3,466.50	360	1,247,940.00
Wilhelmy, David E.	(RA)	13.15	295	3,879.25
Peitler, Steven	(I)	20.50	275	5,637.50
Yansch, Jennifer A.	(IR)	51.90	175	9,082.50
Browning, Aaron	(LS)	36.15	290	10,483.50
Camozzi, Miranda	(LS)	38.00	220	8,360.00
Eivazian, Lindsay	(LS)	1,110.65	290	322,088.50
Freer, Brad	(LS)	82.75	290	23,997.50
Guyer, Nicole	(LS)	259.00	290	75,110.00
Holland, Maureen	(LS)	49.89	325	16,214.25
Keita, C. Oumar	(LS)	20.00	290	5,800.00
Milliron, Christine	(LS)	65.25	375	24,468.75
Ulloa, Sergio	(LS)	151.85	290	44,036.50
Paralegals		794.80	325	258,310.00
Document Clerks		768.25	150	115,237.50
Shareholder Relations		30.95	100-150	3,245.00
<i>TOTAL</i>		<i>32,275.33</i>		<i>\$ 16,089,597.50</i>

(P) Partner
(A) Associate
(OC) Of Counsel
(SA) Staff Attorney
(PA) Project Attorney
(RA) Research Analyst
(I) Investigator
(IR) Investor Relations
(LS) Litigation Support

EXHIBIT 2

EXHIBIT 2*Alaska Electrical Pension Fund, et al. v. Bank of America Corporation, et al.**1:14-cv-07126-JMF***Robbins Geller Rudman & Dowd LLP****Inception through August 31, 2018**

CATEGORY	AMOUNT
Court fees and other filing fees	\$ 894.00
Travel (meals, lodging, transportation)	272,139.32
Telephone & facsimile	870.68
Postage, overnight delivery	6,663.89
Court hearing and deposition reporting, and transcripts	3,096.79
Experts/Consultants/Investigators*	2,335,864.81
Internal copying	1,232.20
Outside copying	40,427.66
Online legal and financial research	38,025.78
eDiscovery database hosting, analytics and equipment; litigation support and outside transcription services	686,254.63
Litigation fund contributions	1,141,633.00
Mediation fees	17,693.75
TOTAL	\$ 4,544,796.51

* Includes \$670,005.50 in payments to co-lead counsel, Quinn Emanuel, for out of pocket expenses paid to experts, consultants and investigators.

EXHIBIT 3

FIRM RESUME

TABLE OF CONTENTS

Introduction

Practice Areas and Services

Securities Fraud.....	2
Shareholder Derivative and Corporate Governance Litigation.....	6
Options Backdating Litigation.....	9
Corporate Takeover Litigation.....	10
Insurance.....	12
Antitrust.....	14
Consumer Fraud.....	15
Intellectual Property.....	17
Human Rights, Labor Practices and Public Policy.....	18
Environment and Public Health.....	19
Pro Bono.....	20
E-Discovery.....	21

Prominent Cases, Precedent-Setting Decisions and Judicial Commendations

Prominent Cases.....	23
Precedent-Setting Decisions.....	31
Additional Judicial Commendations.....	37

Attorney Biographies

Partners.....	42
Of Counsel.....	100
Special Counsel.....	120
Forensic Accountants.....	122

INTRODUCTION

Robbins Geller Rudman & Dowd LLP (“Robbins Geller” or the “Firm”) is a 200-lawyer firm with offices in Atlanta, Boca Raton, Chicago, Manhattan, Melville, Nashville, San Diego, San Francisco, Philadelphia and Washington, D.C. (www.rgrdlaw.com). The Firm is actively engaged in complex litigation, emphasizing securities, consumer, antitrust, insurance, healthcare, human rights and employment discrimination class actions, as well as intellectual property disputes. The Firm’s unparalleled experience and capabilities in these fields are based upon the talents of its attorneys, who have successfully prosecuted thousands of class action lawsuits and numerous individual cases, recovering billions of dollars.

This successful track record stems from our experienced attorneys, including many who came to the Firm from federal or state law enforcement agencies. The Firm also includes several dozen former federal and state judicial clerks.

The Firm is committed to practicing law with the highest level of integrity in an ethical and professional manner. We are a diverse firm with lawyers and staff from all walks of life. Our lawyers and other employees are hired and promoted based on the quality of their work and their ability to treat others with respect and dignity.

We strive to be good corporate citizens and work with a sense of global responsibility. Contributing to our communities and environment is important to us. We often take cases on a pro bono basis and are committed to the rights of workers, and to the extent possible, we contract with union vendors. We care about civil rights, workers’ rights and treatment, workplace safety and environmental protection. Indeed, while we have built a reputation as the finest securities and consumer class action law firm in the nation, our lawyers have also worked tirelessly in less high-profile, but no less important, cases involving human rights and other social issues.

PRACTICE AREAS AND SERVICES

Securities Fraud

As recent corporate scandals demonstrate clearly, it has become all too common for companies and their executives – often with the help of their advisors, such as bankers, lawyers and accountants – to manipulate the market price of their securities by misleading the public about the company’s financial condition or prospects for the future. This misleading information has the effect of artificially inflating the price of the company’s securities above their true value. When the underlying truth is eventually revealed, the prices of these securities plummet, harming those innocent investors who relied upon the company’s misrepresentations.

Robbins Geller is the leader in the fight to protect investors from corporate securities fraud. We utilize a wide range of federal and state laws to provide investors with remedies, either by bringing a class action on behalf of all affected investors or, where appropriate, by bringing individual cases.

The Firm’s reputation for excellence has been repeatedly noted by courts and has resulted in the appointment of Firm attorneys to lead roles in hundreds of complex class-action securities and other cases. In the securities area alone, the Firm’s attorneys have been responsible for a number of outstanding recoveries on behalf of investors. Currently, Robbins Geller attorneys are lead or named counsel in hundreds of securities class action or large institutional-investor cases. Some notable current and past cases include:

- *In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex.). Robbins Geller attorneys and lead plaintiff The Regents of the University of California aggressively pursued numerous defendants, including many of Wall Street’s biggest banks, and successfully obtained settlements in excess of **\$7.2 billion** for the benefit of investors. ***This is the largest securities class action recovery in history.***
- *Jaffe v. Household Int’l, Inc.*, No. 02-C-05893 (N.D. Ill.). As sole lead counsel, Robbins Geller obtained a record-breaking settlement of **\$1.575 billion** after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a securities fraud verdict in favor of the class. In 2015, the Seventh Circuit Court of Appeals upheld the jury’s verdict that defendants made false or misleading statements of material fact about the company’s business practices and financial results, but remanded the case for a new trial on the issue of whether the individual defendants “made” certain false statements, whether those false statements caused plaintiffs’ losses, and the amount of damages. The parties reached an agreement to settle the case just hours before the retrial was scheduled to begin on June 6, 2016. ***The \$1.575 billion settlement, approved in October 2016, is the largest ever following a securities fraud class action trial, the largest securities fraud settlement in the Seventh Circuit and the seventh-largest settlement ever in a post-PSLRA securities fraud case.*** According to published reports, the case was just the seventh securities fraud case tried to a verdict since the passage of the PSLRA.
- *In re UnitedHealth Grp. Inc. PSLRA Litig.*, No. 06-CV-1691 (D. Minn.). Robbins Geller represented the California Public Employees’ Retirement System (“CalPERS”) and demonstrated its willingness to vigorously advocate for its institutional clients, even under the most difficult circumstances. The Firm obtained an \$895 million recovery on behalf of the UnitedHealth shareholders, and former CEO William A. McGuire paid \$30 million and returned stock options representing more than three million shares to the shareholders, bringing the total recovery for the class to over \$925 million, the largest stock option backdating recovery ever, and ***a recovery that is more than four times larger than the next largest options backdating recovery.*** Moreover, Robbins Geller obtained unprecedented corporate governance reforms, including election of a

shareholder-nominated member to the company's board of directors, a mandatory holding period for shares acquired by executives via option exercise, and executive compensation reforms that tie pay to performance.

- *Alaska Elec. Pension Fund v. CitiGroup, Inc. (In re WorldCom Sec. Litig.)*, No. 03 Civ. 8269 (S.D.N.Y.). Robbins Geller attorneys represented more than 50 private and public institutions that opted out of the class action case and sued WorldCom's bankers, officers and directors, and auditors in courts around the country for losses related to WorldCom bond offerings from 1998 to 2001. The Firm's attorneys recovered more than \$650 million for their clients, substantially more than they would have recovered as part of the class.
- *Luther v. Countrywide Fin. Corp.*, No. 12-cv-05125 (C.D. Cal.). Robbins Geller attorneys secured a \$500 million settlement for institutional and individual investors in what is the largest RMBS purchaser class action settlement in history, and one of the largest class action securities settlements of all time. The unprecedented settlement resolves claims against Countrywide and Wall Street banks that issued the securities. The action was the first securities class action case filed against originators and Wall Street banks as a result of the credit crisis. As co-lead counsel Robbins Geller forged through six years of hard-fought litigation, oftentimes litigating issues of first impression, in order to secure the landmark settlement for its clients and the class.
- *In re Wachovia Preferred Sec. & Bond/Notes Litig.*, No. 09-cv-06351 (S.D.N.Y.). On behalf of investors in bonds and preferred securities issued between 2006 and 2008, Robbins Geller and co-counsel obtained a significant settlement with Wachovia successor Wells Fargo & Company and Wachovia auditor KPMG LLP. ***The total settlement – \$627 million – is one of the largest credit-crisis settlements involving Securities Act claims and one of the 20 largest securities class action recoveries in history.*** The settlement is also one of the biggest securities class action recoveries arising from the credit crisis. The lawsuit focused on Wachovia's exposure to "pick-a-pay" loans, which the bank's offering materials said were of "pristine credit quality," but which were actually allegedly made to subprime borrowers, and which ultimately massively impaired the bank's mortgage portfolio. Robbins Geller served as co-lead counsel representing the City of Livonia Employees' Retirement System, Hawaii Sheet Metal Workers Pension Fund, and the investor class.
- *In re Cardinal Health, Inc. Sec. Litig.*, No. C2-04-575 (S.D. Ohio). As sole lead counsel representing Cardinal Health shareholders, Robbins Geller obtained a recovery of \$600 million for investors on behalf of the lead plaintiffs, Amalgamated Bank, the New Mexico State Investment Council, and the California Ironworkers Field Trust Fund. At the time, the \$600 million settlement was the tenth-largest settlement in the history of securities fraud litigation and is the largest-ever recovery in a securities fraud action in the Sixth Circuit.
- *AOL Time Warner Cases I & II*, JCCP Nos. 4322 & 4325 (Cal. Super. Ct., Los Angeles Cty.). Robbins Geller represented The Regents of the University of California, six Ohio state pension funds, Rabo Bank (NL), the Scottish Widows Investment Partnership, several Australian public and private funds, insurance companies, and numerous additional institutional investors, both domestic and international, in state and federal court opt-out litigation stemming from Time Warner's disastrous 2001 merger with Internet high flier America Online. After almost four years of litigation involving extensive discovery, the Firm secured combined settlements for its opt-out clients totaling over \$629 million just weeks before The Regents' case pending in California state court was scheduled to go to trial. The Regents' gross recovery of \$246 million is the largest individual opt-out securities recovery in history.

- ***In re HealthSouth Corp. Sec. Litig.***, No. CV-03-BE-1500-S (N.D. Ala.). As court-appointed co-lead counsel, Robbins Geller attorneys obtained a combined recovery of \$671 million from HealthSouth, its auditor Ernst & Young, and its investment banker, UBS, for the benefit of stockholder plaintiffs. The settlement against HealthSouth represents one of the larger settlements in securities class action history and is considered among the top 15 settlements achieved after passage of the PSLRA. Likewise, the settlement against Ernst & Young is one of the largest securities class action settlements entered into by an accounting firm since the passage of the PSLRA.
- ***Jones v. Pfizer Inc.***, No. 1:10-cv-03864 (S.D.N.Y.). Lead plaintiff Stichting Philips Pensioenfonds obtained a \$400 million settlement on behalf of class members who purchased Pfizer Inc. common stock during the January 19, 2006 to January 23, 2009 class period. The settlement against Pfizer resolves accusations that it misled investors about an alleged off-label drug marketing scheme. As sole lead counsel, Robbins Geller attorneys helped achieve this exceptional result after five years of hard-fought litigation against the toughest and the brightest members of the securities defense bar by litigating this case all the way to trial.
- ***In re Dynegy Inc. Sec. Litig.***, No. H-02-1571 (S.D. Tex.). As sole lead counsel representing The Regents of the University of California and the class of Dynegy investors, Robbins Geller attorneys obtained a combined settlement of \$474 million from Dynegy, Citigroup, Inc. and Arthur Andersen LLP for their involvement in a clandestine financing scheme known as Project Alpha. Most notably, the settlement agreement provides that Dynegy will appoint two board members to be nominated by The Regents, which Robbins Geller and The Regents believe will benefit all of Dynegy's stockholders.
- ***In re Qwest Commc'ns Int'l, Inc. Sec. Litig.***, No. 01-cv-1451 (D. Colo.). In July 2001, the Firm filed the initial complaint in this action on behalf of its clients, long before any investigation into Qwest's financial statements was initiated by the SEC or Department of Justice. After five years of litigation, lead plaintiffs entered into a settlement with Qwest and certain individual defendants that provided a \$400 million recovery for the class and created a mechanism that allowed the vast majority of class members to share in an additional \$250 million recovered by the SEC. In 2008, Robbins Geller attorneys recovered an additional \$45 million for the class in a settlement with defendants Joseph P. Nacchio and Robert S. Woodruff, the CEO and CFO, respectively, of Qwest during large portions of the class period.
- ***Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.***, No. 1:09-cv-03701 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel for a class of investors and obtained court approval of a \$388 million recovery in nine 2007 residential mortgage-backed securities offerings issued by J.P. Morgan. The settlement represents, on a percentage basis, the largest recovery ever achieved in an MBS purchaser class action. The result was achieved after more than five years of hard-fought litigation and an extensive investigation.
- ***NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.***, No. 1:08-cv-10783 (S.D.N.Y.). As sole lead counsel, Robbins Geller obtained a \$272 million settlement on behalf of Goldman Sachs' shareholders. The settlement concludes one of the last remaining mortgage-backed securities purchaser class actions arising out of the global financial crisis. The remarkable result was achieved following seven years of extensive litigation. After the claims were dismissed in 2010, Robbins Geller secured a landmark victory from the Second Circuit Court of Appeals that clarified the scope of permissible class actions asserting claims under the Securities Act of 1933 on behalf of MBS investors. Specifically, the Second Circuit's decision rejected the concept of "tranche" standing and concluded that a lead plaintiff in an MBS class action has class standing to pursue claims on behalf of purchasers of other securities that were issued from the same registration

statement and backed by pools of mortgages originated by the same lenders who had originated mortgages backing the lead plaintiff's securities.

- ***Schuh v. HCA Holdings, Inc.***, No. 3:11-cv-01033 (M.D. Tenn.). As sole lead counsel, Robbins Geller obtained a groundbreaking \$215 million settlement for former HCA Holdings, Inc. shareholders – the largest securities class action recovery ever in Tennessee. Reached shortly before trial was scheduled to commence, the settlement resolves claims that the Registration Statement and Prospectus HCA filed in connection with the company's massive \$4.3 billion 2011 IPO contained material misstatements and omissions. The recovery achieved approximately 70% of classwide damages, which as a percentage of damages significantly exceeds the median class action recovery of 2%-3% of damages.
- ***In re AT&T Corp. Sec. Litig.***, MDL No. 1399 (D.N.J.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased AT&T common stock. The case charged defendants AT&T and its former Chairman and CEO, C. Michael Armstrong, with violations of the federal securities laws in connection with AT&T's April 2000 initial public offering of its wireless tracking stock, the largest IPO in American history. After two weeks of trial, and on the eve of scheduled testimony by Armstrong and infamous telecom analyst Jack Grubman, defendants agreed to settle the case for \$100 million.
- ***Silverman v. Motorola, Inc.***, No. 1:07-cv-04507 (N.D. Ill.). The Firm served as lead counsel on behalf of a class of investors in Motorola, Inc., ultimately recovering \$200 million for investors just two months before the case was set for trial. This outstanding result was obtained despite the lack of an SEC investigation or any financial restatement.
- ***Nieman v. Duke Energy Corp.***, No. 3:12-cv-00456 (W.D.N.C.). Robbins Geller, along with co-counsel, obtained a \$146.25 million settlement on behalf of Duke Energy Corporation investors. The settlement resolves accusations that defendants misled investors regarding Duke's future leadership following its merger with Progress Energy, Inc., and specifically, their premeditated coup to oust William D. Johnson (CEO of Progress) and replace him with Duke's then-CEO, John Rogers. This historic settlement represents the largest recovery ever in a North Carolina securities fraud action, and one of the five largest recoveries in the Fourth Circuit.
- ***Bennett v. Sprint Nextel Corp.***, No. 2:09-cv-02122 (D. Kan.). As co-lead counsel, Robbins Geller obtained a \$131 million recovery for a class of Sprint investors. The settlement, secured after five years of hard-fought litigation, resolved claims that former Sprint executives misled investors concerning the success of Sprint's ill-advised merger with Nextel and the deteriorating credit quality of Sprint's customer base, artificially inflating the value of Sprint's securities.
- ***Marcus v. J.C. Penney Co., Inc.***, No. 13-cv-00736 (E.D. Tex.). Robbins Geller attorneys obtained a \$97.5 million recovery on behalf of J.C. Penney shareholders. The result resolves claims that J.C. Penney and certain officers and directors made misstatements and/or omissions regarding the company's financial position that resulted in artificially inflated stock prices. Specifically, defendants failed to disclose and/or misrepresented adverse facts, including that J.C. Penney would have insufficient liquidity to get through year-end and would require additional funds to make it through the holiday season, and that the company was concealing its need for liquidity so as not to add to its vendors' concerns.
- ***Luna v. Marvell Technology Group, Ltd.***, No. 3:15-cv-05447 (N.D. Cal.). In the Marvell litigation, Robbins Geller attorneys represented the Plumbers and Pipefitters National Pension Fund and obtained a \$72.5 million settlement. The case involved claims that Marvell reported revenue and earnings during the class period that were misleading as a result of undisclosed pull-in and

concession sales. The settlement represents approximately 24% to 50% of the best estimate of classwide damages suffered by investors who purchased shares during the February 19, 2015 through December 7, 2015 class period.

- ***Garden City Emps.’ Ret. Sys. v. Psychiatric Sols., Inc.***, No. 3:09-cv-00882 (M.D. Tenn.). In the *Psychiatric Solutions* case, Robbins Geller represented lead plaintiff and class representative Central States, Southeast and Southwest Areas Pension Fund in litigation spanning more than four years. Psychiatric Solutions and its top executives were accused of insufficiently staffing their in-patient hospitals, downplaying the significance of regulatory investigations and manipulating their malpractice reserves. Just days before trial was set to commence, attorneys from Robbins Geller achieved a \$65 million settlement that was the third-largest securities recovery ever in the district and the largest in a decade.
- ***Plumbers & Pipefitters National Pension Fund v. Burns***, No. 3:05-cv-07393-JGC (N.D. Ohio). After 11 years of hard-fought litigation, Robbins Geller attorneys secured a \$64 million recovery for shareholders in a case that accused the former heads of Dana Corp. of securities fraud for trumpeting the auto parts maker’s condition while it actually spiraled toward bankruptcy. The Firm’s Appellate Practice Group successfully appealed to the Sixth Circuit Court of Appeals twice, reversing the district court’s dismissal of the action.
- ***In re St. Jude Med., Inc. Sec. Litig.***, No. 0:10-cv-00851 (D. Minn.). After four and one half years of litigation and mere weeks before the jury selection, Robbins Geller obtained a \$50 million settlement on behalf of investors in medical device company St. Jude Medical. The settlement resolves accusations that St. Jude Medical misled investors by utilizing heavily discounted end-of-quarter bulk sales to meet quarterly expectations, which created a false picture of demand by increasing customer inventory due of St. Jude Medical devices. The complaint alleged that the risk of St. Jude Medical’s reliance on such bulk sales manifested when it failed to meet its forecast guidance for the third quarter of 2009, which the company had reaffirmed only weeks earlier.

Robbins Geller’s securities practice is also strengthened by the existence of a strong appellate department, whose collective work has established numerous legal precedents. The securities practice also utilizes an extensive group of in-house economic and damage analysts, investigators and forensic accountants to aid in the prosecution of complex securities issues.

Shareholder Derivative and Corporate Governance Litigation

The Firm’s shareholder derivative and corporate governance practice is focused on preserving corporate assets and enhancing long-term shareowner value. Shareowner derivative actions are often brought by institutional investors to vindicate the rights of the corporation injured by its executives’ misconduct, which can effect violations of the nation’s securities, anti-corruption, false claims, cyber-security, labor, environmental and/or health & safety laws.

Robbins Geller attorneys have aided Firm clients in significantly enhancing shareowner value by obtaining hundreds of millions of dollars in financial clawbacks and successfully negotiating corporate governance enhancements. Robbins Geller has worked with its institutional clients to address corporate misconduct such as options backdating, bribery of foreign officials, pollution, off-label marketing, and insider trading and related self-dealing. Additionally, the Firm works closely with noted corporate governance consultants Robert Monks, Richard Bennett and their firm, ValueEdge Advisors LLC, to shape corporate governance practices that will benefit shareowners.

Robbins Geller's efforts have conferred substantial benefits upon shareowners, and the market effect of these benefits measures in the billions of dollars. The Firm's significant achievements include:

- ***City of Westland Police and Fire Retirement System v. Stumpf (Wells Fargo Derivative Litigation)***, No. 3:11-cv-02369 (N.D. Cal.). Prosecuted shareholder derivative action on behalf of Wells Fargo & Co. alleging that Wells Fargo's executives allowed participation in the mass-processing of home foreclosure documents by engaging in widespread robo-signing, *i.e.*, the execution and submission of false legal documents in courts across the country without verification of their truth or accuracy, and failed to disclose Wells Fargo's lack of cooperation in a federal investigation into the bank's mortgage and foreclosure practices. In settlement of the action, Wells Fargo agreed to provide \$67 million in homeowner down-payment assistance, credit counseling and improvements to its mortgage servicing system. The initiatives will be concentrated in cities severely impacted by the bank's foreclosure practices and the ensuing mortgage foreclosure crisis. Additionally, Wells Fargo agreed to change its procedures for reviewing shareholder proposals and a strict ban on stock pledges by Wells Fargo board members.
- ***In re Ormat Techs., Inc. Derivative Litig.***, No. CV10-00759 (Nev. Dist. Ct., Washoe Cty.). Robbins Geller brought derivative claims for breach of fiduciary duty and unjust enrichment against the directors and certain officers of Ormat Technologies, Inc., a leading geothermal and recovered energy power business. During the relevant time period, these Ormat insiders caused the company to engage in accounting manipulations that ultimately required restatement of the company's financial statements. The settlement in this action includes numerous corporate governance reforms designed to, among other things: (i) increase director independence; (ii) provide continuing education to directors; (iii) enhance the company's internal controls; (iv) make the company's board more independent; and (iv) strengthen the company's internal audit function.
- ***In re Alphatec Holdings, Inc. Derivative S'holder Litig.***, No. 37-2010-00058586 (Cal. Super. Ct., San Diego Cty.). Obtained sweeping changes to Alphatec's governance, including separation of the Chairman and CEO positions, enhanced conflict of interest procedures to address related-party transactions, rigorous director independence standards requiring that at least a majority of directors be outside independent directors, and ongoing director education and training.
- ***In re Finisar Corp. Derivative Litig.***, No. C-06-07660 (N.D. Cal.). Prosecuted shareholder derivative action on behalf of Finisar against certain of its current and former directors and officers for engaging in an alleged nearly decade-long stock option backdating scheme that was alleged to have inflicted substantial damage upon Finisar. After obtaining a reversal of the district court's order dismissing the complaint for failing to adequately allege that a pre-suit demand was futile, Robbins Geller lawyers successfully prosecuted the derivative claims to resolution obtaining over \$15 million in financial clawbacks for Finisar. Robbins Geller attorneys also obtained significant changes to Finisar's stock option granting procedures and corporate governance. As a part of the settlement, Finisar agreed to ban the repricing of stock options without first obtaining specific shareholder approval, prohibit the retrospective selection of grant dates for stock options and similar awards, limit the number of other boards on which Finisar directors may serve, require directors to own a minimum amount of Finisar shares, annually elect a Lead Independent Director whenever the position of Chairman and CEO are held by the same person, and require the board to appoint a Trading Compliance officer responsible for ensuring compliance with Finisar's insider trading policies.
- ***Loizides v. Schramm (Maxwell Technology Derivative Litigation)***, No. 37-2010-00097953 (Cal. Super. Ct., San Diego Cty.). Prosecuted shareholder derivative claims arising from the company's alleged violations of the Foreign Corrupt Practices Act of 1977 ("FCPA"). As a result of Robbins

Geller's efforts, Maxwell insiders agreed to adopt significant changes in Maxwell's internal controls and systems designed to protect Maxwell against future potential violations of the FCPA. These corporate governance changes included, establishing the following, among other things: a compliance plan to improve board oversight of Maxwell's compliance processes and internal controls; a clear corporate policy prohibiting bribery and subcontracting kickbacks, whereby individuals are accountable; mandatory employee training requirements, including the comprehensive explanation of whistleblower provisions, to provide for confidential reporting of FCPA violations or other corruption; enhanced resources and internal control and compliance procedures for the audit committee to act quickly if an FCPA violation or other corruption is detected; an FCPA and Anti-Corruption Compliance department that has the authority and resources required to assess global operations and detect violations of the FCPA and other instances of corruption; a rigorous ethics and compliance program applicable to all directors, officers and employees, designed to prevent and detect violations of the FCPA and other applicable anti-corruption laws; an executive-level position of Chief Compliance Officer with direct board-level reporting responsibilities, who shall be responsible for overseeing and managing compliance issues within the company; a rigorous insider trading policy buttressed by enhanced review and supervision mechanisms and a requirement that all trades are timely disclosed; and enhanced provisions requiring that business entities are only acquired after thorough FCPA and anti-corruption due diligence by legal, accounting and compliance personnel at Maxwell.

- ***In re SciClone Pharm., Inc. S'holder Derivative Litig.***, No. CIV 499030 (Cal. Super. Ct., San Mateo Cty.). Robbins Geller attorneys successfully prosecuted the derivative claims on behalf of nominal party SciClone Pharmaceuticals, Inc., resulting in the adoption of state-of-the-art corporate governance reforms. The corporate governance reforms included the establishment of an FCPA compliance coordinator; the adoption of an FCPA compliance program and code; and the adoption of additional internal controls and compliance functions.
- ***Policemen & Firemen Ret. Sys. of the City of Detroit v. Cornelison (Halliburton Derivative Litigation)***, No. 2009-29987 (Tex. Dist. Ct., Harris Cty.). Prosecuted shareholder derivative claims on behalf of Halliburton Company against certain Halliburton insiders for breaches of fiduciary duty arising from Halliburton's alleged violations of the FCPA. In the settlement, Halliburton agreed, among other things, to adopt strict intensive controls and systems designed to detect and deter the payment of bribes and other improper payments to foreign officials, to enhanced executive compensation clawback, director stock ownership requirements, a limitation on the number of other boards that Halliburton directors may serve, a lead director charter, enhanced director independence standards, and the creation of a management compliance committee.
- ***In re UnitedHealth Grp. Inc. PSLRA Litig.***, No. 06-CV-1691 (D. Minn.). In the *UnitedHealth* case, our client, CalPERS, obtained sweeping corporate governance improvements, including the election of a shareholder-nominated member to the company's board of directors, a mandatory holding period for shares acquired by executives via option exercises, as well as executive compensation reforms that tie pay to performance. In addition, the class obtained \$925 million, the largest stock option backdating recovery ever and four times the next largest options backdating recovery.
- ***In re Fossil, Inc. Derivative Litig.***, No. 3:06-cv-01672 (N.D. Tex.). The settlement agreement included the following corporate governance changes: declassification of elected board members; retirement of three directors and addition of five new independent directors; two-thirds board independence requirements; corporate governance guidelines providing for "Majority Voting" election of directors; lead independent director requirements; revised accounting measurement dates of options; addition of standing finance committee; compensation clawbacks; director compensation standards; revised stock option plans and grant procedures; limited stock option

granting authority, timing and pricing; enhanced education and training; and audit engagement partner rotation and outside audit firm review.

- ***Pirelli Armstrong Tire Corp. Retiree Med. Benefits Tr. v. Sinegal (Costco Derivative Litigation)***, No. 2:08-cv-01450 (W.D. Wash.). The parties agreed to settlement terms providing for the following corporate governance changes: the amendment of Costco's bylaws to provide "Majority Voting" election of directors; the elimination of overlapping compensation and audit committee membership on common subject matters; enhanced Dodd-Frank requirements; enhanced internal audit standards and controls, and revised information-sharing procedures; revised compensation policies and procedures; revised stock option plans and grant procedures; limited stock option granting authority, timing and pricing; and enhanced ethics compliance standards and training.
- ***In re F5 Networks, Inc. Derivative Litig.***, No. C-06-0794 (W.D. Wash.). The parties agreed to the following corporate governance changes as part of the settlement: revised stock option plans and grant procedures; limited stock option granting authority, timing and pricing; "Majority Voting" election of directors; lead independent director requirements; director independence standards; elimination of director perquisites; and revised compensation practices.
- ***In re Community Health Sys., Inc. S'holder Derivative Litig.***, No. 3:11-cv-00489 (M.D. Tenn.). Robbins Geller obtained unprecedented corporate governance reforms on behalf of Community Health Systems, Inc. in a case against the company's directors and officers for breaching their fiduciary duties by causing Community Health to develop and implement admissions criteria that systematically steered patients into unnecessary inpatient admissions, in contravention of Medicare and Medicaid regulations. The governance reforms obtained as part of the settlement include two shareholder-nominated directors, the creation of a Healthcare Law Compliance Coordinator with specified qualifications and duties, a requirement that the Board's Compensation Committee be comprised solely of independent directors, the implementation of a compensation clawback that will automatically recover compensation improperly paid to the company's CEO or CFO in the event of a restatement, the establishment of an insider trading controls committee, and the adoption of a political expenditure disclosure policy. In addition to these reforms, \$60 million in financial relief was obtained, which is the largest shareholder derivative recovery ever in Tennessee and the Sixth Circuit.

Options Backdating Litigation

As has been widely reported in the media, the stock options backdating scandal suddenly engulfed hundreds of publicly traded companies throughout the country in 2006. Robbins Geller was at the forefront of investigating and prosecuting options backdating derivative and securities cases. The Firm has recovered over \$1 billion in damages on behalf of injured companies and shareholders.

- ***In re KLA-Tencor Corp. S'holder Derivative Litig.***, No. C-06-03445 (N.D. Cal.). After successfully opposing the special litigation committee of the board of directors' motion to terminate the derivative claims, Robbins Geller recovered \$43.6 million in direct financial benefits for KLA-Tencor, including \$33.2 million in cash payments by certain former executives and their directors' and officers' insurance carriers.
- ***In re Marvell Technology Grp. Ltd. Derivative Litig.***, No. C-06-03894 (N.D. Cal.). Robbins Geller recovered \$54.9 million in financial benefits, including \$14.6 million in cash, for Marvell, in addition to extensive corporate governance reforms related to Marvell's stock option granting practices, board of directors' procedures and executive compensation.

- ***In re KB Home S'holder Derivative Litig.***, No. 06-CV-05148 (C.D. Cal.). Robbins Geller served as co-lead counsel for the plaintiffs and recovered more than \$31 million in financial benefits, including \$21.5 million in cash, for KB Home, plus substantial corporate governance enhancements relating to KB Home's stock option granting practices, director elections and executive compensation practices.

Corporate Takeover Litigation

Robbins Geller has earned a reputation as the leading law firm in representing shareholders in corporate takeover litigation. Through its aggressive efforts in prosecuting corporate takeovers, the Firm has secured for shareholders billions of dollars of additional consideration as well as beneficial changes for shareholders in the context of mergers and acquisitions.

The Firm regularly prosecutes merger and acquisition cases post-merger, often through trial, to maximize the benefit for its shareholder class. Some of these cases include:

- ***In re Kinder Morgan, Inc. S'holders Litig.***, No. 06-C-801 (Kan. Dist. Ct., Shawnee Cty.). In the largest recovery ever for corporate takeover class action litigation, the Firm negotiated a settlement fund of \$200 million in 2010.
- ***In re Dole Food Co., Inc. Stockholder Litig.***, No. 8703-VCL (Del. Ch.). Robbins Geller and co-counsel went to trial in the Delaware Court of Chancery on claims of breach of fiduciary duty on behalf of Dole Food Co., Inc. shareholders. The litigation challenged the 2013 buyout of Dole by its billionaire Chief Executive Officer and Chairman, David H. Murdock. On August 27, 2015, the court issued a post-trial ruling that Murdock and fellow director C. Michael Carter – who also served as Dole's General Counsel, Chief Operating Officer and Murdock's top lieutenant – had engaged in fraud and other misconduct in connection with the buyout and are liable to Dole's former stockholders for over \$148 million, the largest trial verdict ever in a class action challenging a merger transaction.
- ***In re Rural Metro Corp. Stockholders Litig.***, No. 6350-VCL (Del. Ch.). Robbins Geller and co-counsel were appointed lead counsel in this case after successfully objecting to an inadequate settlement that did not take into account evidence of defendants' conflicts of interest. In a post-trial opinion, Delaware Vice Chancellor J. Travis Laster found defendant RBC Capital Markets, LLC liable for aiding and abetting Rural/Metro's board of directors' fiduciary duty breaches in the \$438 million buyout of Rural/Metro, citing "the magnitude of the conflict between RBC's claims and the evidence." RBC was ordered to pay nearly \$110 million as a result of its wrongdoing, the largest damage award ever obtained against a bank over its role as a merger adviser. The Delaware Supreme Court issued a landmark opinion affirming the judgment on November 30, 2015, *RBC Capital Mkts., LLC v. Jervis*, 129 A.3d 816 (Del. 2015).
- ***In re Del Monte Foods Co. S'holders Litig.***, No. 6027-VCL (Del. Ch.). Robbins Geller exposed the unseemly practice by investment bankers of participating on both sides of large merger and acquisition transactions and ultimately secured an \$89 million settlement for shareholders of Del Monte. For efforts in achieving these results, the Robbins Geller lawyers prosecuting the case were named Attorneys of the Year by *California Lawyer* magazine in 2012.
- ***In re TD Banknorth S'holders Litig.***, No. 2557-VCL (Del. Ch.). After objecting to a modest recovery of just a few cents per share, the Firm took over the litigation and obtained a common fund settlement of \$50 million.

- ***In re Chaparral Res., Inc. S'holders Litig.***, No. 2633-VCL (Del. Ch.). After a full trial and a subsequent mediation before the Delaware Chancellor, the Firm obtained a common fund settlement of \$41 million (or 45% increase above merger price) for both class and appraisal claims.
- ***Laborers' Local #231 Pension Fund v. Websense, Inc.***, No. 37-2013-00050879-CU-BT-CTL (Cal. Super. Ct., San Diego Cty.). Robbins Geller successfully obtained a record-breaking \$40 million in *Websense, Inc.*, which is believed to be the largest post-merger common fund settlement in California state court history. The class action challenged the May 2013 buyout of Websense by Vista Equity Partners (and affiliates) for \$24.75 per share and alleged breach of fiduciary duty against the former Websense Board of Directors, and aiding and abetting against Websense's financial advisor, Merrill Lynch, Pierce, Fenner & Smith, Inc. Claims were pursued by the plaintiff in both California state court and the Delaware Court of Chancery.
- ***In re Onyx Pharm., Inc. S'holder Litig.***, No. CIV523789 (Cal. Super. Ct., San Mateo Cty.). Robbins Geller obtained \$30 million in a case against the former Onyx Board of Directors for breaching its fiduciary duties in connection with the acquisition of Onyx by Amgen Inc. for \$125 per share at the expense of shareholders. At the time of the settlement, it was believed to set the record for the largest post-merger common fund settlement in California state court history. Over the case's three years, Robbins Geller defeated defendants' motions to dismiss, obtained class certification, took over 20 depositions and reviewed over one million pages of documents. Further, the settlement was reached just days before a hearing on the defendants' motion for summary judgment was set to take place, and the result is now believed to be the second largest post-merger common fund settlement in California state court history.
- ***Harrah's Entertainment***, No. A529183 (Nev. Dist. Ct., Clark Cty.). The Firm's active prosecution of the case on several fronts, both in federal and state court, assisted Harrah's shareholders in securing an additional \$1.65 billion in merger consideration.
- ***In re Chiron S'holder Deal Litig.***, No. RG 05-230567 (Cal. Super. Ct., Alameda Cty.). The Firm's efforts helped to obtain an additional \$800 million in increased merger consideration for Chiron shareholders.
- ***In re Dollar Gen. Corp. S'holder Litig.***, No. 07MD-1 (Tenn. Cir. Ct., Davidson Cty.). As lead counsel, the Firm secured a recovery of up to \$57 million in cash for former Dollar General shareholders on the eve of trial.
- ***In re Prime Hospitality, Inc. S'holders Litig.***, No. 652-N (Del. Ch.). The Firm objected to a settlement that was unfair to the class and proceeded to litigate breach of fiduciary duty issues involving a sale of hotels to a private equity firm. The litigation yielded a common fund of \$25 million for shareholders.
- ***In re UnitedGlobalCom, Inc. S'holder Litig.***, No. 1012-VCS (Del. Ch.). The Firm secured a common fund settlement of \$25 million just weeks before trial.
- ***In re eMachines, Inc. Merger Litig.***, No. 01-CC-00156 (Cal. Super. Ct., Orange Cty.). After four years of litigation, the Firm secured a common fund settlement of \$24 million on the brink of trial.
- ***In re PeopleSoft, Inc. S'holder Litig.***, No. RG-03100291 (Cal. Super. Ct., Alameda Cty.). The Firm successfully objected to a proposed compromise of class claims arising from takeover defenses by PeopleSoft, Inc. to thwart an acquisition by Oracle Corp., resulting in shareholders receiving an increase of over \$900 million in merger consideration.

- *ACS S'holder Litig.*, No. CC-09-07377-C (Tex. Cty. Ct., Dallas Cty.). The Firm forced ACS's acquirer, Xerox, to make significant concessions by which shareholders would not be locked out of receiving more money from another buyer.

Insurance

Fraud and collusion in the insurance industry by executives, agents, brokers, lenders and others is one of the most costly crimes in the United States. Some experts have estimated the annual cost of white collar crime in the insurance industry to be over \$120 billion nationally. Recent legislative proposals seek to curtail anti-competitive behavior within the industry. However, in the absence of comprehensive regulation, Robbins Geller has played a critical role as private attorney general in protecting the rights of consumers against insurance fraud and other unfair business practices within the insurance industry.

Robbins Geller attorneys have long been at the forefront of litigating race discrimination issues within the life insurance industry. For example, the Firm has fought the practice by certain insurers of charging African-Americans and other people of color more for life insurance than similarly situated Caucasians. The Firm recovered over \$400 million for African-Americans and other minorities as redress for civil rights abuses, including landmark recoveries in *McNeil v. American General Life & Accident Insurance Company*; *Thompson v. Metropolitan Life Insurance Company*; and *Williams v. United Insurance Company of America*.

The Firm's attorneys fight on behalf of elderly victims targeted for the sale of deferred annuity products with hidden sales loads and illusory bonus features. Sales agents for life insurance companies such as Allianz Life Insurance Company of North America, Midland National Life Insurance Company, and National Western Life Insurance Company targeted senior citizens for these annuities with lengthy investment horizons and high sales commissions. The Firm recovered millions of dollars for elderly victims and seeks to ensure that senior citizens are afforded full and accurate information regarding deferred annuities.

Robbins Geller attorneys also stopped the fraudulent sale of life insurance policies based on misrepresentations about how the life insurance policy would perform, the costs of the policy, and whether premiums would "vanish." Purchasers were also misled about the financing of a new life insurance policy, falling victim to a "replacement" or "churning" sales scheme where they were convinced to use loans, partial surrenders or withdrawals of cash values from an existing permanent life insurance policy to purchase a new policy.

- **Brokerage "Pay to Play" Cases.** On behalf of individuals, governmental entities, businesses, and non-profits, Robbins Geller has sued the largest commercial and employee benefit insurance brokers and insurers for unfair and deceptive business practices. While purporting to provide independent, unbiased advice as to the best policy, the brokers failed to adequately disclose that they had entered into separate "pay to play" agreements with certain third-party insurance companies. These agreements provide additional compensation to the brokers based on such factors as profitability, growth and the volume of insurance that they place with a particular insurer, and are akin to a profit-sharing arrangement between the brokers and the insurance companies. These agreements create a conflict of interest since the brokers have a direct financial interest in selling their customers only the insurance products offered by those insurance companies with which the brokers have such agreements.

Robbins Geller attorneys were among the first to uncover and pursue the allegations of these practices in the insurance industry in both state and federal courts. On behalf of the California Insurance Commissioner, the Firm brought an injunctive case against the biggest employee

benefit insurers and local San Diego brokerage, ULR, which resulted in major changes to the way they did business. The Firm also sued on behalf of the City and County of San Francisco to recover losses due to these practices. Finally, Robbins Geller represents a putative nationwide class of individuals, businesses, employers, and governmental entities against the largest brokerage houses and insurers in the nation. To date, the Firm has obtained over \$200 million on behalf of policyholders and enacted landmark business reforms.

- **Discriminatory Credit Scoring and Redlining Cases.** Robbins Geller attorneys have prosecuted cases concerning countrywide schemes of alleged discrimination carried out by Nationwide, Allstate, and other insurance companies against African-American and other persons of color who are purchasers of homeowner and automobile insurance policies. Such discrimination includes alleged redlining and the improper use of “credit scores,” which disparately impact minority communities. Plaintiffs in these actions have alleged that the insurance companies’ corporate-driven scheme of intentional racial discrimination includes refusing coverage and/or charging them higher premiums for homeowners and automobile insurance. On behalf of the class of aggrieved policyholders, the Firm has recovered over \$400 million for these predatory and racist policies.
- **Senior Annuities.** Robbins Geller has prosecuted numerous cases against insurance companies and their agents who targeted senior citizens for the sale of deferred annuities. Plaintiffs alleged that the insurers misrepresented or failed to disclose to senior consumers material facts concerning the costs associated with their fixed and equity indexed deferred annuities and enticed seniors to buy the annuities by promising them illusory up-front bonuses. As a result of the Firm’s efforts, hundreds of millions of dollars in economic relief has been made available to seniors who have been harmed by these practices. Notable recoveries include:
 - *Negrete v. Allianz Life Ins. Co. of N. Am.*, No. CV-05-6838 (C.D. Cal.). Robbins Geller attorneys served as co-lead counsel on behalf of a nationwide RICO class consisting of over 200,000 senior citizens who had purchased deferred annuities issued by Allianz Life Insurance Company of North America. In March 2015, after nine years of litigation, District Judge Christina A. Snyder granted final approval of a class action settlement that made available in excess of \$250 million in cash payments and other benefits to class members. In approving the settlement, the Court praised the effort of the Firm and noted that “counsel has represented their clients with great skill and they are to be complimented.”
 - *In re Am. Equity Annuity Practices & Sales Litig.*, No. CV-05-6735 (C.D. Cal.). As co-lead counsel, Robbins Geller attorneys secured a settlement that made available \$129 million in economic benefits to a nationwide class of 114,000 senior citizens.
 - *In re Midland Nat’l Life Ins. Co. Annuity Sales Practices Litig.*, MDL No. 07-1825 (C.D. Cal.). After four years of litigation, the Firm secured a settlement that made available \$79.5 million in economic benefits to a nationwide class of 70,000 senior citizens.
 - *Negrete v. Fidelity & Guar. Life Ins. Co.*, No. CV-05-6837 (C.D. Cal.). The Firm’s efforts resulted in a settlement under which Fidelity made available \$52.7 in benefits to 56,000 class members across the country.
 - *In re Nat’l Western Life Ins. Deferred Annuities Litig.*, No. 05-CV-1018 (S.D. Cal.). The Firm litigated this action for more than eight years. On the eve of trial, the Firm negotiated a settlement providing over \$21 million in value to a nationwide class of 12,000 senior citizens.

Antitrust

Robbins Geller's antitrust practice focuses on representing businesses and individuals who have been the victims of price-fixing, unlawful monopolization, market allocation, tying and other anti-competitive conduct. The Firm has taken a leading role in many of the largest federal and state price-fixing, monopolization, market allocation and tying cases throughout the United States.

- ***Dahl v. Bain Capital Partners, LLC***, No. 07-cv-12388-EFH (D. Mass). Robbins Geller attorneys served as co-lead counsel on behalf of shareholders in this antitrust action against the nation's largest private equity firms that colluded to restrain competition and suppress prices paid to shareholders of public companies in connection with leveraged buyouts. Robbins Geller attorneys recovered more than \$590 million for the class from the private equity firm defendants, including Goldman Sachs Group Inc. and Carlyle Group LP.
- ***Alaska Elec. Pension Fund v. Bank of America Corp.***, No. 14-cv-07126-JMF (S.D.N.Y.). Robbins Geller attorneys are prosecuting antitrust claims against 14 major banks and broker ICAP plc who are alleged to have conspired to manipulate the ISDAfix rate, the key interest rate for a broad range of interest rate derivatives and other financial instruments in contravention of the competition laws. The class action is brought on behalf of investors and market participants who entered into interest rate derivative transactions between 2006 and 2013. Settlements collectively yielding more than \$500 million have been reached with all defendants.
- ***In re Currency Conversion Fee Antitrust Litig.***, 01 MDL No. 1409 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel and recovered \$336 million for a class of credit and debit cardholders. The court praised the Firm as "indefatigable," noting that the Firm's lawyers "vigorously litigated every issue against some of the ablest lawyers in the antitrust defense bar."
- ***Sheet Metal Workers Pension Plan of Northern California v. Bank of America Corporation***, No. 1:16-cv-04603-ER (S.D.N.Y.). Robbins Geller attorneys are serving as co-lead counsel in a case against several of the world's largest banks and the traders of certain specialized government bonds. They are alleged to have entered into a wide-ranging price-fixing and bid-rigging scheme costing pension funds and other investors hundreds of millions. To date, two of the more than a dozen corporate defendants have settled for more than \$65 million.
- ***In re Aftermarket Automotive Lighting Products Antitrust Litig.***, 09 MDL No. 2007 (C.D. Cal.). Robbins Geller attorneys are co-lead counsel in this multi-district litigation in which plaintiffs allege that defendants conspired to fix prices and allocate markets for automotive lighting products. The last defendants settled just before the scheduled trial, resulting in total settlements of more than \$50 million. Commenting on the quality of representation, the court commended the Firm for "expend[ing] substantial and skilled time and efforts in an efficient manner to bring this action to conclusion."
- ***In re Dig. Music Antitrust Litig.***, 06 MDL No. 1780 (S.D.N.Y.). Robbins Geller attorneys are co-lead counsel in an action against the major music labels (Sony-BMG, EMI, Universal and Warner Music Group) in a case involving music that can be downloaded digitally from the Internet. Plaintiffs allege that defendants restrained the development of digital downloads and agreed to fix the distribution price of digital downloads at supracompetitive prices. Plaintiffs also allege that as a result of defendants' restraint of the development of digital downloads, and the market and price for downloads, defendants were able to maintain the prices of their CDs at supracompetitive levels. The Second Circuit Court of Appeals upheld plaintiffs' complaint, reversing the trial court's dismissal. Discovery is ongoing.

- ***In re Dynamic Random Access Memory (DRAM) Antitrust Litig.***, 02 MDL No. 1486 (N.D. Cal.). Robbins Geller attorneys served on the executive committee in this multi-district class action in which a class of purchasers of dynamic random access memory (or DRAM) chips alleged that the leading manufacturers of semiconductor products fixed the price of DRAM chips from the fall of 2001 through at least the end of June 2002. The case settled for more than \$300 million.
- ***Microsoft I-V Cases***, JCCP No. 4106 (Cal. Super. Ct., San Francisco Cty.). Robbins Geller attorneys served on the executive committee in these consolidated cases in which California indirect purchasers challenged Microsoft's illegal exercise of monopoly power in the operating system, word processing and spreadsheet markets. In a settlement approved by the court, class counsel obtained an unprecedented \$1.1 billion worth of relief for the business and consumer class members who purchased the Microsoft products.

Consumer Fraud

In our consumer-based economy, working families who purchase products and services must receive truthful information so they can make meaningful choices about how to spend their hard-earned money. When financial institutions and other corporations deceive consumers or take advantage of unequal bargaining power, class action suits provide, in many instances, the only realistic means for an individual to right a corporate wrong.

Robbins Geller attorneys represent consumers around the country in a variety of important, complex class actions. Our attorneys have taken a leading role in many of the largest federal and state consumer fraud, environmental, human rights and public health cases throughout the United States. The Firm is also actively involved in many cases relating to banks and the financial services industry, pursuing claims on behalf of individuals victimized by abusive telemarketing practices, abusive mortgage lending practices, market timing violations in the sale of variable annuities, and deceptive consumer credit lending practices in violation of the Truth-In-Lending Act. Below are a few representative samples of our robust, nationwide consumer practice.

- ***In re Nat'l Prescription Opiate Litig.***, MDL No. 2804 (N.D. Ohio). Robbins Geller serves on the Plaintiffs' Executive Committee to spearhead more than 900 federal lawsuits brought on behalf of governmental entities and other plaintiffs in the sprawling litigation concerning the nationwide prescription opioid epidemic. In reporting on the selection of the lawyers to lead the case, *The National Law Journal* reported that "[t]he team reads like a 'Who's Who' in mass torts."
- ***Apple Inc. Device Performance Litigation***. Robbins Geller serves on the Plaintiffs' Executive Committee to advance judicial interests of efficiency and protect the interests of the proposed class in the *Apple Inc.* litigation. The case alleges Apple Inc. misrepresented its iPhone devices and the nature of updates to its mobile operating system (iOS), which allegedly included code that significantly reduced the performance of older-model iPhones and forced users to incur expenses replacing these devices or their batteries.
- ***In re Intel Corp. CPU Mktg., Sales Practices & Prods. Liab. Litig.***, No. 3:18-md-02828-SI (D. Or.). Robbins Geller serves on the Plaintiffs' Steering Committee in *Intel*, a massive multidistrict litigation pending in the United States District Court for the District of Oregon. *Intel* concerns serious security vulnerabilities – known as "Spectre" and "Meltdown" – that infect nearly all of Intel's x86 processors manufactured and sold since 1995, the patching of which results in processing speed degradation of the impacted computer, server or mobile device.

- ***Hauck v. Advanced Micro Devices, Inc.***, No. 18-CV-00447-LHK (N.D. Cal.). An attorney from Robbins Geller serves as co-lead counsel in a case against Advanced Micro Devices, Inc. (“AMD”), which alleges that AMD’s processors are incapable of operating as intended and at processing speeds represented by AMD without exposing users to the Spectre vulnerability, which allows hackers to covertly access sensitive information stored within the CPU’s kernel.
- ***In re Volkswagen “Clean Diesel” Mktg., Sales Practices, & Prods. Liab. Litig.***, No. 15-md-2672 (N.D. Cal.). As part of the Plaintiffs’ Steering Committee, Robbins Geller reached a series of settlements on behalf of purchasers, lessees and dealers that total well over \$17 billion, the largest settlement in history, concerning illegal “defeat devices” that Volkswagen installed on many of its diesel-engine vehicles. The device tricked regulators into believing the cars were complying with emissions standards, while the cars were actually emitting between 10 and 40 times the allowable limit for harmful pollutants.
- ***Trump University***. After six and half years of tireless litigation and on the eve of trial, Robbins Geller, serving as co-lead counsel, secured a historic recovery on behalf of Trump University students around the country. The settlement provides \$25 million to approximately 7,000 consumers, including senior citizens who accessed retirement accounts and maxed out credit cards to enroll in Trump University. The extraordinary result means individual class members will be eligible for upwards of \$35,000 in restitution. The settlement resolves claims that President Donald J. Trump and Trump University violated federal and state laws by misleadingly marketing “Live Events” seminars and mentorships as teaching Trump’s “real-estate techniques” through his “hand-picked” “professors” at his so-called “university.” Robbins Geller represented the class on a *pro bono* basis.
- ***Bank Overdraft Fees Litigation***. The banking industry charges consumers exorbitant amounts for “overdraft” of their checking accounts, even if the customer did not authorize a charge beyond the available balance and even if the account would not have been overdrawn had the transactions been ordered chronologically as they occurred – that is, banks reorder transactions to maximize such fees. The Firm brought lawsuits against major banks to stop this practice and recover these false fees. These cases have recovered over \$500 million thus far from a dozen banks and we continue to investigate other banks engaging in this practice.
- ***Schwartz v. Visa Int’l***, No. 822404-4 (Cal. Super. Ct., Alameda Cty.). After years of litigation and a six-month trial, Robbins Geller attorneys won one of the largest consumer-protection verdicts ever awarded in the United States. The Firm’s attorneys represented California consumers in an action against Visa and MasterCard for intentionally imposing and concealing a fee from cardholders. The court ordered Visa and MasterCard to return \$800 million in cardholder losses, which represented 100% of the amount illegally taken, plus 2% interest. In addition, the court ordered full disclosure of the hidden fee.
- ***West Telemarketing Case***. Robbins Geller attorneys secured a \$39 million settlement for class members caught up in a telemarketing scheme where consumers were charged for an unwanted membership program after purchasing Tae-Bo exercise videos. Under the settlement, consumers were entitled to claim between one and one-half to three times the amount of all fees they unknowingly paid.

- **Dannon Activia®.** Robbins Geller attorneys secured the largest ever settlement for a false advertising case involving a food product. The case alleged that Dannon's advertising for its Activia® and DanActive® branded products and their benefits from "probiotic" bacteria were overstated. As part of the nationwide settlement, Dannon agreed to modify its advertising and establish a fund of up to \$45 million to compensate consumers for their purchases of Activia® and DanActive®.
- **Mattel Lead Paint Toys.** In 2006-2007, toy manufacturing giant Mattel and its subsidiary Fisher-Price announced the recall of over 14 million toys made in China due to hazardous lead and dangerous magnets. Robbins Geller attorneys filed lawsuits on behalf of millions of parents and other consumers who purchased or received toys for children that were marketed as safe but were later recalled because they were dangerous. The Firm's attorneys reached a landmark settlement for millions of dollars in refunds and lead testing reimbursements, as well as important testing requirements to ensure that Mattel's toys are safe for consumers in the future.
- **Tenet Healthcare Cases.** Robbins Geller attorneys were co-lead counsel in a class action alleging a fraudulent scheme of corporate misconduct, resulting in the overcharging of uninsured patients by the Tenet chain of hospitals. The Firm's attorneys represented uninsured patients of Tenet hospitals nationwide who were overcharged by Tenet's admittedly "aggressive pricing strategy," which resulted in price gouging of the uninsured. The case was settled with Tenet changing its practices and making refunds to patients.
- **Pet Food Products Liability Litigation.** Robbins Geller served as co-lead counsel in this massive, 100+ case products liability MDL in the District of New Jersey concerning the death of and injury to thousands of the nation's cats and dogs due to tainted pet food. The case settled for \$24 million.
- **In re Sony Gaming Networks & Customer Data Sec. Breach Litig.,** No. 3:11-md-2258-AJB (MDD) (S.D. Cal.). The Firm served as a member of the Plaintiffs' Steering Committee, helping to obtain a precedential opinion denying in part Sony's motion to dismiss plaintiffs' claims involving the breach of Sony's gaming network, leading to a pending \$15 million settlement.

Intellectual Property

Individual inventors, universities, and research organizations provide the fundamental research behind many existing and emerging technologies. Every year, the majority of U.S. patents are issued to this group of inventors. Through this fundamental research, these inventors provide a significant competitive advantage to this country. Unfortunately, while responsible for most of the inventions that issue into U.S. patents every year, individual inventors, universities and research organizations receive very little of the licensing revenues for U.S. patents. Large companies reap 99% of all patent licensing revenues.

Robbins Geller enforces the rights of these inventors by filing and litigating patent infringement cases against infringing entities. Our attorneys have decades of patent litigation experience in a variety of technical applications. This experience, combined with the Firm's extensive resources, gives individual inventors the ability to enforce their patent rights against even the largest infringing companies.

Our attorneys have experience handling cases involving a broad range of technologies, including:

- biochemistry
- telecommunications
- medical devices

- medical diagnostics
- networking systems
- computer hardware devices and software
- mechanical devices
- video gaming technologies
- audio and video recording devices

Human Rights, Labor Practices and Public Policy

Robbins Geller attorneys have a long tradition of representing the victims of unfair labor practices and violations of human rights. These include:

- ***Does I v. The Gap, Inc.***, No. 01 0031 (D. N. Mar. I.). In this groundbreaking case, Robbins Geller attorneys represented a class of 30,000 garment workers who alleged that they had worked under sweatshop conditions in garment factories in Saipan that produced clothing for top U.S. retailers such as The Gap, Target and J.C. Penney. In the first action of its kind, Robbins Geller attorneys pursued claims against the factories and the retailers alleging violations of RICO, the Alien Tort Claims Act, and the Law of Nations based on the alleged systemic labor and human rights abuses occurring in Saipan. This case was a companion to two other actions: ***Does I v. Advance Textile Corp.***, No. 99 0002 (D. N. Mar. I.), which alleged overtime violations by the garment factories under the Fair Labor Standards Act and local labor law, and ***UNITE v. The Gap, Inc.***, No. 300474 (Cal. Super. Ct., San Francisco Cty.), which alleged violations of California's Unfair Practices Law by the U.S. retailers. These actions resulted in a settlement of approximately \$20 million that included a comprehensive monitoring program to address past violations by the factories and prevent future ones. The members of the litigation team were honored as Trial Lawyers of the Year by the Trial Lawyers for Public Justice in recognition of the team's efforts at bringing about the precedent-setting settlement of the actions.
- ***Liberty Mutual Overtime Cases***, No. JCCP 4234 (Cal. Super. Ct., Los Angeles Cty.). Robbins Geller attorneys served as co-lead counsel on behalf of 1,600 current and former insurance claims adjusters at Liberty Mutual Insurance Company and several of its subsidiaries. Plaintiffs brought the case to recover unpaid overtime compensation and associated penalties, alleging that Liberty Mutual had misclassified its claims adjusters as exempt from overtime under California law. After 13 years of complex and exhaustive litigation, Robbins Geller secured a settlement in which Liberty Mutual agreed to pay \$65 million into a fund to compensate the class of claims adjusters for unpaid overtime. The Liberty Mutual action is one of a few claims adjuster overtime actions brought in California or elsewhere to result in a successful outcome for plaintiffs since 2004.
- ***Veliz v. Cintas Corp.***, No. 5:03-cv-01180 (N.D. Cal.). Brought against one of the nation's largest commercial laundries for violations of the Fair Labor Standards Act for misclassifying truck drivers as salesmen to avoid payment of overtime.
- ***Kasky v. Nike, Inc.***, 27 Cal. 4th 939 (2002). The California Supreme Court upheld claims that an apparel manufacturer misled the public regarding its exploitative labor practices, thereby violating California statutes prohibiting unfair competition and false advertising. The Court rejected defense contentions that any misconduct was protected by the First Amendment, finding the heightened constitutional protection afforded to noncommercial speech inappropriate in such a circumstance.

Shareholder derivative litigation brought by Robbins Geller attorneys at times also involves stopping anti-union activities, including:

- ***Southern Pacific/Overnite***. A shareholder action stemming from several hundred million dollars in loss of value in the company due to systematic violations by Overnite of U.S. labor laws.
- ***Massey Energy***. A shareholder action against an anti-union employer for flagrant violations of environmental laws resulting in multi-million-dollar penalties.
- ***Crown Petroleum***. A shareholder action against a Texas-based oil company for self-dealing and breach of fiduciary duty while also involved in a union lockout.

Environment and Public Health

Robbins Geller attorneys have also represented plaintiffs in class actions related to environmental law. The Firm's attorneys represented, on a *pro bono* basis, the Sierra Club and the National Economic Development and Law Center as *amici curiae* in a federal suit designed to uphold the federal and state use of project labor agreements ("PLAs"). The suit represented a legal challenge to President Bush's Executive Order 13202, which prohibits the use of project labor agreements on construction projects receiving federal funds. Our *amici* brief in the matter outlined and stressed the significant environmental and socio-economic benefits associated with the use of PLAs on large-scale construction projects.

Attorneys with Robbins Geller have been involved in several other significant environmental cases, including:

- ***Public Citizen v. U.S. D.O.T.*** Robbins Geller attorneys represented a coalition of labor, environmental, industry and public health organizations including Public Citizen, The International Brotherhood of Teamsters, California AFL-CIO and California Trucking Industry in a challenge to a decision by the Bush administration to lift a Congressionally-imposed "moratorium" on cross-border trucking from Mexico on the basis that such trucks do not conform to emission controls under the Clean Air Act, and further, that the administration did not first complete a comprehensive environmental impact analysis as required by the National Environmental Policy Act. The suit was dismissed by the United States Supreme Court, the Court holding that because the D.O.T. lacked discretion to prevent crossborder trucking, an environmental assessment was not required.
- ***Sierra Club v. AK Steel***. Brought on behalf of the Sierra Club for massive emissions of air and water pollution by a steel mill, including homes of workers living in the adjacent communities, in violation of the Federal Clean Air Act, Resource Conservation Recovery Act and the Clean Water Act.
- ***MTBE Litigation***. Brought on behalf of various water districts for befouling public drinking water with MTBE, a gasoline additive linked to cancer.
- ***Exxon Valdez***. Brought on behalf of fisherman and Alaska residents for billions of dollars in damages resulting from the greatest oil spill in U.S. history.
- ***Avila Beach***. A citizens' suit against UNOCAL for leakage from the oil company pipeline so severe it literally destroyed the town of Avila Beach, California.

Federal laws such as the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act and state laws such as California's Proposition 65 exist to protect the environment and the public from abuses by corporate and government organizations. Companies can be found liable for negligence, trespass or intentional environmental damage, be forced to pay for reparations and to come into compliance with existing laws. Prominent cases litigated by Robbins Geller attorneys include representing more than 4,000 individuals suing for personal injury and property damage related to the Stringfellow Dump Site in Southern California, participation in the Exxon Valdez oil spill litigation, and litigation involving the toxic spill arising from a Southern Pacific train derailment near Dunsmuir, California.

Robbins Geller attorneys have led the fight against Big Tobacco since 1991. As an example, Robbins Geller attorneys filed the case that helped get rid of Joe Camel, representing various public and private plaintiffs, including the State of Arkansas, the general public in California, the cities of San Francisco, Los Angeles and Birmingham, 14 counties in California, and the working men and women of this country in the Union Pension and Welfare Fund cases that have been filed in 40 states. In 1992, Robbins Geller attorneys filed the first case in the country that alleged a conspiracy by the Big Tobacco companies.

Pro Bono

Robbins Geller provides counsel to those unable to afford legal representation as part of a continuous and longstanding commitment to the communities in which it serves. Over the years the Firm has dedicated a considerable amount of time, energy, and a full range of its resources for many pro bono and charitable actions.

Robbins Geller has been honored for its pro bono efforts by the California State Bar (including a nomination for the President's Pro Bono Law Firm of the Year award) and the San Diego Volunteer Lawyer's Program, among others.

Some of the Firm's and its attorneys' pro bono and charitable actions include:

- Representing Trump University students in two class actions against President Donald J. Trump. The historic settlement provides \$25 million to approximately 7,000 consumers. This means individual class members will be eligible for upwards of \$35,000 in restitution – an extraordinary result.
- Representing children diagnosed with Autism Spectrum Disorder, as well as children with significant disabilities, in New York to remedy flawed educational policies and practices that cause substantial harm to these and other similar children year after year.
- Representing 19 San Diego County children diagnosed with Autism Spectrum Disorder in their appeal of the San Diego Regional Center's termination of funding for a crucial therapy. The victory resulted in a complete reinstatement of funding and set a precedent that allows other children to obtain the treatments they need.
- Serving as Northern California and Hawaii District Coordinator for the United States Court of Appeals for the Ninth Circuit's Pro Bono program since 1993.
- Representing the Sierra Club and the National Economic Development and Law Center as *amici curiae* before the U.S. Supreme Court.

- Obtaining political asylum, after an initial application had been denied, for an impoverished Somali family whose ethnic minority faced systematic persecution and genocidal violence in Somalia, as well as forced female mutilation.
- Working with the ACLU in a class action filed on behalf of welfare applicants subject to San Diego County's "Project 100%" program. Relief was had when the County admitted that food-stamp eligibility could not hinge upon the Project 100% "home visits," and again when the district court ruled that unconsented "collateral contacts" violated state regulations. The decision was noted by the *Harvard Law Review*, *The New York Times* and *The Colbert Report*.
- Filing numerous *amicus curiae* briefs on behalf of religious organizations and clergy that support civil rights, oppose government-backed religious-viewpoint discrimination, and uphold the American traditions of religious freedom and church-state separation.
- Serving as *amicus* counsel in a Ninth Circuit appeal from a Board of Immigration Appeals deportation decision. In addition to obtaining a reversal of the BIA's deportation order, the Firm consulted with the Federal Defenders' Office on cases presenting similar fact patterns, which resulted in a precedent-setting *en banc* decision from the Ninth Circuit resolving a question of state and federal law that had been contested and conflicted for decades.

E-Discovery

Robbins Geller has successfully litigated some of the largest and most complex shareholder and antitrust actions in history and has become the vanguard of a rapidly evolving world of e-discovery in complex litigation. The Firm has 200 attorneys supported by a large staff of forensic and e-discovery specialists and has a level of technological sophistication that is unmatched by any other firm. As the size and stakes of complex litigation continue to increase, it is more important than ever to retain counsel with a successful track record of results. Robbins Geller has consistently proven to be the right choice for anyone seeking representation in actions against the largest corporations in the world.

Led by 20-year litigation veteran Tor Gronborg, and advised by Lea Bays, e-discovery counsel, and Christine Milliron, Director of E-Discovery and Litigation Support, the Robbins Geller e-discovery practice group is a multi-disciplinary team of attorneys, forensic analysts and database professionals. No plaintiffs' firm is better equipped to develop the type of comprehensive and case specific e-discovery strategy that is necessary for today's complex litigation. The attorneys have extensive knowledge and experience in drafting and negotiating sophisticated e-discovery protocols, including those involving the use of predictive coding. High quality document review services are performed by a consistent group of staff attorneys who are experienced in the Firm's litigation practice areas and specialize in document review and analysis. A team of forensic and technology professionals work closely with the attorneys to ensure an effective and efficient e-discovery strategy. The litigation support team includes six Relativity Certified Administrators. Collectively, the Robbins Geller forensic and technology professionals have more than 75 years of e-discovery experience.

Members of the practice group are also leaders in shaping the broader dialogue on e-discovery issues. They regularly contribute to industry publications, speak at conferences organized by leading e-discovery think tanks such as The Sedona Conference and Georgetown University Law Center's Advanced eDiscovery Institute, and play prominent roles in the local chapters of Women in eDiscovery and the Relativity Users Steering Committee. The e-discovery practice group also offers regular in-house training and education, ensuring that members of the Firm are always up-to-date on the evolving world of e-discovery law and technology.

Robbins Geller has always been a leader in document-intensive litigation. Boasting high-performing infrastructure resources, state-of-the-art technology, and a deep bench of some of the most highly trained Relativity Certified Administrators and network engineers, the Firm's capabilities rival, if not outshine, those of the top e-discovery vendors in the industry. Additionally, the Firm's implementation of advanced analytic technologies and custom workflows makes its work fast, smart and efficient. Combined with Robbins Geller's decision to manage and host its litigation support in-house, these technologies reduce the Firm's reliance on third-party vendors, enabling it to offer top-notch e-discovery services to clients at a fair and reasonable cost.

Security is a top priority at Robbins Geller. The Firm's hosted e-discovery is secured using bank-level 128 encryption and is protected behind state-of-the-art Cisco firewalls. All e-discovery data is hosted on Firm-owned equipment at an SSAE 16-compliant, SOC 1, 2, and 3 audited facility that features 9.1 megawatts of power, N+1 or better redundancy on all data center systems, and security protocols required by leading businesses in the most stringent verticals. Originally designed to support a large defense contractor, it is built to rigorous standards, complete with redundant power and cooling systems plus multiple generators.

PROMINENT CASES, PRECEDENT-SETTING DECISIONS AND JUDICIAL COMMENDATIONS

Prominent Cases

Over the years, Robbins Geller attorneys have obtained outstanding results in some of the most notorious and well-known cases, frequently earning judicial commendations for the quality of their representation.

- *In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex.). Investors lost billions of dollars as a result of the massive fraud at Enron. In appointing Robbins Geller lawyers as sole lead counsel to represent the interests of Enron investors, the court found that the Firm’s zealous prosecution and level of “insight” set it apart from its peers. Robbins Geller attorneys and lead plaintiff The Regents of the University of California aggressively pursued numerous defendants, including many of Wall Street’s biggest banks, and successfully obtained settlements in excess of **\$7.2 billion** for the benefit of investors. *This is the largest securities class action recovery in history.*

The court overseeing this action had utmost praise for Robbins Geller’s efforts and stated that “[t]he experience, ability, and reputation of the attorneys of [Robbins Geller] is not disputed; it is one of the most successful law firms in securities class actions, if not the preeminent one, in the country.” *In re Enron Corp. Sec., Derivative & “ERISA” Litig.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008).

The court further commented: “[I]n the face of extraordinary obstacles, the skills, expertise, commitment, and tenacity of [Robbins Geller] in this litigation cannot be overstated. Not to be overlooked are the unparalleled results, . . . which demonstrate counsel’s clearly superlative litigating and negotiating skills.” *Id.* at 789.

The court stated that the Firm’s attorneys “are to be commended for their zealousness, their diligence, their perseverance, their creativity, the enormous breadth and depth of their investigations and analysis, and their expertise in all areas of securities law on behalf of the proposed class.” *Id.*

In addition, the court noted, “This Court considers [Robbins Geller] ‘a lion’ at the securities bar on the national level,” noting that the Lead Plaintiff selected Robbins Geller because of the Firm’s “outstanding reputation, experience, and success in securities litigation nationwide.” *Id.* at 790.

The court further stated that “Lead Counsel’s fearsome reputation and successful track record undoubtedly were substantial factors in . . . obtaining these recoveries.” *Id.*

Finally, Judge Harmon stated: “As this Court has explained [this is] an extraordinary group of attorneys who achieved the largest settlement fund ever despite the great odds against them.” *Id.* at 828.

- *Jaffe v. Household Int’l, Inc.*, No. 02-C-05893 (N.D. Ill). As sole lead counsel, Robbins Geller obtained a record-breaking settlement of **\$1.575 billion** after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a securities fraud verdict in favor of the class. In 2015, the Seventh Circuit Court of Appeals upheld the jury’s verdict that defendants made false or misleading statements of material fact about the company’s business practices and financial results, but remanded the case for a new trial on the issue of whether the individual defendants “made” certain false statements, whether those false statements caused plaintiffs’ losses, and the amount of

damages. The parties reached an agreement to settle the case just hours before the retrial was scheduled to begin on June 6, 2016. ***The \$1.575 billion settlement, approved in October 2016, is the largest ever following a securities fraud class action trial, the largest securities fraud settlement in the Seventh Circuit and the seventh-largest settlement ever in a post-PSLRA securities fraud case.*** According to published reports, the case was just the seventh securities fraud case tried to a verdict since the passage of the PSLRA.

In approving the settlement, the Honorable Jorge L. Alonso noted the team's "skill and determination" while recognizing that "Lead Counsel prosecuted the case vigorously and skillfully over 14 years against nine of the country's most prominent law firms" and "achieved an exceptionally significant recovery for the class." The court added that the team faced "significant hurdles" and "uphill battles" throughout the case and recognized that "[c]lass counsel performed a very high-quality legal work in the context of a thorny case in which the state of the law has been and is in flux." The court succinctly concluded that the settlement was "a spectacular result for the class." *Jaffe v. Household Int'l, Inc.*, No. 02-C-5892, 2016 U.S. Dist. LEXIS 156921, at *8 (N.D. Ill. Nov. 10, 2016); *Jaffe v. Household Int'l, Inc.*, No. 02-C-05893, Transcript at 56, 65 (N.D. Ill. Oct. 20, 2016).

- ***In re UnitedHealth Grp. Inc. PSLRA Litig.***, No. 06-CV-1691 (D. Minn.). In the *UnitedHealth* case, Robbins Geller represented the California Public Employees' Retirement System ("CalPERS") and demonstrated its willingness to vigorously advocate for its institutional clients, even under the most difficult circumstances. For example, in 2006, the issue of high-level executives backdating stock options made national headlines. During that time, many law firms, including Robbins Geller, brought shareholder derivative lawsuits against the companies' boards of directors for breaches of their fiduciary duties or for improperly granting backdated options. Rather than pursuing a shareholder derivative case, the Firm filed a securities fraud class action against the company on behalf of CalPERS. In doing so, Robbins Geller faced significant and unprecedented legal obstacles with respect to loss causation, *i.e.*, that defendants' actions were responsible for causing the stock losses. Despite these legal hurdles, Robbins Geller obtained an \$895 million recovery on behalf of the UnitedHealth shareholders. Shortly after reaching the \$895 million settlement with UnitedHealth, the remaining corporate defendants, including former CEO William A. McGuire, also settled. McGuire paid \$30 million and returned stock options representing more than three million shares to the shareholders. The total recovery for the class was over \$925 million, the largest stock option backdating recovery ever, and ***a recovery that is more than four times larger than the next largest options backdating recovery.*** Moreover, Robbins Geller obtained unprecedented corporate governance reforms, including election of a shareholder-nominated member to the company's board of directors, a mandatory holding period for shares acquired by executives via option exercise, and executive compensation reforms that tie pay to performance.
- ***Alaska Elec. Pension Fund v. CitiGroup, Inc. (In re WorldCom Sec. Litig.)***, No. 03 Civ. 8269 (S.D.N.Y.). Robbins Geller attorneys represented more than 50 private and public institutions that opted out of the class action case and sued WorldCom's bankers, officers and directors, and auditors in courts around the country for losses related to WorldCom bond offerings from 1998 to 2001. The Firm's clients included major public institutions from across the country such as CalPERS, CalSTRS, the state pension funds of Maine, Illinois, New Mexico and West Virginia, union pension funds, and private entities such as AIG and Northwestern Mutual. Robbins Geller attorneys recovered more than \$650 million for their clients, substantially more than they would have recovered as part of the class.
- ***Luther v. Countrywide Fin. Corp.***, No. 12-cv-05125 (C.D. Cal.). Robbins Geller attorneys secured a \$500 million settlement for institutional and individual investors in what is the largest RMBS purchaser class action settlement in history, and one of the largest class action securities

settlements of all time. The unprecedented settlement resolves claims against Countrywide and Wall Street banks that issued the securities. The action was the first securities class action case filed against originators and Wall Street banks as a result of the credit crisis. As co-lead counsel Robbins Geller forged through six years of hard-fought litigation, oftentimes litigating issues of first impression, in order to secure the landmark settlement for its clients and the class.

In approving the settlement, Judge Mariana R. Pfaelzer repeatedly complimented plaintiffs' attorneys, noting that it was "beyond serious dispute that Class Counsel has vigorously prosecuted the Settlement Actions on both the state and federal level over the last six years." Judge Pfaelzer also commented that "[w]ithout a settlement, these cases would continue indefinitely, resulting in significant risks to recovery and continued litigation costs. It is difficult to understate the risks to recovery if litigation had continued." *Me. State Ret. Sys. v. Countrywide Fin. Corp.*, No. 2:10-CV-00302, 2013 U.S. Dist. LEXIS 179190, at *44, *56 (C.D. Cal. Dec. 5, 2013).

Judge Pfaelzer further noted that the proposed \$500 million settlement represents one of the "largest MBS class action settlements to date. Indeed, this settlement easily surpasses the next largest . . . MBS settlement." *Id.* at *59.

- *In re Wachovia Preferred Sec. & Bond/Notes Litig.*, No. 09-cv-06351 (S.D.N.Y.). In litigation over bonds and preferred securities, issued by Wachovia between 2006 and 2008, Robbins Geller and co-counsel obtained a significant settlement with Wachovia successor Wells Fargo & Company (\$590 million) and Wachovia auditor KPMG LLP (\$37 million). ***The total settlement – \$627 million – is one of the largest credit-crisis settlements involving Securities Act claims and one of the 20 largest securities class action recoveries in history.*** The settlement is also one of the biggest securities class action recoveries arising from the credit crisis.

As alleged in the complaint, the offering materials for the bonds and preferred securities misstated and failed to disclose the true nature and quality of Wachovia's mortgage loan portfolio, which exposed the bank and misled investors to tens of billions of dollars in losses on mortgage-related assets. In reality, Wachovia employed high-risk underwriting standards and made loans to subprime borrowers, contrary to the offering materials and their statements of "pristine credit quality." Robbins Geller served as co-lead counsel representing the City of Livonia Employees' Retirement System, Hawaii Sheet Metal Workers Pension Fund, and the investor class.

- ***In re Cardinal Health, Inc. Sec. Litig.***, No. C2-04-575 (S.D. Ohio). As sole lead counsel representing Cardinal Health shareholders, Robbins Geller obtained a recovery of \$600 million for investors. On behalf of the lead plaintiffs, Amalgamated Bank, the New Mexico State Investment Council, and the California Ironworkers Field Trust Fund, the Firm aggressively pursued class claims and won notable courtroom victories, including a favorable decision on defendants' motion to dismiss. *In re Cardinal Health, Inc. Sec. Litigs.*, 426 F. Supp. 2d 688 (S.D. Ohio 2006). At the time, the \$600 million settlement was the tenth-largest settlement in the history of securities fraud litigation and is the largest-ever recovery in a securities fraud action in the Sixth Circuit. Judge Marbley commented:

The quality of representation in this case was superb. Lead Counsel, [Robbins Geller], are nationally recognized leaders in complex securities litigation class actions. The quality of the representation is demonstrated by the substantial benefit achieved for the Class and the efficient, effective prosecution and resolution of this action. Lead Counsel defeated a volley of motions to dismiss, thwarting well-formed challenges from prominent and capable attorneys from six different law firms.

In re Cardinal Health Inc. Sec. Litigs., 528 F. Supp. 2d 752, 768 (S.D. Ohio 2007).

- ***AOL Time Warner Cases I & II***, JCCP Nos. 4322 & 4325 (Cal. Super. Ct., Los Angeles Cty.). Robbins Geller represented The Regents of the University of California, six Ohio state pension funds, Rabo Bank (NL), the Scottish Widows Investment Partnership, several Australian public and private funds, insurance companies, and numerous additional institutional investors, both domestic and international, in state and federal court opt-out litigation stemming from Time Warner's disastrous 2001 merger with Internet high flier America Online. Robbins Geller attorneys exposed a massive and sophisticated accounting fraud involving America Online's e-commerce and advertising revenue. After almost four years of litigation involving extensive discovery, the Firm secured combined settlements for its opt-out clients totaling over \$629 million just weeks before The Regents' case pending in California state court was scheduled to go to trial. The Regents' gross recovery of \$246 million is the largest individual opt-out securities recovery in history.
- ***Abu Dhabi Commercial Bank v. Morgan Stanley & Co.***, No. 1:08-cv-07508-SAS-DCF (S.D.N.Y.), and ***King County, Washington v. IKB Deutsche Industriebank AG***, No. 1:09-cv-08387-SAS (S.D.N.Y.). The Firm represented multiple institutional investors in successfully pursuing recoveries from two failed structured investment vehicles, each of which had been rated "AAA" by Standard & Poors and Moody's, but which failed fantastically in 2007. The matter settled just prior to trial in 2013. This result was only made possible after Robbins Geller lawyers beat back the rating agencies' longtime argument that ratings were opinions protected by the First Amendment.
- ***In re HealthSouth Corp. Sec. Litig.***, No. CV-03-BE-1500-S (N.D. Ala.). As court-appointed co-lead counsel, Robbins Geller attorneys obtained a combined recovery of \$671 million from HealthSouth, its auditor Ernst & Young, and its investment banker, UBS, for the benefit of stockholder plaintiffs. The settlement against HealthSouth represents one of the larger settlements in securities class action history and is considered among the top 15 settlements achieved after passage of the PSLRA. Likewise, the settlement against Ernst & Young is one of the largest securities class action settlements entered into by an accounting firm since the passage of the PSLRA. HealthSouth and its financial advisors perpetrated one of the largest and most pervasive frauds in the history of U.S. healthcare, prompting Congressional and law enforcement inquiry and resulting in guilty pleas of 16 former HealthSouth executives in related federal criminal prosecutions. In March 2009, Judge Karon Bowdre commented in the *HealthSouth* class

certification opinion: “The court has had many opportunities since November 2001 to examine the work of class counsel and the supervision by the Class Representatives. The court finds both to be far more than adequate.” *In re HealthSouth Corp. Sec. Litig.*, 257 F.R.D. 260, 275 (N.D. Ala. 2009).

- ***In re Dynegy Inc. Sec. Litig.***, No. H-02-1571 (S.D. Tex.). As sole lead counsel representing The Regents of the University of California and the class of Dynegy investors, Robbins Geller attorneys obtained a combined settlement of \$474 million from Dynegy, Citigroup, Inc. and Arthur Andersen LLP for their involvement in a clandestine financing scheme known as Project Alpha. Given Dynegy’s limited ability to pay, Robbins Geller attorneys structured a settlement (reached shortly before the commencement of trial) that maximized plaintiffs’ recovery without bankrupting the company. Most notably, the settlement agreement provides that Dynegy will appoint two board members to be nominated by The Regents, which Robbins Geller and The Regents believe will benefit all of Dynegy’s stockholders.
- ***Jones v. Pfizer Inc.***, No. 1:10-cv-03864 (S.D.N.Y.). Lead plaintiff Stichting Philips Pensioenfonds obtained a \$400 million settlement on behalf of class members who purchased Pfizer Inc. common stock during the January 19, 2006 to January 23, 2009 class period. The settlement against Pfizer resolves accusations that it misled investors about an alleged off-label drug marketing scheme. As sole lead counsel, Robbins Geller attorneys helped achieve this exceptional result after five years of hard-fought litigation against the toughest and the brightest members of the securities defense bar by litigating this case all the way to trial.

In approving the settlement, United States District Judge Alvin K. Hellerstein commended the Firm, noting that “[w]ithout the quality and the toughness that you have exhibited, our society would not be as good as it is with all its problems. So from me to you is a vote of thanks for devoting yourself to this work and doing it well. . . . You did a really good job. Congratulations.”

- ***In re Qwest Commc’ns Int’l, Inc. Sec. Litig.***, No. 01-cv-1451 (D. Colo.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased Qwest securities. In July 2001, the Firm filed the initial complaint in this action on behalf of its clients, long before any investigation into Qwest’s financial statements was initiated by the SEC or Department of Justice. After five years of litigation, lead plaintiffs entered into a settlement with Qwest and certain individual defendants that provided a \$400 million recovery for the class and created a mechanism that allowed the vast majority of class members to share in an additional \$250 million recovered by the SEC. In 2008, Robbins Geller attorneys recovered an additional \$45 million for the class in a settlement with defendants Joseph P. Nacchio and Robert S. Woodruff, the CEO and CFO, respectively, of Qwest during large portions of the class period.
- ***Fort Worth Emps.’ Ret. Fund v. J.P. Morgan Chase & Co.***, No. 1:09-cv-03701 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel for a class of investors and obtained court approval of a \$388 million recovery in nine 2007 residential mortgage-backed securities offerings issued by J.P. Morgan. The settlement represents, on a percentage basis, the largest recovery ever achieved in an MBS purchaser class action. The result was achieved after more than five years of hard-fought litigation and an extensive investigation. In granting approval of the settlement, the court stated the following about Robbins Geller attorneys litigating the case: “[T]here is no question in my mind that this is a very good result for the class and that the plaintiffs’ counsel fought the case very hard with extensive discovery, a lot of depositions, several rounds of briefing of various legal issues going all the way through class certification.”
- ***NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.***, No. 1:08-cv-10783 (S.D.N.Y.). As sole lead counsel, Robbins Geller obtained a \$272 million settlement on behalf of Goldman Sachs’ shareholders. The settlement concludes one of the last remaining mortgage-backed securities

purchaser class actions arising out of the global financial crisis. The remarkable result was achieved following seven years of extensive litigation. After the claims were dismissed in 2010, Robbins Geller secured a landmark victory from the Second Circuit Court of Appeals that clarified the scope of permissible class actions asserting claims under the Securities Act of 1933 on behalf of MBS investors. Specifically, the Second Circuit's decision rejected the concept of "tranche" standing and concluded that a lead plaintiff in an MBS class action has class standing to pursue claims on behalf of purchasers of other securities that were issued from the same registration statement and backed by pools of mortgages originated by the same lenders who had originated mortgages backing the lead plaintiff's securities.

In approving the settlement, the Honorable Loretta A. Preska of the Southern District of New York complimented Robbins Geller attorneys, noting:

Counsel, thank you for your papers. They were, by the way, extraordinary papers in support of the settlement, and I will particularly note Professor Miller's declaration in which he details the procedural aspects of the case and then speaks of plaintiffs' counsel's success in the Second Circuit essentially changing the law.

I will also note what counsel have said, and that is that this case illustrates the proper functioning of the statute.

* * *

Counsel, you can all be proud of what you've done for your clients. You've done an extraordinarily good job.

NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co., No. 1:08-cv-10783, Transcript at 10-11 (S.D.N.Y. May 2, 2016).

- ***Schuh v. HCA Holdings, Inc.***, No. 3:11-cv-01033 (M.D. Tenn.). As sole lead counsel, Robbins Geller obtained a groundbreaking \$215 million settlement for former HCA Holdings, Inc. shareholders – the largest securities class action recovery ever in Tennessee. Reached shortly before trial was scheduled to commence, the settlement resolves claims that the Registration Statement and Prospectus HCA filed in connection with the company's massive \$4.3 billion 2011 IPO contained material misstatements and omissions. The recovery achieved approximately 70% of classwide damages, which as a percentage of damages significantly exceeds the median class action recovery of 2%-3% of damages. At the hearing on final approval of the settlement, the Honorable Kevin H. Sharp described Robbins Geller attorneys as "gladiators" and commented: "Looking at the benefit obtained, the effort that you had to put into it, [and] the complexity in this case . . . I appreciate the work that you all have done on this." *Schuh v. HCA Holdings, Inc.*, No. 3:11-CV-01033, Transcript at 12-13 (M.D. Tenn. Apr. 11, 2016).
- ***Silverman v. Motorola, Inc.***, No. 1:07-cv-04507 (N.D. Ill.). The Firm served as lead counsel on behalf of a class of investors in Motorola, Inc., ultimately recovering \$200 million for investors just two months before the case was set for trial. This outstanding result was obtained despite the lack of an SEC investigation or any financial restatement. In May 2012, the Honorable Amy J. St. Eve of the Northern District of Illinois commented: "The representation that [Robbins Geller] provided to the class was significant, both in terms of quality and quantity." *Silverman v. Motorola, Inc.*, No. 07 C 4507, 2012 U.S. Dist. LEXIS 63477, at *11 (N.D. Ill. May 7, 2012), *aff'd*, 739 F.3d 956 (7th Cir. 2013).

In affirming the district court's award of attorneys' fees, the Seventh Circuit noted that "no other law firm was willing to serve as lead counsel. Lack of competition not only implies a higher fee but also suggests that most members of the securities bar saw this litigation as too risky for their practices." *Silverman v. Motorola Sols., Inc.*, 739 F.3d 956, 958 (7th Cir. 2013).

- ***In re AT&T Corp. Sec. Litig.***, MDL No. 1399 (D.N.J.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased AT&T common stock. The case charged defendants AT&T and its former Chairman and CEO, C. Michael Armstrong, with violations of the federal securities laws in connection with AT&T's April 2000 initial public offering of its wireless tracking stock, the largest IPO in American history. After two weeks of trial, and on the eve of scheduled testimony by Armstrong and infamous telecom analyst Jack Grubman, defendants agreed to settle the case for \$100 million. In granting approval of the settlement, the court stated the following about the Robbins Geller attorneys handling the case:

Lead Counsel are highly skilled attorneys with great experience in prosecuting complex securities action[s], and their professionalism and diligence displayed during [this] litigation substantiates this characterization. The Court notes that Lead Counsel displayed excellent lawyering skills through their consistent preparedness during court proceedings, arguments and the trial, and their well-written and thoroughly researched submissions to the Court. Undoubtedly, the attentive and persistent effort of Lead Counsel was integral in achieving the excellent result for the Class.

In re AT&T Corp. Sec. Litig., MDL No. 1399, 2005 U.S. Dist. LEXIS 46144, at *28-*29 (D.N.J. Apr. 25, 2005), *aff'd*, 455 F.3d 160 (3d Cir. 2006).

- ***In re Dollar Gen. Corp. Sec. Litig.***, No. 01-CV-00388 (M.D. Tenn.). Robbins Geller attorneys served as lead counsel in this case in which the Firm recovered \$172.5 million for investors. The *Dollar General* settlement was the largest shareholder class action recovery ever in Tennessee.
- ***Carpenters Health & Welfare Fund v. Coca-Cola Co.***, No. 00-CV-2838 (N.D. Ga.). As co-lead counsel representing Coca-Cola shareholders, Robbins Geller attorneys obtained a recovery of \$137.5 million after nearly eight years of litigation. Robbins Geller attorneys traveled to three continents to uncover the evidence that ultimately resulted in the settlement of this hard-fought litigation. The case concerned Coca-Cola's shipping of excess concentrate at the end of financial reporting periods for the sole purpose of meeting analyst earnings expectations, as well as the company's failure to properly account for certain impaired foreign bottling assets.
- ***Schwartz v. TXU Corp.***, No. 02-CV-2243 (N.D. Tex.). As co-lead counsel, Robbins Geller attorneys obtained a recovery of over \$149 million for a class of purchasers of TXU securities. The recovery compensated class members for damages they incurred as a result of their purchases of TXU securities at inflated prices. Defendants had inflated the price of these securities by concealing the fact that TXU's operating earnings were declining due to a deteriorating gas pipeline and the failure of the company's European operations.
- ***In re Doral Fin. Corp. Sec. Litig.***, 05 MDL No. 1706 (S.D.N.Y.). In July 2007, the Honorable Richard Owen of the Southern District of New York approved the \$129 million settlement, finding in his order:

The services provided by Lead Counsel [Robbins Geller] were efficient and highly successful, resulting in an outstanding recovery for the Class without the substantial expense, risk and delay of continued litigation. Such efficiency and

effectiveness supports the requested fee percentage.

Cases brought under the federal securities laws are notably difficult and notoriously uncertain. . . . Despite the novelty and difficulty of the issues raised, Lead Plaintiffs' counsel secured an excellent result for the Class.

. . . Based upon Lead Plaintiff's counsel's diligent efforts on behalf of the Class, as well as their skill and reputations, Lead Plaintiff's counsel were able to negotiate a very favorable result for the Class. . . . The ability of [Robbins Geller] to obtain such a favorable partial settlement for the Class in the face of such formidable opposition confirms the superior quality of their representation

In re Doral Fin. Corp. Sec. Litig., No. 1:05-md-01706, Order at 4-5 (S.D.N.Y. July 17, 2007).

- *In re Exxon Valdez*, No. A89 095 Civ. (D. Alaska), and *In re Exxon Valdez Oil Spill Litig.*, No. 3 AN 89 2533 (Alaska Super. Ct., 3d Jud. Dist.). Robbins Geller attorneys served on the Plaintiffs' Coordinating Committee and Plaintiffs' Law Committee in this massive litigation resulting from the Exxon Valdez oil spill in Alaska in March 1989. The jury awarded hundreds of millions in compensatory damages, as well as \$5 billion in punitive damages (the latter were later reduced by the U.S. Supreme Court to \$507 million).
- *Mangini v. R.J. Reynolds Tobacco Co.*, No. 939359 (Cal. Super. Ct., San Francisco Cty.). In this case, R.J. Reynolds admitted that "the *Mangini* action, and the way that it was vigorously litigated, was an early, significant and unique driver of the overall legal and social controversy regarding underage smoking that led to the decision to phase out the Joe Camel Campaign."
- *Does I v. The Gap, Inc.*, No. 01 0031 (D. N. Mar. I.). In this groundbreaking case, Robbins Geller attorneys represented a class of 30,000 garment workers who alleged that they had worked under sweatshop conditions in garment factories in Saipan that produced clothing for top U.S. retailers such as The Gap, Target and J.C. Penney. In the first action of its kind, Robbins Geller attorneys pursued claims against the factories and the retailers alleging violations of RICO, the Alien Tort Claims Act, and the Law of Nations based on the alleged systemic labor and human rights abuses occurring in Saipan. This case was a companion to two other actions: *Does I v. Advance Textile Corp.*, No. 99 0002 (D. N. Mar. I.), which alleged overtime violations by the garment factories under the Fair Labor Standards Act and local labor law, and *UNITE v. The Gap, Inc.*, No. 300474 (Cal. Super. Ct., San Francisco Cty.), which alleged violations of California's Unfair Practices Law by the U.S. retailers. These actions resulted in a settlement of approximately \$20 million that included a comprehensive monitoring program to address past violations by the factories and prevent future ones. The members of the litigation team were honored as Trial Lawyers of the Year by the Trial Lawyers for Public Justice in recognition of the team's efforts in bringing about the precedent-setting settlement of the actions.
- *Hall v. NCAA (Restricted Earnings Coach Antitrust Litigation)*, No. 94-2392 (D. Kan.). Robbins Geller attorneys were lead counsel and lead trial counsel for one of three classes of coaches in these consolidated price-fixing actions against the National Collegiate Athletic Association. On May 4, 1998, the jury returned verdicts in favor of the three classes for more than \$70 million.
- *In re Prison Realty Sec. Litig.*, No. 3:99-0452 (M.D. Tenn.). Robbins Geller attorneys served as lead counsel for the class, obtaining a \$105 million recovery.

- ***In re Honeywell Int'l, Inc. Sec. Litig.***, No. 00-cv-03605 (D.N.J.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased Honeywell common stock. The case charged Honeywell and its top officers with violations of the federal securities laws, alleging the defendants made false public statements concerning Honeywell's merger with Allied Signal, Inc. and that defendants falsified Honeywell's financial statements. After extensive discovery, Robbins Geller attorneys obtained a \$100 million settlement for the class.
- ***Schwartz v. Visa Int'l***, No. 822404-4 (Cal. Super. Ct., Alameda Cty.). After years of litigation and a six-month trial, Robbins Geller attorneys won one of the largest consumer protection verdicts ever awarded in the United States. Robbins Geller attorneys represented California consumers in an action against Visa and MasterCard for intentionally imposing and concealing a fee from their cardholders. The court ordered Visa and MasterCard to return \$800 million in cardholder losses, which represented 100% of the amount illegally taken, plus 2% interest. In addition, the court ordered full disclosure of the hidden fee.
- ***Thompson v. Metro. Life Ins. Co.***, No. 00-cv-5071 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel and obtained \$145 million for the class in a settlement involving racial discrimination claims in the sale of life insurance.
- ***In re Prudential Ins. Co. of Am. Sales Practices Litig.***, MDL No. 1061 (D.N.J.). In one of the first cases of its kind, Robbins Geller attorneys obtained a settlement of \$4 billion for deceptive sales practices in connection with the sale of life insurance involving the "vanishing premium" sales scheme.

Precedent-Setting Decisions

Robbins Geller attorneys operate at the vanguard of complex class action of litigation. Our work often changes the legal landscape, resulting in an environment that is more-favorable for obtaining recoveries for our clients.

- ***Cyan, Inc. v. Beaver County Employees Retirement Fund***, No. 15-1439 (U.S.). In March 2018, the Supreme Court ruled in favor of investors represented by Robbins Geller, holding that state courts continue to have jurisdiction over class actions asserting violations of the Securities Act of 1933. The Court's ruling secures investors' ability to bring 1933 Act actions when companies fail to make full and fair disclosure of relevant information in offering documents. The Court confirmed that the Securities Litigation Uniform Standards Act of 1998 was designed to preclude securities class actions asserting violations of state law – not to preclude securities actions asserting federal law violations brought in state courts.
- ***Mineworkers' Pension Scheme v. First Solar Inc.***, No. 15-17282 (9th Cir.). In January 2018, the Ninth Circuit upheld the district court's denial of defendants' motion for summary judgment, agreeing with plaintiffs that the test for loss causation in the Ninth Circuit is a general "proximate cause test," and rejecting the more stringent revelation of the fraudulent practices standard advocated by the defendants. The opinion is a significant victory for investors, as it forecloses defendants' ability to immunize themselves from liability simply by refusing to publicly acknowledge their fraudulent conduct.
- ***In re Quality Systems, Inc. Sec. Litig.***, No. 15-55173 (9th Cir.). In July 2017, Robbins Geller's Appellate Practice Group scored a significant win in the Ninth Circuit in the *Quality Systems* securities class action. On appeal, a three-judge Ninth Circuit panel unanimously reversed the district court's prior dismissal of the action against Quality Systems and remanded the case to the

district court for further proceedings. The decision addressed an issue of first impression concerning “mixed” future and present-tense misstatements. The appellate panel explained that “non-forward-looking portions of mixed statements are not eligible for the safe harbor provisions of the PSLRA Defendants made a number of mixed statements that included projections of growth in revenue and earnings based on the state of QSI’s sales pipeline.” The panel then held *both* the non-forward-looking and forward-looking statements false and misleading and made with scienter, deeming them actionable. Later, although defendants sought rehearing by the Ninth Circuit sitting *en banc*, the circuit court denied their petition.

- ***Omnicare, Inc. v. Laborers District Council Construction Industry Pension Fund***, No. 13-435 (U.S.). In March 2015, the Supreme Court ruled in favor of investors represented by Robbins Geller that investors asserting a claim under §11 of the Securities Act of 1933 with respect to a misleading statement of opinion do not, as defendant Omnicare had contended, have to prove that the statement was subjectively disbelieved when made. Rather, the Court held that a statement of opinion may be actionable either because it was not believed, or because it lacked a reasonable basis in fact. This decision is significant in that it resolved a conflict among the federal circuit courts and expressly overruled the Second Circuit’s widely followed, more stringent pleading standard for §11 claims involving statements of opinion. The Supreme Court remanded the case back to the district court for determination under the newly articulated standard. In August of 2016, upon remand, the district court applied the Supreme Court’s new test and denied defendants’ motion to dismiss in full.
- ***NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.***, 693 F.3d 145 (2d Cir. 2012). In a securities fraud action involving mortgage-backed securities, the Second Circuit rejected the concept of “tranche” standing and found that a lead plaintiff has class standing to pursue claims on behalf of purchasers of securities that were backed by pools of mortgages originated by the same lenders who had originated mortgages backing the lead plaintiff’s securities. The court noted that, given those common lenders, the lead plaintiff’s claims as to its purchases implicated “the same set of concerns” that purchasers in several of the other offerings possessed. The court also rejected the notion that the lead plaintiff lacked standing to represent investors in different tranches.
- ***In re VeriFone Holdings, Inc. Sec. Litig.***, 704 F.3d 694 (9th Cir. 2012). The panel reversed in part and affirmed in part the dismissal of investors’ securities fraud class action alleging violations of §§10(b), 20(a), and 20A of the Securities Exchange Act of 1934 and SEC Rule 10b-5 in connection with a restatement of financial results of the company in which the investors had purchased stock.

The panel held that the third amended complaint adequately pleaded the §10(b), §20A and Rule 10b-5 claims. Considering the allegations of scienter holistically, as the U.S. Supreme Court directed in *Matrixx Initiatives, Inc. v. Siracusano*, 563 U.S. 27, 48-49 (2011), the panel concluded that the inference that the defendant company and its chief executive officer and former chief financial officer were deliberately reckless as to the truth of their financial reports and related public statements following a merger was at least as compelling as any opposing inference.
- ***Fox v. JAMDAT Mobile, Inc.***, 185 Cal. App. 4th 1068 (2010). Concluding that Delaware’s shareholder ratification doctrine did not bar the claims, the California Court of Appeal reversed dismissal of a shareholder class action alleging breach of fiduciary duty in a corporate merger.
- ***In re Constar Int’l Inc. Sec. Litig.***, 585 F.3d 774 (3d Cir. 2009). The Third Circuit flatly rejected defense contentions that where relief is sought under §11 of the Securities Act of 1933, which imposes liability when securities are issued pursuant to an incomplete or misleading registration statement, class certification should depend upon findings concerning market efficiency and loss causation.

- ***Matrixx Initiatives, Inc. v. Siracusano***, 563 U.S. 27 (2011), *aff'g* 585 F.3d 1167 (9th Cir. 2009). In a securities fraud action involving the defendants' failure to disclose a possible link between the company's popular cold remedy and a life-altering side effect observed in some users, the U.S. Supreme Court unanimously affirmed the Ninth Circuit's (a) rejection of a bright-line "statistical significance" materiality standard, and (b) holding that plaintiffs had successfully pleaded a strong inference of the defendants' scienter.
- ***Alaska Elec. Pension Fund v. Flowserve Corp.***, 572 F.3d 221 (5th Cir. 2009). Aided by former U.S. Supreme Court Justice O'Connor's presence on the panel, the Fifth Circuit reversed a district court order denying class certification and also reversed an order granting summary judgment to defendants. The court held that the district court applied an incorrect fact-for-fact standard of loss causation, and that genuine issues of fact on loss causation precluded summary judgment.
- ***In re F5 Networks, Inc., Derivative Litig.***, 207 P.3d 433 (Wash. 2009). In a derivative action alleging unlawful stock option backdating, the Supreme Court of Washington ruled that shareholders need not make a pre-suit demand on the board of directors where this step would be futile, agreeing with plaintiffs that favorable Delaware case law should be followed as persuasive authority.
- ***Lormand v. US Unwired, Inc.***, 565 F.3d 228 (5th Cir. 2009). In a rare win for investors in the Fifth Circuit, the court reversed an order of dismissal, holding that safe harbor warnings were not meaningful when the facts alleged established a strong inference that defendants knew their forecasts were false. The court also held that plaintiffs sufficiently alleged loss causation.
- ***Institutional Inv'rs Grp. v. Avaya, Inc.***, 564 F.3d 242 (3d Cir. 2009). In a victory for investors in the Third Circuit, the court reversed an order of dismissal, holding that shareholders pled with particularity why the company's repeated denials of price discounts on products were false and misleading when the totality of facts alleged established a strong inference that defendants knew their denials were false.
- ***Alaska Elec. Pension Fund v. Pharmacia Corp.***, 554 F.3d 342 (3d Cir. 2009). The Third Circuit held that claims filed for violation of §10(b) of the Securities Exchange Act of 1934 were timely, adopting investors' argument that because scienter is a critical element of the claims, the time for filing them cannot begin to run until the defendants' fraudulent state of mind should be apparent.
- ***Rael v. Page***, 222 P.3d 678 (N.M. Ct. App. 2009). In this shareholder class and derivative action, Robbins Geller attorneys obtained an appellate decision reversing the trial court's dismissal of the complaint alleging serious director misconduct in connection with the merger of SunCal Companies and Westland Development Co., Inc., a New Mexico company with large and historic landholdings and other assets in the Albuquerque area. The appellate court held that plaintiff's claims for breach of fiduciary duty were direct, not derivative, because they constituted an attack on the validity or fairness of the merger and the conduct of the directors. Although New Mexico law had not addressed this question directly, at the urging of the Firm's attorneys, the court relied on Delaware law for guidance, rejecting the "special injury" test for determining the direct versus derivative inquiry and instead applying more recent Delaware case law.
- ***Lane v. Page***, No. 06-cv-1071 (D.N.M. 2012). In May 2012, while granting final approval of the settlement in the federal component of the Westland cases, Judge Browning in the District of New Mexico commented:

Class Counsel are highly skilled and specialized attorneys who use their substantial experience and expertise to prosecute complex securities class actions. In possibly one of the best known and most prominent recent securities cases, Robbins Geller served as sole lead counsel – *In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex.). See Report at 3. The Court has previously noted that the class would “receive high caliber legal representation” from class counsel, and throughout the course of the litigation the Court has been impressed with the quality of representation on each side. *Lane v. Page*, 250 F.R.D. at 647.

Lane v. Page, 862 F. Supp. 2d 1182, 1253-54 (D.N.M. 2012).

In addition, Judge Browning stated, “Few plaintiffs’ law firms could have devoted the kind of time, skill, and financial resources over a five-year period necessary to achieve the pre- and post-Merger benefits obtained for the class here.’ . . . [Robbins Geller is] both skilled and experienced, and used those skills and experience for the benefit of the class [Robbins Geller is] both skilled and experienced, and used those skills and experience for the benefit of the class.” *Id.* at 1254.

- *Luther v. Countrywide Home Loans Servicing LP*, 533 F.3d 1031 (9th Cir. 2008). In a case of first impression, the Ninth Circuit held that the Securities Act of 1933’s specific non-removal features had not been trumped by the general removal provisions of the Class Action Fairness Act of 2005.
- *In re Gilead Scis. Sec. Litig.*, 536 F.3d 1049 (9th Cir. 2008). The Ninth Circuit upheld defrauded investors’ loss causation theory as plausible, ruling that a limited temporal gap between the time defendants’ misrepresentation was publicly revealed and the subsequent decline in stock value was reasonable where the public had not immediately understood the impact of defendants’ fraud.
- *In re WorldCom Sec. Litig.*, 496 F.3d 245 (2d Cir. 2007). The Second Circuit held that the filing of a class action complaint tolls the limitations period for all members of the class, including those who choose to opt out of the class action and file their own individual actions without waiting to see whether the district court certifies a class – reversing the decision below and effectively overruling multiple district court rulings that *American Pipe* tolling did not apply under these circumstances.
- *In re Merck & Co. Sec., Derivative & ERISA Litig.*, 493 F.3d 393 (3d Cir. 2007). In a shareholder derivative suit appeal, the Third Circuit held that the general rule that discovery may not be used to supplement demand-futility allegations does not apply where the defendants enter a voluntary stipulation to produce materials relevant to demand futility without providing for any limitation as to their use. In April 2007, the Honorable D. Brooks Smith praised Robbins Geller partner Joe Daley’s efforts in this litigation:

Thank you very much Mr. Daley and a thank you to all counsel. As Judge Cowen mentioned, this was an exquisitely well-briefed case; it was also an extremely well-argued case, and we thank counsel for their respective jobs here in the matter, which we will take under advisement. Thank you.

In re Merck & Co., Inc. Sec., Derivative & ERISA Litig., No. 06-2911, Transcript at 35:37-36:00 (3d Cir. Apr. 12, 2007).

- *Alaska Elec. Pension Fund v. Brown*, 941 A.2d 1011 (Del. 2007). The Supreme Court of Delaware held that the Alaska Electrical Pension Fund, for purposes of the “corporate benefit” attorney-fee doctrine, was presumed to have caused a substantial increase in the tender offer price paid in a “going private” buyout transaction. The Court of Chancery originally ruled that Alaska’s counsel,

Robbins Geller, was not entitled to an award of attorney fees, but Delaware's high court, in its published opinion, reversed and remanded for further proceedings.

- ***Crandon Capital Partners v. Shelk***, 157 P.3d 176 (Or. 2007). Oregon's Supreme Court ruled that a shareholder plaintiff in a derivative action may still seek attorney fees even if the defendants took actions to moot the underlying claims. The Firm's attorneys convinced Oregon's highest court to take the case, and reverse, despite the contrary position articulated by both the trial court and the Oregon Court of Appeals.
- ***In re Qwest Commc'ns Int'l***, 450 F.3d 1179 (10th Cir. 2006). In a case of first impression, the Tenth Circuit held that a corporation's deliberate release of purportedly privileged materials to governmental agencies was not a "selective waiver" of the privileges such that the corporation could refuse to produce the same materials to non-governmental plaintiffs in private securities fraud litigation.
- ***In re Guidant S'holders Derivative Litig.***, 841 N.E.2d 571 (Ind. 2006). Answering a certified question from a federal court, the Supreme Court of Indiana unanimously held that a pre-suit demand in a derivative action is excused if the demand would be a futile gesture. The court adopted a "demand futility" standard and rejected defendants' call for a "universal demand" standard that might have immediately ended the case.
- ***Denver Area Meat Cutters v. Clayton***, 209 S.W.3d 584 (Tenn. Ct. App. 2006). The Tennessee Court of Appeals rejected an objector's challenge to a class action settlement arising out of Warren Buffet's 2003 acquisition of Tennessee-based Clayton Homes. In their effort to secure relief for Clayton Homes stockholders, the Firm's attorneys obtained a temporary injunction of the Buffet acquisition for six weeks in 2003 while the matter was litigated in the courts. The temporary halt to Buffet's acquisition received national press attention.
- ***DeJulius v. New Eng. Health Care Emps. Pension Fund***, 429 F.3d 935 (10th Cir. 2005). The Tenth Circuit held that the multi-faceted notice of a \$50 million settlement in a securities fraud class action had been the best notice practicable under the circumstances, and thus satisfied both constitutional due process and Rule 23 of the Federal Rules of Civil Procedure.
- ***In re Daou Sys.***, 411 F.3d 1006 (9th Cir. 2005). The Ninth Circuit sustained investors' allegations of accounting fraud and ruled that loss causation was adequately alleged by pleading that the value of the stock they purchased declined when the issuer's true financial condition was revealed.
- ***Barrie v. Intervoice-Brite, Inc.***, 397 F.3d 249 (5th Cir.), *reh'g denied and opinion modified*, 409 F.3d 653 (5th Cir. 2005). The Fifth Circuit upheld investors' accounting-fraud claims, holding that fraud is pled as to both defendants when one knowingly utters a false statement and the other knowingly fails to correct it, even if the complaint does not specify who spoke and who listened.
- ***City of Monroe Emps. Ret. Sys. v. Bridgestone Corp.***, 399 F.3d 651 (6th Cir. 2005). The Sixth Circuit held that a statement regarding objective data supposedly supporting a corporation's belief that its tires were safe was actionable where jurors could have found a reasonable basis to believe the corporation was aware of undisclosed facts seriously undermining the statement's accuracy.
- ***Ill. Mun. Ret. Fund v. Citigroup, Inc.***, 391 F.3d 844 (7th Cir. 2004). The Seventh Circuit upheld a district court's decision that the Illinois Municipal Retirement Fund was entitled to litigate its claims under the Securities Act of 1933 against WorldCom's underwriters before a state court rather than before the federal forum sought by the defendants.

- ***Nursing Home Pension Fund, Local 144 v. Oracle Corp.***, 380 F.3d 1226 (9th Cir. 2004). The Ninth Circuit ruled that defendants' fraudulent intent could be inferred from allegations concerning their false representations, insider stock sales and improper accounting methods.
- ***Southland Sec. Corp. v. INSpire Ins. Sols. Inc.***, 365 F.3d 353 (5th Cir. 2004). The Fifth Circuit sustained allegations that an issuer's CEO made fraudulent statements in connection with a contract announcement.
- ***Smith v. Am. Family Mut. Ins. Co.***, 289 S.W.3d 675 (Mo. Ct. App. 2009). Capping nearly a decade of hotly contested litigation, the Missouri Court of Appeals reversed the trial court's judgment notwithstanding the verdict for auto insurer American Family and reinstated a unanimous jury verdict for the plaintiff class.
- ***Troyk v. Farmers Grp., Inc.***, 171 Cal. App. 4th 1305 (2009). The California Court of Appeal held that Farmers Insurance's practice of levying a "service charge" on one-month auto insurance policies, without specifying the charge in the policy, violated California's Insurance Code.
- ***Lebrilla v. Farmers Grp., Inc.***, 119 Cal. App. 4th 1070 (2004). Reversing the trial court, the California Court of Appeal ordered class certification of a suit against Farmers, one of the largest automobile insurers in California, and ruled that Farmers' standard automobile policy requires it to provide parts that are as good as those made by vehicle's manufacturer. The case involved Farmers' practice of using inferior imitation parts when repairing insureds' vehicles.
- ***In re Monumental Life Ins. Co.***, 365 F.3d 408, 416 (5th Cir. 2004). The Fifth Circuit Court of Appeals reversed a district court's denial of class certification in a case filed by African-Americans seeking to remedy racially discriminatory insurance practices. The Fifth Circuit held that a monetary relief claim is viable in a Rule 23(b)(2) class if it flows directly from liability to the class as a whole and is capable of classwide "computation by means of objective standards and not dependent in any significant way on the intangible, subjective differences of each class member's circumstances."
- ***Kwikset Corp. v. Superior Court***, 51 Cal. 4th 310 (2011). In a leading decision interpreting the scope of Proposition 64's new standing requirements under California's Unfair Competition Law (UCL), the California Supreme Court held that consumers alleging that a manufacturer has misrepresented its product have "lost money or property" within the meaning of the initiative, and thus have standing to sue under the UCL, if they "can truthfully allege that they were deceived by a product's label into spending money to purchase the product, and would not have purchased it otherwise." *Id.* at 317. *Kwikset* involved allegations, proven at trial, that defendants violated California's "Made in the U.S.A." statute by representing on their labels that their products were "Made in U.S.A." or "All-American Made" when, in fact, the products were substantially made with foreign parts and labor.
- ***Safeco Ins. Co. of Am. v. Superior Court***, 173 Cal. App. 4th 814 (2009). In a class action against auto insurer Safeco, the California Court of Appeal agreed that the plaintiff should have access to discovery to identify a new class representative after her standing to sue was challenged.
- ***Consumer Privacy Cases***, 175 Cal. App. 4th 545 (2009). The California Court of Appeal rejected objections to a nationwide class action settlement benefiting Bank of America customers.
- ***Koponen v. Pac. Gas & Elec. Co.***, 165 Cal. App. 4th 345 (2008). The Firm's attorneys obtained a published decision reversing the trial court's dismissal of the action, and holding that the plaintiff's claims for damages arising from the utility's unauthorized use of rights-of-way or easements

obtained from the plaintiff and other landowners were not barred by a statute limiting the authority of California courts to review or correct decisions of the California Public Utilities Commission.

- ***Sanford v. MemberWorks, Inc.***, 483 F.3d 956 (9th Cir. 2007). In a telemarketing-fraud case, where the plaintiff consumer insisted she had never entered the contractual arrangement that defendants said bound her to arbitrate individual claims to the exclusion of pursuing class claims, the Ninth Circuit reversed an order compelling arbitration – allowing the plaintiff to litigate on behalf of a class.
- ***Ritt v. Billy Blanks Enters.***, 870 N.E.2d 212 (Ohio Ct. App. 2007). In the Ohio analog to the *West* case, the Ohio Court of Appeals approved certification of a class of Ohio residents seeking relief under Ohio’s consumer protection laws for the same telemarketing fraud.
- ***Haw. Med. Ass’n v. Haw. Med. Serv. Ass’n***, 148 P.3d 1179 (Haw. 2006). The Supreme Court of Hawaii ruled that claims of unfair competition were not subject to arbitration and that claims of tortious interference with prospective economic advantage were adequately alleged.
- ***Branick v. Downey Sav. & Loan Ass’n***, 39 Cal. 4th 235 (2006). Robbins Geller attorneys were part of a team of lawyers that briefed this case before the Supreme Court of California. The court issued a unanimous decision holding that new plaintiffs may be substituted, if necessary, to preserve actions pending when Proposition 64 was passed by California voters in 2004. Proposition 64 amended California’s Unfair Competition Law and was aggressively cited by defense lawyers in an effort to dismiss cases after the initiative was adopted.
- ***McKell v. Wash. Mut., Inc.***, 142 Cal. App. 4th 1457 (2006). The California Court of Appeal reversed the trial court, holding that plaintiff’s theories attacking a variety of allegedly inflated mortgage-related fees were actionable.
- ***West Corp. v. Superior Court***, 116 Cal. App. 4th 1167 (2004). The California Court of Appeal upheld the trial court’s finding that jurisdiction in California was appropriate over the out-of-state corporate defendant whose telemarketing was aimed at California residents. Exercise of jurisdiction was found to be in keeping with considerations of fair play and substantial justice.
- ***Kruse v. Wells Fargo Home Mortg., Inc.***, 383 F.3d 49 (2d Cir. 2004), and ***Santiago v. GMAC Mortg. Grp., Inc.***, 417 F.3d 384 (3d Cir. 2005). In two groundbreaking federal appellate decisions, the Second and Third Circuits each ruled that the Real Estate Settlement Practices Act prohibits marking up home loan-related fees and charges.

Additional Judicial Commendations

Robbins Geller attorneys have been praised by countless judges all over the country for the quality of their representation in class-action lawsuits. In addition to the judicial commendations set forth in the Prominent Cases and Precedent-Setting Decisions sections, judges have acknowledged the successful results of the Firm and its attorneys with the following plaudits:

- On March 31, 2017, in granting final approval of the settlement, the Honorable Gonzalo P. Curiel hailed the settlement as “extraordinary” and “all the more exceptional when viewed in light of the risk” of continued litigation. The court further commended Robbins Geller for prosecuting the case on a *pro bono* basis: “Class Counsel’s exceptional decision to provide nearly seven years of legal services to Class Members on a *pro bono* basis evidences not only a lack of collusion, but also that

Class Counsel are in fact representing the best interests of Plaintiffs and the Class Members in this Settlement. Instead of seeking compensation for fees and costs that they would otherwise be entitled to, Class Counsel have acted to allow maximum recovery to Plaintiffs and Class Members. Indeed, that Eligible Class Members may receive recovery of 90% or greater is a testament to Class Counsel's representation and dedication to act in their clients' best interest." In addition, at the final approval hearing, the court commented that "this is a case that has been litigated – if not fiercely, zealously throughout." *Low v. Trump Univ., LLC*, 246 F. Supp. 3d 1295, 1302, 1312 (S.D. Cal. 2017); *Low v. Trump University LLC and Donald J. Trump*, No. 10-cv-0940 GPC-WVG, and *Cohen v. Donald J. Trump*, No. 13-cv-2519-GPC-WVG, Transcript at 7 (S.D. Cal. Mar. 30, 2017).

- In January 2017, at the final approval hearing, the Honorable Kevin H. Sharp of the Middle District of Tennessee commended Robbins Geller attorneys, stating: "It was complicated, it was drawn out, and a lot of work clearly went into this [case] I think there is some benefit to the shareholders that are above and beyond money, a benefit to the company above and beyond money that changed hands." *In re Community Health Sys., Inc. S'holder Derivative Litig.*, No. 3:11-cv-00489, Transcript at 10 (M.D. Tenn. Jan. 17, 2017).
- In November 2016, at the final approval hearing, the Honorable James G. Carr stated: "I kept throwing the case out, and you kept coming back. . . . And it's both remarkable and noteworthy and a credit to you and your firm that you did so. . . . [Y]ou persuaded the Sixth Circuit. As we know, that's no mean feat at all." Judge Carr further complimented the Firm, noting that it "goes without question or even saying" that Robbins Geller is very well-known nationally and that the settlement is an excellent result for the class. He succinctly concluded that "given the tenacity and the time and the effort that [Robbins Geller] lawyers put into [the case]" makes the class "a lot better off." *Plumbers & Pipefitters Nat'l Pension Fund v. Burns*, No. 3:05-cv-07393-JGC, Transcript at 4, 10, 14, 17 (N.D. Ohio Nov. 18, 2016).
- In September 2016, in granting final approval of the settlement, Judge Arleo commended the "vigorous and skilled efforts" of Robbins Geller attorneys for obtaining "an excellent recovery." Judge Arleo added that the settlement was reached after "contentious, hard-fought litigation" that ended with "a very, very good result for the class" in a "risky case." *City of Sterling Heights Gen. Emps.' Ret. Sys. v. Prudential Fin., Inc.*, No. 2:12-cv-05275-MCA-LDW, Transcript of Hearing at 18-20 (D.N.J. Sept. 28, 2016).
- In August 2015, at the final approval hearing for the settlement, the Honorable Karen M. Humphreys praised Robbins Geller's "extraordinary efforts" and "excellent lawyering," noting that the settlement "really does signal that the best is yet to come for your clients and for your prodigious labor as professionals. . . . I wish more citizens in our country could have an appreciation of what this [settlement] truly represents." *Bennett v. Sprint Nextel Corp.*, No. 2:09-cv-02122-EFM-KMH, Transcript at 8, 25 (D. Kan. Aug. 12, 2015).
- In August 2015, the Honorable Judge Max O. Cogburn, Jr. noted that "plaintiffs' attorneys were able [to] achieve the big success early" in the case and obtained an "excellent result." The "extraordinary" settlement was because of "good lawyers . . . doing their good work." *Nieman v. Duke Energy Corp.*, No. 3:12-cv-456, Transcript at 21, 23, 30 (W.D.N.C. Aug. 12, 2015).
- In July 2015, in approving the settlement, the Honorable Douglas L. Rayes of the District of Arizona stated: "Settlement of the case during pendency of appeal for more than an insignificant amount is rare. The settlement here is substantial and provides favorable recovery for the settlement class under these circumstances." He continued, noting, "[a]s against the objective measures of . . . settlements [in] other similar cases, [the recovery] is on the high end." *Teamsters*

Local 617 Pension & Welfare Funds v. Apollo Grp., Inc., No. 2:06-cv-02674-DLR, Transcript at 8, 11 (D. Ariz. July 28, 2015).

- In June 2015, at the conclusion of the hearing for final approval of the settlement, the Honorable Susan Richard Nelson of the District of Minnesota noted that it was “a pleasure to be able to preside over a case like this,” praising Robbins Geller in achieving “an outstanding [result] for [its] clients,” as she was “very impressed with the work done on th[e] case.” *In re St. Jude Med., Inc. Sec. Litig.*, No. 0:10-cv-00851-SRN-TNL, Transcript at 7 (D. Minn. June 12, 2015).
- In May 2015, at the fairness hearing on the settlement, the Honorable William G. Young noted that the case was “very well litigated” by Robbins Geller attorneys, adding that “I don’t just say that as a matter of form. . . . I thank you for the vigorous litigation that I’ve been permitted to be a part of.” *Courtney v. Avid Tech., Inc.*, No. 1:13-cv-10686-WGY, Transcript at 8-9 (D. Mass. May 12, 2015).
- In January 2015, the Honorable William J. Haynes, Jr. of the Middle District of Tennessee described the settlement as a “highly favorable result achieved for the Class” through Robbins Geller’s “diligent prosecution . . . [and] quality of legal services.” The settlement represents the third largest securities recovery ever in the Middle District of Tennessee and the largest in more than a decade. *Garden City Emps.’ Ret. Sys. v. Psychiatric Sols., Inc.*, No. 3:09-cv-00882, 2015 U.S. Dist. LEXIS 181943, at *6-*7 (M.D. Tenn. Jan. 16, 2015).
- In September 2014, in approving the settlement for shareholders, Vice Chancellor John W. Noble noted “[t]he litigation caused a substantial benefit for the class. It is unusual to see a \$29 million recovery.” Vice Chancellor Noble characterized the litigation as “novel” and “not easy,” but “[t]he lawyers took a case and made something of it.” The Court commended Robbins Geller’s efforts in obtaining this result: “The standing and ability of counsel cannot be questioned” and “the benefits achieved by plaintiffs’ counsel in this case cannot be ignored.” *In re Gardner Denver, Inc. S’holder Litig.*, No. 8505-VCN, Transcript at 26-28 (Del. Ch. Sept. 3, 2014).
- In May 2014, at the conclusion of the hearing for final approval of the settlement, the Honorable Elihu M. Berle stated: “I would finally like to congratulate counsel on their efforts to resolve this case, on excellent work – it was the best interest of the class – and to the exhibition of professionalism. So I do thank you for all your efforts.” *Liberty Mutual Overtime Cases*, No. JCCP 4234, Transcript at 20:1-5 (Cal. Super. Ct., Los Angeles Cty. May 29, 2014).
- In March 2014, Ninth Circuit Judge J. Clifford Wallace (presiding) expressed the gratitude of the court: “Thank you. I want to especially thank counsel for this argument. This is a very complicated case and I think we were assisted no matter how we come out by competent counsel coming well prepared. . . . It was a model of the type of an exercise that we appreciate. Thank you very much for your work . . . you were of service to the court.” *Eclectic Properties East, LLC v. The Marcus & Millichap Co.*, No. 12-16526, Transcript (9th Cir. Mar. 14, 2014).
- In February 2014, in approving a settlement, Judge Edward M. Chen noted the “very substantial risks” in the case and recognized Robbins Geller had performed “extensive work on the case.” *In re VeriFone Holdings, Inc. Sec. Litig.*, No. C-07-6140, 2014 U.S. Dist. LEXIS 20044, at *5, *11-*12 (N.D. Cal. Feb. 18, 2014).
- In August 2013, in granting final approval of the settlement, the Honorable Richard J. Sullivan stated: “Lead Counsel is to be commended for this result: it expended considerable effort and resources over the course of the action researching, investigating, and prosecuting the claims, at significant risk to itself, and in a skillful and efficient manner, to achieve an outstanding recovery

for class members. Indeed, the result – and the class’s embrace of it – is a testament to the experience and tenacity Lead Counsel brought to bear.” *City of Livonia Emps. Ret. Sys. v. Wyeth*, No. 07 Civ. 10329, 2013 U.S. Dist. LEXIS 113658, at *13 (S.D.N.Y. Aug. 7, 2013).

- In July 2013, in granting final approval of the settlement, the Honorable William H. Alsup stated that Robbins Geller did “excellent work in this case,” and continued, “I look forward to seeing you on the next case.” *Fraser v. Asus Comput. Int’l*, No. C 12-0652, Transcript at 12:2-3 (N.D. Cal. July 11, 2013).
- In June 2013, in certifying the class, U.S. District Judge James G. Carr recognized Robbins Geller’s steadfast commitment to the class, noting that “plaintiffs, with the help of Robbins Geller, have twice successfully appealed this court’s orders granting defendants’ motion to dismiss.” *Plumbers & Pipefitters Nat’l Pension Fund v. Burns*, 292 F.R.D. 515, 524 (N.D. Ohio 2013).
- In November 2012, in granting appointment of lead plaintiff, Chief Judge James F. Holderman commended Robbins Geller for its “substantial experience in securities class action litigation” and commented that the Firm “is recognized as ‘one of the most successful law firms in securities class actions, if not the preeminent one, in the country.’” *In re Enron Corp. Sec.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008) (Harmon, J.).” He continued further that, “Robbins Geller attorneys are responsible for obtaining the largest securities fraud class action recovery ever [\$7.2 billion in *Enron*], as well as the largest recoveries in the Fifth, Sixth, Eighth, Tenth and Eleventh Circuits.” *Bristol Cty. Ret. Sys. v. Allscripts Healthcare Sols., Inc.*, No. 12 C 3297, 2012 U.S. Dist. LEXIS 161441 at *21 (N.D. Ill. Nov. 9, 2012).
- In June 2012, in granting plaintiffs’ motion for class certification, the Honorable Inge Prytz Johnson noted that other courts have referred to Robbins Geller as “one of the most successful law firms in securities class actions . . . in the country.” *Local 703, I.B. v. Regions Fin. Corp.*, 282 F.R.D. 607, 616 (N.D. Ala. 2012) (quoting *In re Enron Corp. Sec. Litig.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008)), *aff’d in part and vacated in part on other grounds*, 762 F.3d 1248 (11th Cir. 2014).
- In June 2012, in granting final approval of the settlement, the Honorable Barbara S. Jones commented that “class counsel’s representation, from the work that I saw, appeared to me to be of the highest quality.” *In re CIT Grp. Inc. Sec. Litig.*, No. 08 Civ. 6613, Transcript at 9:16-18 (S.D.N.Y. June 13, 2012).
- In March 2012, in granting certification for the class, Judge Robert W. Sweet referenced the *Enron* case, agreeing that Robbins Geller’s “clearly superlative litigating and negotiating skills” give the Firm an “outstanding reputation, experience, and success in securities litigation nationwide,” thus, “[t]he experience, ability, and reputation of the attorneys of [Robbins Geller] is not disputed; it is one of the most successful law firms in securities class actions, if not the preeminent one, in the country.” *Billhofer v. Flamel Techs., S.A.*, 281 F.R.D. 150, 158 (S.D.N.Y. 2012).
- In March 2011, in denying defendants’ motion to dismiss, Judge Richard Sullivan commented: “Let me thank you all. . . . [The motion] was well argued . . . and . . . well briefed I certainly appreciate having good lawyers who put the time in to be prepared” *Anegada Master Fund Ltd. v. PxRE Grp. Ltd.*, No. 08-cv-10584, Transcript at 83 (S.D.N.Y. Mar. 16, 2011).
- In January 2011, the court praised Robbins Geller attorneys: “They have gotten very good results for stockholders. . . . [Robbins Geller has] such a good track record.” *In re Compellent Technologies, Inc. S’holder Litig.*, No. 6084-VCL, Transcript at 20-21 (Del. Ch. Jan. 13, 2011).

- In August 2010, in reviewing the settlement papers submitted by the Firm, Judge Carlos Murguia stated that Robbins Geller performed “a commendable job of addressing the relevant issues with great detail and in a comprehensive manner The court respects the [Firm’s] experience in the field of derivative [litigation].” *Alaska Elec. Pension Fund v. Olofson*, No. 08-cv-02344-CM-JPO (D. Kan.) (Aug. 20, 2010 e-mail from court re: settlement papers).
- In June 2009, Judge Ira Warshawsky praised the Firm’s efforts in *In re Aeroflex, Inc. S’holder Litig.*: “There is no doubt that the law firms involved in this matter represented in my opinion the cream of the crop of class action business law and mergers and acquisition litigators, and from a judicial point of view it was a pleasure working with them.” *In re Aeroflex, Inc. S’holder Litig.*, No. 003943/07, Transcript at 25:14-18 (N.Y. Sup. Ct., Nassau Cty. June 30, 2009).
- In March 2009, in granting class certification, the Honorable Robert Sweet of the Southern District of New York commented in *In re NYSE Specialists Sec. Litig.*, 260 F.R.D. 55, 74 (S.D.N.Y. 2009): “As to the second prong, the Specialist Firms have not challenged, in this motion, the qualifications, experience, or ability of counsel for Lead Plaintiff, [Robbins Geller], to conduct this litigation. Given [Robbins Geller’s] substantial experience in securities class action litigation and the extensive discovery already conducted in this case, this element of adequacy has also been satisfied.”
- In June 2008, the court commented, “Plaintiffs’ lead counsel in this litigation, [Robbins Geller], has demonstrated its considerable expertise in shareholder litigation, diligently advocating the rights of Home Depot shareholders in this Litigation. [Robbins Geller] has acted with substantial skill and professionalism in representing the plaintiffs and the interests of Home Depot and its shareholders in prosecuting this case.” *City of Pontiac General Employees’ Ret. Sys. v. Langone*, No. 2006-122302, Findings of Fact in Support of Order and Final Judgment at 2 (Ga. Super. Ct., Fulton Cty. June 10, 2008).
- In a December 2006 hearing on the \$50 million consumer privacy class action settlement in *Kehoe v. Fidelity Fed. Bank & Tr.*, No. 03-80593-CIV (S.D. Fla.), United States District Court Judge Daniel T.K. Hurley said the following:

First, I thank counsel. As I said repeatedly on both sides, we have been very, very fortunate. We have had fine lawyers on both sides. The issues in the case are significant issues. We are talking about issues dealing with consumer protection and privacy. Something that is increasingly important today in our society. . . . I want you to know I thought long and hard about this. I am absolutely satisfied that the settlement is a fair and reasonable settlement. . . . I thank the lawyers on both sides for the extraordinary effort that has been brought to bear here

Kehoe v. Fidelity Fed. Bank & Tr., No. 03-80593-CIV, Transcript at 26, 28-29 (S.D. Fla. Dec. 7, 2006).

- In *Stanley v. Safeskin Corp.*, No. 99 CV 454 (S.D. Cal.), where Robbins Geller attorneys obtained \$55 million for the class of investors, Judge Moskowitz stated:

I said this once before, and I’ll say it again. I thought the way that your firm handled this case was outstanding. This was not an easy case. It was a complicated case, and every step of the way, I thought they did a very professional job.

Stanley v. Safeskin Corp., No. 99 CV 454, Transcript at 13 (S.D. Cal. May 25, 2004).

ATTORNEY BIOGRAPHIES

Mario Alba Jr. | Partner

Mario Alba is a partner in the Firm's Melville office. He has served as lead counsel in numerous cases and is responsible for initiating, investigating, researching, and filing securities and consumer fraud class actions. He has recovered millions of dollars in numerous actions, including cases against NBTY, Inc. (\$16 million), OSI Pharmaceuticals (\$9 million recovery) and PXRe Group, Ltd. (\$5.9 million). Alba is also a member of the Firm's Institutional Outreach Team, which provides advice to the Firm's institutional clients, including numerous public pension systems and Taft-Hartley funds throughout the United States, and consults with them on issues relating to corporate fraud in the U.S. securities markets, as well as corporate governance issues and shareholder litigation. Some of Alba's institutional clients are currently involved in cases involving Microsoft Corp., Endo International PLC, L-3 Communications Holdings, Inc., Iconix Brand Group and BHP Billiton Limited. Alba has lectured at institutional investor conferences throughout the United States on various shareholder issues, including at the Illinois Public Pension Fund Association, the New York State Teamsters Conference, the American Alliance Conference, and the TEXPERS/IPPPFA Joint Conference at the New York Stock Exchange, among others.

Education

B.S., St. John's University, 1999; J.D., Hofstra University School of Law, 2002

Honors / Awards

Super Lawyer "Rising Star," 2012-2013, 2016-2017; B.S., Dean's List, St. John's University, 1999; Selected as participant in Hofstra Moot Court Seminar, Hofstra University School of Law

Susan K. Alexander | Partner

Susan Alexander is a partner in the Firm's San Francisco office. Alexander's practice specializes in federal appeals of securities fraud class actions on behalf of investors. With nearly 30 years of federal appellate experience, she has argued on behalf of defrauded investors in circuit courts throughout the United States. Among her most notable cases are *In re VeriFone Holdings, Inc. Sec. Litig.* (\$95 million recovery) and the successful appellate ruling in *Alaska Elec. Pension Fund v. Flowserve Corp.* (\$55 million recovery). Other representative results include: *W. Va. Pipe Trades Health & Welfare Fund v. Medtronic, Inc.*, 845 F.3d 384 (8th Cir. 2016) (reversing summary judgment of securities fraud action on statute of limitations grounds); *In re Ubiquiti Networks, Inc. Sec. Litig.*, 2016 U.S. App. LEXIS 19141 (9th Cir. 2016) (reversing dismissal of §11 claim); *Carpenters Pension Tr. Fund of St. Louis v. Barclays PLC*, 750 F.3d 227 (2d Cir. 2014) (reversing dismissal of securities fraud complaint, focused on loss causation); *Panther Partners Inc. v. Ikanos Commc'ns, Inc.*, 681 F.3d 114 (2d Cir. 2012) (reversing dismissal of §11 claim); *City of Pontiac Gen. Emps. Ret. Sys. v. MBIA, Inc.*, 637 F.3d 169 (2d Cir. 2011) (reversing dismissal of securities fraud complaint, focused on statute of limitations); *In re Gilead Scis. Sec. Litig.*, 536 F.3d 1049 (9th Cir. 2008) (reversing dismissal of securities fraud complaint, focused on loss causation); and *Barrie v. Intervoice-Brite, Inc.*, 397 F.3d 249 (5th Cir. 2005) (reversing dismissal of securities fraud complaint, focused on scienter). Alexander's prior appellate work was with the California Appellate Project ("CAP"), where she prepared appeals and petitions for writs of *habeas corpus* on behalf of individuals sentenced to death. At CAP, and subsequently in private practice, she litigated and consulted on death penalty direct and collateral appeals for ten years.

Education

B.A., Stanford University, 1983; J.D., University of California, Los Angeles, 1986

Honors / Awards

Super Lawyer, 2015-2018; American Academy of Appellate Lawyers; California Academy of Appellate Lawyers; Ninth Circuit Advisory Rules Committee; Appellate Delegate, Ninth Circuit Judicial Conference; ABA Council of Appellate Lawyers

Jason H. Alperstein | Partner

Jason Alperstein is a partner in the Firm's Boca Raton office. His practices focuses on consumer fraud, securities fraud, mass torts and data breach litigation. Alperstein was an integral member of the *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, & Prods. Liab. Litig.*, No. 15-md-2672 (N.D. Cal.), litigation team, prosecuting claims on behalf of almost 600,000 consumers who were duped into purchasing and leasing Volkswagen, Audi and Porsche vehicles that were marketed as environmentally friendly, yet spewed toxic pollutants up to 40 times the legal limit permitted by the EPA. Working closely with Plaintiffs' Steering Committee ("PSC") member Paul J. Geller, Alperstein was involved in almost all aspects of the litigation. The PSC and government agencies ultimately reached a series of settlements on behalf of purchasers, lessees and dealers that totaled well over \$17 billion, the largest consumer automotive settlement in history. Alperstein is actively involved in a number of other class actions and MDLs pending throughout the country, including: *In re Yahoo! Inc. Customer Data Security Breach Litig.*, No. 16-md-02752 (N.D. Cal.), regarding the largest data breach in history; *In re FieldTurf Artificial Turf Mktg. & Sales Practices Litig.*, No. 17-md-02779 (D.N.J.), concerning the sale of defective synthetic turf for use in athletic fields; *In re Chrysler-Dodge-Jeep Ecodiesel Mktg., Sales Practices & Prods. Liab. Litig.*, No. 17-md-02777 (N.D. Cal.), pertaining to Fiat Chrysler's use of defeat devices to hide emission levels on its Jeep and Dodge "EcoDiesel" vehicles; *Benkle v. Ford Motor Co.*, No. 16-cv-01569 (C.D. Cal.), involving defective electronic throttle body units in Ford vehicles; and *Zimmerman v. The 3M Company*, No. 17-cv-01062 (W.D. Mich.), relating to the dumping of toxic waste and polluting of groundwater in Kent County, Michigan.

Prior to joining Robbins Geller, Alperstein served on lead and co-lead litigation teams in nationwide and statewide class action lawsuits against dozens of the largest banking institutions in connection with the unlawful assessment of checking account overdraft fees. His efforts resulted in over \$250 million in settlements for his clients and significant changes in the way banks charge overdraft fees to their customers. In addition, he led consumer class actions against product manufacturers for false and deceptive labeling, and some of the world's largest clothing retailers for their use of false and deceptive comparative pricing in their outlet stores.

Education

B.A., Brown University, 2004; M.B.A., University of Miami School of Business, 2008, J.D., University of Miami School of Law, 2008

Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2017-2018; Super Lawyer "Rising Star," 2014-2018; Rising Star, Consumer Protection, *Law360*, 2017; J.D., *Cum Laude*, University of Miami School of Law, 2008

Matthew I. Alpert | Partner

Matthew Alpert is a partner in the Firm's San Diego office and focuses on the prosecution of securities fraud litigation. He has helped recover over \$800 million for individual and institutional investors financially harmed by corporate fraud. Alpert's current cases include securities fraud cases against Diplomat Pharmacy (E.D. Mich.), Valeant (D.N.J.), Santander Consumer USA (N.D. Tex.) and Banc of California (C.D. Cal.). Alpert is part of the litigation team that successfully obtained class certification in a securities fraud class action against Regions Financial, a class certification decision which was substantively affirmed by the United States Court of Appeals for the Eleventh Circuit in *Local 703, I.B. of T. Grocery & Food Emps. Welfare Fund v. Regions Fin. Corp.*, 762 F.3d 1248 (11th Cir. 2014). Upon remand, the United States District Court for the Northern District of Alabama granted class certification again, rejecting defendants' post-*Halliburton II* arguments concerning stock price impact.

Education

B.A., University of Wisconsin at Madison, 2001; J.D., Washington University, St. Louis, 2005

Honors / Awards

Super Lawyer "Rising Star," 2015-2018

Darryl J. Alvarado | Partner

Darryl Alvarado is a partner in the Firm's San Diego office. Alvarado focuses his practice on securities fraud and other complex civil litigation. Alvarado helped secure \$388 million for investors in J.P. Morgan RMBS in *Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.* That settlement is, on a percentage basis, the largest recovery ever achieved in an RMBS class action. He was also a member of a team of attorneys that secured \$95 million for investors in Morgan Stanley-issued RMBS in *In re Morgan Stanley Mortgage Pass-Through Certificates Litig.* In addition, Alvarado was a member of a team of lawyers that obtained landmark settlements, on the eve of trial, from the major credit rating agencies and Morgan Stanley arising out of the fraudulent ratings of bonds issued by the Cheyne and Rhinebridge structured investment vehicles in *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Incorporated* and *King County, Washington v. IKB Deutsche Industriebank AG.* He was integral in obtaining several precedent-setting decisions in those cases, including defeating the rating agencies' historic First Amendment defense and defeating the ratings agencies' motions for summary judgment concerning the actionability of credit ratings.

Education

B.A., University of California, Santa Barbara, 2004; J.D., University of San Diego School of Law, 2007

Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2018; Super Lawyer "Rising Star," 2015-2018; "Outstanding Young Attorneys," *San Diego Daily Transcript*, 2011

X. Jay Alvarez | Partner

Jay Alvarez is a partner in the Firm's San Diego office. He focuses his practice on securities fraud litigation and other complex litigation. Alvarez's notable cases include *In re Qwest Commc'ns Int'l, Inc. Sec. Litig.* (\$400 million recovery), *In re Coca-Cola Sec. Litig.* (\$137.5 million settlement), *In re St. Jude Medical, Inc. Sec. Litig.* (\$50 million settlement) and *In re Cooper Cos. Sec. Litig.* (\$27 million recovery). Most recently, Alvarez was a member of the litigation team that secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement provides \$25 million to approximately 7,000 consumers. This result means individual class members will be eligible for upwards of \$35,000 in restitution. He represented the class on a *pro bono* basis.

Prior to joining the Firm, Alvarez served as an Assistant United States Attorney for the Southern District of California from 1991-2003. As an Assistant United States Attorney, he obtained extensive trial experience, including the prosecution of bank fraud, money laundering and complex narcotics conspiracy cases. During his tenure as an Assistant United States Attorney, Alvarez also briefed and argued numerous appeals before the Ninth Circuit Court of Appeals.

Education

B.A., University of California, Berkeley, 1984; J.D., University of California, Berkeley, Boalt Hall School of Law, 1987

Stephen R. Astley | Partner

Stephen Astley is a partner in the Firm's Boca Raton office. Astley devotes his practice to representing institutional and individual shareholders in their pursuit to recover investment losses caused by fraud. He has been lead counsel in numerous securities fraud class actions across the country, helping secure significant recoveries for his clients and investors. He was on the trial team that recovered \$60 million on behalf of investors in *City of Sterling Heights Gen. Emps.' Ret. Sys. v. Hospira, Inc.* Other notable representations include: *In re Red Hat, Inc. Sec. Litig.* (E.D.N.C.) (\$20 million settlement); *Eshe Fund v. Fifth Third Bancorp* (S.D. Ohio) (\$16 million); *City of St. Clair Shores Gen. Emps.' Ret. Sys. v. Lender Processing Serus., Inc.* (M.D. Fla.) (\$14 million); and *In re Synovus Fin. Corp.* (N.D. Ga.) (\$11.75 million).

Prior to joining the Firm, Astley was with the Miami office of Hunton & Williams, where he concentrated his practice on class action defense, including securities class actions and white collar criminal defense. Additionally, he represented numerous corporate clients accused of engaging in unfair and deceptive practices. Astley was also an active duty member of the United States Navy's Judge Advocate General's Corps where he was the Senior Defense Counsel for the Naval Legal Service Office Pearl Harbor Detachment. In that capacity, Astley oversaw trial operations for the Detachment and gained substantial first-chair trial experience as the lead defense counsel in over 75 courts-martial and administrative proceedings. Additionally, from 2002-2003, Astley clerked for the Honorable Peter T. Fay, U.S. Court of Appeals for the Eleventh Circuit.

Education

B.S., Florida State University, 1992; M. Acc., University of Hawaii at Manoa, 2001; J.D., University of Miami School of Law, 1997

Honors / Awards

J.D., *Cum Laude*, University of Miami School of Law, 1997; United States Navy Judge Advocate General's Corps., Lieutenant

A. Rick Atwood, Jr. | Partner

Rick Atwood is a partner in the Firm's San Diego office. As a recipient of the California Lawyer Attorney of the Year ("CLAY") Award for his work on behalf of shareholders, he has successfully represented shareholders in securities class actions, merger-related class actions, and shareholder derivative suits in federal and state courts in more than 30 jurisdictions. Through his litigation efforts at both the trial and appellate levels, Atwood has helped recover billions of dollars for public shareholders, including the largest post-merger common fund recoveries on record.

Most recently, in *In re Dole Food Co., Inc. Stockholder Litig.*, which went to trial in the Delaware Court of Chancery on claims of breach of fiduciary duty on behalf of Dole Food Co., Inc. shareholders, Atwood helped obtain \$148 million, the largest trial verdict ever in a class action challenging a merger transaction. He was also a key member of the litigation team in *In re Kinder Morgan, Inc. S'holders Litig.*, where he helped obtain an unprecedented \$200 million common fund for former Kinder Morgan shareholders, the largest merger & acquisition class action recovery in history.

Atwood also led the litigation team that obtained an \$89.4 million recovery for shareholders in *In re Del Monte Foods Co. S'holders Litig.*, after which the Delaware Court of Chancery stated that "it was only through the effective use of discovery that the plaintiffs were able to 'disturb[] the patina of normalcy surrounding the transaction.'" The court further commented that "Lead Counsel engaged in hard-nosed discovery to penetrate and expose problems with practices that Wall Street considered 'typical.'" One Wall Street banker even wrote in *The Wall Street Journal* that "Everybody does it, but Barclays is the one that got caught with their hand in the cookie jar Now everybody has to rethink how we conduct ourselves in financing situations." Atwood's other significant opinions include *Brown v. Brewer* (\$45 million recovery) and *In re Prime Hospitality, Inc. S'holders Litig.* (\$25 million recovery).

Education

B.A., University of Tennessee, Knoxville, 1987; B.A., Katholieke Universiteit Leuven, Belgium, 1988; J.D., Vanderbilt School of Law, 1991

Honors / Awards

Recommended Lawyer, *The Legal 500*, 2017-2018; M&A Litigation Attorney of the Year in California, *Corporate International*, 2015; Super Lawyer, 2014-2017; Attorney of the Year, *California Lawyer*, 2012; B.A., Great Distinction, Katholieke Universiteit Leuven, Belgium, 1988; B.A., Honors, University of Tennessee, Knoxville, 1987; Authorities Editor, *Vanderbilt Journal of Transnational Law*, 1991

Aelish M. Baig | Partner

Aelish Marie Baig is a partner in the Firm's San Francisco office. She specializes in federal securities and consumer class actions. She focuses primarily on securities fraud litigation on behalf of individual and institutional investors, including state and municipal pension funds, Taft-Hartley funds, and private retirement and investment funds. Baig has litigated a number of cases through jury trial, resulting in multi-million dollar awards and settlements for her clients, and has prosecuted securities fraud, consumer and derivative actions obtaining millions of dollars in recoveries against corporations such as Wells Fargo, Verizon, Celera, Pall and Prudential.

Baig, along with other Robbins Geller attorneys, is currently leading the effort on behalf of cities and counties around the country in *In re National Prescription Opiate Litigation*. Additionally, she prosecuted an action against Wells Fargo's directors and officers accusing the giant of engaging in the robo-signing of foreclosure papers so as to mass-process home foreclosures, a practice which contributed significantly to the 2008-2009 financial crisis. The resulting settlement was worth more than \$67 million in cash, corporate preventative measures and new lending initiatives for residents of cities devastated by Wells Fargo's alleged unlawful foreclosure practices. Baig was part of the litigation and trial team in *White v. Cellco Partnership d/b/a Verizon Wireless*, which resulted in a \$25 million settlement and Verizon's agreement to an injunction restricting its ability to impose early termination fees in future subscriber agreements. She was also part of the team that prosecuted dozens of stock option backdating actions, securing tens of millions of dollars in cash recoveries as well as the implementation of comprehensive corporate governance enhancements for numerous companies victimized by their directors' and officers' fraudulent stock option backdating practices. Additionally, Baig prosecuted an action against Prudential Insurance for its alleged failure to pay life insurance benefits to beneficiaries of policyholders it knew or had reason to know had died, resulting in a settlement in excess of \$30 million.

Education

B.A., Brown University, 1992; J.D., Washington College of Law at American University, 1998

Honors / Awards

Super Lawyer, 2012-2013; J.D., *Cum Laude*, Washington College of Law at American University, 1998; Senior Editor, *Administrative Law Review*, Washington College of Law at American University

Randall J. Baron | Partner

Randy Baron is a partner in the Firm's San Diego office. He specializes in securities litigation, corporate takeover litigation and breach of fiduciary duty actions. For almost two decades, Baron has headed up a team of lawyers whose accomplishments include obtaining instrumental rulings both at injunction and trial phases, establishing liability of financial advisors and investment banks. With an in-depth understanding of merger and acquisition and breach of fiduciary duty law, an ability to work under extreme time pressures, and the experience and willingness to take a case through trial, he has been responsible for recovering more than a billion dollars for shareholders. Notable achievements over the years include: *In re Kinder Morgan, Inc. S'holders Litig.* (Kan. Dist. Ct., Shawnee Cty.) (\$200 million common fund for former Kinder Morgan shareholders, the largest merger & acquisition class action recovery in history); *In re Dole Food Co., Inc. Stockholder Litig.* (Del. Ch.) (obtained \$148 million, the largest trial verdict ever in a class action challenging a merger transaction); and *In re Rural/Metro Corp. Stockholders Litig.* (Del. Ch.) (Baron and co-counsel obtained nearly \$110 million for shareholders against Royal Bank of Canada Capital Markets LLC). In *In re Del Monte Foods Co. S'holders Litig.* (Del. Ch.), he exposed the unseemly practice by investment bankers of participating on both sides of large merger and acquisition transactions and ultimately secured an \$89 million settlement for shareholders of Del Monte. Baron was one of the lead attorneys representing about 75 public and private institutional investors that filed and settled individual actions in *In re WorldCom Sec. Litig.* (S.D.N.Y.), where more than \$657 million was recovered, the largest opt-out (non-class) securities action in history. In *In re Dollar Gen. Corp. S'holder Litig.* (Tenn. Cir. Ct., Davidson Cty.), Baron was lead trial counsel and helped to secure a settlement of up to \$57 million in a common fund shortly before trial, and in *Brown v. Brewer* (C.D. Cal.), he secured \$45 million for shareholders of Intermix Corporation, relating to News Corp.'s acquisition of that company. Formerly, Baron served as a Deputy District Attorney from 1990-1997 in Los Angeles County.

Education

B.A., University of Colorado at Boulder, 1987; J.D., University of San Diego School of Law, 1990

Honors / Awards

Best Lawyer in America, *Best Lawyers*®, 2019; Winning Litigator, *The National Law Journal*, 2018; Leading Lawyer, *Chambers USA*, 2016-2018; Local Litigation Star, *Benchmark Litigation*, 2018; Litigation Star, *Benchmark Litigation*, 2016-2018; Leading Lawyer in America, *Lawdragon*, 2011, 2017-2018; Super Lawyer, 2014-2016, 2018; Leading Lawyer, *The Legal 500*, 2014-2018; Recommended Lawyer, *The Legal 500*, 2017; Mergers & Acquisitions Trailblazer, *The National Law Journal*, 2015-2016; Litigator of the Week, *The American Lawyer*, October 16, 2014; Attorney of the Year, *California Lawyer*, 2012; Litigator of the Week, *The American Lawyer*, October 7, 2011; J.D., *Cum Laude*, University of San Diego School of Law, 1990

James E. Barz | Partner

James Barz is a partner at the Firm and manages the Firm's Chicago office. He is a registered CPA, a former federal prosecutor, and he has been an adjunct professor at Northwestern University School of Law from 2008 to 2017, teaching courses on trial advocacy and class action litigation. Barz has focused on representing investors in securities fraud class actions that have resulted in recoveries of over \$900 million, including: *HCA* (\$215 million, M.D. Tenn.); *Motorola* (\$200 million, N.D. Ill.); *Sprint* (\$131 million, D. Kan.); *Psychiatric Solutions* (\$65 million, M.D. Tenn.); Dana Corp. (\$64 million, N.D. Ohio); and *Hospira* (\$60 million, N.D. Ill.). He has been lead or co-lead trial counsel in several of these cases obtaining favorable settlements just days or weeks before trial and after obtaining denials of summary judgment. Barz is currently representing investors in securities fraud litigation against Valeant Pharmaceuticals Inc. (D.N.J.). Barz also handles whistleblower, antitrust, and consumer class actions and has responsibilities for Firm training and professional responsibility matters.

Prior to joining the Firm, Barz was a partner at Mayer Brown LLP from 2006 to 2011 and an associate from 1998 to 2002. At Mayer Brown, Barz handled commercial litigation, internal investigations, and antitrust cases. Barz was also active in their pro bono program where, in his first jury trial, he won an acquittal on all charges and, in his first appeal, he obtained the reversal of a conviction based on the trial judge having solicited a bribe. From 2002 to 2006 he served as an Assistant United States Attorney in Chicago, trying cases and supervising investigations involving public corruption, financial frauds, tax offenses, money laundering, and drug and firearm offenses. He successfully obtained a conviction against every defendant who went to trial.

Education

B.B.A., Loyola University Chicago, School of Business Administration, 1995; J.D., Northwestern University School of Law, 1998

Honors / Awards

Leading Lawyer, Law Bulletin Media, 2018; Super Lawyer, 2018; B.B.A., *Summa Cum Laude*, Loyola University Chicago, School of Business Administration, 1995; J.D., *Cum Laude*, Northwestern University School of Law, 1998

Nathan W. Bear | Partner

Nate Bear is a partner in the Firm's San Diego office. Bear advises institutional investors on a global basis. His clients include Taft-Hartley funds, public and multi-employer pension funds, fund managers, insurance companies and banks around the world. He counsels clients on securities fraud and corporate governance, and frequently speaks at conferences worldwide. He has recovered over \$1 billion for investors, including *In re Cardinal Health, Inc. Sec. Litig.* (\$600 million) and *Jones v. Pfizer Inc.* (\$400 million). In addition to initiating securities fraud class actions in the United States, he possesses direct experience in potential group actions in the United Kingdom, settlements in the European Union under the Wet Collectieve Afwikkeling Massaschade (WCAM), the Dutch Collective Mass Claims Settlement Act, as well as representative actions in Germany utilizing the Kapitalanlegermusterverfahrensgesetz (KapMuG), the Capital Market Investors' Model Proceeding Act. In *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.*, Bear commenced a lawsuit resulting in the first major ruling upholding fraud allegations against the chief credit rating agencies. That ruling led to the filing of a similar case, *King County, Washington v. IKB Deutsche Industriebank AG*. These cases, arising from the fraudulent ratings of bonds issued by the Cheyne and Rhinebridge structured investment vehicles, ultimately obtained landmark settlements – on the eve of trial – from the major credit rating agencies and Morgan Stanley. Bear maintained an active role in litigation at the heart of the worldwide financial crisis, and is currently pursuing banks over their manipulation of LIBOR, FOREX and other benchmark rates.

Education

B.A., University of California at Berkeley, 1998; J.D., University of San Diego School of Law, 2006

Honors / Awards

Super Lawyer "Rising Star," 2015-2016; "Outstanding Young Attorneys," *San Diego Daily Transcript*, 2011

Alexandra S. Bernay | Partner

Xan Bernay is a partner in the Firm's San Diego office, where she specializes in antitrust and unfair competition class-action litigation. She has also worked on some of the Firm's largest securities fraud class actions, including the *Enron* litigation, which recovered an unprecedented \$7.2 billion for investors. Bernay's current practice focuses on the prosecution of antitrust and consumer fraud cases. In *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.* Bernay serves as co-lead counsel. That case, pending in the Eastern District of New York, is brought on behalf of millions of U.S. merchants against Visa and MasterCard and various card-issuing banks. The case challenges the way these companies set and collect tens of billions of dollars annually in merchant fees.

Additionally, Bernay is involved in antitrust cases on behalf of various generic drug purchasers who allege a wide-ranging scheme against major drug companies. She is also involved in *In re Remicade Antitrust Litig.* pending in the Eastern District of Pennsylvania – a large case involving anticompetitive conduct in the biosimilars market. She is also part of the litigation team in a case involving anticompetitive conduct related to dealer management systems on behalf of auto dealerships across the country. That case, *In re Dealer Mgmt. Sys. Antitrust Litig.*, is pending in the Northern District of Illinois. In the past, Bernay was actively involved in the consumer action on behalf of bank customers who were overcharged for debit card transactions. That case, *In re Checking Account Overdraft Litig.*, resulted in more than \$500 million in settlements with major banks that manipulated customers' debit transactions to maximize overdraft fees.

Education

B.A., Humboldt State University, 1997; J.D., University of San Diego School of Law, 2000

Honors / Awards

Litigator of the Week, *Global Competition Review*, October 1, 2014

Erin W. Boardman | Partner

Erin Boardman is a partner in the Firm's Melville office, where her practice focuses on representing individual and institutional investors in class actions brought pursuant to the federal securities laws. She has been involved in the prosecution of numerous securities class actions that have resulted in millions of dollars in recoveries for defrauded investors, including: *Medoff v. CVS Caremark Corp.* (D.R.I.) (\$48 million recovery); *Construction Laborers Pension Trust of Greater St. Louis v. Autoliv Inc.* (S.D.N.Y.) (\$22.5 million recovery); *In re Gildan Activewear Inc. Sec. Litig.* (S.D.N.Y.) (resolved as part of a \$22.5 million global settlement); *In re L.G. Phillips LCD Co., Ltd., Sec. Litig.* (S.D.N.Y.) (\$18 million recovery); *In re Giant Interactive Grp., Inc. Sec. Litig.* (S.D.N.Y.) (\$13 million recovery); *In re Coventry HealthCare, Inc. Sec. Litig.* (D. Md.) (\$10 million recovery); *Lenartz v. American Superconductor Corp.* (D. Mass.) (\$10 million recovery); *Dudley v. Haub* (D.N.J.) (\$9 million recovery); *Hildenbrand v. W Holding Co.* (D.P.R.) (\$8.75 million recovery); *In re Doral Financial Corp. Sec. Litig.* (D.P.R.) (\$7 million recovery); and *Van Dongen v. CNinsure Inc.* (S.D.N.Y.) (\$6.625 million recovery). During law school, Boardman served as Associate Managing Editor of *the Journal of Corporate, Financial and Commercial Law* interned in the chambers of the Honorable Kiyo A. Matsumoto in the United States District Court for the Eastern District of New York, and represented individuals on a *pro bono* basis through the Workers' Rights Clinic.

Education

B.A., State University of New York at Binghamton, 2003; J.D., Brooklyn Law School, 2007

Honors / Awards

Super Lawyer "Rising Star," 2015-2018; B.A., *Magna Cum Laude*, State University of New York at Binghamton, 2003

Douglas R. Britton | Partner

Doug Britton is a partner in the Firm's San Diego office. His practice focuses on securities fraud and corporate governance. Britton has been involved in settlements exceeding \$1 billion and has secured significant corporate governance enhancements to improve corporate functioning. Notable achievements include *In re WorldCom, Inc. Sec. & "ERISA" Litig.*, where he was one of the lead partners that represented a number of opt-out institutional investors and secured an unprecedented recovery of \$651 million; *In re SureBeam Corp. Sec. Litig.*, where he was the lead trial counsel and secured an impressive recovery of \$32.75 million; and *In re Amazon.com, Inc. Sec. Litig.*, where he was one of the lead attorneys securing a \$27.5 million recovery for investors.

Education

B.B.A., Washburn University, 1991; J.D., Pepperdine University School of Law, 1996

Honors / Awards

J.D., *Cum Laude*, Pepperdine University School of Law, 1996

Luke O. Brooks | Partner

Luke Brooks is a partner in the Firm's securities litigation practice group in the San Diego office. He focuses primarily on securities fraud litigation on behalf of individual and institutional investors, including state and municipal pension funds, Taft-Hartley funds, and private retirement and investment funds. Brooks was on the trial team in *Jaffe v. Household Int'l, Inc.*, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Other prominent cases recently prosecuted by Brooks include *Fort Worth Employees' Retirement Fund v. J.P. Morgan Chase & Co.*, in which plaintiffs recovered \$388 million for investors in J.P. Morgan residential mortgage-backed securities, and a pair of cases – *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.* (“Cheyne”) and *King County, Washington, et al. v. IKB Deutsche Industriebank AG* (“Rhinebridge”) – in which plaintiffs obtained a settlement, on the eve of trial in Cheyne, from the major credit rating agencies and Morgan Stanley arising out of the fraudulent ratings of bonds issued by the Cheyne and Rhinebridge structured investment vehicles.

Education

B.A., University of Massachusetts at Amherst, 1997; J.D., University of San Francisco, 2000

Honors / Awards

Local Litigation Star, *Benchmark Litigation*, 2017-2018; Recommended Lawyer, *The Legal 500*, 2017-2018; Member, *University of San Francisco Law Review*, University of San Francisco

Spencer A. Burkholz | Partner

Spence Burkholz is a partner in the Firm's San Diego office and a member of the Firm's Executive and Management Committees. He has 21 years of experience in prosecuting securities class actions and private actions on behalf of large institutional investors. Burkholz was one of the lead trial attorneys in *Jaffe v. Household Int'l, Inc.*, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Burkholz has also recovered billions of dollars for injured shareholders in cases such as *Enron* (\$7.2 billion), *WorldCom* (\$657 million), *Countrywide* (\$500 million) and *Qwest* (\$445 million). He is currently representing large institutional investors in actions involving the credit crisis.

Education

B.A., Clark University, 1985; J.D., University of Virginia School of Law, 1989

Honors / Awards

Best Lawyer in America, *Best Lawyers®*, 2018-2019; Plaintiff Attorney of the Year, *Benchmark Litigation*, 2018; Leading Lawyer in America, *Lawdragon*, 2018; Local Litigation Star, *Benchmark Litigation*, 2015-2018; Top 100 Trial Lawyer, *Benchmark Litigation*, 2018; Recommended Lawyer, *The Legal 500*, 2017-2018; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2017; Super Lawyer, 2015-2016; B.A., *Cum Laude*, Clark University, 1985; *Phi Beta Kappa*, Clark University, 1985

Susannah R. Conn | Partner

Susannah Conn is a partner in the Firm's San Diego office, where her practice focuses on complex securities litigation. Since joining the Firm, Conn has participated in the prosecution of several cases that have resulted in substantial recoveries for investors, including *Alaska Elec. Pension Fund v. Pharmacia Corp.*, *City of Livonia Emps.' Ret. Sys. v. Wyeth* and *In re Sanofi-Aventis Sec. Litig.* Conn is currently a member of the team prosecuting *In re Medtronic, Inc. Sec. Litig.*, No. 13-cv-01686 (D. Minn.), and *Teachers Ret. Sys. of Ill. v. Am. Int'l Grp., Inc.*, No. 13-cv-03377 (S.D.N.Y.).

Education

B.A., University of Wyoming, 1995; J.D., California Western School of Law, 1999

Honors / Awards

J.D., *Magna Cum Laude*, California Western School of Law, 1999; Executive Lead Articles Editor, *California Western Law Review*, California Western School of Law; B.A., *Cum Laude*, University of Wyoming, 1995; Outstanding Graduate Award, University of Wyoming

Joseph D. Daley | Partner

Joseph Daley is a partner in the Firm's San Diego office, serves on the Firm's Securities Hiring Committee, and is a member of the Firm's Appellate Practice Group. Precedents include: *City of Providence v. Bats Glob. Mkts., Inc.*, 878 F.3d 36 (2d Cir. 2017); *DeJulius v. New Eng. Health Care Emps. Pension Fund*, 429 F.3d 935 (10th Cir. 2005); *Frank v. Dana Corp.* ("Dana I"), 547 F.3d 564 (6th Cir. 2008); *Frank v. Dana Corp.* ("Dana II"), 646 F.3d 954 (6th Cir. 2011); *Freidus v. Barclays Bank Plc*, 734 F.3d 132 (2d Cir. 2013); *In re HealthSouth Corp. Sec. Litig.*, 334 F. App'x 248 (11th Cir. 2009); *In re Merck & Co. Sec., Derivative & ERISA Litig.*, 493 F.3d 393 (3d Cir. 2007); *In re Quality Sys., Inc. Sec. Litig.*, 865 F.3d 1130 (9th Cir. 2017); *In re Qwest Commc'ns Int'l*, 450 F.3d 1179 (10th Cir. 2006); *Luther v. Countrywide Home Loans Servicing LP*, 533 F.3d 1031 (9th Cir. 2008); *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.*, 693 F.3d 145 (2d Cir. 2012); *Rosenbloom v. Pyott* ("Allergan"), 765 F.3d 1137 (9th Cir. 2014); *Silverman v. Motorola Solutions, Inc.*, 739 F.3d 956 (7th Cir. 2013); *Siracusano v. Matrixx Initiatives, Inc.*, 585 F.3d 1167 (9th Cir. 2009), *aff'd*, 563 U.S. 27 (2011); and *Southland Sec. Corp. v. INSpire Ins. Solutions Inc.*, 365 F.3d 353 (5th Cir. 2004). Daley is admitted to practice before the U.S. Supreme Court, as well as before 12 U.S. Courts of Appeals around the nation.

Education

B.S., Jacksonville University, 1981; J.D., University of San Diego School of Law, 1996

Honors / Awards

Super Lawyer, 2011-2012, 2014-2018; Appellate Moot Court Board, Order of the Barristers, University of San Diego School of Law; Best Advocate Award (Traynore Constitutional Law Moot Court Competition), First Place and Best Briefs (Alumni Torts Moot Court Competition and USD Jessup International Law Moot Court Competition)

Patrick W. Daniels | Partner

Patrick Daniels is a founding and managing partner in the Firm's San Diego office. He is widely recognized as a leading corporate governance and investor advocate. The *Daily Journal*, the leading legal publisher in California, named him one of the 20 most influential lawyers in California under 40 years of age. Additionally, the Yale School of Management's Millstein Center for Corporate Governance and Performance awarded Daniels its "Rising Star of Corporate Governance" honor for his outstanding leadership in shareholder advocacy and activism. Daniels counsels private and state government pension funds, central banks and fund managers in the United States, Australia, United Arab Emirates, United Kingdom, the Netherlands, and other countries within the European Union on issues related to corporate fraud in the United States securities markets and on "best practices" in the corporate governance of publicly traded companies. Daniels has represented dozens of institutional investors in some of the largest and most significant shareholder actions, including *Enron*, *WorldCom*, *AOL Time Warner*, *BP*, *Pfizer*, *Countrywide*, *Petrobras* and *Volkswagen*, to name just a few. In the wake of the financial crisis, he represented dozens of investors in structured investment products in ground-breaking actions against the ratings agencies and Wall Street banks that packaged and sold supposedly highly rated shoddy securities to institutional investors all around the world.

Education

B.A., University of California, Berkeley, 1993; J.D., University of San Diego School of Law, 1997

Honors / Awards

One of the Most 20 Most Influential Lawyers in the State of California Under 40 Years of Age, *Daily Journal*; Rising Star of Corporate Governance, Yale School of Management's Milstein Center for Corporate Governance & Performance; B.A., *Cum Laude*, University of California, Berkeley, 1993

Stuart A. Davidson | Partner

Stuart Davidson is a partner in the Firm's Boca Raton office. His practice focuses on complex consumer class actions, including cases involving deceptive and unfair trade practices, privacy and data breach issues, as well as representing investors in class actions involving mergers and acquisitions, and prosecuting derivative lawsuits on behalf of public corporations. Since joining the Firm, Davidson has obtained multi-million dollar recoveries for consumers, healthcare providers and shareholders, including cases involving Aetna Health, Vista Healthplan, Fidelity Federal Bank & Trust, Winn-Dixie, and UnitedGlobalCom. He currently serves as co-lead counsel for hundreds of retired NHL players in *In re NHL Players' Concussion Injury Litigation* in the District of Minnesota, serves as a member of the Plaintiffs' Executive Committee in *In re Yahoo! Inc. Customer Data Security Breach Litigation* in the Northern District of California regarding the the largest data breach in history, and is spearheading several aspects of *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation* in the District of Kansas, a case involving the illegal monopolization of the epinephrine auto-injector market, which allowed the prices of the life-saving EpiPen to rise over 600% in 9 years, and where Robbins Geller named partner Paul J. Geller was appointed Co-Lead Counsel. Davidson also serves as a member on the Plaintiffs' Steering Committee in *In re Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, which concerns serious security vulnerabilities – known as “Spectre” and “Meltdown” – that infect nearly all of Intel's x86 processors manufactured and sold since 1995, the patching of which results in processing speed degradation of the impacted computer, server or mobile device.

Davidson is a former lead assistant public defender in the Felony Division of the Broward County, Florida Public Defender's Office. During his tenure at the Public Defender's Office, he tried over 30 jury trials, conducted hundreds of depositions, handled numerous evidentiary hearings, engaged in extensive motion practice, and defended individuals charged with major crimes ranging from third-degree felonies to life and capital felonies.

Education

B.A., State University of New York at Geneseo, 1993; J.D., Nova Southeastern University Shepard Broad Law Center, 1996

Honors / Awards

J.D., *Summa Cum Laude*, Nova Southeastern University Shepard Broad Law Center, 1996; Associate Editor, *Nova Law Review*, Book Awards in Trial Advocacy, Criminal Pretrial Practice and International Law

Jason C. Davis | Partner

Jason Davis is a partner in the Firm's San Francisco office where he practices securities class actions and complex litigation involving equities, fixed-income, synthetic and structured securities issued in public and private transactions. Davis was on the trial team in *Jaffe v. Household Int'l, Inc.*, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs.

Prior to joining the Firm, Davis focused on cross-border transactions, mergers and acquisitions at Cravath, Swaine and Moore LLP in New York.

Education

B.A., Syracuse University, 1998; J.D., University of California at Berkeley, Boalt Hall School of Law, 2002

Honors / Awards

B.A., *Summa Cum Laude*, Syracuse University, 1998; International Relations Scholar of the year, Syracuse University; Teaching fellow, examination awards, Moot court award, University of California at Berkeley, Boalt Hall School of Law

Mark J. Dearman | Partner

Mark Dearman is a partner in the Firm's Boca Raton office, where his practice focuses on consumer fraud, securities fraud, mass torts, antitrust, whistleblower and corporate takeover litigation. Dearman, along with other Robbins Geller attorneys, is currently leading the effort on behalf of cities and counties around the country in *In re National Prescription Opiate Litigation*. He was also recently appointed as the Chair of the Plaintiffs' Executive Committee in *In re Apple Inc. Device Performance Litigation* and was appointed to the Plaintiffs' Executive Committee in *In re FieldTurf Artificial Turf Mktg. Practices Litig.*, which alleges that FieldTurf USA Inc. and its related companies sold defective synthetic turf for use in athletic fields. His other recent representative cases include: *In re NHL Players' Concussion Injury Litig.*, 2015 U.S. Dist. LEXIS 38755 (D. Minn. 2015); *In re Sony Gaming Networks & Customer Data Sec. Breach Litig.*, 903 F. Supp. 2d 942 (S.D. Cal. 2012); *In re Volkswagen "Clean Diesel" Mktg. Sales Practice, & Prods. Liab. Litig.*, 2016 U.S. Dist. LEXIS 1357 (N.D. Cal. 2016); *In re Ford Fusion & C-Max Fuel Econ. Litig.*, 2015 U.S. Dist. LEXIS 155383 (S.D.N.Y. 2015); *Looper v. FCA US LLC*, No. 5:14-cv-00700 (C.D. Cal.); *In re Aluminum Warehousing Antitrust Litig.*, 95 F. Supp. 3d 419 (S.D.N.Y. 2015), *aff'd*, 833 F.3d 151 (2d Cir. 2016); *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 16-md-2687 (D.N.J.); *In re Winn-Dixie Stores, Inc. S'holder Litig.*, No. 16-2011-CA-010616 (Fla. 4th Jud. Cir. Ct., Duval Cty.); *Gemelas v. Dannon Co. Inc.*, No. 1:08-cv-00236 (N.D. Ohio); and *In re AuthenTec, Inc. S'holder Litig.*, No. 05-2012-CA-57589 (Fla. 18th Jud. Cir. Ct., Brevard Cty.). Prior to joining the Firm, he founded Dearman & Gerson, where he defended Fortune 500 companies, with an emphasis on complex commercial litigation, consumer claims, and mass torts (products liability and personal injury), and has obtained extensive jury trial experience throughout the United States. Having represented defendants for so many years before joining the Firm, Dearman has a unique perspective that enables him to represent clients effectively.

Education

B.A., University of Florida, 1990; J.D., Nova Southeastern University, 1993

Honors / Awards

AV rated by Martindale-Hubbell; Super Lawyer, 2014-2018; In top 1.5% of Florida Civil Trial Lawyers in *Florida Trend's* Florida Legal Elite, 2006, 2004

Travis E. Downs III | Partner

Travis Downs is a partner in the Firm's San Diego office. His areas of expertise include prosecution of shareholder and securities litigation, including complex shareholder derivative actions. Downs led a team of lawyers who successfully prosecuted over 65 stock option backdating derivative actions in federal and state courts across the country, resulting in hundreds of millions in financial givebacks for the plaintiffs and extensive corporate governance enhancements, including annual directors elections, majority voting for directors and shareholder nomination of directors. Notable cases include: *In re Community Health Sys., Inc. S'holder Derivative Litig.* (\$60 million in financial relief and unprecedented corporate governance reforms); *In re Marvell Tech. Grp. Ltd. Derivative Litig.* (\$54 million in financial relief and extensive corporate governance enhancements); *In re McAfee, Inc. Derivative Litig.* (\$30 million in financial relief and extensive corporate governance enhancements); *In re Affiliated Computer Servs. Derivative Litig.* (\$30 million in financial relief and extensive corporate governance enhancements); *In re KB Home S'holder Derivative Litig.* (\$30 million in financial relief and extensive corporate governance enhancements); *In re Juniper Networks Derivative Litig.* (\$22.7 million in financial relief and extensive corporate governance enhancements); and *In re Nvidia Corp. Derivative Litig.* (\$15 million in financial relief and extensive corporate governance enhancements).

He was also part of the litigation team that obtained a \$67 million settlement in *City of Westland Police & Fire Ret. Sys. v. Stumpf*, a shareholder derivative action alleging that Wells Fargo participated in the mass-processing of home foreclosure documents by engaging in widespread robo-signing, and a \$250 million settlement in *In re Google, Inc. Derivative Litig.*, an action alleging that Google facilitated in the improper advertising of prescription drugs. Downs is a frequent speaker at conferences and seminars and has lectured on a variety of topics related to shareholder derivative and class action litigation.

Education

B.A., Whitworth University, 1985; J.D., University of Washington School of Law, 1990

Honors / Awards

Best Lawyer in America, *Best Lawyers*®, 2018-2019; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2017; Board of Trustees, Whitworth University; Super Lawyer, 2008; B.A., Honors, Whitworth University, 1985

Daniel S. Drosman | Partner

Dan Drosman is a partner in the Firm's San Diego office and a member of the Firm's Management Committee. He focuses his practice on securities fraud and other complex civil litigation and has obtained significant recoveries for investors in cases such as *Morgan Stanley*, *Cisco Systems*, *Coca-Cola*, *Petco*, *PMI* and *America West*. Drosman served as one of the lead trial attorneys in *Jaffe v. Household Int'l, Inc.* in the Northern District of Illinois, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Drosman also led a group of attorneys prosecuting fraud claims against the credit rating agencies, where he was distinguished as one of the few plaintiffs' counsel to overcome the credit rating agencies' motions to dismiss.

Prior to joining the Firm, Drosman served as an Assistant District Attorney for the Manhattan District Attorney's Office, and an Assistant United States Attorney in the Southern District of California, where he investigated and prosecuted violations of the federal narcotics, immigration, and official corruption law.

Education

B.A., Reed College, 1990; J.D., Harvard Law School, 1993

Honors / Awards

Best Lawyer in America, *Best Lawyers®*, 2019; Leading Lawyer in America, *Lawdragon*, 2018; Recommended Lawyer, *The Legal 500*, 2017-2018; Super Lawyer, 2017-2018; Top 100 Lawyer, *Daily Journal*, 2017; Department of Justice Special Achievement Award, Sustained Superior Performance of Duty; B.A., Honors, Reed College, 1990; *Phi Beta Kappa*, Reed College, 1990

Thomas E. Egler | Partner

Tom Egler is a partner in the Firm's San Diego office and focuses his practice on representing clients in major complex, multidistrict litigations, such as *Lehman Brothers*, *Countrywide Mortgage Backed Securities*, *WorldCom*, *AOL Time Warner* and *Qwest*. He has represented institutional investors both as plaintiffs in individual actions and as lead plaintiffs in class actions. Prior to joining the Firm, Egler was a law clerk to the Honorable Donald E. Ziegler, Chief Judge, United States District Court, Western District of Pennsylvania.

Education

B.A., Northwestern University, 1989; J.D., The Catholic University of America, Columbus School of Law, 1995

Honors / Awards

Super Lawyer, 2017-2018; Associate Editor, the *Catholic University Law Review*

Alan I. Ellman | Partner

Alan Ellman is a partner in the Firm's Melville office, where he concentrates his practice on prosecuting complex securities fraud cases on behalf of institutional investors. Most recently, Ellman was on the team of Robbins Geller attorneys who obtained a \$34.5 million recovery in *Patel v. L-3 Communications Holdings, Inc.*, which represents a high percentage of damages that plaintiffs could reasonably expect to be recovered at trial and is more than eight times higher than the average settlement of cases with comparable investor losses. He was also on the team of attorneys who recovered in excess of \$34 million for investors in *In re OSG Sec. Litig.*, which represented an outsized recovery of 93% of bond purchasers' damages and 28% of stock purchasers' damages. The creatively structured settlement included more than \$15 million paid by a bankrupt entity. In 2006, Ellman received a Volunteer and Leadership Award from Housing Conservation Coordinators (HCC) for his *pro bono* service defending a client in Housing Court against a non-payment action, arguing an appeal before the Appellate Term, and staffing HCC's legal clinic. He also successfully appealed a *pro bono* client's criminal sentence before the Appellate Division.

Education

B.S., B.A., State University of New York at Binghamton, 1999; J.D., Georgetown University Law Center, 2003

Honors / Awards

Super Lawyer, 2017-2018; Super Lawyer "Rising Star," 2014-2015; B.S., B.A., *Cum Laude*, State University of New York at Binghamton, 1999

Jason A. Forge | Partner

Jason Forge is a partner in the Firm's San Diego office, specializing in complex investigations, litigation and trials. As a federal prosecutor and private practitioner, he has conducted and supervised scores of jury and bench trials in federal and state courts, including the month-long trial of a defense contractor who conspired with Congressman Randy "Duke" Cunningham in the largest bribery scheme in congressional history.

Forge was a key member of the litigation team that secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement refunds over 90% of the money thousands of students paid to "enroll" in Trump University. He represented the class on a *pro bono* basis. Forge has also successfully defeated motions to dismiss and obtained class certification against several prominent defendants, including the first securities fraud case against Wal-Mart Stores, Inc. and the first federal RICO case against Scotts Miracle-Gro. In a case against another prominent defendant, Pfizer Inc., he led an investigation that uncovered key documents that Pfizer had not produced in discovery. Although fact discovery in the case had already closed, the district judge ruled that the documents had been improperly withheld, and ordered that discovery be reopened, including reopening the depositions of Pfizer's former CEO, CFO and General Counsel. Less than six months after completing these depositions, Pfizer settled the case for \$400 million. Forge has also taught trial practice techniques on local and national levels, and has written and argued many state and federal appeals, including an *en banc* argument in the Ninth Circuit. He also teaches White Collar Crime at the University of San Diego School of Law.

Education

B.B.A., The University of Michigan Ross School of Business, 1990; J.D., The University of Michigan Law School, 1993

Honors / Awards

Best Lawyer in America, *Best Lawyers*®, 2019; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2018; Top 100 Lawyer, *Daily Journal*, 2017; Litigator of the Year, *Our City San Diego*, 2017; Two-time recipient of one of Department of Justice's highest awards: Director's Award for Superior Performance by Litigation Team; numerous commendations from Federal Bureau of Investigation (including commendation from FBI Director Robert Mueller III), Internal Revenue Service, and Defense Criminal Investigative Service; J.D., *Magna Cum Laude*, Order of the Coif, The University of Michigan Law School, 1993; B.B.A., High Distinction, The University of Michigan Ross School of Business, 1990

Paul J. Geller | Partner

Paul Geller, Managing Partner of Robbins Geller Rudman & Dowd LLP's Boca Raton, Florida office, is a Founding Partner of the Firm, a member of its Executive and Management Committees and head of the Firm's Consumer Practice Group. Geller's 25 years of litigation experience is broad, and he has handled cases in each of the Firm's practice areas. Notably, before devoting his practice to the representation of consumers and investors, he defended companies in high-stakes class action litigation, providing him an invaluable perspective. Geller has tried bench and jury trials on both the plaintiffs' and defendants' sides, and has argued before numerous state, federal and appellate courts throughout the country.

Geller was recently selected to serve in a leadership position on behalf of governmental entities and other plaintiffs in the sprawling litigation concerning the nationwide prescription opioid epidemic. In reporting on the selection of the lawyers to lead the case, *The National Law Journal* reported that Geller and "[t]he team reads like a 'Who's Who' in mass torts." Geller was also part of the leadership team representing consumers in the massive *Volkswagen "Clean Diesel" Emissions* case. The San Francisco legal newspaper *The Recorder* labeled Geller and the group that was appointed in that case, which settled for more than \$17 billion, a "class action dream team."

Geller is also currently serving as Co-Lead Counsel in *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices & Antitrust Litig.*, a nationwide class action that alleges that pharmaceutical company Mylan N.V. and others engaged in anticompetitive and unfair business conduct in its sale and marketing of the EpiPen Auto-Injector device.

Some of Geller's other recent noteworthy successes include a \$265 million recovery against Massey Energy in *In re Massey Energy Co. Sec. Litig.*, in which Massey was found accountable for a tragic explosion at the Upper Big Branch mine in Raleigh County, West Virginia. Geller also secured a \$146.25 million recovery against Duke Energy in *Nieman v. Duke Energy Corp.*, the largest recovery in North Carolina for a case involving securities fraud, and one of the five largest recoveries in the Fourth Circuit.

Education

B.S., University of Florida, 1990; J.D., Emory University School of Law, 1993

Honors / Awards

Best Lawyer in America, *Best Lawyers*®, 2017-2019; Rated AV by Martindale-Hubbell; Fellow, Litigation Counsel of America (LCA) Proven Trial Lawyers; Super Lawyer, 2007-2018; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2018; Lawyer of the Year, *Best Lawyers*®, 2018; Leading Lawyer in America, *Lawdragon*, 2006-2007, 2009-2018; Attorney of the Month, *Attorney At Law*, 2017; Featured in "Lawyer Limelight" series, *Lawdragon*, 2017; Recommended Lawyer, *The Legal 500*, 2016; Top Rated Lawyer, South Florida's Legal Leaders, *Miami Herald*, 2015; Litigation Star, *Benchmark Litigation*, 2013; "Legal Elite," *Florida Trend Magazine*; One of "Florida's Most Effective Lawyers," *American Law Media*, One of Florida's top lawyers in *South Florida Business Journal*, One of the Nation's Top "40 Under 40," *The National Law Journal*; One of Florida's Top Lawyers, *Law & Politics*; Editor, *Emory Law Journal*; Order of the Coif, Emory University School of Law

Christopher C. Gold | Partner

Christopher Gold is a partner in the Firm's Boca Raton office. His practice focuses on merger and acquisition, securities fraud, and consumer fraud litigation.

Gold is licensed to practice in Florida at both the state and the federal level and has worked on a number of notable cases, including: *In re Sony Gaming Networks & Customer Data Sec. Breach Litig.* (S.D. Cal.), involving the massive data breach of Sony's PlayStation Network in 2011, which settled for benefits valued at \$15 million; *In re Winn-Dixie Stores, Inc. S'holder Litig.* (Fla. 4th Cir. Ct.), which recovered \$9 million for former Winn-Dixie shareholders following the corporate buyout by BI-LO, the then-largest merger and acquisition recovery in Florida history; *In re AuthenTec, Inc. S'holder Litig.* (Fla. 18th Cir. Ct.), which settled for \$10 million (a new Florida record) on behalf of the former shareholders of AuthenTec following a buyout by Apple, which incorporated AuthenTec's fingerprint technology into the Apple iPhone; and *Boland v. Gerdau S.A., et al.* (S.D.N.Y.), which settled for \$15 million.

Education

B.S., Lynn University, 2006; J.D., DePaul University College of Law, 2010

Jonah H. Goldstein | Partner

Jonah Goldstein is a partner in the Firm's San Diego office and is responsible for prosecuting complex securities cases and obtaining recoveries for investors. He also represents corporate whistleblowers who report violations of the securities laws. Goldstein has achieved significant settlements on behalf of investors including in *In re HealthSouth Sec. Litig.* (over \$670 million recovered against HealthSouth, UBS and Ernst & Young), *In re Cisco Sec. Litig.* (approximately \$100 million), and *Marcus v. J.C. Penney Company, Inc.* (\$97.5 million recovery). Goldstein also served on the Firm's trial team in *In re AT&T Corp. Sec. Litig.*, MDL No. 1399 (D.N.J.), which settled after two weeks of trial for \$100 million, and aided in the \$65 million recovery in *Garden City Emps.' Ret. Sys. v. Psychiatric Solutions, Inc.*, the third largest securities recovery ever in the Middle District of Tennessee and the largest in more than a decade. Most recently, he was part of the litigation team in *Luna v. Marvell Tech. Grp., Ltd.*, resulting in a \$72.5 million settlement that represents approximately 24% to 50% of the best estimate of classwide damages suffered by investors. Prior to joining the Firm, Goldstein served as a law clerk for the Honorable William H. Erickson on the Colorado Supreme Court and as an Assistant United States Attorney for the Southern District of California, where he tried numerous cases and briefed and argued appeals before the Ninth Circuit Court of Appeals.

Education

B.A., Duke University, 1991; J.D., University of Denver College of Law, 1995

Honors / Awards

Recommended Lawyer, *The Legal 500*, 2018; Comments Editor, *University of Denver Law Review*, University of Denver College of Law

Benny C. Goodman III | Partner

Benny Goodman is a partner in the Firm's San Diego office. He primarily represents plaintiffs in shareholder actions on behalf of aggrieved corporations. Goodman has recovered hundreds of millions of dollars in shareholder derivative actions pending in state and federal courts across the nation. Most recently, he led a team of lawyers in litigation brought on behalf of Community Health Systems, Inc., resulting in a \$60 million payment to the company, the largest recovery in a shareholder derivative action in Tennessee and the Sixth Circuit, as well as best in class value enhancing corporate governance reforms that included two shareholder nominated directors to the Community Health Board of Directors.

Similarly, Goodman recovered a \$25 million payment to Lumber Liquidators and numerous corporate governance reforms, including a shareholder nominated director, in *In re Lumber Liquidators Holdings, Inc. S'holder Derivative Litig.* In *In re Google Inc. S'holder Derivative Litig.*, Goodman achieved groundbreaking corporate governance reforms designed to mitigate regulatory and legal compliance risk associated with online pharmaceutical advertising, including among other things, the creation of a \$250 million fund to help combat rogue pharmacies from improperly selling drugs online.

Education

B.S., Arizona State University, 1994; J.D., University of San Diego School of Law, 2000

Honors / Awards

Super Lawyer, 2018; Recommended Lawyer, *The Legal 500*, 2017

Elise J. Grace | Partner

Elise Grace is a partner in the San Diego office and counsels the Firm's institutional clients on options to secure premium recoveries in securities litigation both within the United States and internationally. Grace is a frequent lecturer and author on securities and accounting fraud, and develops annual MCLE and CPE accredited educational programs designed to train public fund representatives on practices to protect and maximize portfolio assets, create long-term portfolio value and best fulfill fiduciary duties. Grace has routinely been named a Recommended Lawyer by *The Legal 500*. Grace has prosecuted various significant securities fraud class actions, as well as the AOL Time Warner state and federal securities opt-out litigations, which resulted in a combined settlement of over \$629 million for defrauded investors. Prior to joining the Firm, Grace practiced at Clifford Chance, where she defended numerous Fortune 500 companies in securities class actions and complex business litigation.

Education

B.A., University of California, Los Angeles, 1993; J.D., Pepperdine School of Law, 1999

Honors / Awards

Recommended Lawyer, *The Legal 500*, 2016-2017; J.D., *Magna Cum Laude*, Pepperdine School of Law, 1999; American Jurisprudence Bancroft-Whitney Award – Civil Procedure, Evidence, and Dalsimer Moot Court Oral Argument; Dean's Academic Scholarship Recipient, Pepperdine School of Law; B.A., *Summa Cum Laude*, University of California, Los Angeles, 1993; B.A., *Phi Beta Kappa*, University of California, Los Angeles, 1993

Tor Gronborg | Partner

Tor Gronborg is a partner in the Firm's San Diego office and a member of the Firm's Management Committee. He often lectures on topics such as the Federal Rules of Civil Procedure and electronic discovery. Gronborg has served as lead or co-lead counsel in numerous securities fraud cases that have collectively recovered nearly \$2 billion for investors. Gronborg's work has included significant recoveries against corporations such as Cardinal Health (\$600 million), Motorola (\$200 million), Duke Energy (\$146.25 million), Sprint Nextel Corp. (\$131 million), Prison Realty (\$104 million), CIT Group (\$75 million), Wyeth (\$67.5 million) and Intercept Pharmaceuticals (\$55 million). On three separate occasions, his pleadings have been upheld by the federal Courts of Appeals (*Broudo v. Dura Pharm., Inc.*, 339 F.3d 933 (9th Cir. 2003), *rev'd on other grounds*, 554 U.S. 336 (2005); *In re Daou Sys.*, 411 F.3d 1006 (9th Cir. 2005); *Staehr v. Hartford Fin. Servs. Grp.*, 547 F.3d 406 (2d Cir. 2008)), and he has been responsible for a number of significant rulings, including *In re Sanofi-Aventis Sec. Litig.*, 293 F.R.D. 449 (S.D.N.Y. 2013); *Silverman v. Motorola, Inc.*, 798 F. Supp. 2d 954 (N.D. Ill. 2011); *Roth v. Aon Corp.*, 2008 U.S. Dist. LEXIS 18471 (N.D. Ill. 2008); *In re Cardinal Health, Inc. Sec. Litigs.*, 426 F. Supp. 2d 688 (S.D. Ohio 2006); and *In re Dura Pharm., Inc. Sec. Litig.*, 452 F. Supp. 2d 1005 (S.D. Cal. 2006).

Education

B.A., University of California, Santa Barbara, 1991; Rotary International Scholar, University of Lancaster, U.K., 1992; J.D., University of California, Berkeley, 1995

Honors / Awards

Super Lawyer, 2013-2018; Moot Court Board Member, University of California, Berkeley; AFL-CIO history scholarship, University of California, Santa Barbara

Ellen Gusikoff Stewart | Partner

Ellen Gusikoff Stewart is a partner in the Firm's San Diego office. She currently practices in the Firm's settlement department, negotiating and documenting complex securities, merger, ERISA and derivative action settlements. Notable settlements include: *Landmen Partners Inc. v. The Blackstone Grp. L.P.* (S.D.N.Y. 2013) (\$85 million); *Garden City Emps.' Ret. Sys. v. Psychiatric Sols., Inc.* (M.D. Tenn. 2015) (\$65 million); *City of Sterling Heights Gen. Emps.' Ret. Sys v. Hospira, Inc.* (N.D. Ill. 2014) (\$60 million); and *The Bd. of Trs. of the Operating Eng'rs Pension Tr. v. JPMorgan Chase Bank, N.A.* (S.D.N.Y. 2013) (\$23 million).

Education

B.A., Muhlenberg College, 1986; J.D., Case Western Reserve University, 1989

Honors / Awards

Peer-Rated by Martindale-Hubbell

Robert Henssler | Partner

Bobby Henssler is a partner in the Firm's San Diego office, where he focuses his practice on securities fraud and other complex civil litigation. He has obtained significant recoveries for investors in cases such as *Enron*, *Blackstone* and *CIT Group*. Henssler is currently a key member of the team of attorneys prosecuting fraud claims against Goldman Sachs stemming from Goldman's conduct in subprime mortgage transactions (including "Abacus").

Most recently, Henssler served on the litigation team for *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee. The recovery achieved approximately 70% of classwide damages, which as a percentage of damages significantly exceeds the median class action recovery of 2%-3% of damages. Henssler was also part of the litigation teams for *Marcus v. J.C. Penney Company, Inc.* (\$97.5 million recovery); *Landmen Partners Inc. v. The Blackstone Group L.P.* (\$85 million recovery); *In re Novatel Wireless Sec. Litig.* (\$16 million recovery); *Carpenters Pension Trust Fund of St. Louis v. Barclays PLC* (\$14 million settlement); and *Kmiec v. Powerwave Technologies, Inc.* (\$8.2 million settlement).

Education

B.A., University of New Hampshire, 1997; J.D., University of San Diego School of Law, 2001

Honors / Awards

Recommended Lawyer, *The Legal 500*, 2018

Dennis J. Herman | Partner

Dennis Herman is a partner in the Firm's San Francisco office where he focuses his practice on securities class actions. He has led or been significantly involved in the prosecution of numerous securities fraud claims that have resulted in substantial recoveries for investors, including settled actions against Massey Energy (\$265 million), Coca-Cola (\$137 million), VeriSign (\$78 million), Psychiatric Solutions, Inc. (\$65 million), St. Jude Medical, Inc. (\$50 million), NorthWestern (\$40 million), BancorpSouth (\$29.5 million), America Service Group (\$15 million), Specialty Laboratories (\$12 million), Stellant (\$12 million) and Threshold Pharmaceuticals (\$10 million).

Education

B.S., Syracuse University, 1982; J.D., Stanford Law School, 1992

Honors / Awards

Best Lawyer in America, *Best Lawyers*®, 2018-2019; Super Lawyer, 2017-2018; Order of the Coif, Stanford Law School; Urban A. Sontheimer Award (graduating second in his class), Stanford Law School; Award-winning Investigative Newspaper Reporter and Editor in California and Connecticut

John Herman | Partner

John Herman is a partner at the Firm, the Chair of the Firm's Intellectual Property and Technology Practice and manages the Firm's Atlanta office. His practice focuses on complex civil litigation, with a particular emphasis on high technology matters. His experience includes securities, patent, antitrust, data breach, whistleblower and class action litigation. Herman also has significant first chair trial experience, handling numerous cases through verdict in both federal and state courts. Herman has worked on many noteworthy cases and successfully achieved favorable results for his clients. His notable cases include a recent derivative settlement of \$60 million on behalf of Community Health Systems, as well as leading a team of attorneys enforcing the 3Com Ethernet patents, winning two jury trial victories in federal court. Herman also represented renowned inventor Ed Phillips in the landmark case of *Phillips v. AWH Corp.* He has represented the pioneers of mesh technology – David Petite, Edwin Brownrigg and SIPCO – in connection with their mesh technology portfolio. Herman has also worked on numerous class action cases, including acting as lead plaintiffs' counsel in the Home Depot shareholder derivative action, which achieved landmark corporate governance reforms for investors.

Education

B.S., Marquette University, 1988; J.D., Vanderbilt University Law School, 1992

Honors / Awards

Fellow, Litigation Counsel of America (LCA) Proven Trial Lawyers; Super Lawyer, 2005-2010, 2016-2018; Top Lawyers, *Atlanta Magazine*, 2017; Top 100 Georgia Super Lawyers list, 2007; One of "Georgia's Most Effective Lawyers," *Legal Trend*; John Wade Scholar, Vanderbilt University Law School; Editor-in-Chief, *Vanderbilt Journal*, Vanderbilt University Law School; B.S., *Summa Cum Laude*, Marquette University, 1988

Steven F. Hubachek | Partner

Steve Hubachek is a partner in the Firm's San Diego office. He is a member of the Firm's appellate group, where his practice concentrates on federal appeals. He has more than 25 years of appellate experience, has argued over 100 federal appeals, including 3 cases before the United States Supreme Court and 7 cases before en banc panels of the Ninth Circuit Court of Appeals. Prior to his work with the Firm, Hubachek joined Perkins Coie in Seattle, Washington, as an associate. He was admitted to the Washington State Bar in 1987 and was admitted to the California State Bar in 1990, practicing for many years with Federal Defenders of San Diego, Inc. He also had an active trial practice, including over 30 jury trials, and was Chief Appellate Attorney for Federal Defenders.

Education

B.A., University of California, Berkeley, 1983; J.D., Hastings College of the Law, 1987

Honors / Awards

Top Lawyer in San Diego, *San Diego Magazine*, 2014-2017; Assistant Federal Public Defender of the Year, National Federal Public Defenders Association, 2011; Appellate Attorney of the Year, San Diego Criminal Defense Bar Association, 2011 (co-recipient); President's Award for Outstanding Volunteer Service, Mid City Little League, San Diego, 2011; E. Stanley Conant Award for exceptional and unselfish devotion to protecting the rights of the indigent accused, 2009 (joint recipient); Super Lawyer, 2007-2009; *The Daily Transcript* Top Attorneys, 2007; AV rated by Martindale-Hubbell; J.D., *Cum Laude*, Order of the Coif, Thurston Honor Society, Hastings College of Law, 1987

Maxwell R. Huffman | Partner

Maxwell Huffman is a partner in the Firm's San Diego office. He focuses his practice on representing both institutional and individual shareholders in securities class action litigation in the context of mergers and acquisitions. Huffman was part of the litigation team for *In re Dole Food Co., Inc. Stockholder Litig.*, where he went to trial in the Delaware Court of Chancery on claims of breach of fiduciary duty on behalf of Dole Food Co., Inc. shareholders and obtained \$148 million, the largest trial verdict ever in a class action challenging a merger transaction.

Education

B.A., California State University, Sacramento, 2005; J.D., Gonzaga University School of Law, 2009

Honors / Awards

Winning Litigator, *The National Law Journal*, 2018

James I. Jaconette | Partner

James Jaconette is one of the founding partners of the Firm and is located in its San Diego office. He manages cases in the Firm's securities class action and shareholder derivative litigation practices. He has served as one of the lead counsel in securities cases with recoveries to individual and institutional investors totaling over \$8 billion. He also advises institutional investors, including hedge funds, pension funds and financial institutions. Landmark securities actions in which he contributed in a primary litigating role include *In re Informix Corp. Sec. Litig.*, and *In re Dynegy Inc. Sec. Litig.* and *In re Enron Corp. Sec. Litig.*, where he represented lead plaintiff The Regents of the University of California. Most recently, Jaconette was part of the trial team in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee. The recovery achieved approximately 70% of classwide damages, which as a percentage of damages significantly exceeds the median class action recovery of 2%-3% of damages.

Education

B.A., San Diego State University, 1989; M.B.A., San Diego State University, 1992; J.D., University of California Hastings College of the Law, 1995

Honors / Awards

J.D., *Cum Laude*, University of California Hastings College of the Law, 1995; Associate Articles Editor, *Hastings Law Journal*, University of California Hastings College of the Law; B.A., with Honors and Distinction, San Diego State University, 1989

Rachel L. Jensen | Partner

Rachel Jensen is a partner in the Firm's San Diego office. For 14 years, Jensen has prosecuted securities fraud, consumer fraud and antitrust class actions, helping to recover billions of dollars for individuals, government entities and businesses.

Jensen was one of the lead attorneys who secured a historic recovery on behalf of Trump University students nationwide in two class actions against President Donald J. Trump. The settlement provided \$25 million and compensated 7,000 class members for over 90% of their losses. Jensen represented the class on a *pro bono* basis. In 2017, Jensen was appointed by Judge Chen to serve on the Plaintiffs' Steering Committee in multidistrict litigation ("MDL") against Fiat Chrysler and Bosch for installing and concealing defeat devices in "EcoDiesel" SUVs and trucks. Jensen also represents drivers against Volkswagen in one of the most brazen corporate frauds in recent history; serves as one of the class counsel in a RICO action against Scotts Miracle-Gro for selling wild bird food products treated with pesticides that are hazardous to birds; and serves as one of the lead counsel on behalf of U.S. policyholders against certain Lloyd's Syndicates for collusive practices in the Lloyd's of London insurance market.

Among other recoveries, Jensen has played significant roles in *In re LendingClub Sec. Litig.*, No. 3:16-cv-02627-WHA (N.D. Cal.) (\$125 million to investors); *Negrete v. Allianz Life Ins. Co. of N. Am.*, No. CV056838CAS(MANx) (C.D. Cal.) (\$250 million to senior citizens targeted for exorbitant deferred annuities that would not mature in their lifetimes); *In re Ins. Brokerage Antitrust Litig.*, No. 04-5184(CCC) (D.N.J.) (\$200 million recovered for policyholders who paid inflated premiums due to kickback scheme among major insurers and brokers); *City of Westland Police & Fire Ret. Sys. v. Stumpf*, No. 3:11-cv-02369-SI (N.D. Cal.) (\$67 million in homeowner down-payment assistance and credit counseling for cities hardest hit by the foreclosure crisis and computer integration for mortgage servicing segments in derivative settlement with Wells Fargo for "robo-signing" of foreclosure affidavits); *In re Mattel, Inc., Toy Lead Paint Prods. Liab. Litig.*, No. 2:07-ml-01897-DSF-AJW (C.D. Cal.) (\$50 million in refunds and quality assurance business reforms for toys made in China with lead and magnets); *In re Checking Account Overdraft Litig.*, No. 1:09-md-2036-JLK (S.D. Fla.) (\$500 million in settlements with major banks for manipulating debit transactions to maximize overdraft fees).

Education

B.A., Florida State University, 1997; University of Oxford, International Human Rights Law Program at New College, Summer 1998; J.D., Georgetown University Law School, 2000

Honors / Awards

Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2018; Leading Lawyer in America, *Lawdragon*, 2017-2018; Super Lawyer, 2016-2018; Top Woman Lawyer, *Daily Journal*, 2017; Super Lawyer "Rising Star," 2015; Nominated for 2011 Woman of the Year, *San Diego Magazine*; Editor-in-Chief, *First Annual Review of Gender and Sexuality Law*, Georgetown University Law School; Dean's List 1998-1999; B.A., *Cum Laude*, Florida State University's Honors Program, 1997; *Phi Beta Kappa*

Steven M. Jodlowski | Partner

Steven Jodlowski is a partner in the Firm's San Diego office. His practice focuses on high-stakes complex litigation, often involving antitrust, securities and consumer claims. In recent years, he has specialized in representing investors in a series of antitrust actions involving the manipulation of benchmark rates, including the ISDAfix Benchmark litigation, which to date has resulted in the recovery of more than \$500 million on behalf of investors (pending final approval), *In re Treasuries Sec. Auction Antitrust Litig.*, and *In re SSA Bonds Antitrust Litig.* Jodlowski was also part of the trial team in an antitrust monopolization case against a multinational computer and software company.

Jodlowski has successfully prosecuted numerous antitrust and RICO cases. These cases resulted in the recovery of more than \$1 billion for investors and policyholders. Jodlowski has also represented institutional and individual shareholders in corporate takeover actions in state and federal court. He has handled pre- and post-merger litigation stemming from the acquisition of publicly listed companies in the biotechnology, oil and gas, information technology, specialty retail, electrical, banking, finance and real estate industries, among others.

Education

B.B.A., University of Central Oklahoma, 2002; J.D., California Western School of Law, 2005

Honors / Awards

Super Lawyer "Rising Star," 2015-2018; CAOC Consumer Attorney of the Year Award Finalist, 2015; J.D., *Cum Laude*, California Western School of Law, 2005

Peter M. Jones | Partner

Peter Jones is a partner in the Firm's Atlanta office. Though his practice primarily focuses on patent litigation, Jones has experience handling a wide range of complex litigation matters, including product liability actions and commercial disputes. Jones was part of the litigation team in *U.S. Ethernet Innovations, LLC v. Texas Instruments Incorporated*, in which he helped to enforce the 3Com Ethernet patents, winning two jury trial victories in federal court. Prior to joining the Firm, Jones practiced at King & Spalding LLP and clerked for the Honorable J.L. Edmondson, then Chief Judge of the United States Court of Appeals for the Eleventh Circuit.

Education

B.A., University of the South, 1999; J.D., University of Georgia School of Law, 2003

Honors / Awards

Super Lawyer "Rising Star," 2012-2013; Member, *Georgia Law Review*, Order of the Barristers, University of Georgia School of Law

Evan J. Kaufman | Partner

Evan Kaufman is a partner in the Firm's Melville office. He focuses his practice in the area of complex litigation, including securities, ERISA, corporate fiduciary duty, derivative, and consumer fraud class actions. Kaufman has served as lead counsel or played a significant role in numerous actions, including *In re TD Banknorth S'holders Litig.* (\$50 million recovery); *In re Gen. Elec. Co. ERISA Litig.* (\$40 million cost to GE, including significant improvements to GE's employee retirement plan, and benefits to GE plan participants valued in excess of \$100 million); *EnergySolutions, Inc. Sec. Litig.* (\$26 million recovery); *Lockheed Martin Corp. Sec. Litig.* (\$19.5 million recovery); *In re Warner Chilcott Ltd. Sec. Litig.* (\$16.5 million recovery); *In re Third Avenue Mgmt. Sec. Litig.* (\$14.25 million recovery); *In re Giant Interactive Grp., Inc. Sec. Litig.* (\$13 million recovery); *In re Royal Grp. Tech. Sec. Litig.* (\$9 million recovery); *Fidelity Ultra Short Bond Fund Litig.* (\$7.5 million recovery); *In re Audiovox Derivative Litig.* (\$6.75 million recovery and corporate governance reforms); *State Street Yield Plus Fund Litig.* (\$6.25 million recovery); *In re Merrill Lynch & Co., Inc., Internet Strategies Sec. Litig.* (resolved as part of a \$39 million global settlement); and *In re MONY Grp., Inc. S'holder Litig.* (obtained preliminary injunction requiring disclosures in proxy statement).

Education

B.A., University of Michigan, 1992; J.D., Fordham University School of Law, 1995

Honors / Awards

Super Lawyer, 2013-2015, 2017-2018; Member, *Fordham International Law Journal*, Fordham University School of Law

David A. Knotts | Partner

David Knotts is a partner in the Firm's San Diego office and, in addition to ongoing litigation work, teaches a full-semester course on M&A litigation at the University of California Berkeley School of Law as a Lecturer. He focuses his practice on securities class action litigation in the context of mergers and acquisitions, representing both individual shareholders and institutional investors. Knotts has been counsel of record for shareholders on a number of significant recoveries in California state courts and in the Delaware Court of Chancery, including *In re Rural/Metro Corp. Stockholders Litig.* (nearly \$110 million total recovery, affirmed by the Delaware Supreme Court in *RBC v. Jervis*), *In re Del Monte Foods Co. S'holders Litig.* (\$89.4 million), *Websense* (\$40 million), and *In re Onyx S'holders Litig.* (\$30 million). Indeed, *Websense* and *Onyx* – both approved in late 2016 – are believed to be the largest post-merger class settlements in California state court history.

Prior to joining Robbins Geller, Knotts was an associate at one of the largest law firms in the world and represented corporate clients in various aspects of state and federal litigation, including major antitrust matters, trade secret disputes, unfair competition claims, and intellectual property litigation.

Education

B.S., University of Pittsburgh, 2001; J.D., Cornell Law School, 2004

Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2018; Recommended Lawyer, *The Legal 500*, 2017-2018; Wiley W. Manuel Award for Pro Bono Legal Services, State Bar of California; Casa Cornelia Inns of Court; J.D., *Cum Laude*, Cornell Law School, 2004

Laurie L. Largent | Partner

Laurie Largent is a partner in the Firm's San Diego, California office. Her practice focuses on securities class action and shareholder derivative litigation and she has helped recover millions of dollars for injured shareholders. Largent was part of the litigation team that obtained a \$265 million recovery in *In re Massey Energy Co. Sec. Litig.*, in which Massey was found accountable for a tragic explosion at the Upper Big Branch mine in Raleigh County, West Virginia. She also helped obtain \$67.5 million for Wyeth shareholders in *City of Livonia Employees' Retirement System v. Wyeth, et al.*, settling claims that the defendants misled investors about the safety and commercial viability of one of the company's leading drug candidates. Most recently, Largent was on the team that secured a \$64 million recovery for Dana Corp. shareholders in *Plumbers & Pipefitters National Pension Fund v. Burns*, in which the Firm's Appellate Practice Group successfully appealed to the Sixth Circuit Court of Appeals twice, reversing the district court's dismissal of the action. She has been a board member on the San Diego County Bar Foundation and the San Diego Volunteer Lawyer Program since 2014. Largent has also served as an Adjunct Business Law Professor at Southwestern College in Chula Vista, California.

Education

B.B.A., University of Oklahoma, 1985; J.D., University of Tulsa, 1988

Honors / Awards

Board Member, San Diego County Bar Foundation, 2014-present; Board Member, San Diego Volunteer Lawyer Program, 2014-present

Arthur C. Leahy | Partner

Art Leahy is a founding partner in the Firm's San Diego office and a member of the Firm's Executive and Management Committees. He has over 20 years of experience successfully litigating securities actions and derivative cases. Leahy has recovered well over two billion dollars for the Firm's clients and has negotiated comprehensive pro-investor corporate governance reforms at several large public companies. Most recently, Leahy helped secure a \$272 million recovery on behalf of mortgage-backed securities investors in *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* In the *Goldman Sachs* case, he helped achieve favorable decisions in the Second Circuit Court of Appeals on behalf of investors of Goldman Sachs mortgage-backed securities and again in the Supreme Court, which denied Goldman Sachs' petition for certiorari, or review, of the Second Circuit's reinstatement of the plaintiff's case. He was also part of the Firm's trial team in the AT&T securities litigation, which AT&T and its former officers paid \$100 million to settle after two weeks of trial. Prior to joining the Firm, he served as a judicial extern for the Honorable J. Clifford Wallace of the United States Court of Appeals for the Ninth Circuit, and served as a judicial law clerk for the Honorable Alan C. Kay of the United States District Court for the District of Hawaii.

Education

B.A., Point Loma Nazarene University, 1987; J.D., University of San Diego School of Law, 1990

Honors / Awards

Super Lawyer, 2016-2017; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2017; J.D., *Cum Laude*, University of San Diego School of Law, 1990; Managing Editor, *San Diego Law Review*, University of San Diego School of Law

Nathan R. Lindell | Partner

Nate Lindell is a partner in the Firm's San Diego office, where his practice focuses on representing aggrieved investors in complex civil litigation. He has helped achieve numerous significant recoveries for investors, including: *In re Enron Corp. Sec. Litig.* (\$7.2 billion recovery); *In re HealthSouth Corp. Sec. Litig.* (\$671 million recovery); *Luther v. Countrywide Fin. Corp.* (\$500 million recovery); *Fort Worth Employees' Retirement Fund v. J.P. Morgan Chase & Co.* (\$388 million recovery); *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* (\$272 million recovery); *In re Morgan Stanley Mortgage Pass-Through Certificates Litig.* (\$95 million recovery); *Massachusetts Bricklayers and Masons Trust Funds v. Deutsche Alt-A Securities, Inc.* (\$32.5 million recovery); *City of Ann Arbor Employees' Ret. Sys. v. Citigroup Mortgage Loan Trust Inc.* (\$24.9 million recovery); and *Plumbers' Union Local No. 12 Pension Fund v. Nomura Asset Acceptance Corp.* (\$21.2 million recovery). In October 2016, Lindell successfully argued in front of the New York Supreme Court, Appellate Division, First Judicial Department, for the reversal of an earlier order granting defendants' motion to dismiss in *Phoenix Light SF Limited, et al. v. Morgan Stanley, et al.*

Lindell was also a member of the litigation team responsible for securing a landmark victory from the Second Circuit Court of Appeals in its precedent-setting *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* decision, which dramatically expanded the scope of permissible class actions asserting claims under the Securities Act of 1933 on behalf of mortgage-backed securities investors, and ultimately resulted in a \$272 million recovery for investors.

Education

B.S., Princeton University, 2003; J.D., University of San Diego School of Law, 2006

Honors / Awards

Super Lawyer "Rising Star," 2015-2017; Charles W. Caldwell Alumni Scholarship, University of San Diego School of Law; CALI/AmJur Award in Sports and the Law

Ryan Llorens | Partner

Ryan Llorens is a partner in the Firm's San Diego office. Llorens' practice focuses on litigating complex securities fraud cases. He has worked on a number of securities cases that have resulted in significant recoveries for investors, including *In re HealthSouth Corp. Sec. Litig.* (\$670 million); *AOL Time Warner* (\$629 million); *In re AT&T Corp. Sec. Litig.* (\$100 million); *In re Fleming Cos. Sec. Litig.* (\$95 million); and *In re Cooper Cos., Inc. Sec Litig.* (\$27 million).

Education

B.A., Pitzer College, 1997; J.D., University of San Diego School of Law, 2002

Honors / Awards

Super Lawyer "Rising Star," 2015

Andrew S. Love | Partner

Andrew Love is a partner in the Firm's San Francisco office. His practice focuses primarily on appeals of securities fraud class action cases. Love has briefed and argued cases on behalf of defrauded investors and consumers in several U.S. Courts of Appeal, as well as in the California appellate courts. Prior to joining the Firm, Love represented inmates on California's death row in appellate and habeas corpus proceedings, successfully arguing capital cases in both the California Supreme Court and the Ninth Circuit. During his many years as a death penalty lawyer, he co-chaired the Capital Case Defense Seminar (2004-2013), recognized as the largest conference for death penalty practitioners in the country. He regularly presented at the seminar and at other conferences on a wide variety of topics geared towards effective appellate practice. Additionally, he was on the faculty of the National Institute for Trial Advocacy's Post-Conviction Skills Seminar. Love has also written several articles on appellate advocacy and capital punishment that have appeared in *The Daily Journal*, *CACJ Forum*, *American Constitution Society*, and other publications.

Education

University of Vermont, 1981; J.D., University of San Francisco School of Law, 1985

Honors / Awards

J.D., *Cum Laude*, University of San Francisco School of Law, 1985; McAuliffe Honor Society, University of San Francisco School of Law, 1982-1985

Erik W. Luedeke | Partner

Erik Luedeke is a partner in the Firm's San Diego office, where his practice focuses on the prosecution of complex securities and shareholder derivative litigation. Luedeke was a member of the trial team in *Jaffe v. Household Int'l, Inc.*, No. 02-C-5893 (N.D. Ill.), a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. He was also part of the litigation teams in *In re UnitedHealth Grp. Inc. PSLRA Litig.*, No. 06-CV-1691 (D. Minn.) (\$925 million recovery), and *In re Questcor Pharm., Inc. Sec. Litig.*, No. 8:12-cv-01623 (C.D. Cal.) (\$38 million recovery).

Currently, Luedeke is involved in prosecuting a variety of shareholder derivative actions on behalf of corporations and shareholders injured by wayward corporate fiduciaries. Notable shareholder derivative actions in which he participated and the recoveries he helped to achieve include *In re Community Health Sys., Inc. S'holder Derivative Litig.* (\$60 million in financial relief and unprecedented corporate governance reforms), *In re Lumber Liquidators Holdings, Inc. S'holder Derivative Litig.* (\$26 million in financial relief plus substantial governance) and *In re Google Inc. S'holder Derivative Litig.* (\$250 million in financial relief to fund substantial governance).

Education

B.S./B.A., University of California Santa Barbara, 2001; J.D., University of San Diego School of Law, 2006

Honors / Awards

Super Lawyer "Rising Star," 2015-2017; Student Comment Editor, *San Diego International Law Journal*, University of San Diego School of Law

Carmen A. Medici | Partner

Carmen Medici is a partner in the Firm's San Diego office and focuses on complex antitrust class action litigation and unfair competition law. He represents businesses and consumers who are the victims of price-fixing, monopolization, collusion, and other anticompetitive and unfair business practices. Medici specializes in litigation against giants in the financial, pharmaceutical and commodities industries.

A veteran of litigation in the credit card industry, Medici is currently representing merchants in *In re Payment Card Interchange Fee & Merchant Discount Litig.* – one of the largest antitrust actions in history – which charges Visa, MasterCard and the country's major banks with violating federal law in the allegedly collusive manner in which rules are set in the industry, including rules requiring payment of ever-increasing interchange fees by merchants. He is also a part of the co-lead counsel team in *In re SSA Bonds Antitrust Litig.*, pending in the Southern District of New York, representing bond purchasers who were defrauded by a brazen price-fixing scheme perpetrated by traders at some of the nation's largest banks. Medici is also a member of the litigation team in *In re Dealer Management Systems Antitrust Litig.*, a lawsuit brought on behalf of car dealerships pending in federal court in Chicago.

Education

B.S., Arizona State University, 2003; J.D., University of San Diego School of Law, 2006

Honors / Awards

Super Lawyer "Rising Star," 2015-2018

Matthew S. Melamed | Partner

Matt Melamed is a partner in the Firm's San Francisco office, where he focuses on complex securities litigation and whistleblower representation. Since joining the Firm, he has been a member of litigation teams responsible for substantial investor recoveries, including *Jones v. Pfizer* (S.D.N.Y.), *In re St. Jude Medical, Inc. Securities Litigation* (D. Minn.), *Oklahoma Police Pension & Retirement System v. Sientra, Inc.* (Cal. Super. Ct., San Mateo Cty.) and *In re Willbros Group, Inc. Securities Litigation* (S.D. Tex.). He has also contributed to the Firm's appellate work, including in *Mineworkers' Pension Scheme, British Coal Staff Superannuation v. First Solar, Inc.* (9th Cir.) and *China Development Industrial Bank v. Morgan Stanley & Co. Incorporated* (N.Y. App. Div.). Melamed, along with other Robbins Geller attorneys, is currently leading the effort on behalf of cities and counties around the country in *In re National Prescription Opiate Litigation*.

Education

B.A., Wesleyan University, 1996; J.D., University of California, Hastings College of the Law, 2008

Honors / Awards

Super Lawyer "Rising Star," 2015-2018; J.D., *Magna Cum Laude*, University of California, Hastings College of the Law, 2008; Tony Patino Fellow, University of California, Hastings College of the Law; Order of the Coif, University of California, Hastings College of the Law; Senior Articles Editor, *Hastings Law Journal*, University of California, Hastings College of the Law; Student Director, General Assistance Advocacy Project, University of California, Hastings College of the Law

Mark T. Millkey | Partner

Mark Millkey is a partner in the Firm's Melville office. He has significant experience in the areas of securities and consumer litigation, as well as in federal and state court appeals.

During his career, Millkey has worked on a major consumer litigation against MetLife that resulted in a benefit to the class of approximately \$1.7 billion, as well as a securities class action against Royal Dutch/Shell that settled for a minimum cash benefit to the class of \$130 million and a contingent value of more than \$180 million. Since joining Robbins Geller, he has worked on securities class actions that have resulted in approximately \$300 million in settlements.

Education

B.A., Yale University, 1981; M.A., University of Virginia, 1983; J.D., University of Virginia, 1987

Honors / Awards

Super Lawyer, 2013-2018

David W. Mitchell | Partner

David Mitchell is a partner in the Firm's San Diego office and focuses his practice on securities fraud, antitrust and derivative litigation. He leads the Firm's antitrust benchmark litigations as well as the Firm's pay-for-delay actions. He has served as lead or co-lead counsel in numerous cases and has helped achieve substantial settlements for shareholders. His most notable cases include *Dahl v. Bain Capital Partners, LLC*, obtaining more than \$590 million for shareholders, and *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.* Additionally, Mitchell served as class counsel in the ISDAfix Benchmark action against 14 major banks and broker ICAP plc, obtaining more than \$500 million for plaintiffs (pending final approval). Currently, Mitchell serves as court-appointed counsel in *In re Aluminum Warehousing Antitrust Litig.*

Prior to joining the Firm, he served as an Assistant United States Attorney in the Southern District of California and prosecuted cases involving narcotics trafficking, bank robbery, murder-for-hire, alien smuggling, and terrorism. Mitchell has tried nearly 20 cases to verdict before federal criminal juries and made numerous appellate arguments before the Ninth Circuit Court of Appeals.

Education

B.A., University of Richmond, 1995; J.D., University of San Diego School of Law, 1998

Honors / Awards

Member, Enright Inn of Court; Best Lawyer in America, *Best Lawyers*®, 2018-2019; Super Lawyer, 2016-2018; Antitrust Trailblazer, *The National Law Journal*, 2015; "Best of the Bar," *San Diego Business Journal*, 2014

Maureen E. Mueller | Partner

Maureen Mueller is a partner in the Firm's Boca Raton office, where her practice focuses on complex securities litigation. Mueller has helped recover more than \$1 billion for investors. She was a member of the team of attorneys responsible for recovering a record-breaking \$925 million for investors in *In re UnitedHealth Grp. Inc. PSLRA Litig.* Mueller was also a member of the Firm's trial team in *Jaffe v. Household Int'l, Inc.*, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. She also served as co-lead counsel in *In re Wachovia Preferred Securities and Bond/Notes Litig.*, which recovered \$627 million.

Education

B.S., Trinity University, 2002; J.D., University of San Diego School of Law, 2007

Honors / Awards

Next Generation Lawyer, *The Legal 500*, 2018; Top Litigator Under 40, *Benchmark Litigation*, 2017; Top Women Lawyer, *Daily Journal*, 2017; Recommended Lawyer, *The Legal 500*, 2017; Super Lawyer "Rising Star," 2015-2017; "Outstanding Young Attorneys," *San Diego Daily Transcript*, 2010; Lead Articles Editor, *San Diego Law Review*, University of San Diego School of Law

Danielle S. Myers | Partner

Danielle Myers is a partner in the Firm's San Diego office, and focuses her practice on complex securities litigation. Myers is one of the partners that oversees the Portfolio Monitoring Program® and provides legal recommendations to the Firm's institutional investor clients on their options to maximize recoveries in securities litigation, both within the United States and internationally, from inception to settlement. In addition, Myers advises the Firm's clients in connection with lead plaintiff applications and has secured appointment of the Firm's clients as lead plaintiff in over 100 cases, including *Knurr v. Orbital ATK, Inc.*, No. 1:16-cv-01031 (E.D. Va.), *Evellard v. LendingClub Corp.*, No. 3:16-cv-02627 (N.D. Cal.), *In re Plains All American Pipeline, L.P. Sec. Litig.*, No. 4:15-cv-02404 (S.D. Tex.), *Marcus v. J.C. Penney Co., Inc.*, No. 6:13-cv-00736 (E.D. Tex.), *In re Hot Topic, Inc. Sec. Litig.*, No. 2:13-cv-02939 (C.D. Cal.), *Smilovits v. First Solar, Inc.*, No. 2:12-cv-00555 (D. Ariz.), and *In re Goldman Sachs Grp., Inc. Sec. Litig.*, No. 1:10-cv-03461 (S.D.N.Y.). Myers has obtained significant recoveries for shareholders in several cases, including: *Marcus v. J.C. Penney Co., Inc.*, No. 13-cv-00736 (E.D. Tex.) (\$97.5 million recovery); *In re Hot Topic, Inc. Sec. Litig.*, No. 2:13-cv-02939 (C.D. Cal.) (\$14.9 million recovery); *Genesee Cty. Emps.' Ret. Sys. v. Thornburg Mortg., Inc.*, No. 1:09-cv-00300 (D.N.M.) (\$11.25 million recovery); *Goldstein v. Tongxin Int'l Ltd.*, No. 2:11-cv-00348 (C.D. Cal.) (\$3 million recovery); and *Lane v. Page*, No. Civ-06-1071 (D.N.M.) (pre-merger increase in cash consideration and post-merger cash settlement). Myers is also a frequent lecturer on securities fraud and corporate governance reform at conferences and events around the world.

Education

B.A., University of California at San Diego, 1997; J.D., University of San Diego, 2008

Honors / Awards

Super Lawyer "Rising Star," 2015-2018; Next Generation Lawyer, *The Legal 500*, 2017-2018; One of the "Five Associates to Watch in 2012," *Daily Journal*; Member, *San Diego Law Review*; CALI Excellence Award in Statutory Interpretation

Eric I. Niehaus | Partner

Eric Niehaus is a partner in the Firm's San Diego office, where his practice focuses on complex securities and derivative litigation. His efforts have resulted in numerous multi-million dollar recoveries to shareholders and extensive corporate governance changes. Recent examples include: *In re NYSE Specialists Sec. Litig.* (S.D.N.Y.); *In re Novatel Wireless Sec. Litig.* (S.D. Cal.); *Batwin v. Occam Networks, Inc.* (C.D. Cal.); *Comm'n Workers of Am. Plan for Emps.' Pensions and Death Benefits v. CSK Auto Corp.* (D. Ariz.); *Marie Raymond Revocable Tr. v. Mat Five* (Del. Ch.); and *Kelleher v. ADVO, Inc.* (D. Conn.). Niehaus is currently prosecuting cases against several financial institutions arising from their role in the collapse of the mortgage-backed securities market. Prior to joining the Firm, Niehaus worked as a Market Maker on the American Stock Exchange in New York, and the Pacific Stock Exchange in San Francisco.

Education

B.S., University of Southern California, 1999; J.D., California Western School of Law, 2005

Honors / Awards

Super Lawyer "Rising Star," 2015-2016; J.D., *Cum Laude*, California Western School of Law, 2005; Member, *California Western Law Review*

Brian O. O'Mara | Partner

Brian O'Mara is a partner in the Firm's San Diego office. His practice focuses on complex securities and antitrust litigation. Since 2003, O'Mara has served as lead or co-lead counsel in numerous shareholder and antitrust actions, including: *Bennett v. Sprint Nextel Corp.* (D. Kan.) (\$131 million recovery); *In re CIT Grp. Inc. Sec. Litig.* (S.D.N.Y.) (\$75 million recovery); *In re MGM Mirage Sec. Litig.* (D. Nev.) (\$75 million recovery); *C.D.T.S. No. 1 v. UBS AG* (S.D.N.Y.); *In re Aluminum Warehousing Antitrust Litig.* (S.D.N.Y.); and *Alaska Elec. Pension Fund v. Bank of Am. Corp.* (S.D.N.Y.). Most recently, O'Mara served as class counsel in the ISDAfix Benchmark action against 14 major banks and broker ICAP plc, obtaining more than \$500 million for plaintiffs (pending final approval).

O'Mara has been responsible for a number of significant rulings, including: *Alaska Elec. Pension Fund v. Bank of Am. Corp.*, 175 F. Supp. 3d 44 (S.D.N.Y. 2016); *Bennett v. Sprint Nextel Corp.*, 298 F.R.D. 498 (D. Kan. 2014); *In re MGM Mirage Sec. Litig.*, 2013 U.S. Dist. LEXIS 139356 (D. Nev. 2013); *In re Constar Int'l, Inc. Sec. Litig.*, 2008 U.S. Dist. LEXIS 16966 (E.D. Pa. 2008), *aff'd*, 585 F.3d 774 (3d Cir. 2009); *In re Direct Gen. Corp. Sec. Litig.*, 2006 U.S. Dist. LEXIS 56128 (M.D. Tenn. 2006); and *In re Dura Pharm., Inc. Sec. Litig.*, 452 F. Supp. 2d 1005 (S.D. Cal. 2006). Prior to joining the Firm, he served as law clerk to the Honorable Jerome M. Polaha of the Second Judicial District Court of the State of Nevada.

Education

B.A., University of Kansas, 1997; J.D., DePaul University, College of Law, 2002

Honors / Awards

Super Lawyer, 2016-2018; CALI Excellence Award in Securities Regulation, DePaul University, College of Law

Lucas F. Olts | Partner

Luke Olts is a partner in the Firm's San Diego office, where his practice focuses on securities litigation on behalf of individual and institutional investors. Olts has recently focused on litigation related to residential mortgage-backed securities, and has served as lead counsel or co-lead counsel in some of the largest recoveries arising from the collapse of the mortgage market. For example, he was a member of the team that recovered \$388 million for investors in J.P. Morgan residential mortgage-backed securities in *Fort Worth Employees' Retirement Fund v. J.P. Morgan Chase & Co.*, and a member of the litigation team responsible for securing a \$272 million settlement on behalf of mortgage-backed securities investors in *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* Olts also served as co-lead counsel in *In re Wachovia Preferred Securities and Bond/Notes Litig.*, which recovered \$627 million under the Securities Act of 1933. He also served as lead counsel in *Siracusano v. Matrixx Initiatives, Inc.*, in which the U.S. Supreme Court unanimously affirmed the decision of the Ninth Circuit that plaintiffs stated a claim for securities fraud under §10(b) of the Securities Exchange Act of 1934 and SEC Rule 10b-5. Prior to joining the Firm, Olts served as a Deputy District Attorney for the County of Sacramento, where he tried numerous cases to verdict, including crimes of domestic violence, child abuse and sexual assault.

Education

B.A., University of California, Santa Barbara, 2001; J.D., University of San Diego School of Law, 2004

Honors / Awards

Future Star, *Benchmark Litigation*, 2018; Next Generation Lawyer, *The Legal 500*, 2017; Top Litigator Under 40, *Benchmark Litigation*, 2017; Under 40 Hotlist, *Benchmark Litigation*, 2016

Steven W. Pepich | Partner

Steve Pepich is a partner in the Firm's San Diego office. His practice has focused primarily on securities class action litigation, but has also included a wide variety of complex civil cases, including representing plaintiffs in mass tort, royalty, civil rights, human rights, ERISA and employment law actions. Pepich has participated in the successful prosecution of numerous securities class actions, including: *Carpenters Health & Welfare Fund v. Coca-Cola Co.*, No. 1:00-CV-2838 (\$137.5 million recovery); *In re Fleming Cos. Inc. Sec. & Derivative Litig.*, No. 5-03-MD-1530 (\$95 million recovered); *In re Boeing Sec. Litig.*, No. C-97-1715Z (\$92 million recovery); *In re Louisiana-Pacific Corp. Sec. Litig.*, No. C-95-707 (\$65 million recovery); *Haw. Structural Ironworkers Pension Trust Fund v. Calpine Corp.*, No. 1-04-CV-021465 (\$43 million recovery); *In re Advanced Micro Devices Sec. Litig.*, No. C-93-20662 (\$34 million recovery); and *Gohler v. Wood*, No. 92-C-181 (\$17.2 million recovery). Pepich was a member of the plaintiffs' trial team in *Mynaf v. Taco Bell Corp.*, which settled after two months of trial on terms favorable to two plaintiff classes of restaurant workers for recovery of unpaid wages. He was also a member of the plaintiffs' trial team in *Newman v. Stringfellow* where, after a nine-month trial in Riverside, California, all claims for exposure to toxic chemicals were ultimately resolved for \$109 million.

Education

B.S., Utah State University, 1980; J.D., DePaul University, 1983

Daniel J. Pfefferbaum | Partner

Daniel Pfefferbaum is a partner in the Firm's San Francisco office, where his practice focuses on complex securities litigation. He has been a member of litigation teams that have recovered more than \$100 million for investors, including: *Garden City Emps.' Ret. Sys. v. Psychiatric Sols., Inc.* (\$65 million recovery); *In re PMI Grp., Inc. Sec. Litig.* (\$31.25 million recovery); *Cunha v. Hansen Natural Corp.* (\$16.25 million recovery); *In re Accuray Inc. Sec. Litig.* (\$13.5 million recovery); and *Twinde v. Threshold Pharm., Inc.* (\$10 million recovery). Pfefferbaum was a member of the litigation team that secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement provides \$25 million to approximately 7,000 consumers. This result means individual class members will be eligible for upwards of \$35,000 in restitution. He represented the class on a *pro bono* basis.

Education

B.A., Pomona College, 2002; J.D., University of San Francisco School of Law, 2006; LL.M. in Taxation, New York University School of Law, 2007

Honors / Awards

Future Star, *Benchmark Litigation*, 2018; 40 & Under Hot List, *Benchmark Litigation*, 2016-2018; Top 40 Under 40, *Daily Journal*, 2017; Super Lawyer "Rising Star," 2013-2017

Theodore J. Pinta | Partner

Ted Pinta is a partner in the Firm's San Diego office. Pinta has over 20 years of experience prosecuting securities fraud actions and derivative actions and over 15 years of experience prosecuting insurance-related consumer class actions, with recoveries in excess of \$1 billion. He was part of the litigation team in the AOL Time Warner state and federal court securities opt-out actions, which arose from the 2001 merger of America Online and Time Warner. These cases resulted in a global settlement of \$618 million. Pinta was also on the trial team in *Knapp v. Gomez*, which resulted in a plaintiff's verdict. Pinta has successfully prosecuted several RICO cases involving the deceptive sale of deferred annuities, including cases against Allianz Life Insurance Company of North America (\$250 million), American Equity Investment Life Insurance Company (\$129 million), Midland National Life Insurance Company (\$80 million) and Fidelity & Guarantee Life Insurance Company (\$53 million). He has participated in the successful prosecution of numerous other insurance and consumer class actions, including: (i) actions against major life insurance companies such as Manufacturer's Life (\$555 million initial estimated settlement value) and Principal Mutual Life Insurance Company (\$380+ million) involving the deceptive sale of life insurance; (ii) actions against major homeowners insurance companies such as Allstate (\$50 million) and Prudential Property and Casualty Co. (\$7 million); (iii) actions against automobile insurance companies such as the Auto Club and GEICO; and (iv) actions against Columbia House (\$55 million) and BMG Direct, direct marketers of CDs and cassettes. Additionally, Pinta has served as a panelist for numerous Continuing Legal Education seminars on federal and state court practice and procedure.

Education

B.A., University of California, Berkeley, 1984; J.D., University of Utah College of Law, 1987

Honors / Awards

Super Lawyer, 2014-2017; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2017; CAOC Consumer Attorney of the Year Award Finalist, 2015; Note and Comment Editor, *Journal of Contemporary Law*, University of Utah College of Law; Note and Comment Editor, *Journal of Energy Law and Policy*, University of Utah College of Law

Willow E. Radcliffe | Partner

Willow Radcliffe is a partner in the Firm's San Francisco office and concentrates her practice on securities class action litigation in federal court. Radcliffe has been significantly involved in the prosecution of numerous securities fraud claims, including actions filed against Flowserve, NorthWestern and Ashworth, and has represented plaintiffs in other complex actions, including a class action against a major bank regarding the adequacy of disclosures made to consumers in California related to Access Checks. Prior to joining the Firm, she clerked for the Honorable Maria-Elena James, Magistrate Judge for the United States District Court for the Northern District of California.

Education

B.A., University of California, Los Angeles 1994; J.D., Seton Hall University School of Law, 1998

Honors / Awards

J.D., *Cum Laude*, Seton Hall University School of Law, 1998; Most Outstanding Clinician Award; Constitutional Law Scholar Award

Mark S. Reich | Partner

Mark Reich is a partner in the Firm's Melville office. Reich focuses his practice on challenging unfair mergers and acquisitions in courts throughout the country. Reich's notable cases include: *In re Aramark Corp. S'holders Litig.*, where he achieved a \$222 million increase in consideration paid to shareholders of Aramark and a substantial reduction to management's voting power – from 37% to 3.5% – in connection with the approval of the going-private transaction; *In re Delphi Fin. Grp. S'holders Litig.*, resulting in a \$49 million post-merger settlement for Class A Delphi shareholders; and *In re TD Banknorth S'holders Litig.*, where Reich played a significant role in raising the inadequacy of the \$3 million initial settlement, which the court rejected as wholly inadequate, and later resulted in a vastly increased \$50 million recovery.

Reich has also played a central role in other shareholder related litigation. His cases include *In re Gen. Elec. Co. ERISA Litig.*, resulting in structural changes to company's 401(k) plan valued at over \$100 million, benefiting current and future plan participants, and *In re Doral Fin. Corp. Sec. Litig.*, obtaining a \$129 million recovery for shareholders in a securities fraud litigation.

Education

B.A., Queens College, 1997; J.D., Brooklyn Law School, 2000

Honors / Awards

Super Lawyer, 2013-2018; Member, *The Journal of Law and Policy*, Brooklyn Law School; Member, Moot Court Honor Society, Brooklyn Law School

Jack Reise | Partner

Jack Reise is a partner in the Firm's Boca Raton office. Devoted to protecting the rights of those who have been harmed by corporate misconduct, his practice focuses on class action litigation (including securities fraud, shareholder derivative actions, consumer protection, antitrust, and unfair and deceptive insurance practices). Reise also dedicates a substantial portion of his practice to representing shareholders in actions brought under the federal securities laws. He is currently serving as lead counsel in more than a dozen cases nationwide. As lead counsel, Reise represented investors in a series of cases involving mutual funds charged with improperly valuing their net assets, which settled for a total of more than \$50 million. Other notable actions include: *In re NewPower Holdings Sec. Litig.* (\$41 million settlement); *In re Red Hat Sec. Litig.* (\$20 million settlement); and *In re AFC Enters., Inc. Sec. Litig.* (\$17.2 million settlement). Prior to joining the Firm, Reise represented individuals suffering the debilitating effects of asbestos exposure back in the 1950s and 1960s.

Education

B.A., Binghamton University, 1992; J.D., University of Miami School of Law, 1995

Honors / Awards

American Jurisprudence Book Award in Contracts; J.D., *Cum Laude*, University of Miami School of Law, 1995; *University of Miami Inter-American Law Review*, University of Miami School of Law

Darren J. Robbins | Partner

Darren Robbins is a founding partner of Robbins Geller Rudman & Dowd LLP. Over the last two decades, he has served as lead counsel in more than 100 securities class actions and has recovered billions of dollars for injured shareholders. Robbins has obtained significant recoveries in a number of actions arising out of wrongdoing related to the issuance of residential mortgage-backed securities, including the case against Goldman Sachs (\$272 million recovery). Robbins also served as co-lead counsel in connection with a \$627 million recovery for investors in *In re Wachovia Preferred Securities & Bond/Notes Litig.*, one of the largest credit-crisis settlements involving Securities Act claims. Robbins also recently served as lead counsel in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders.

One of the hallmarks of Robbins' practice has been his focus on corporate governance reform. In *UnitedHealth*, a securities fraud class action arising out of an options backdating scandal, Robbins represented lead plaintiff CalPERS and was able to obtain the cancellation of more than 3.6 million stock options held by the company's former CEO and secure a record \$925 million cash recovery for shareholders. Robbins also negotiated sweeping corporate governance reforms, including the election of a shareholder-nominated director to the company's board of directors, a mandatory holding period for shares acquired via option exercise, and compensation reforms that tied executive pay to performance. Recently, Robbins led a shareholder derivative action brought by several pension funds on behalf of Community Health Systems, Inc. The case yielded a \$60 million payment to Community Health, as well as corporate governance reforms that included two shareholder-nominated directors, the creation and appointment of a Healthcare Law Compliance Coordinator, the implementation of an executive compensation clawback in the event of a restatement, the establishment of an insider trading controls committee, and the adoption of a political expenditure disclosure policy.

Education

B.S., University of Southern California, 1990; M.A., University of Southern California, 1990; J.D., Vanderbilt Law School, 1993

Honors / Awards

Best Lawyer in America, *Best Lawyers*®, 2010-2019; Leading Lawyer, *Chambers USA*, 2014-2018; Local Litigation Star, *Benchmark Litigation*, 2013-2018; Leading Lawyer in America, *Lawdragon*, 2006-2007, 2009-2018; Super Lawyer, 2013-2018; Lawyer of the Year, *Best Lawyers*®, 2017; Influential Business Leader, *San Diego Business Journal*, 2017; Litigator of the Year, *Our City San Diego*, 2017; Recommended Lawyer, *The Legal 500*, 2011, 2017; Top 50 Lawyers in San Diego, *Super Lawyers Magazine*, 2015; One of the Top 100 Lawyers Shaping the Future, *Daily Journal*; One of the "Young Litigators 45 and Under," *The American Lawyer*; Attorney of the Year, *California Lawyer*; Managing Editor, *Vanderbilt Journal of Transnational Law*, Vanderbilt Law School

Robert J. Robbins | Partner

Robert Robbins is a partner in the Firm's Boca Raton office. He focuses his practice on investigating securities fraud, initiating securities class actions, and helping institutional and individual shareholders litigate their claims to recover investment losses caused by fraud. Representing shareholders in all aspects of class actions brought pursuant to the federal securities laws, Robbins provides counsel in numerous securities fraud class actions across the country, helping secure significant recoveries for investors. Robbins has been a member of litigation teams responsible for the successful prosecution of many securities class actions, including *Hospira* (\$60 million recovery); *CVS Caremark* (\$48 million recovery); *Baxter International* (\$42.5 million recovery); *R.H. Donnelley* (\$25 million recovery); *Spiegel* (\$17.5 million recovery); *TECO Energy* (\$17.35 million recovery); *AFC Enterprises* (\$17.2 million recovery); *Accretive Health* (\$14 million recovery); *Lender Processing Services* (\$14 million recovery); *Imperial Holdings* (\$12 million recovery); *Mannatech* (\$11.5 million recovery); *Newpark Resources* (\$9.24 million recovery); *Gilead Sciences* (\$8.25 million recovery); *TCP International* (\$7.175 million recovery); *Cryo Cell International* (\$7 million recovery); *Gainsco* (\$4 million recovery); and *Body Central* (\$3.425 million recovery).

Education

B.S., University of Florida, 1999; J.D., University of Florida College of Law, 2002

Honors / Awards

Super Lawyer "Rising Star," 2015-2017; J.D., High Honors, University of Florida College of Law, 2002; Member, *Journal of Law and Public Policy*, University of Florida College of Law; Member, *Phi Delta Phi*, University of Florida College of Law; *Pro bono* certificate, Circuit Court of the Eighth Judicial Circuit of Florida; Order of the Coif

Henry Rosen | Partner

Henry Rosen is a partner in the Firm's San Diego office, where he is a member of the Hiring Committee and Technology Committee, the latter of which focuses on applications to digitally manage documents produced during litigation and internally generate research files. He has significant experience prosecuting every aspect of securities fraud class actions and has obtained more than \$1 billion on behalf of defrauded investors. Prominent cases include *In re Cardinal Health, Inc. Sec. Litig.*, in which Rosen recovered \$600 million for defrauded shareholders. This \$600 million settlement is the largest recovery ever in a securities fraud class action in the Sixth Circuit, and remains one of the largest settlements in the history of securities fraud litigation. Additional recoveries include: *Jones v. Pfizer Inc.* (\$400 million); *In re First Energy* (\$89.5 million); *In re CIT Grp. Inc. Sec. Litig.* (\$75 million); *Stanley v. Safeskin Corp.* (\$55 million); *In re Storage Tech. Corp. Sec. Litig.* (\$55 million); and *Rasner v. Sturm* (FirstWorld Communications) (\$25.9 million).

Education

B.A., University of California, San Diego, 1984; J.D., University of Denver, 1988

Honors / Awards

Editor-in-Chief, *University of Denver Law Review*, University of Denver

David A. Rosenfeld | Partner

David Rosenfeld is a partner in the Firm's Melville office. He has focused his practice of law for more than 15 years in the areas of securities litigation and corporate takeover litigation. He has been appointed as lead counsel in dozens of securities fraud lawsuits and has successfully recovered hundreds of millions of dollars for defrauded shareholders. Rosenfeld works on all stages of litigation, including drafting pleadings, arguing motions and negotiating settlements. Most recently, he was on the team of Robbins Geller attorneys who obtained a \$34.5 million recovery in *Patel v. L-3 Communications Holdings, Inc.*, which represents a high percentage of damages that plaintiffs could reasonably expect to be recovered at trial and is more than eight times higher than the average settlement of cases with comparable investor losses.

Additionally, Rosenfeld led the Robbins Geller team in recovering in excess of \$34 million for investors in Overseas Shipholding Group, which represented an outsized recovery of 93% of bond purchasers' damages and 28% of stock purchasers' damages. The creatively structured settlement included more than \$15 million paid by a bankrupt entity. Rosenfeld also led the effort that resulted in the recovery of nearly 90% of losses for investors in Austin Capital, a sub-feeder fund of Bernard Madoff. In connection with this lawsuit, Rosenfeld met with and interviewed Madoff in federal prison. Rosenfeld has also achieved remarkable recoveries against companies in the financial industry. In addition to recovering \$70 million for investors in Credit Suisse Group, and having been appointed lead counsel in the securities fraud lawsuit against First BanCorp (which provided shareholders with a \$74.25 million recovery), he recently settled claims against Barclays for \$14 million, or 20% of investors' damages, for statements made about its LIBOR practices.

Education

B.S., Yeshiva University, 1996; J.D., Benjamin N. Cardozo School of Law, 1999

Honors / Awards

Advisory Board Member of *Stafford's Securities Class Action Reporter*; Future Star, *Benchmark Litigation*, 2016-2018; Recommended Lawyer, *The Legal 500*, 2018; Super Lawyer, 2014-2018; Super Lawyer "Rising Star," 2011-2013

Robert M. Rothman | Partner

Robert Rothman is a partner in the Firm's Melville office. Rothman has extensive experience litigating cases involving investment fraud, consumer fraud and antitrust violations. He also lectures to institutional investors throughout the world. Rothman has served as lead counsel in numerous class actions alleging violations of securities laws, including cases against First Bancorp (\$74.25 million recovery), CVS (\$48 million recovery), Popular, Inc. (\$37.5 million recovery), and iStar Financial, Inc. (\$29 million recovery). He actively represents shareholders in connection with going-private transactions and tender offers. For example, in connection with a tender offer made by Citigroup, Rothman secured an increase of more than \$38 million over what was originally offered to shareholders.

Education

B.A., State University of New York at Binghamton, 1990; J.D., Hofstra University School of Law, 1993

Honors / Awards

Super Lawyer, 2011, 2013-2018; Dean's Academic Scholarship Award, Hofstra University School of Law; J.D., with Distinction, Hofstra University School of Law, 1993; Member, *Hofstra Law Review*, Hofstra University School of Law

Samuel H. Rudman | Partner

Sam Rudman is a founding member of the Firm, a member of the Firm's Executive and Management Committees, and manages the Firm's New York offices. His 25-year securities practice focuses on recognizing and investigating securities fraud, and initiating securities and shareholder class actions to vindicate shareholder rights and recover shareholder losses. A former attorney with the SEC, Rudman has recovered hundreds of millions of dollars for shareholders, including a \$200 million recovery in *Motorola*, a \$129 million recovery in *Doral Financial*, an \$85 million recovery in *Blackstone*, a \$74 million recovery in *First BanCorp*, a \$65 million recovery in *Forest Labs*, a \$50 million recovery in *TD Banknorth*, a \$48 million recovery in *CVS Caremark*, and a \$34.5 million recovery in *L-3 Communications Holdings*.

Education

B.A., Binghamton University, 1989; J.D., Brooklyn Law School, 1992

Honors / Awards

Leading Lawyer, *Chambers USA*, 2014-2018; Leading Lawyer in America, *Lawdragon*, 2016-2018; Local Litigation Star, *Benchmark Litigation*, 2013-2018; Litigation Star, *Benchmark Litigation*, 2013, 2017-2018; Recommended Lawyer, *The Legal 500*, 2018; Super Lawyer, 2007-2018; Dean's Merit Scholar, Brooklyn Law School; Moot Court Honor Society, Brooklyn Law School; Member, *Brooklyn Journal of International Law*, Brooklyn Law School

Joseph Russello | Partner

Joseph Russello is a partner in the Firm's Melville office, where he concentrates his practice on prosecuting shareholder class action and breach of fiduciary duty claims, as well as complex commercial litigation and consumer class actions. Russello joined the *Law360* Securities Editorial Advisory Board in 2017.

Russello has played a vital role in recovering millions of dollars for aggrieved investors, including those of Blackstone (\$85 million); NBTY, Inc. (\$16 million); LaBranche & Co., Inc. (\$13 million); The Children's Place Retail Stores, Inc. (\$12 million); Prestige Brands Holdings, Inc. (\$11 million); and Jarden Corporation (\$8 million). He also has significant experience in corporate takeover and breach of fiduciary duty litigation. In expedited litigation in the Delaware Court of Chancery involving Mat Five LLC, for example, his efforts paved the way for an "opt-out" settlement that offered investors more than \$38 million in increased cash benefits. In addition, he played an integral role in convincing the Delaware Court of Chancery to enjoin Oracle Corporation's \$1 billion acquisition of Art Technology Group, Inc. pending the disclosure of material information. He also has experience in litigating consumer class actions.

Prior to joining the Firm, Russello practiced in the professional liability group at Rivkin Radler LLP, where he defended attorneys, accountants and other professionals in state and federal litigation and assisted in evaluating and resolving complex insurance coverage matters.

Education

B.A., Gettysburg College, 1998; J.D., Hofstra University School of Law, 2001

Honors / Awards

Super Lawyer, 2014-2018; *Law360* Securities Editorial Advisory Board, 2017

Scott H. Saham | Partner

Scott Saham is a partner in the Firm's San Diego office, where his practice focuses on complex securities litigation. He is licensed to practice law in both California and Michigan. Most recently, Saham was part of the litigation team in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee, and *Luna v. Marvell Tech. Grp., Ltd.*, which resulted in a \$72.5 million settlement that represents approximately 24% to 50% of the best estimate of classwide damages suffered by investors. He also served as lead counsel prosecuting the Pharmacia securities litigation in the District of New Jersey, which resulted in a \$164 million recovery. Additionally, Saham was lead counsel in the *In re Coca-Cola Sec. Litig.* in the Northern District of Georgia, which resulted in a \$137.5 million recovery after nearly eight years of litigation. He also obtained reversal from the California Court of Appeal of the trial court's initial dismissal of the landmark Countrywide mortgage-backed securities action. This decision is reported as *Luther v. Countrywide Fin. Corp.*, 195 Cal. App. 4th 789 (2011), and following this ruling that revived the action the case settled for \$500 million.

Education

B.A., University of Michigan, 1992; J.D., University of Michigan Law School, 1995

Jessica T. Shinnfield | Partner

Jessica Shinnfield is a partner in the Firm's San Diego office and currently focuses on initiating, investigating and prosecuting new securities fraud class actions. Shinnfield was a member of the litigation teams that obtained significant recoveries for investors in cases such as *AOL Time Warner*, *Cisco Systems*, *Aon* and *Petco*. Shinnfield was also a member of the litigation team prosecuting actions against investment banks and leading national credit rating agencies for their roles in structuring and rating structured investment vehicles backed by toxic assets. These cases are among the first to successfully allege fraud against the rating agencies, whose ratings have traditionally been protected by the First Amendment. She is currently litigating several securities actions, including an action against Omnicare, in which she helped obtain a favorable ruling from the U.S. Supreme Court.

Education

B.A., University of California at Santa Barbara, 2001; J.D., University of San Diego School of Law, 2004

Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2018; Super Lawyer "Rising Star," 2015-2018; B.A., *Phi Beta Kappa*, University of California at Santa Barbara, 2001

Elizabeth A. Shonson | Partner

Elizabeth Shonson is a partner in the Firm's Boca Raton office. She concentrates her practice on representing investors in class actions brought pursuant to the federal securities laws. Shonson has litigated numerous securities fraud class actions nationwide, helping achieve significant recoveries for aggrieved investors. She was a member of the litigation teams responsible for recouping millions of dollars for defrauded investors, including: *In re Massey Energy Co. Sec. Litig.* (S.D. W.Va.) (\$265 million); *Nieman v. Duke Energy Corp.* (W.D.N.C.) (\$146.25 million recovery); *Eshe Fund v. Fifth Third Bancorp* (S.D. Ohio) (\$16 million); *City of St. Clair Shores Gen. Emps. Ret. Sys. v. Lender Processing Servs., Inc.* (M.D. Fla.) (\$14 million); and *In re Synovus Fin. Corp.* (N.D. Ga.) (\$11.75 million).

Education

B.A., Syracuse University, 2001; J.D., University of Florida Levin College of Law, 2005

Honors / Awards

Super Lawyer "Rising Star," 2016-2018; J.D., *Cum Laude*, University of Florida Levin College of Law, 2005; Editor-in-Chief, *Journal of Technology Law & Policy*; Phi Delta Phi; B.A., with Honors, *Summa Cum Laude*, Syracuse University, 2001; Phi Beta Kappa

Trig Smith | Partner

Trig Smith is a partner in the Firm's San Diego office. Smith focuses on complex securities class actions in which he has helped obtain significant recoveries for investors in cases such as *Cardinal Health* (\$600 million); *Qwest* (\$445 million); *Forest Labs.* (\$65 million); *Accredo* (\$33 million); and *Exide* (\$13.7 million).

Education

B.S., University of Colorado, Denver, 1995; M.S., University of Colorado, Denver, 1997; J.D., Brooklyn Law School, 2000

Honors / Awards

Member, *Brooklyn Journal of International Law*, Brooklyn Law School; CALI Excellence Award in Legal Writing, Brooklyn Law School

Mark Solomon | Partner

Mark Solomon is a founding partner in the Firm's San Diego office and leads its international litigation practice. Over the last 23 years, he has regularly represented United States- and United Kingdom-based pension funds, and asset managers in class and non-class securities litigation in federal and state courts throughout the United States. He has been admitted to the Bars of England and Wales (Barrister), Ohio and California, but now practices exclusively in California, as well as in various United States federal district and appellate courts.

Solomon has spearheaded the prosecution of many significant securities fraud cases. He has obtained multi-hundred million dollar recoveries for plaintiffs in pre-trial settlements and significant corporate governance reforms designed to limit recidivism and promote appropriate standards. He litigated, through the rare event of trial, the securities class action against Helionetics Inc. and its executives, where he won a \$15.4 million federal jury verdict. Prior to the most recent financial crisis, he was instrumental in obtaining some of the first mega-recoveries in the field in California and Texas, serving as co-lead counsel in *In re Informix Corp. Sec. Litig.* (N.D. Cal.) and recovering \$131 million for Informix investors; and serving as co-lead counsel in *Schwartz v. TXU Corp.* (N.D. Tex.), where he helped obtain a recovery of over \$149 million for a class of purchasers of TXU securities. Solomon is currently counsel to a number of pension funds serving as lead plaintiffs in cases throughout the United States.

Education

B.A., Trinity College, Cambridge University, England, 1985; L.L.M., Harvard Law School, 1986; Inns of Court School of Law, Degree of Utter Barrister, England, 1987

Honors / Awards

Super Lawyer, 2017-2018; Recommended Lawyer, *The Legal 500*, 2016-2017; Lizette Bentwich Law Prize, Trinity College, 1983 and 1984; Hollond Travelling Studentship, 1985; Harvard Law School Fellowship, 1985-1986; Member and Hardwicke Scholar of the Honourable Society of Lincoln's Inn

David C. Walton | Partner

David Walton is a partner in the Firm's San Diego office and a member of the Firm's Executive and Management Committees. He specializes in pursuing financial fraud claims, using his background as a Certified Public Accountant and Certified Fraud Examiner to prosecute securities law violations on behalf of investors. For over 20 years, he has prosecuted class actions and private actions on behalf of defrauded investors, particularly in the area of accounting fraud. He has investigated and participated in the litigation of highly complex accounting scandals within some of America's largest corporations, including Enron (\$7.2 billion), HealthSouth (\$671 million), WorldCom (\$657 million), AOL Time Warner (\$629 million), Countrywide (\$500 million), and Dynegy (\$474 million), as well as numerous companies implicated in stock option backdating. In 2003-2004, he served as a member of the California Board of Accountancy, which is responsible for regulating the accounting profession in California.

Education

B.A., University of Utah, 1988; J.D., University of Southern California Law Center, 1993

Honors / Awards

Super Lawyer, 2015-2016; California Board of Accountancy, Member, 2003-2004; *Southern California Law Review*, Member, University of Southern California Law Center; Hale Moot Court Honors Program, University of Southern California Law Center

Douglas Wilens | Partner

Douglas Wilens is a partner in the Firm's Boca Raton office. Wilens is a member of the Firm's appellate practice group, participating in numerous appeals in federal and state courts across the country. Most notably, Wilens handled successful appeals in the First Circuit Court of Appeals in *Mass. Ret. Sys. v. CVS Caremark Corp.*, 716 F.3d 229 (1st Cir. 2013) (reversal of order granting motion to dismiss), and in the Fifth Circuit Court of Appeals in *Lormand v. US Unwired, Inc.*, 565 F.3d 228 (5th Cir. 2009) (reversal of order granting motion to dismiss). Wilens is also involved in the Firm's lead plaintiff practice group, handling lead plaintiff issues arising under the PSLRA.

Prior to joining the Firm, Wilens was an associate at a nationally recognized firm, where he litigated complex actions on behalf of numerous professional sports leagues, including the National Basketball Association, the National Hockey League and Major League Soccer. He has also served as an adjunct professor at Florida Atlantic University and Nova Southeastern University, where he taught undergraduate and graduate-level business law classes.

Education

B.S., University of Florida, 1992; J.D., University of Florida College of Law, 1995

Honors / Awards

Book Award for Legal Drafting, University of Florida College of Law; J.D., with Honors, University of Florida College of Law, 1995

Shawn A. Williams | Partner

Shawn Williams is a partner in the Firm's San Francisco office and a member of the Firm's Management Committee. His practice focuses on securities class actions. Williams was among the lead class counsel for the Firm recovering investor losses in notable cases, including: *In re Krispy Kreme Doughnuts, Inc. Sec. Litig.* (\$75 million); *In re Veritas Software Corp. Sec. Litig.* (\$35 million); and *In re Cadence Design Sys. Sec. Litig.* (\$38 million). Williams is also among the Firm's lead attorneys prosecuting shareholder derivative actions, securing tens of millions of dollars in cash recoveries and negotiating the implementation of comprehensive corporate governance enhancements, such as *In re McAfee, Inc. Derivative Litig.*; *In re Marvell Tech. Grp. Ltd. Derivative Litig.*; *In re KLA Tencor S'holder Derivative Litig.*; and *The Home Depot, Inc. Derivative Litig.* Prior to joining the Firm in 2000, Williams served for 5 years as an Assistant District Attorney in the Manhattan District Attorney's Office, where he tried over 20 cases to New York City juries and led white-collar fraud grand jury investigations.

Education

B.A., The State of University of New York at Albany, 1991; J.D., University of Illinois, 1995

Honors / Awards

Leading Lawyer in America, *Lawdragon*, 2018; Super Lawyer, 2014-2017; Board Member, California Bar Foundation, 2012-2014

David T. Wissbroecker | Partner

David Wissbroecker is a partner in the Firm's San Diego and Chicago offices. He focuses his practice on securities class action litigation in the context of mergers and acquisitions, representing both individual shareholders and institutional investors. As part of the litigation team at Robbins Geller, Wissbroecker has helped secure monetary recoveries for shareholders that collectively exceed \$600 million. Wissbroecker has litigated numerous high profile cases in Delaware and other jurisdictions, including shareholder class actions challenging the acquisitions of Kinder Morgan, Del Monte Foods, Affiliated Computer Services and Rural Metro. Prior to joining the Firm, Wissbroecker served as a staff attorney for the United States Court of Appeals for the Seventh Circuit, and then as a law clerk for the Honorable John L. Coffey, Circuit Judge for the Seventh Circuit.

Education

B.A., Arizona State University, 1998; J.D., University of Illinois College of Law, 2003

Honors / Awards

Super Lawyer "Rising Star," 2015; J.D., *Magna Cum Laude*, University of Illinois College of Law, 2003; B.A., *Cum Laude*, Arizona State University, 1998

Christopher M. Wood | Partner

Christopher Wood is a partner in the Firm's Nashville office, where his practice focuses on complex securities litigation. He has been a member of litigation teams responsible for recovering hundreds of millions of dollars for investors, including: *In re Massey Energy Co. Sec. Litig.* (\$265 million recovery); *In re VeriFone Holdings, Inc. Sec. Litig.* (\$95 million recovery); *Garden City Emps.' Ret. Sys. v. Psychiatric Sols., Inc.* (\$65 million recovery); *In re Micron Tech., Inc. Sec. Litig.* (\$42 million recovery); and *Winslow v. BancorpSouth, Inc.* (\$29.5 million recovery).

Wood has provided *pro bono* legal services through the San Francisco Bar Association's Volunteer Legal Services Program, the Ninth Circuit's Pro Bono Program, Volunteer Lawyers & Professionals for the Arts, and Tennessee Justice for Our Neighbors.

Education

B.A., Vanderbilt University, 2003; J.D., University of San Francisco School of Law, 2006

Honors / Awards

Super Lawyer "Rising Star," 2011-2013, 2015-2017

Debra J. Wyman | Partner

Debra Wyman is a partner in the Firm's San Diego office. She specializes in securities litigation and has litigated numerous cases against public companies in state and federal courts that have resulted in over \$1 billion in securities fraud recoveries. Wyman was a member of the trial team in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee. The recovery achieved approximately 70% of classwide damages, which as a percentage of damages significantly exceeds the median class action recovery of 2%-3% of damages. Wyman prosecuted the complex securities and accounting fraud case *In re HealthSouth Corp. Sec. Litig.*, one of the largest and longest-running corporate frauds in history, in which \$671 million was recovered for defrauded HealthSouth investors. She was also part of the trial team that litigated *In re AT&T Corp. Sec. Litig.*, which was tried in the United States District Court, District of New Jersey, and settled after only two weeks of trial for \$100 million. Most recently, Wyman was part of the litigation team that secured a \$64 million recovery for Dana Corp. shareholders in *Plumbers & Pipefitters National Pension Fund v. Burns*, in which the Firm's Appellate Practice Group successfully appealed to the Sixth Circuit Court of Appeals twice, reversing the district court's dismissal of the action.

Education

B.A., University of California Irvine, 1990; J.D., University of San Diego School of Law, 1997

Honors / Awards

Top Women Lawyer, *Daily Journal*, 2017; Litigator of the Year, *Our City San Diego*, 2017; Super Lawyer, 2016-2017

Laura M. Andracchio | Of Counsel

Laura Andracchio is Of Counsel in the Firm's San Diego office. Having first joined the Firm in 1997, she was a Robbins Geller partner for ten years prior to her role as Of Counsel. As a partner with the Firm, Andracchio led countless securities fraud cases against public companies throughout the country, recovering hundreds of millions of dollars for injured investors. Her current focus remains securities fraud litigation under the federal securities laws.

Andracchio was a lead member of the trial team in *In re AT&T Corp. Sec. Litig.*, recovering \$100 million for the class after two weeks of trial in district court in New Jersey. Prior to trial, she managed and litigated the case, which was pending for four years. She also led the trial team in *Brody v. Hellman*, a case against Qwest and former directors of U.S. West seeking an unpaid dividend, recovering \$50 million for the class, which was largely comprised of U.S. West retirees. Other cases Andracchio has litigated include *City of Hialeah Emps.' Ret. Sys. v. Toll Bros., Inc.*, *Ross v. Abercrombie & Fitch Co.*, *In re GMH Cmty. Tr. Sec. Litig.*, *In re Vicuron Pharm., Inc. Sec. Litig.* and *In re Navarre Corp. Sec. Litig.* Most recently, her focus is residential mortgage-backed securities litigation on behalf of investors against Wall Street financial institutions.

Education

B.A., Bucknell University, 1986; J.D., Duquesne University School of Law, 1989

Honors / Awards

Order of the Barristers, J.D., with honors, Duquesne University School of Law, 1989

Randi D. Bandman | Of Counsel

Randi Bandman is Of Counsel in the Firm's Boca Raton office. Throughout her career, she has represented and advised hundreds of clients, including pension funds, managers, banks and hedge funds, such as the Directors Guild of America, Screen Actors Guild, Writers Guild of America and Teamster funds. Bandman's cases have yielded billions of dollars of recoveries. Notable cases include the AOL Time Warner, Inc. merger (\$629 million), *In re Enron Corp. Sec. Litig.* (\$7.2 billion), Private Equity litigation (*Dahl v. Bain Capital Partners, LLC*) (\$590.5 million) and *In re WorldCom Sec. Litig.* (\$657 million).

Bandman is currently representing plaintiffs in the Foreign Exchange Litigation pending in the Southern District of New York which alleges collusive conduct by the world's largest banks to fix prices in the \$5.3 trillion a day foreign exchange market and in which billions of dollars have been recovered to date for injured plaintiffs. Bandman is part of the Robbins Geller Co-Lead Counsel team representing the class in the "High Frequency Trading" case, which accuses stock exchanges of giving unfair advantages to high-speed traders versus all other investors, resulting in billions of dollars being diverted. Bandman is also currently a member of the trial team in *In re Facebook Biometric Information Privacy Litigation*, concerning Facebook's alleged privacy violations through its collection of user's biometric identifiers without informed consent. Bandman was instrumental in the landmark state settlement with the tobacco companies for \$12.5 billion. Bandman also led an investigation with congressional representatives on behalf of artists into allegations of "pay for play" tactics, represented Emmy winning writers with respect to their claims involving a long-running television series, represented a Hall of Fame sports figure, and negotiated agreements in connection with a major motion picture. Recently, Bandman was chosen to serve on the Law Firm Advisory Board of the Association of Media & Entertainment Counsel, an organization made up of thousands of attorneys from studios, networks, guilds, talent agencies and top media companies, dealing with protecting content distributed through a variety of formats worldwide.

Education

B.A., University of California, Los Angeles; J.D., University of Southern California

Lea Malani Bays | Of Counsel

Lea Malani Bays is Of Counsel in the Firm's San Diego office. She focuses on e-discovery issues, from preservation through production, and provides counsel to the Firm's multi-disciplinary, e-discovery team consisting of attorneys, forensic analysts and database professionals. Through her role as counsel to the e-discovery team, Bays is very familiar with the various stages of e-discovery, including identification of relevant electronically stored information, data culling, predictive coding protocols, privilege and responsiveness reviews, as well as having experience in post-production discovery through trial preparation. Through speaking at various events, she is also a leader in shaping the broader dialogue on e-discovery issues.

Bays was recently part of the litigation team that earned the approval of a \$131 million settlement in favor of plaintiffs in *Bennett v. Sprint Nextel Corp.* The settlement, which resolved claims arising from Sprint Corporation's ill-fated merger with Nextel Communications in 2005, represents a significant recovery for the plaintiff class, achieved after five years of tireless effort by the Firm. Prior to joining Robbins Geller, Bays was a Litigation Associate at Kaye Scholer LLP's New York office. She has experience in a wide range of litigation, including complex securities litigation, commercial contract disputes, business torts, antitrust, civil fraud, and trust and estate litigation.

Education

B.A., University of California, Santa Cruz, 1997; J.D., New York Law School, 2007

Honors / Awards

J.D., *Magna Cum Laude*, New York Law School, 2007; Executive Editor, *New York Law School Law Review*; Legal Aid Society's Pro Bono Publico Award; NYSBA Empire State Counsel; Professor Stephen J. Ellmann Clinical Legal Education Prize; John Marshall Harlan Scholars Program, Justice Action Center

Mary K. Blasy | Of Counsel

Mary Blasy is Of Counsel to the Firm and is based in the Firm's Melville and Washington, D.C. offices. Her practice focuses on the investigation, commencement, and prosecution of securities fraud class actions and shareholder derivative suits. Blasy has recovered hundreds of millions of dollars for investors in securities fraud class actions against Reliance Acceptance Corp. (\$66 million); Sprint Corp. (\$50 million); Titan Corporation (\$15+ million); Martha Stewart Omni-Media, Inc. (\$30 million); and Coca-Cola Co. (\$137.5 million). Blasy has also been responsible for prosecuting numerous complex shareholder derivative actions against corporate malefactors to address violations of the nation's securities, environmental and labor laws, obtaining corporate governance enhancements valued by the market in the billions of dollars.

In 2014, the Presiding Justice of the Appellate Division of the Second Department of the Supreme Court of the State of New York appointed Blasy to serve as a member of the Independent Judicial Election Qualification Commission, which reviews the qualifications of candidates seeking public election to New York State Supreme Courts in the 10th Judicial District. She also served on the *Law360* Securities Editorial Advisory Board from 2015 to 2016.

Education

B.A., California State University, Sacramento, 1996; J.D., UCLA School of Law, 2000

Honors / Awards

Super Lawyer, 2016-2018; *Law360* Securities Editorial Advisory Board, 2015-2016; Member, Independent Judicial Election Qualification Commission, 2014-present

Bruce Boyens | Of Counsel

Bruce Boyens is Of Counsel to the Firm. A private practitioner in Denver, Colorado since 1990, he specializes in consulting with labor unions on issues relating to labor and environmental law, labor organizing, labor education, union elections, internal union governance and alternative dispute resolutions. Boyens was a Regional Director for the International Brotherhood of Teamsters elections in 1991 and 1995. He developed and taught collective bargaining and labor law courses for the George Meany Center, the United Mine Workers of America, Transportation Workers Local 260, the Kentucky Nurses Association, among others.

In addition, Boyens served as the Western Regional Director and Counsel for the United Mine Workers from 1983-1990, where he was the chief negotiator in over 30 major agreements, and represented the United Mine Workers in all legal matters. From 1973-1977, he served as General Counsel to District 17 of the United Mine Workers Association, and also worked as an underground coal miner during that time.

Education

J.D., University of Kentucky College of Law, 1973; Harvard University, Certificate in Environmental Policy and Management

William K. Cavanagh, Jr. | Of Counsel

Bill Cavanagh is Of Counsel in the Firm's Washington, D.C. office. Cavanagh concentrates his practice in employee benefits law and works with the Firm's Institutional Outreach Team. Prior to joining Robbins Geller, Cavanagh was employed by Ullico for the past nine years, most recently as President of Ullico Casualty Group. The Ullico Casualty Group is the leading provider of fiduciary liability insurance for trustees in both the private as well as the public sector. Prior to that he was President of the of Ullico Investment Company.

Preceding Cavanagh's time at Ullico, he was a partner at the labor and employee benefits firm Cavanagh and O'Hara in Springfield, Illinois for 28 years. In that capacity, Cavanagh represented public pension funds, jointly trustee Taft-Hartley, health, welfare, pension and joint apprenticeship funds advising on fiduciary and compliance issues both at the Board level as well as in administrative hearings, federal district courts and the United States Courts of Appeals. During the course of his practice, Cavanagh had extensive trial experience in state and the relevant federal district courts. Additionally, Cavanagh served as co-counsel on a number of cases representing trustees seeking to recover plan assets lost as a result of fraud in the marketplace.

Education

B.A., Georgetown University, 1974; J.D., John Marshall Law School, 1978

Christopher Collins | Of Counsel

Christopher Collins is Of Counsel in the Firm's San Diego office and his practice focuses on antitrust and consumer protection. Collins served as co-lead counsel in *Wholesale Elec. Antitrust Cases I & II*, charging an antitrust conspiracy by wholesale electricity suppliers and traders of electricity in California's newly deregulated wholesale electricity market wherein plaintiffs secured a global settlement for California consumers, businesses and local governments valued at more than \$1.1 billion. He was also involved in California's tobacco litigation, which resulted in the \$25.5 billion recovery for California and its local entities. Collins is currently counsel on the California Energy Manipulation antitrust litigation, the Memberworks upsell litigation, as well as a number of consumer actions alleging false and misleading advertising and unfair business practices against major corporations. He formerly served as a Deputy District Attorney for Imperial County where he was in charge of the Domestic Violence Unit.

Education

B.A., Sonoma State University, 1988; J.D., Thomas Jefferson School of Law, 1995

Patrick J. Coughlin | Of Counsel

Patrick Coughlin is Of Counsel to the Firm and has served as lead counsel in several major securities matters, including one of the earliest and largest class action securities cases to go to trial, *In re Apple Comput. Sec. Litig.* Coughlin was recently one of the lead attorneys who secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement provides \$25 million to approximately 7,000 consumers. This result means individual class members will be eligible for upwards of \$35,000 in restitution. He represented the class on a *pro bono* basis. Additional prominent securities class actions prosecuted by Coughlin include the *Enron* litigation (\$7.2 billion recovery); the *Qwest* litigation (\$445 million recovery); and the *HealthSouth* litigation (\$671 million recovery). In addition to the numerous securities cases, Coughlin has handled a number of large antitrust cases including the Visa/Master Card *Interchange Fee* case, the *Currency Conversion* cases in which \$360 million was recovered for consumers and the Private Equity litigation (*Dahl v. Bain Capital Partners, LLC*) in which \$590.5 million was recovered for investors. Coughlin was formerly an Assistant United States Attorney in the District of Columbia and the Southern District of California, handling complex white-collar fraud matters.

Education

B.S., Santa Clara University, 1977; J.D., Golden Gate University, 1983

Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Best Lawyer in America, *Best Lawyers*®, 2006-2019; Senior Statesman, *Chambers USA*, 2014-2018; Super Lawyer, 2004-2018; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2017; Antitrust Trailblazer, *The National Law Journal*, 2015; Top 100 Lawyers, *Daily Journal*, 2008; Leading Lawyers in America, *Lawdragon*, 2006, 2008-2009

Michael J. Dowd | Of Counsel

Mike Dowd was a founding partner of the Firm. He has practiced in the area of securities litigation for 20 years, prosecuting dozens of complex securities cases and obtaining significant recoveries for investors in cases such as *UnitedHealth* (\$925 million), *WorldCom* (\$657 million), *AOL Time Warner* (\$629 million), *Qwest* (\$445 million) and *Pfizer* (\$400 million). Dowd served as lead trial counsel in *Jaffe v. Household Int'l, Inc.* in the Northern District of Illinois, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Dowd also served as the lead trial lawyer in *In re AT&T Corp. Sec. Litig.*, which was tried in the District of New Jersey and settled after only two weeks of trial for \$100 million.

Dowd served as an Assistant United States Attorney in the Southern District of California from 1987-1991, and again from 1994-1998.

Education

B.A., Fordham University, 1981; J.D., University of Michigan School of Law, 1984

Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Best Lawyer in America, *Best Lawyers*®, 2015-2019; Hall of Fame, *Lawdragon*, 2018; Recommended Lawyer, *The Legal 500*, 2016-2018; Super Lawyer, 2010-2018; Litigator of the Year, *Our City San Diego*, 2017; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2017; Leading Lawyer in America, *Lawdragon*, 2014-2016; Litigator of the Week, *The American Lawyer*, 2015; Litigation Star, *Benchmark Litigation* 2013; Directorship 100, NACD Directorship, 2012; Attorney of the Year, *California Lawyer*, 2010; Top 100 Lawyers, *Daily Journal*, 2009; Director's Award for Superior Performance, United States Attorney's Office; B.A., *Magna Cum Laude*, Fordham University, 1981

L. Thomas Galloway | Of Counsel

Thomas Galloway is Of Counsel in the Firm's Washington D.C. office. He is the founding partner of Galloway & Associates, a law firm that concentrates in the representation of institutional investors – namely, public and multi-employer pension funds.

Galloway has authored several books and articles, including: *The American Response to Revolutionary Change: A Study of Diplomatic Recognition* (AEI Institute 1978); *American's Energy: Reports from the Nation* (Pantheon 1980); Contributor, *Coal Treatise* (Matthew Bender 1981); Contributor, *Mining in Germany, Great Britain, Australia, and the United States* 4 Harv. Envtl. L. Rev. 261 (Spring 1980); *A Miner's Bill of Rights*, 80 W. Va. L. Rev. 397 (1978); and Contributor, *Golden Dreams, Poisoned Streams* (Mineral Policy Center Washington D.C. 1997).

Galloway represents and/or provides consulting services for the following: National Wildlife Federation, Sierra Club, Friends of the Earth, United Mine Workers of America, Trout Unlimited, National Audubon Society, Natural Resources Defense Council, German Marshal Fund, Northern Cheyenne Indian Tribe, and Council of Energy Resource Tribes.

Education

B.A., Florida State University, 1967; J.D., University of Virginia School of Law, 1972

Honors / Awards

Articles Editor, *University of Virginia Law Review*, University of Virginia School of Law; *Phi Beta Kappa*, University of Virginia School of Law; Trial Lawyer of the Year in the United States, 2003

John K. Grant | Of Counsel

John Grant is Of Counsel in the Firm's San Francisco office where he devotes his practice to representing investors in securities fraud class actions. Grant has been lead or co-lead counsel in numerous securities actions and recovered tens of millions of dollars for shareholders. His cases include: *In re Micron Tech, Inc. Sec. Litig.* (\$42 million recovery); *Perera v. Chiron Corp.* (\$40 million recovery); *King v. CBT Grp., PLC* (\$32 million recovery); and *In re Exodus Commc'ns, Inc. Sec. Litig.* (\$5 million recovery).

Education

B.A., Brigham Young University, 1988; J.D., University of Texas at Austin, 1990

Mitchell D. Gravo | Of Counsel

Mitchell Gravo is Of Counsel to the Firm and is a member of the Firm's institutional investor client services group. With more than 30 years of experience as a practicing attorney, he serves as liaison to the Firm's institutional investor clients throughout the United States and Canada, advising them on securities litigation matters.

Gravo's clients include Anchorage Economic Development Corporation, Anchorage Convention and Visitors Bureau, UST Public Affairs, Inc., International Brotherhood of Electrical Workers, Alaska Seafood International, Distilled Spirits Council of America, RIM Architects, Anchorage Police Department Employees Association, Fred Meyer, and the Automobile Manufacturer's Association. Prior to joining the Firm, he served as an intern with the Municipality of Anchorage, and then served as a law clerk to Superior Court Judge J. Justin Ripley.

Education

B.A., Ohio State University; J.D., University of San Diego School of Law

Helen J. Hodges | Of Counsel

Helen Hodges is Of Counsel in the Firm's San Diego office. She specializes in securities fraud litigation. Hodges has been involved in numerous securities class actions, including: *Dynegy*, which settled for \$474 million; *Thurber v. Mattel*, which was settled for \$122 million; *Nat'l Health Labs*, which was settled for \$64 million; and *Knapp v. Gomez*, Civ. No. 87-0067-H(M) (S.D. Cal.), in which a plaintiffs' verdict was returned in a Rule 10b-5 class action. Additionally, beginning in 2001, Hodges focused on the prosecution of *Enron*, where a record \$7.2 billion recovery was obtained for investors.

Education

B.S., Oklahoma State University, 1979; J.D., University of Oklahoma, 1983

Honors / Awards

Rated AV by Martindale-Hubbell; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2017; Super Lawyer, 2007; Oklahoma State University Foundation Board of Trustees, 2013

David J. Hoffa | Of Counsel

David Hoffa is Of Counsel in the Firm's Washington D.C. office. He has served as a liaison to over 110 institutional investors in portfolio monitoring, securities litigation and claims filing matters. His practice focuses on providing a variety of legal and consulting services to U.S. state and municipal employee retirement systems and single and multi-employer U.S. Taft-Hartley benefit funds. In addition to serving as a leader on the Firm's Israel Institutional Investor Outreach Team, Hoffa also serves as a member of the Firm's lead plaintiff advisory team, and advises public and multi-employer pension funds around the country on issues related to fiduciary responsibility, legislative and regulatory updates, and "best practices" in the corporate governance of publicly traded companies.

Early in his legal career, Hoffa worked for a law firm based in Birmingham, Michigan, where he appeared regularly in Michigan state court in litigation pertaining to business, construction and employment related matters. Hoffa has also appeared before the Michigan Court of Appeals on several occasions.

Education

B.A., Michigan State University, 1993; J.D., Michigan State University College of Law, 2000

Andrew W. Hutton | Of Counsel

Drew Hutton is Of Counsel in the Firm's San Diego and New York offices, responsible for simplifying cases of complex financial fraud. Hutton has prosecuted a variety of securities actions, achieving high-profile recoveries and results. Representative cases against corporations and their auditors include *In re AOL Time Warner Sec. Litig.* (\$2.5 billion) and *In re Williams Cos. Sec. Litig.* (\$311 million). Representative cases against corporations and their executives include *In re Broadcom Sec. Litig.* (\$150 million) and *In re Clarent Corp. Sec. Litig.* (class plaintiff's 10b-5 jury verdict against former CEO). Hutton is also active in shareholder derivative litigation, achieving monetary recoveries and governance changes, including *In re Affiliated Computer Servs. Derivative Litig.* (\$30 million), *In re KB Home S'holder Derivative Litig.* (\$30 million) and *In re KeyCorp Derivative Litig.* (modified CEO stock options and governance). Hutton has also litigated securities cases in bankruptcy court (*In re WorldCom, Inc.* – \$15 million for individual claimant) and a complex options case before FINRA (eight-figure settlement for individual investor). Hutton is also experienced in complex, multi-district consumer litigation. Representative nationwide insurance cases include *In re Prudential Sales Practices Litig.* (\$4 billion), *In re Metro. Life Ins. Co. Sales Practices Litig.* (\$2 billion) and *In re Conseco Life Ins. Co. Cost of Ins. Litig.* (\$200 million). Representative nationwide consumer lending cases include a \$30 million class settlement of Truth-in-Lending claims against American Express and a \$24 million class settlement of RICO and RESPA claims against Community Bank of Northern Virginia (now PNC Bank).

Hutton is the founder of Hutton Law Group, a plaintiffs' litigation practice currently representing retirees, individual investors and businesses, and is also the founder of Hutton Investigative Accounting, a financial forensics and investigation firm. Prior founding Hutton Law and joining Robbins Geller, Hutton was a public company accountant, Certified Public Accountant, and broker of stocks, options and insurance products. Hutton has also served as an expert litigation consultant in both financial and corporate governance capacities. Hutton is often responsible for working with experts retained by the Firm in litigation and has conducted dozens of depositions of financial professionals, including audit partners, CFOs, directors, bankers, actuaries and opposing experts.

Education

B.A., University of California, Santa Barbara, 1983; J.D., Loyola Law School, 1994

Frank J. Janecek, Jr. | Of Counsel

Frank Janecek is Of Counsel in the Firm's San Diego office and practices in the areas of consumer/antitrust, Proposition 65, taxpayer and tobacco litigation. He served as co-lead counsel, as well as court appointed liaison counsel, in *Wholesale Elec. Antitrust Cases I & II*, charging an antitrust conspiracy by wholesale electricity suppliers and traders of electricity in California's newly deregulated wholesale electricity market. In conjunction with the Governor of the State of California, the California State Attorney General, the California Public Utilities Commission, the California Electricity Oversight Board, a number of other state and local governmental entities and agencies, and California's large, investor-owned electric utilities, plaintiffs secured a global settlement for California consumers, businesses and local governments valued at more than \$1.1 billion. Janecek also chaired several of the litigation committees in California's tobacco litigation, which resulted in the \$25.5 billion recovery for California and its local entities, and also handled a constitutional challenge to the State of California's Smog Impact Fee in *Ramos v. Dep't of Motor Vehicles*, which resulted in more than a million California residents receiving full refunds and interest, totaling \$665 million.

Education

B.S., University of California, Davis, 1987; J.D., Loyola Law School, 1991

Honors / Awards

Super Lawyer, 2013-2018

Nancy M. Juda | Of Counsel

Nancy Juda is Of Counsel to the Firm and is based in the Firm's Washington, D.C. office. Her practice focuses on advising Taft-Hartley pension and welfare funds on issues related to corporate fraud in the United States securities markets. Juda's experience as an ERISA attorney provides her with unique insight into the challenges faced by pension fund trustees as they endeavor to protect and preserve their funds' assets.

Prior to joining Robbins Geller, Juda was employed by the United Mine Workers of America Health & Retirement Funds, where she began her practice in the area of employee benefits law. She was also associated with a union-side labor law firm in Washington, D.C., where she represented the trustees of Taft-Hartley pension and welfare funds on qualification, compliance, fiduciary, and transactional issues under ERISA and the Internal Revenue Code.

Using her extensive experience representing employee benefit funds, Juda advises trustees regarding their options for seeking redress for losses due to securities fraud. She currently advises trustees of funds providing benefits for members of unions affiliated with North America's Building Trades of the AFL-CIO. Juda also represents funds in ERISA class actions involving breach of fiduciary claims.

Education

B.A., St. Lawrence University, 1988; J.D., American University, 1992

Francis P. Karam | Of Counsel

Frank Karam is Of Counsel to the Firm and is based in the Firm's Melville office. Karam is a trial lawyer with 30 years of experience. His practice focuses on complex class action litigation involving shareholders' rights and securities fraud. He also represents a number of landowners and royalty owners in litigation against large energy companies. He has tried complex cases involving investment fraud and commercial fraud, both on the plaintiff and defense side, and has argued numerous appeals in state and federal courts. Throughout his career, Karam has tried more than 100 cases to verdict.

Karam has served as a partner at several prominent plaintiffs' securities firms. From 1984 to 1990, Karam was an Assistant District Attorney in the Bronx, New York, where he served as a senior Trial Attorney in the Homicide Bureau. He entered private practice in 1990, concentrating on trial and appellate work in state and federal courts.

Education

A.B., College of the Holy Cross; J.D., Tulane University School of Law

Honors / Awards

"Who's Who" for Securities Lawyers, *Corporate Governance Magazine*, 2015

Ashley M. Kelly | Of Counsel

Ashley Kelly is Of Counsel in the San Diego office, where she represents large institutional and individual investors as a member of the Firm's antitrust and securities fraud practices. Her work is primarily federal and state class actions involving the federal antitrust and securities laws, common law fraud, breach of contract and accounting violations. Kelly's case work has been in the financial services, oil & gas, e-commerce and technology industries. In addition to being an attorney, she is a Certified Public Accountant. Kelly was an important member of the litigation team that obtained a \$500 million settlement on behalf of investors in *Luther v. Countrywide Fin. Corp.*, which was the largest residential mortgage-backed securities purchaser class action recovery in history.

Education

B.S., Pennsylvania State University, 2005; J.D., Rutgers University-Camden, 2011

Honors / Awards

Super Lawyer, "Rising Star," 2016, 2018

Matthew J. Langley | Of Counsel

Matthew Langley is Of Counsel in the Firm's Chicago office. He focuses his practice on securities fraud and other complex civil litigation. Prior to joining Robbins Geller, Langley served as an Assistant United States Attorney in the Southern District of Florida. He tried cases before the United States District Court and argued before the Eleventh Circuit Court of Appeals. Langley was a member of the Economic Crimes Division and prosecuted cases involving financial fraud, tax fraud, health care fraud, narcotics trafficking and firearm offenses. Before that, Langley was an associate at K&L Gates LLP in Miami from 2011 to 2014 and at Kirkland and Ellis LLP in New York from 2008 to 2011 where he concentrated in complex commercial litigation.

Education

B.A., University of Connecticut, 1997; J.D., Columbia Law School, 2008

Honors / Awards

Super Lawyer "Rising Star," 2013-2014

Jeffrey D. Light | Of Counsel

Jeff Light is Of Counsel in the Firm's San Diego office and also currently serves as a Judge Pro Tem for the San Diego County Superior Court. Light practices in the Firm's settlement department, negotiating, documenting, and obtaining court approval of the Firm's complex securities, merger, consumer and derivative actions. These settlements include *In re VeriFone Holdings, Inc. Sec. Litig.* (\$95 million recovery); *Louisiana Mun. Police Ret. Sys. v. KPMG, LLP* (\$31.6 million recovery); *In re Kinder Morgan, Inc. S'holders Litig.* (\$200 million recovery); *In re Qwest Commc'ns Int'l, Inc. Sec. Litig.* (\$400 million recovery); *In re Currency Conversion Fee Antitrust Litig.* (\$336 million recovery); and *In re AT&T Corp. Sec. Litig.* (\$100 million recovery). Prior to joining the Firm, he served as a law clerk to the Honorable Louise DeCarl Adler, United States Bankruptcy Court, Southern District of California, and the Honorable James Meyers, Chief Judge, United States Bankruptcy Court, Southern District of California.

Education

B.A., San Diego State University, 1987; J.D., University of San Diego School of Law, 1991

Honors / Awards

Top Lawyer in San Diego, *San Diego Magazine*, 2013-2017; J.D., *Cum Laude*, University of San Diego School of Law, 1991; Judge Pro Tem, San Diego Superior Court; American Jurisprudence Award in Constitutional Law

Jerry E. Martin | Of Counsel

Jerry Martin is Of Counsel in the Firm's Nashville office. He specializes in representing individuals who wish to blow the whistle to expose fraud and abuse committed by federal contractors, health care providers, tax cheats or those who violate the securities laws. Martin was a member of the litigation team that obtained a \$65 million recovery in *Garden City Emps.' Ret. Sys. v. Psychiatric Solutions, Inc.*, the third largest securities recovery ever in the Middle District of Tennessee and the largest in more than a decade.

Prior to joining the Firm, Martin served as the presidentially appointed United States Attorney for the Middle District of Tennessee from May 2010 to April 2013. As U.S. Attorney, he made prosecuting financial, tax and health care fraud a top priority. During his tenure, Martin co-chaired the Attorney General's Advisory Committee's Health Care Fraud Working Group. Martin has been recognized as a national leader in combatting fraud and has addressed numerous groups and associations, such as Taxpayers Against Fraud and the National Association of Attorney Generals, and was a keynote speaker at the American Bar Association's Annual Health Care Fraud Conference.

Education

B.A., Dartmouth College, 1996; J.D., Stanford University, 1999

Honors / Awards

Super Lawyer, 2016-2017

Ruby Menon | Of Counsel

Ruby Menon is Of Counsel to the Firm and serves as a member of the Firm's legal, advisory and business development group. She also serves as the liaison to the Firm's many institutional investor clients in the United States and abroad. For over 12 years, Menon served as Chief Legal Counsel to two large multi-employer retirement plans, developing her expertise in many areas of employee benefits and pension administration, including legislative initiatives and regulatory affairs, investments, tax, fiduciary compliance and plan administration.

Education

B.A., Indiana University, 1985; J.D., Indiana University School of Law, 1988

Eugene Mikolajczyk | Of Counsel

Eugene Mikolajczyk is Of Counsel to the Firm and is based in the Firm's San Diego Office. Mikolajczyk has over 30 years' experience prosecuting shareholder and securities litigation cases as both individual and class actions. Among the cases are *Heckmann v. Ahmanson*, in which the court granted a preliminary injunction to prevent a corporate raider from exacting greenmail from a large domestic media/entertainment company.

Mikolajczyk was a primary litigation counsel in an international coalition of attorneys and human rights groups that won a historic settlement with major U.S. clothing retailers and manufacturers on behalf of a class of over 50,000 predominantly female Chinese garment workers, in an action seeking to hold the Saipan garment industry responsible for creating a system of indentured servitude and forced labor. The coalition obtained an unprecedented agreement for supervision of working conditions in the Saipan factories by an independent NGO, as well as a substantial multi-million dollar compensation award for the workers.

Education

B.S., Elizabethtown College, 1974; J.D., Dickinson School of Law, Penn State University, 1978

Roxana Pierce | Of Counsel

Roxana Pierce is Of Counsel in the Firm's Washington D.C. office. She is an international lawyer whose practice focuses on securities litigation, arbitration, negotiations, contracts, international trade, real estate transactions and project development. She has represented clients in over 75 countries, with extensive experience in the Middle East, Asia, Russia, the former Soviet Union, Germany, Belgium, the Caribbean and India. Pierce's client base includes large institutional investors, international banks, asset managers, foreign governments, multi-national corporations, sovereign wealth funds and high net worth individuals.

Pierce has counseled international clients since 1994. She has spearheaded the contract negotiations for hundreds of projects, including several valued at over \$1 billion, and typically conducts her negotiations with the leadership of foreign governments and the leadership of Fortune 500 corporations, foreign and domestic. Pierce presently represents several European legacy banks in litigation concerning the 2008 financial crisis.

Education

B.A., Pepperdine University, 1988; J.D., Thomas Jefferson School of Law, 1994

Honors / Awards

Certificate of Accomplishment, Export-Import Bank of the United States

Svenna Prado | Of Counsel

Svenna Prado is Of Counsel in the Firm's San Diego office, where she focuses on various aspects of international securities and consumer litigation. She was part of the litigation teams that secured settlements against German defendant IKB, as well as Deutsche Bank and Deutsche Bank/West LB for their role in structuring residential mortgage-backed securities and their subsequent collapse. Prior to joining the Firm, Prado was Head of the Legal Department for a leading international staffing agency in Germany where she focused on all aspects of employment litigation and corporate governance. After she moved to the United States, Prado worked with an internationally oriented German law firm as Counsel to corporate clients establishing subsidiaries in the United States and Germany. As a law student, Prado worked directly for several years for one of the appointed Trustees winding up Eastern German operations under receivership in the aftermath of the German reunification. Utilizing her experience in this area of law, Prado later helped many clients secure successful outcomes in U.S. Bankruptcy Court.

Education

J.D., University of Erlangen-Nuremberg, Germany, 1996; Qualification for Judicial Office, Upper Regional Court Nuremberg, Germany, 1998; New York University, "U.S. Law and Methodologies," 2001

Stephanie Schroder | Of Counsel

Stephanie Schroder is Of Counsel in the Firm's San Diego office and focuses her practice on advising institutional investors, including public and multi-employer pension funds, on issues related to corporate fraud in the United States and worldwide financial markets. Schroder has been with the Firm since its formation in 2004, and has over 17 years of securities litigation experience.

Schroder has obtained millions of dollars on behalf of defrauded investors. Prominent cases include: *In re AT&T Corp. Sec. Litig.* (\$100 million recovery at trial); *In re FirstEnergy Corp. Sec. Litig.* (\$89.5 million recovery); *Rasner v. Sturm (FirstWorld Communications)*; and *In re Advanced Lighting Sec. Litig.* Schroder also specializes in derivative litigation for breaches of fiduciary duties by corporate officers and directors. Significant litigation includes *In re OM Group S'holder Litig.* and *In re Chiquita S'holder Litig.* Schroder also represented clients that suffered losses from the Madoff fraud in the *Austin Capital* and *Meridian Capital* litigations, which were successfully resolved. In addition, Schroder is a frequent lecturer on securities fraud, shareholder litigation, and options for institutional investors seeking to recover losses caused by securities and accounting fraud.

Education

B.A., University of Kentucky, 1997; J.D., University of Kentucky College of Law, 2000

Christopher P. Seefer | Of Counsel

Christopher Seefer is Of Counsel in the Firm's San Francisco office. He concentrates his practice in securities class action litigation, including cases against Verisign, UTStarcom, VeriFone, Nash Finch, NextCard, Terayon and America West. Seefer served as an Assistant Director and Deputy General Counsel for the Financial Crisis Inquiry Commission, which reported to Congress in January 2011 its conclusions as to the causes of the global financial crisis. Prior to joining the Firm, he was a Fraud Investigator with the Office of Thrift Supervision, Department of the Treasury (1990-1999), and a field examiner with the Office of Thrift Supervision (1986-1990).

Education

B.A., University of California Berkeley, 1984; M.B.A., University of California, Berkeley, 1990; J.D., Golden Gate University School of Law, 1998

Arthur L. Shingler III | Of Counsel

Arthur Shingler is Of Counsel to the Firm and is based in the Firm's San Diego office. Shingler has successfully represented both public and private sector clients in hundreds of complex, multi-party actions with billions of dollars in dispute. Throughout his career, he has obtained outstanding results for those he has represented in cases generally encompassing shareholder derivative and securities litigation, unfair business practices litigation, publicity rights and advertising litigation, ERISA litigation, and other insurance, health care, employment and commercial disputes.

Representative matters in which Shingler served as lead litigation or settlement counsel include, among others: *In re Royal Dutch/Shell ERISA Litig.* (\$90 million settlement); *In re Priceline.com Sec. Litig.* (\$80 million settlement); *In re General Motors ERISA Litig.* (\$37.5 million settlement, in addition to significant revision of retirement plan administration); *Wood v. Ionatron, Inc.* (\$6.5 million settlement); *In re Lattice Semiconductor Corp. Derivative Litig.* (corporate governance settlement, including substantial revision of board policies and executive management); *In re 360networks Class Action Sec. Litig.* (\$7 million settlement); and *Rothschild v. Tyco Int'l (US), Inc.*, 83 Cal. App. 4th 488 (2000) (shaped scope of California's Unfair Practices Act as related to limits of State's False Claims Act).

Education

B.A., Point Loma Nazarene College, 1989; J.D., Boston University School of Law, 1995

Honors / Awards

B.A., *Cum Laude*, Point Loma Nazarene College, 1989

Leonard B. Simon | Of Counsel

Leonard Simon is Of Counsel in the Firm's San Diego office. His practice has been devoted to litigation in the federal courts, including both the prosecution and the defense of major class actions and other complex litigation in the securities and antitrust fields. Simon has also handled a substantial number of complex appellate matters, arguing cases in the United States Supreme Court, several federal Courts of Appeals, and several California appellate courts. He has also represented large, publicly traded corporations. Simon served as plaintiffs' co-lead counsel in *In re Am. Cont'l Corp./Lincoln Sav. & Loan Sec. Litig.*, MDL No. 834 (D. Ariz.) (settled for \$240 million), and *In re NASDAQ Market-Makers Antitrust Litig.*, MDL No. 1023 (S.D.N.Y.) (settled for more than \$1 billion). He was also in a leadership role in several of the state court antitrust cases against Microsoft, and the state court antitrust cases challenging electric prices in California. He was centrally involved in the prosecution of *In re Washington Pub. Power Supply Sys. Sec. Litig.*, MDL No. 551 (D. Ariz.), the largest securities class action ever litigated.

Simon is an Adjunct Professor of Law at Duke University, the University of San Diego, and the University of Southern California Law Schools. He has lectured extensively on securities, antitrust, and complex litigation in programs sponsored by the American Bar Association Section of Litigation, the Practising Law Institute, and ALI-ABA, and at the UCLA Law School, the University of San Diego Law School, and the Stanford Business School. He is an Editor of *California Federal Court Practice* and has authored a law review article on the PSLRA.

Education

B.A., Union College, 1970; J.D., Duke University School of Law, 1973

Honors / Awards

Top Lawyer in San Diego, *San Diego Magazine*, 2016-2017; Super Lawyer, 2008-2016; J.D., Order of the Coif and with Distinction, Duke University School of Law, 1973

Laura S. Stein | Of Counsel

Laura Stein is Of Counsel in the Firm's Philadelphia office. Since 1995, she has practiced in the areas of securities class action litigation, complex litigation and legislative law. Stein has served for over 20 years as Special Counsel to the Institute for Law and Economic Policy (ILEP), a think tank which develops policy positions on selected issues involving the administration of justice within the American legal system. She has also served as Counsel to the Annenberg Institute of Public Service at the University of Pennsylvania.

In a unique partnership with her mother, attorney Sandra Stein, also Of Counsel to the Firm, the Steins have served as the Firm's and the nation's top asset recovery experts. The Steins focus on minimizing losses suffered by shareholders due to corporate fraud and breaches of fiduciary duty. The Steins also seek to deter future violations of federal and state securities laws by reinforcing the standards of good corporate governance. The Steins work with over 500 institutional investors across the nation and abroad, and their clients have served as lead plaintiff in successful cases where billions of dollars were recovered for defrauded investors against such companies as: AOL Time Warner, TYCO, Cardinal Health, AT&T, Hanover Compressor, 1st Bancorp, Enron, Dynegy, Inc., Honeywell International and Bridgestone, to name a few. Many of the cases led by the Steins' clients have accomplished groundbreaking corporate governance achievements, including obtaining shareholder-nominated directors.

Education

B.A., University of Pennsylvania, 1992; J.D., University of Pennsylvania Law School, 1995

Sandra Stein | Of Counsel

Sandra Stein is Of Counsel in the Firm's Philadelphia office. She concentrates her practice in securities class action litigation, legislative law and antitrust litigation. In a unique partnership with her daughter, Laura Stein, also Of Counsel to the Firm, the Steins have served as the Firm's and the nation's top asset recovery experts. The Steins focus on minimizing losses suffered by shareholders due to corporate fraud and breaches of fiduciary duty.

Previously, Stein served as Counsel to United States Senator Arlen Specter of Pennsylvania. During her service in the United States Senate, Stein was a member of Senator Specter's legal staff and a member of the United States Senate Judiciary Committee staff. She is also the Founder of the Institute for Law and Economic Policy (ILEP), a think tank that develops policy positions on selected issues involving the administration of justice within the American legal system. Stein has also produced numerous public service documentaries for which she was nominated for an Emmy and received an ACE award, cable television's highest award for excellence in programming.

Education

B.S., University of Pennsylvania, 1961; J.D., Temple University School of Law, 1966

Honors / Awards

Nominated for an Emmy and received an ACE award for public service documentaries

John J. Stoia, Jr. | Of Counsel

John Stoia is Of Counsel to the Firm and is based in the Firm's San Diego office. He is one of the founding partners and former managing partner of the Firm. He focuses his practice on insurance fraud, consumer fraud and securities fraud class actions. Stoia has been responsible for over \$10 billion in recoveries on behalf of victims of insurance fraud due to deceptive sales practices such as "vanishing premiums" and "churning." He has worked on dozens of nationwide complex securities class actions, including *In re Am. Cont'l Corp./Lincoln Sav. & Loan Sec. Litig.*, which arose out of the collapse of Lincoln Savings & Loan and Charles Keating's empire. Stoia was a member of the plaintiffs' trial team that obtained verdicts against Keating and his co-defendants in excess of \$3 billion and settlements of over \$240 million.

He also represented numerous large institutional investors who suffered hundreds of millions of dollars in losses as a result of major financial scandals, including AOL Time Warner and WorldCom. Currently, Stoia is lead counsel in numerous cases against online discount voucher companies for violations of both federal and state laws including violation of state gift card statutes.

Education

B.S., University of Tulsa, 1983; J.D., University of Tulsa, 1986; LL.M., Georgetown University Law Center, 1987

Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2017; Super Lawyer, 2007-2017; Litigator of the Month, *The National Law Journal*, July 2000; LL.M. Top of Class, Georgetown University Law Center

Bruce Gamble | Special Counsel

Bruce Gamble is Special Counsel to the Firm in the Firm's Washington D.C. office and is a member of the Firm's institutional investor client services group. He serves as liaison with the Firm's institutional investor clients in the United States and abroad, advising them on securities litigation matters. Gamble formerly served as Of Counsel to the Firm, providing a broad array of highly specialized legal and consulting services to public retirement plans. Prior to working with Robbins Geller, Gamble was General Counsel and Chief Compliance Officer for the District of Columbia Retirement Board, where he served as chief legal advisor to the Board of Trustees and staff. Gamble's experience also includes serving as Chief Executive Officer of two national trade associations and several senior level staff positions on Capitol Hill.

Education

B.S., University of Louisville, 1979; J.D., Georgetown University Law Center, 1989

Honors / Awards

Executive Board Member, National Association of Public Pension Attorneys, 2000-2006; American Banker selection as one of the most promising U.S. bank executives under 40 years of age, 1992

Carlton R. Jones | Special Counsel

Carlton Jones is Special Counsel to the Firm and is a member of the Intellectual Property group in the Atlanta office. Although Jones primarily focuses on patent litigation, he has experience handling a variety of legal matters of a technical nature, including performing invention patentability analysis and licensing work for the Centers for Disease Control as well as litigation involving internet streaming-audio licensing disputes and medical technologies. He is a registered Patent Attorney with the United States Patent and Trademark Office.

Education

B.S., Georgia Institute of Technology, 2006; J.D., Georgia State University College of Law, 2009

Tricia L. McCormick | Special Counsel

Tricia McCormick is Special Counsel to the Firm and focuses primarily on the prosecution of securities class actions. McCormick has litigated numerous cases against public companies in state and federal courts that resulted in hundreds of millions of dollars in recoveries for investors. She is also a member of a team that is in constant contact with clients who wish to become actively involved in the litigation of securities fraud. In addition, McCormick is active in all phases of the Firm's lead plaintiff motion practice.

Education

B.A., University of Michigan, 1995; J.D., University of San Diego School of Law, 1998

Honors / Awards

J.D., *Cum Laude*, University of San Diego School of Law, 1998

R. Steven Aronica | Forensic Accountant

Steven Aronica is a Certified Public Accountant licensed in the States of New York and Georgia and is a member of the American Institute of Certified Public Accountants, the Institute of Internal Auditors and the Association of Certified Fraud Examiners. Aronica has been instrumental in the prosecution of numerous financial and accounting fraud civil litigation claims against companies that include Lucent Technologies, Tyco, Oxford Health Plans, Computer Associates, Aetna, WorldCom, Vivendi, AOL Time Warner, Ikon, Doral Financial, First BanCorp, Acclaim Entertainment, Pall Corporation, iStar Financial, Hibernia Foods, NBTY, Tommy Hilfiger, Lockheed Martin, the Blackstone Group and Motorola. In addition, he assisted in the prosecution of numerous civil claims against the major United States public accounting firms.

Aronica has been employed in the practice of financial accounting for more than 30 years, including public accounting, where he was responsible for providing clients with a wide range of accounting and auditing services; the investment bank Drexel Burnham Lambert, Inc., where he held positions with accounting and financial reporting responsibilities; and at the SEC, where he held various positions in the divisions of Corporation Finance and Enforcement and participated in the prosecution of both criminal and civil fraud claims.

Education

B.B.A., University of Georgia, 1979

Andrew J. Rudolph | Forensic Accountant

Andrew Rudolph is the Director of the Firm's Forensic Accounting Department, which provides in-house forensic accounting expertise in connection with securities fraud litigation against national and foreign companies. He has directed hundreds of financial statement fraud investigations, which were instrumental in recovering billions of dollars for defrauded investors. Prominent cases include *Qwest*, *HealthSouth*, *WorldCom*, *Boeing*, *Honeywell*, *Vivendi*, *Aurora Foods*, *Informix*, *Platinum Software*, *AOL Time Warner*, and *UnitedHealth*.

Rudolph is a Certified Fraud Examiner and a Certified Public Accountant licensed to practice in California. He is an active member of the American Institute of Certified Public Accountants, California's Society of Certified Public Accountants, and the Association of Certified Fraud Examiners. His 20 years of public accounting, consulting and forensic accounting experience includes financial fraud investigation, auditor malpractice, auditing of public and private companies, business litigation consulting, due diligence investigations and taxation.

Education

B.A., Central Connecticut State University, 1985

Christopher Yurcek | Forensic Accountant

Christopher Yurcek is the Assistant Director of the Firm's Forensic Accounting Department, which provides in-house forensic accounting and litigation expertise in connection with major securities fraud litigation. He has directed the Firm's forensic accounting efforts on numerous high-profile cases, including *In re Enron Corp. Sec. Litig.* and *Jaffe v. Household Int'l, Inc.*, which obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Other prominent cases include *HealthSouth*, *UnitedHealth*, *Vesta*, *Informix*, *Mattel*, *Coca-Cola* and *Media Vision*.

Yurcek has over 20 years of accounting, auditing, and consulting experience in areas including financial statement audit, forensic accounting and fraud investigation, auditor malpractice, turn-around consulting, business litigation and business valuation. He is a Certified Public Accountant licensed in California, holds a Certified in Financial Forensics (CFF) Credential from the American Institute of Certified Public Accountants, and is a member of the California Society of CPAs and the Association of Certified Fraud Examiners.

Education

B.A., University of California, Santa Barbara, 1985

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALASKA ELECTRICAL PENSION FUND,
et al.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., et al.,

Defendants.

Case No. 14-cv-7126 (JMF)

Hon. Jesse M. Furman

**DECLARATION OF DARYL F. SCOTT IN SUPPORT OF LEAD COUNSEL'S
MOTION FOR AWARD OF ATTORNEYS' FEES AND LITIGATION EXPENSES
FILED ON BEHALF OF SCOTT+SCOTT ATTORNEYS AT LAW LLP**

I, Daryl F. Scott, declare as follows:

1. I am a partner in the law firm of Scott+Scott Attorneys at Law LLP ("Scott+Scott" or the "Firm"), one of Plaintiffs' Court-appointed Lead Counsel in the above-captioned litigation (the "ISDAfix Litigation"). I submit this declaration in support of Lead Counsel's application for an award of attorneys' fees and for the payment of litigation expenses and charges ("Expenses") incurred in connection with the prosecution of the ISDAfix Litigation.

2. The work performed by Scott+Scott is described in the Joint Declaration of Co-Lead Counsel, concurrently filed with this declaration.

3. The time spent on the ISDAfix Litigation by attorneys and professional support staff of Scott+Scott is set forth in a report, attached to this declaration as Exhibit 1. The report includes a lodestar calculation, which was determined by multiplying hours recorded by current hourly rates. The current hourly rates, set by my Firm, are the usual and customary rates that have been accepted by courts in other complex or class action litigation. For personnel who are

no longer employed by the Firm, the lodestar calculation is based on their hourly rates in the final year of employment with my Firm.

4. Exhibit 1 was prepared from contemporaneous time records, regularly prepared and maintained by my Firm. The time records were audited in accordance with the Firm's best practices. The time was first reviewed for necessity, relevancy, accuracy and duplicity. Certain time was then excluded: (i) time posted after August 31, 2018; and (ii) time spent preparing the fee and expense application.

5. As set forth in Exhibit 1, the total number of hours spent by attorneys and professional support staff of Scott+Scott, from inception of the ISDAfix Litigation through August 31, 2018, is 40,772.30. The total lodestar, presented at current hourly rates, is \$22,984,550, consisting of \$22,787,509.50 in attorney time and \$197,040.50 in professional support staff time.

6. To facilitate the sharing of Expenses, Plaintiffs' Lead Counsel contributed to a litigation fund, which was established and managed by my Firm. As set forth in Exhibit 2 to this declaration, from the inception of the ISDAfix Litigation through August 31, 2018, Plaintiffs' Lead Counsel contributed \$4,176,719 to the litigation fund and, during the same period, the litigation fund paid or incurred \$7,146,710.76 in Expenses, leaving an unfunded payment obligation of \$2,969,991.76. On behalf of the litigation fund, my Firm seeks payment of the unfunded payment obligation in the amount of \$2,969,991.76.

7. My Firm also seeks payment for the contributions we made to the litigation fund and for other Expenses made by Scott+Scott, which are set forth in Exhibit 3 to this declaration.* As set forth in Exhibit 3, from the inception of the ISDAfix Litigation through August 31, 2018,

* Contributions to the litigation fund from Robbins Geller, Quinn Emanuel and Labaton Sucharow are listed as costs for which those firms are seeking reimbursement in Exhibit 2 of the Declarations of Brian O. O'Mara, Daniel L. Brockett, and Gregory S. Ascioffa, respectively.

my Firm paid certain Expenses, including payments made to the litigation fund, for which we now seek repayment. These were additional Expenses necessary to prosecute the ISDAfix Litigation that were not paid by the litigation fund, and were not duplicated in Exhibit 2. The Expenses in Exhibit 3 total \$4,129,169.76.

8. We believe the Expenses submitted in this declaration are reasonable and were necessary to effectively prosecute the ISDAfix Litigation. The Expenses reflected in Exhibit 2 and Exhibit 3 are the Expenses actually incurred, or reflect “caps” based on the application of the following criteria:

- a) Airfare was included at coach rates;
- b) Meals per person were limited to: \$20 for breakfast, \$25 for lunch, and \$50 for dinner;
- c) Internal copying was included at \$0.10 a page;
- d) Online research was included at the out-of-pocket cost paid to vendors for online research. There are no administrative charges included in these figures; and
- e) Expenses related to the fee and expense application, such as the expert’s fee report from Brian Fitzpatrick, were not included this declaration.

9. The Expenses incurred in the ISDAfix Litigation are reflected in the accounting records of Scott+Scott, and were prepared from vouchers, check records, and other source materials, and are an accurate record of the Expenses incurred.

10. Attached as Exhibit 4 to this declaration are brief biographies of my firm, Scott+Scott, and the individual attorneys who worked on the ISDAfix Litigation.

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

Executed this 26th day of September, 2018, in Richmond, Virginia.



Daryl F. Scott

EXHIBIT 1

SCOTT+SCOTT ATTORNEYS AT LAW LLP
TIME REPORT
From Inception through August 31, 2018

Timekeeper	Position	Hours	Rate	Lodestar
Beth Kaswan	(P)	881.60	\$ 995.00	\$ 877,192.00
Chris Burke	(P)	1,733.00	995.00	1,724,335.00
David R. Scott	(P)	203.70	995.00	202,681.50
Daryl Scott	(P)	140.80	900.00	126,720.00
Joe Guglielmo	(P)	67.70	900.00	60,930.00
Judy Scolnick	(P)	26.50	900.00	23,850.00
Peter A. Barile	(P)	2,560.70	900.00	2,304,630.00
Sylvia Sokol	(P)	279.80	900.00	251,820.00
Amanda Lawrence	(P)	555.50	825.00	458,287.50
Donald Broggi	(P)	551.50	825.00	454,987.50
Erin Green Comite	(P)	176.80	825.00	145,860.00
Kristen Anderson	(P)	437.00	825.00	360,525.00
Walter Noss	(P)	182.30	825.00	150,397.50
Max Schwartz	(P)	135.90	775.00	105,322.50
Mike Burnett	(P)	332.20	775.00	257,455.00
Joe Cohen	(OC)	12.40	710.00	8,804.00
Anne Box	(OC)	33.90	680.00	23,052.00
Hal Cunningham	(A)	3,476.30	625.00	2,172,687.50
J. Alex Vargas	(A)	20.00	625.00	12,500.00
Julie Kearns	(A)	3,335.60	625.00	2,084,750.00
David Goldberger	(A)	2,100.90	600.00	1,260,540.00
John Jasnoch	(A)	412.60	600.00	247,560.00
Stephanie Hackett	(A)	242.20	600.00	145,320.00
Thomas K. Boardman	(A)	2,091.70	600.00	1,255,020.00
Stephen Teti	(A)	17.30	575.00	9,947.50
Andrea Farah	(A)	17.10	450.00	7,695.00
Kate Lv	(A)	87.40	450.00	39,330.00
Jennifer Scott	(A)	347.80	400.00	139,120.00
Joseph Halloran	(A)	251.70	400.00	100,680.00
Adam Winokur	(SA)	563.30	400.00	225,320.00

Timekeeper	Position	Hours	Rate	Lodestar
Caitlin Zapf	(SA)	1,557.80	400.00	623,120.00
Elizabeth Campos	(SA)	613.80	400.00	245,520.00
Emery McClendon	(SA)	335.90	400.00	134,360.00
Helen Glynn	(SA)	940.70	400.00	376,280.00
Jacey Bogler	(SA)	21.00	400.00	8,400.00
James Buche	(SA)	625.30	400.00	250,120.00
Katie Shank	(SA)	163.40	400.00	65,360.00
Louisa Cooper	(SA)	305.20	400.00	122,080.00
Melanie Porter	(SA)	186.20	400.00	74,480.00
Mingzhao Xu	(SA)	4,955.00	400.00	1,982,000.00
Nnenna Sankey	(SA)	1,527.60	400.00	611,040.00
Sean Russell	(SA)	2,028.40	400.00	811,360.00
Stephen Fletcher	(SA)	3,170.80	400.00	1,268,320.00
Victoria Burke	(SA)	2,360.30	400.00	944,120.00
Yvonne Funk	(SA)	55.60	400.00	22,240.00
Dustin Foster	(CA)	26.80	425.00	11,390.00
Amy Weas	(PL)	30.30	325.00	9,847.50
Ann Slaughter	(PL)	92.30	325.00	29,997.50
Ellen DeWan	(PL)	304.50	325.00	98,962.50
Irina Chilala	(PL)	19.10	305.00	5,825.50
Renata McGraw	(PL)	11.60	275.00	3,190.00
Tamar A. Pacht	(PL)	28.10	275.00	7,727.50
Dylan Gatzke	(LS)	10.80	325.00	3,510.00
Charlie Torres	(LS)	57.50	300.00	17,250.00
Mario Tlatenchi	(LS)	42.80	300.00	12,840.00
Oleg Opsha	(LS)	26.30	300.00	7,890.00
TOTAL		40,772.30		\$ 22,984,550.00

(P) Partner
(OC) Of Counsel
(A) Associates
(SA) Staff Attorney
(CA) Contract Attorney
(PL) Paralegal
(LS) Litigation Support

EXHIBIT 2**PLAINTIFFS' COUNSEL CONTRIBUTIONS TO LITIGATION FUND**

From Inception through August 31, 2018

LAW FIRM	CONTRIBUTIONS	
Quinn Emanuel Urquhart & Sullivan, LLP	\$	1,141,633.00
Scott+Scott Attorneys at Law LLP		1,141,633.00
Robins Geller Rudman & Dowd LLP		1,141,633.00
Labaton Sucharow LLP		751,820.00
TOTAL CONTRIBUTIONS	\$	4,176,719.00

LITIGATION FUND EXPENSES

From Inception through August 31, 2018

CATEGORY	AMOUNT	
Bank fees	\$	558.00
Court reporters & transcripts		139,272.22
Document management & litigation support		34,379.38
Experts		6,964,986.58
Mediation		7,514.58
TOTAL	\$	7,146,710.76

***The litigation fund has an unfunded payment obligation of \$2,969,991.76**

EXHIBIT 3
SCOTT+SCOTT ATTORNEYS AT LAW LLP
EXPENSE REPORT

From Inception through August 31, 2018

CATEGORY	AMOUNT
Court fees & other filing fees	\$ 5,281.15
Court reporters & transcripts	1,368.50
Document management & litigation support	22,575.84
Experts*	2,625,037.67
Internal copying	21,962.60
Litigation fund contributions	1,141,633.00
Mediation fees	15,356.26
Online legal & financial research	66,354.64
Postage, overnight delivery & messengers	3,385.13
Staff overtime	4,739.39
Telephone & facsimile	5,811.88
Travel (meals, lodging & transportation)	215,663.71
TOTAL	\$ 4,129,169.76

***Includes \$516,787.39 in payments to co-counsel, Quinn Emanuel, for out-of-pocket expenses.**

EXHIBIT 4

SCOTT+SCOTT ATTORNEYS AT LAW LLP
FIRM RÉSUMÉ AND BIOGRAPHIES

SCOTT+SCOTT ATTORNEYS AT LAW LLP



MISSION STATEMENT

Scott+Scott Attorneys at Law LLP (“Scott+Scott”) is a nationally recognized law firm headquartered in Connecticut with offices in California, New York City, and Ohio. Scott+Scott represents individuals, businesses, public and private pension funds, and others who have suffered from corporate fraud and wrongdoing. Scott+Scott is directly responsible for recovering hundreds of millions of dollars and achieving substantial corporate governance reforms on behalf of its clients. Scott+Scott has significant expertise in complex antitrust, consumer, securities, ERISA, and civil rights litigation in both federal and state courts. Through its efforts, Scott+Scott promotes corporate social responsibility.

ANTITRUST

Scott+Scott litigates complex antitrust cases throughout the United States. Scott+Scott represents investors, business, and consumers in price-fixing, bid-rigging, monopolization, and other restraints of trade cases on both a class-wide and individual basis, helping to ensure that markets remain free, open, and competitive. With the opening of a London Office, Scott+Scott’s commitment to competition now includes pursuing its clients’ claims on a global basis.

Scott+Scott’s class action antitrust practice includes serving as court-appointed lead counsel with the responsibility for the prosecution of class claims. Scott+Scott serves as court-appointed lead counsel in high-value antitrust class action cases, including *Dahl v. Bain Capital Partners, LLC*, No. 07-cv-12388 (D. Mass.) (challenging bid rigging and market allocation of leveraged buyouts by private equity firms resulting in \$590.5 million in settlements); *In Re: Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (S.D.N.Y.) (challenging price-fixing of foreign exchange rates (over \$2 billion in partial settlements negotiated)); and *Alaska Electrical Pension Fund v. Bank of America Corp.*, No. 14-cv-7126 (S.D.N.Y.) (challenging price-fixing of the ISDAfix benchmark interest rate). Scott+Scott has served as court-appointed lead counsel in other cases, including *In re Korean Air Lines Co., Ltd. Antitrust Litigation*, MDL No. 1891, No. CV 07-06542 (C.D. Cal.) (challenging price-fixing/illegal surcharge (\$86 million in cash and travel voucher settlements) and *Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Limited Company*, No. 12-cv-03824 (E.D. Pa.) (challenging monopolization in the sale of name-brand pharmaceutical (\$8 million settlement)).

When not serving as lead counsel, Scott+Scott has served on the executive leadership committees in numerous class action cases. Representative actions include *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. 1:05-md-1720 (E.D.N.Y.) (challenging price-fixing in the payment cards industry (\$7.25 billion settlement)); *Kleen*

Products LLC v. Packaging Corporation of America, No. 1:10-cv-05711 (N.D. Ill.) (challenging price-fixing of containerboard products); and *In re Lithium Ion Batteries Antitrust Litig.*, No. 13-md-2420-YGR (DMR) (N.D. Cal.) (challenging price-fixing of lithium-ion batteries).

Scott+Scott's class action antitrust experience includes serving as co-trial counsel in *In re Scrap Metal Antitrust Litigation*, 02-cv-0844-KMO (N.D. Ohio), where it helped obtain a \$34.5 million jury verdict, which was subsequently affirmed by the United States Court of Appeals for the Sixth Circuit (see *In re Scrap Metal Antitrust Litigation*, 527 F.3d 517, 524 (6th Cir. 2008)), and in the consolidated bench trial in *Ross v. Bank of America N.A.*, No. 05-cv-7116, MDL No. 1409 (S.D.N.Y.), and *Ross v. American Express Co.*, No. 04-cv-5723, MDL No. 1409 (S.D.N.Y.).

Scott+Scott also represents large clients in opt-out antitrust litigation. Scott+Scott currently represents Eastman Kodak Company, Agfa Corporation, Agfa Graphics, N.V., and Mag Instrument, Inc. in *In re: Aluminum Warehousing Antitrust Litigation*, MDL No. 2481 (S.D.N.Y.). Scott+Scott previously represented publicly traded corporations, such as Parker Hannifin Corporation and PolyOne Corporation, in matters such as *In re Rubber Chemicals Antitrust Litigation*, MDL No. 1648 (N.D. Cal.); *In re Polychloroprene Rubber (CR) Antitrust Litigation*, MDL No. 1642 (D. Conn.); and *In re Plastic Additives Antitrust Litigation (No. II)*, MDL No. 1684 (E.D. Pa.).

CONSUMER RIGHTS

Scott+Scott and its attorneys have a proven track record of obtaining significant recoveries for consumers in class action cases. Scott+Scott is one of the premier advocates in the area of consumer protection law and has been appointed to a number of prominent leadership positions.

Cases where Scott+Scott has played a leading role in the area of consumer protection litigation include:

- *In re Providian Financial Corp. Credit Card Terms Litigation*, MDL No. 1301 (E.D. Pa.) (\$105 million settlement was achieved on behalf of a class of credit card holders who were charged excessive interest and late charges on their credit cards);
- *The Vulcan Society, Inc. v. City of New York*, No. 07-cv-02067 (E.D.N.Y.) (\$100 million settlement and significant injunctive relief was obtained for a class of black and Hispanic applicants who sought to be New York City firefighters but were denied or delayed employment due to racial discrimination);
- *In re Prudential Ins. Co. SGLI/VGLI Contract Litigation*, MDL No. 2208 (D. Mass.) (\$40 million settlement was achieved on behalf of a class of military service members and their families who had purchased insurance contracts);
- *In re Target Corp. Customer Data Security Breach Litigation*, MDL No. 2522 (D. Minn.) (\$59 million settlement achieved on behalf of financial institutions involving data breach of personal and financial information of approximately 40 million credit and debit card holders);

- *Greater Chautauqua Federal Credit Union v. Kmart Corporation*, No. 15-cv-02228 (N.D. Ill.) (\$18 million monetary and injunctive settlement on behalf of financial institutions involving data breach of credit and debit card information);
- *Winsouth Credit Union v. Mapco Express Inc.*, Case No.: 3:14-cv-1573 (M.D. Tenn.) (largest dollar-per-card settlement obtained on behalf of financial institutions involving data breach of credit and debit card information);
- *Gunther v. Capital One, N.A.*, No. 09-2966 (E.D.N.Y.) (a net settlement resulting in class members receiving 100% of their damages was obtained);
- *In re Pre-Filled Propane Tank Marketing and Sales Practices Litigation*, MDL No. 2086 (W.D. Mo.) (\$37 million settlement obtained on behalf of class of propane purchasers who alleged defendants overcharged the class for under-filled propane tanks);
- *Murr v. Capital One Bank (USA), N.A.*, No. 1:13-cv-1091 (E.D. Va.) (\$7.3 million settlement pending on behalf of class of consumers who were misled into accepting purportedly 0% interest offers); and
- *Howerton v. Cargill, Inc.*, No. 13-cv-00336 (D. Haw.) (\$6.1 settlement obtained on behalf of a class of consumers who purchased Truvia, purported to be deceptively marketed as “all-natural”).

Moreover, Scott+Scott is currently serving in a leadership capacity in a number of class action consumer protection cases, including:

- *In re The Home Depot, Inc., Customer Data Security Breach Litigation*, MDL No. 2583 (N.D. Ga.) (co-lead counsel, preliminary approval of \$27.25 million settlement on behalf of financial institutions involving data breach and the theft of the personal and financial information of over 40 million credit and debit card holders);
- *First Choice Federal Credit Union v. The Wendy’s Co.*, 2:16-cv-00506 (W.D. Pa.) (co-lead counsel, claims on behalf of financial institutions involving data breach of personal and financial information of millions of credit and debit card holders);
- *In re UnitedHealth Group PBM Litigation*, Case No. 0:16-cv-3352 (D. Minn.) (co-lead counsel, claims on behalf of plan participants involving overcharge of copayments for prescription drugs);
- *In re Cigna Corporation PBM Litigation*, Case No. 3:16-cv-1702 (D. Conn.) (Chair of Executive Committee, claims on behalf of plan participants involving overcharge of copayments for prescription drugs);
- *Midwest America Federal Credit Union v. Arby’s Restaurant Group, Inc.*, 1:17-cv-00514 (N.D. Ga.) (member of Executive Committee, claims on behalf of financial institutions involving data breach of credit and debit card information); and

- *In re Herbal Supplements Marketing and Sales Practices Litigation*, MDL No. 2519 (N.D. Ill.) (claims on behalf of a class of consumers alleging major retail-chain defendants misrepresent the ingredients in store-branded herbal supplements).

SECURITIES AND CORPORATE GOVERNANCE

Scott+Scott represents individuals and institutional investors that have suffered from stock fraud and corporate malfeasance. Scott+Scott's philosophy is simple – directors and officers should be truthful in their dealings with the public markets and honor their duties to their shareholders. Since its inception, Scott+Scott's securities and corporate governance litigation department has developed and maintained a reputation of excellence and integrity recognized by state and federal and state courts across the country. “It is this Court's position that Scott+Scott did a superlative job in its representation, which substantially benefited Ariel For the record, it should be noted that Scott+Scott has demonstrated a remarkable grasp and handling of the extraordinarily complex matters in this case They have possessed a knowledge of the issues presented and this knowledge has always been used to the benefit of all investors.” *N.Y. Univ. v. Ariel Fund Ltd.*, No. 603803/08, slip. op. at 9-10 (N.Y. Sup. Ct. Feb. 22, 2010). “The quality of representation here is demonstrated, in part, by the result achieved for the class. Further, it has been this court's experience, throughout the ongoing litigation of this matter, that counsel have conducted themselves with the utmost professionalism and respect for the court and the judicial process.” *In re Priceline.com, Inc. Sec. Litig.*, No. 00-cv-01884, 2007 WL 2115592, at *5 (D. Conn. July 20, 2007).

Scott+Scott has successfully prosecuted numerous class actions under the federal securities laws, resulting in the recovery of hundreds of millions of dollars for shareholders. Representative cases prosecuted by Scott+Scott under the Securities Exchange Act of 1934 include: *In re Priceline.com, Inc. Sec. Litig.*, No. 00-cv-01884 (D. Conn. July 19, 2007) (\$80 million settlement); *Irvine v. ImClone Sys., Inc.*, No. 02-cv-00109 (S.D.N.Y. July 29, 2005) (\$75 million settlement); *Cornwell v. Credit Suisse Group*, No. 08-cv-03758 (S.D.N.Y. July 20, 2011) (\$70 million settlement); *Schnall v. Annuity and Life Re (Holdings) Ltd.*, No. 02-cv-2133 (D. Conn. June 13, 2008) (\$26.5 million settlement); and *St. Lucie County Fire District Firefighter's Pension Trust Fund v. Oilsands Quest Inc.*, No. 11-cv-1288-JSR (S.D.N.Y. Dec. 6, 2013) (\$10.23 million settlement) (\$7.85 million settlement preliminarily approved). Representative cases prosecuted by Scott+Scott under the Securities Act of 1933 include: *In re Washington Mutual Mortgage-Backed Securities Litigation*, No. 09-cv-0037 (W.D. Wash. Jan. 7, 2014) (\$26 million settlement); *In re Pacific Biosciences Securities Litigation*, No. CIV509210 (Cal. Super. Ct., San Mateo County, Oct. 31, 2013) (\$7.68 million settlement); *West Palm Beach Police Pension Fund v. CardioNet, Inc.*, No. 37-2010-00086836-CU-SL-CTL (Cal. Super. Ct., San Diego County, 2010) (\$7.25 million settlement); *Parker v. National City Corp.*, No. CV-08-657360 (Ohio Ct. Com. Pl., Cuyahoga County, June 23, 2010) (\$5.25 million settlement); and *Hamel v. GT Solar International, Inc.*, No. 217-2010-CV-05004 (N.H. Super. Ct., Merrimack County, May 10, 2011) (\$10.25 million settlement).

Scott+Scott currently serves as court-appointed lead counsel in various federal securities class actions, including *Birmingham Retirement and Relief System, v. S.A.C. Capital Advisors*, No. 1:12-cv-09350 (S.D.N.Y. June 17, 2013); *In re NQ Mobile Securities Litigation*, No. 13-cv-

07608 (S.D.N.Y. April 9, 2014); *In re Conn's Inc. Securities Litigation*, No. 14-cv-00548 (S.D. Tex. June 3, 2014) and *Weston v. RCS Capital Corp.*, No. 14-10136 (S.D.N.Y., Dec. 29, 2014).

In addition to prosecuting federal securities class actions, Scott+Scott has a proven track record of handling corporate governance matters through its extensive experience litigating shareholder derivative actions. In addition, Scott+Scott has been singularly successful in its shareholder derivative appellate practice, and as a result, has been instrumental in fashioning the standards in this area of law. In *Westmoreland County Employee Retirement System v. Parkinson*, No. 12-3342 (7th Cir. Aug. 16, 2013), the Seventh Circuit clarified the parameters of demand futility in those instances where a majority of directors of a corporation are alleged to have breached the fiduciary duty of loyalty by consciously disregarding positive law. In *Cottrell v. Duke*, No. 12-3871 (8th Cir. Dec. 28, 2013), the Eighth Circuit, in a case of first impression, clarified that the *Colorado River* stay is virtually never appropriate where there are exclusive federal claims. And in *King v. Verifone Holdings, Inc.*, No. 330, 2010 (Del. Jan. 28, 2011), the Supreme Court of Delaware has clarified the availability of the Delaware Corporate Code Section 220 “books and records” demands to a shareholder whose original plenary action was dismissed without prejudice in a federal district court. Representative actions prosecuted by Scott+Scott include: *In re DaVita Healthcare Partners Derivative Litigation*, No. 13-cv-1308 (D. Colo.) (corporate governance reform valued at \$100 million); *North Miami Beach General Employees Retirement Fund v. Parkinson*, No. 10C6514 (N.D. Ill.) (corporate governance valued between \$50 million and \$60 million); *In re Marvell Tech. Group Ltd. Derivative Litigation*, No. C-06-03894-RMW (RS) (N.D. Cal. Aug. 11, 2009) (\$54.9 million and corporate governance reforms); *In re Qwest Communications International, Inc.*, No. Civ. 01-RB-1451 (D. Colo. June 15, 2004) (\$25 million and corporate governance reform); *Plymouth County Contributory Retirement Fund v. Hassan*, No. 08-cv-1022 (D.N.J.) (settlement of derivative claims against Merck Schering Plough and its officers and directors providing for corporate governance reforms valued between \$50 million and \$75 million); *Carfagno v. Schnitzer*, No. 08-cv-912-SAS (S.D.N.Y. May 18, 2009) (modification of terms of preferred securities issued to insiders valued at \$8 million); and *Garcia v. Carrion*, No. 3:09-cv-01507 (D.P.R. Sept. 12, 2011) (settlement of derivative claims against the company and its officers and directors providing for corporate governance reforms valued between \$10.05 million and \$15.49 million).

Currently, Scott+Scott is actively prosecuting shareholder derivative actions, including *In re Bio-Rad Laboratories, Inc. Stockholder Litigation*, C.A. No. 11387 (Del. Ch. Aug. 13, 2015); *In re Tile Shop Holdings, Inc. Stockholder Derivative Litigation*, C. A. No. 108884 (Del. Ch. July 31, 2015); *West Palm Beach Fire Pension Fund v. Page*, No. 15-1334 (N.D. Cal. March 23, 2015); *In re Duke Energy Corp. Coal Ash Derivative Litigation*, C.A. No. 9682 (Del. Ch. May 21, 2014); and *In re OSI Systems, Inc. Derivative Litigation*, No. 14-2910 (C. D. Cal. April 15, 2014).

EMPLOYEE BENEFITS (ERISA)

Scott+Scott litigates complex class actions across the United States on behalf of corporate employees alleging violations of the federal Employee Retirement Income Security Act. ERISA was enacted by Congress to prevent employers from exercising improper control over retirement plan assets and requires that pension and 401(k) plan trustees, including employer corporations,

owe the highest fiduciary duties to retirement plans and their participants as to their retirement funds. Scott+Scott is committed to continuing its leadership in ERISA and related employee-retirement litigation, as well as to those employees who entrust their employers with hard-earned retirement savings. Representative recoveries by Scott+Scott include: *In re Royal Dutch/Shell Transport ERISA Litigation*, No. 2:04-cv-01398-JWB-SDW (D.N.J. Aug. 30, 2005) (\$90 million settlement); *In re General Motors ERISA Litigation*, No. 2:05-cv-71085-NGE-RSW (E.D. Mich. June 5, 2008) (\$37.5 million settlement); and *Rantala v. ConAgra Foods*, No. 8:05-cv-00349-LES-TDT (D. Neb.) (\$4 million settlement).

CIVIL RIGHTS LITIGATION

Scott+Scott has also successfully litigated cases to enforce its clients' civil rights. In *The Vulcan Society, Inc. v. The City of New York*, No. 1:07-cv-02067-NGG-RLM (E.D.N.Y.), Scott+Scott was part of a team of lawyers representing a class of black applicants who were denied or delayed employment as New York City firefighters due to decades of racial discriminatory conduct. The district court certified the class in a post-*Walmart v. Dukes* decision, granted summary judgment against the City on both intentional discrimination and disparate impact claims, and after trial ordered broad injunctive relief, including a new examination, revision of the application procedure, and continued monitoring by a court-appointed monitor for at least 10 years. The back pay and compensatory damage award will be determined in a subsequent ruling. In *Hohider v. United Parcel Services, Inc.*, No. 2:04-cv-00363-JFC (W.D. Penn.), Scott+Scott obtained significant structural changes to UPS's Americans with Disabilities Act compliance policies and monetary awards for some individual employees in settlement of a ground-breaking case seeking nationwide class certification of UPS employees who were barred from reemployment after suffering injuries on the job.

ATTORNEY BACKGROUND AND EXPERIENCE

MELVIN SCOTT is a graduate of the University of Connecticut (B.A. 1950) and the University of Kentucky (M.A. 1953; LL.B. 1957). Mr. Scott founded the firm in 1975. He formerly practiced in Kentucky and is presently admitted to practice in Connecticut and Pennsylvania. Mr. Scott was a member of the Kentucky Law Review, where he submitted several articles for publication. He has served as an Attorney Trial Referee since the inception of the program in the State of Connecticut and is a member of the Fee Dispute Committee for New London County. Mr. Scott also formerly served as a Special Public Defender in criminal cases and as a member of the New London County Grievance Committee. Mr. Scott actively represents aggrieved parties in securities, commercial and criminal litigation and served or serves as counsel in *Irvine, et al. v. ImClone Systems, Inc.*; *Schnall v. Annuity and Life Re (Holdings) Ltd.*; *In re 360networks Class Action Securities Litigation*; *In re General Motors ERISA Litigation*, and *Hohider v. UPS*, among others.

DAVID R. SCOTT is the managing partner of Scott+Scott. He represents multinational corporations, hedge funds, and institutional investors in high-stakes complex litigation, including antitrust, commercial, and securities actions.

Mr. Scott has received widespread recognition for his antitrust work. He has been elected to Who's Who Legal: Competition 2015, 2016, and 2017 which lists the world's top antitrust lawyers who are selected based on comprehensive, independent survey work with both general counsel and lawyers in private practice around the world. He has also received a highly recommended ranking by Benchmark Litigation for each of the years 2013-2015.

Mr. Scott's antitrust experience includes matters dealing with unlawful price-fixing cartels, illegal tying, and anticompetitive monopolization. Currently, Mr. Scott is lead counsel in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, a cartel action alleging a longstanding and widespread conspiracy to manipulate the foreign exchange market, in which billions in settlements have been announced to date. He is co-lead counsel in a class action case alleging that the world's largest banks and their broker, ICAP, entered a conspiracy to manipulate ISDAfix, a financial benchmark that is tied to over \$379 trillion of outstanding interest-rate swaps around the world.

Mr. Scott's previous antitrust cases have resulted in significant recoveries for victims of price-fixing cartels. Among other cases, Mr. Scott served as co-lead counsel in *Dahl v Bain Capital Partners*, No. 1:07-cv-12388 (D. Mass.), an action alleging that the largest private equity firms in the United States colluded to suppress prices that shareholders received in leveraged buyouts and that the defendants recently agreed to settle for \$600 million. He also played a leadership role in a lawsuit accusing Visa and MasterCard of engaging in anticompetitive conduct in setting credit card and debit card acceptance fees that recently settled for a record \$7.25 billion. And he was lead counsel in *Red Lion Medical Safety v. Ohmeda*, No. 06-cv-1010 (E.D. Cal.), a lawsuit alleging that Ohmeda, one of the leading manufacturers of medical anesthesia equipment in the United States, excluded independent service organizations from the market for servicing its equipment. The case was successfully resolved in settlement negotiations before trial.

Mr. Scott has also taken the lead in bringing claims on behalf of institutional investors, such as sovereign wealth funds, corporate pension schemes, and public employee retirement funds, against mortgaged-backed securities trustees for failing to protect investors. Such cases include *Retirement Board of the Policemen's Annuity and Benefit Fund of the City of Chicago v. The Bank of New York Mellon* (MBS sponsored by Countrywide Financial Corp.), No. 1:11-cv-05459 (S.D.N.Y.); *Retirement Board of the Policemen's Annuity and Benefit Fund of the City of Chicago v. Bank of America* (MBS sponsored by Washington Mutual Bank), No. 1:12-cv-02865 (S.D.N.Y.); and *Oklahoma Police Pension and Retirement System v. U.S. Bank National Association* (MBS sponsored by Bear Stearns), No. 1:11-cv-08066 (S.D.N.Y.). He also represented a consortium of regional banks in litigation relating to toxic auction rate securities ("ARS") and obtained a sizable recovery for the banks in a confidential settlement. This case represents one of the few ARS cases in the country to be successfully resolved in favor of the plaintiffs.

In addition, Mr. Scott has extensive experience litigating shareholder derivative cases, achieving substantial corporate governance reforms on behalf of his clients. Representative actions include: *In re Marvell Tech. Group Ltd. Derivative Litigation*, No. C-06-03894 (N.D. Cal.) (settlement obtaining \$54.9 million in financial benefits for the company, including \$14.6 million in cash, and corporate governance reforms to improve stock option granting procedures and internal controls, valued at more than \$150 million); *In re Qwest Communications International, Inc.*, No. 01-RB-1451 (D. Colo.) (settlement obtaining \$25 million for the company and achieving corporate governance reforms aimed at ensuring board independence); *Plymouth County Contributory Retirement System v. Hasan*, No. 08-1022 (D.N.J.) (settlement requiring annual reporting to the company's board where any clinical drug trial is delayed, valued at between \$50 million - \$75 million); *Carfagno v. Schnitzer*, No. 08-cv-0912 (S.D.N.Y.) (settlement resulting in modification of terms of preferred securities issued to insiders, valued at \$8 million); and *Garcia v. Carrion*, No. 09-cv-1507 (D.P.R.) (settlement achieving reforms aimed at rectifying internal control weaknesses and improving director education in accounting and ethics, valued at between \$10 million - \$15 million).

Mr. Scott is frequently quoted in the press, including in publications such as *The Financial Times*, *The Guardian*, *The Daily Telegraph*, *The Wall Street Journal*, and *Law360*. He is regularly invited to speak at conferences around the world and before Boards of Directors and trustees responsible for managing institutional investments.

Mr. Scott is admitted to practice in Connecticut, New York, the United States Tax Court, and numerous United States District Courts.

Mr. Scott is a graduate of St. Lawrence University (B.A., *cum laude*, 1986), Temple University School of Law (J.D., Moot Court Board, 1989), and New York University School of Law (LLM in taxation).

CHRISTOPHER M. BURKE chairs Scott+Scott's competition practice and sets the Firm's litigation standards. Mr. Burke's principal practice is in complex antitrust litigation, particularly in the financial services industry and he has served as lead counsel in some of the world's largest

financial services antitrust matters. He currently sits as a partner in the firm's San Diego and New York offices.

Currently, Mr. Burke is co-lead counsel in *In Re Foreign Exchange Benchmark Rates Antitrust Litigation*, 13-cv-7789 (S.D.N.Y.) (\$2 billion settlement); and *Alaska Electrical Pension Fund v. Bank of America Corporation*, 14-cv-7126 (S.D.N.Y.) (ISDAfix litigation) (\$325 million settlement).

Mr. Burke has previously served as co-lead counsel in *Dahl v. Bain Capital Partners*, 07-cv-12388 (D. Mass.) (\$590.5 million settlement); *Axiom Investment Advisors, LLC, by and through its Trustee, Gildor Management LLC v. Barclays Bank PLC*, 15-cv-09323 (S.D.N.Y.) (\$50 million settlement); *In re Currency Conversion Antitrust Litigation*, MDL No. 1409 (S.D.N.Y.) (\$336 million settlement); *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation*, MDL No. 1720 (E.D.N.Y.); *LiPuma v. American Express Co.*, Case No. 1:04-cv-20314 (S.D. Fla.) (\$90 million settlement); and was one of the trial counsel in *Schwartz v. Visa*, Case No. 822505-4 (Alameda Cty. Super. Ct.) (\$780 million plaintiff's judgment after six months of trial); and *In re Disposable Contact Lens Antitrust Litigation*, MDL No. 1030 (M.D. Fla.). Mr. Burke was one of the original lawyers in the *Wholesale Elec. Antitrust* cases in California, which settled for over \$1 billion.

Further, Mr. Burke was trial counsel in *Ross v. Bank of America N.A.*, No. 05-cv-7116, MDL No. 1409 (S.D.N.Y.) and *Ross v. American Express Co.*, No. 04-cv-5723, MDL No. 1409 (S.D.N.Y.). He was also co-lead counsel for indirect purchasers in *In re Korean Air Lines Co., Ltd. Antitrust Litigation*, MDL No. 1891 (C.D. Cal.) (\$86 million settlement), and *In re Prudential Ins. Co. of America SGLI/VGLI Contract Litigation*, No. 11-md-2208 (D. Mass.) (\$40 million settlement). Mr. Burke also organized and filed the first of the *In re Credit Default Swap Antitrust Litigation*, 13-md-2476 (S.D.N.Y.), matters.

Mr. Burke frequently lectures at professional conferences and CLEs on competition matters, including litigation surrounding financial benchmarks, class-barring arbitration clauses, the effects of *Twombly* in 12(b)(6) motions, and the increasing use of experts at class certification and trial. In 2014, he was recognized for his exemplary work in the *Dahl v. Bain Capital Partners* matter by the American Antitrust Institute and has regularly been designated as a Super Lawyer by Thomson Reuters.

Mr. Burke is a graduate of The Ohio State University (B.A. 1984), William & Mary (M.A. 1988), and the University of Wisconsin (M.A. 1989; J.D. 1993; Ph.D. 1996). He has also served as an Assistant Attorney General at the Wisconsin Department of Justice and has lectured on law-related topics, including constitutional law, law and politics, and civil rights at the State University of New York at Buffalo and at the University of Wisconsin. Mr. Burke's book, *The Appearance of Equality: Racial Gerrymandering, Redistricting, and the Supreme Court* (Greenwood, 1999), examines conflicts over voting rights and political representation within the competing rhetoric of communitarian and liberal strategies of justification.

Mr. Burke is admitted to practice by the Supreme Courts of the States of California, New York, and Wisconsin, and numerous United States District Courts and Courts of Appeal.

WALTER W. NOSS serves as the managing partner for Scott+Scott's San Diego office. He practices complex federal litigation with an emphasis on prosecuting antitrust actions on both a class-wide and individual, opt-out basis.

Currently, Mr. Noss represents class plaintiffs in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 1:13-cv-07789 (S.D.N.Y.), an action challenging collusion regarding foreign exchange rates, and *Alaska Electrical Pension Fund v. Bank of America Corporation*, No. 1:14-cv-07126 (S.D.N.Y.), an action challenging collusion regarding the setting of the ISDAfix benchmark interest rate.

Mr. Noss represented class plaintiffs in *Dahl v. Bain Capital Partners LLC*, No. 1:07-cv-12388 (D. Mass.), a case challenging collusion among private equity firms. In *Dahl*, Mr. Noss served as one of the primary litigation counsel prosecuting the case, including deposing key managing directors, drafting dispositive motions, and arguing in court in opposition to defendants' summary judgment motions. The defendants in *Dahl* settled for \$590.5 million.

Mr. Noss represented the indirect purchaser class plaintiffs in *Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Limited Company*, No. 2:12-cv-03824 (E.D. Pa.), a case challenging monopolistic conduct known as "product hopping" by the defendants. In *Mylan*, he was appointed sole lead counsel for the indirect class, and directed their prosecution and eventual settlement of the case for \$8 million.

Mr. Noss also represents corporate opt-out clients in *In re: Aluminum Warehousing Antitrust Litigation*, MDL No. 2481 (S.D.N.Y.), a case challenging collusion regarding the spot metal price of physically-delivered aluminum. He has previously represented out-out clients in *In re Rubber Chemicals Antitrust Litigation*, MDL No. 1648 (N.D. Cal.); *In re Polychloroprene Rubber (CR) Antitrust Litigation*, MDL No. 1642 (D. Conn.); and *In re Plastics Additives (No. II) Antitrust Litigation*, MDL No. 1684 (E.D. Pa.), which were cases involving price-fixing by horizontal competitors in the synthetic rubber industry.

Mr. Noss has experience successfully litigating in federal civil jury trials. In April 2011, Mr. Noss served as lead trial counsel in *Novak v. Gray*, No. 8:09-cv-00880 (M.D. Fla.), winning a \$4.1 million jury verdict for breach of oral contract and fraudulent inducement. In December 2009, Mr. Noss served as plaintiffs' local counsel at trial in *Lederman v. Popovich*, No. 1:07-cv-00845 (N.D. Ohio), resulting in a \$1.8 million jury verdict for plaintiffs on claims of breach of fiduciary duties, conversion, and unjust enrichment. In January and February 2006, Mr. Noss assisted the trial team for *In re Scrap Metal Antitrust Litigation*, No. 1:02-cv-0844 (N.D. Ohio 2006), resulting in a \$34.5 million class action plaintiffs' verdict.

Mr. Noss graduated *magna cum laude* from the University of Toledo with a Bachelor of Arts in Economics in 1997 and *with honors* from The Ohio State University College of Law in 2000. He is a member of the California, New York, and Ohio Bars. Mr. Noss is also a member of the bars of the United States District Courts for the Northern, Central, and Southern Districts of California, the Southern District of New York, and the Northern and Southern Districts of Ohio, as well as the United States Court of Appeals for the Sixth, Ninth, and Eleventh Circuits. Prior

to joining Scott+Scott in April 2004, he was an associate in the Cleveland, Ohio office of Jones Day.

KRISTEN M. ANDERSON is a partner in the firm's New York office. Ms. Anderson's practice focuses on complex and class action litigation with an emphasis on antitrust matters. Ms. Anderson is recognized as a Rising Star in the 2014-15, 2015-16, and 2016-17 editions of Super Lawyers.

A substantial portion of Ms. Anderson's practice is devoted to antitrust cases within the financial services industry. Currently, Ms. Anderson represents plaintiff-investors in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (S.D.N.Y.), *Axiom Investment Advisors, LLC, by and through its Trustee Gildor Management, LLC v. Deutsche Bank AG*, No. 15-cv-9945 (S.D.N.Y.), and *Axiom Investment Advisors, LLC, by and through its Trustee Gildor Management LLC v. Barclays Bank PLC*, No. 15-cv-9323 (S.D.N.Y.), cases alleging misconduct in the foreign exchange market by many global financial institutions. Ms. Anderson represented pension funds and individual investors in *Dahl v. Bain Capital Partners, LLC*, No. 07-cv-12388 (D. Mass.) (\$590.5 million settlement), an antitrust action alleging collusion in the buyouts of large publicly traded companies by private equity firms. Ms. Anderson also served on the trial team representing certified classes of cardholders in antitrust cases challenging class action-banning arbitration clauses in credit card agreements as restraints of trade in *Ross v. Bank of America N.A.*, No. 05-cv-7116, MDL No. 1409 (S.D.N.Y.) and *Ross v. American Express Co.*, No. 04-cv-5723, MDL No. 1409 (S.D.N.Y.).

Ms. Anderson is an active member of the American Bar Association's Antitrust Section. She currently serves as Vice Chair of the Antitrust Section's Trial Practice Committee and is co-editor of the Committee's newsletter, *Trying Antitrust*. She has been a Vice Chair of the Antitrust Section's Books & Treatises Committee. She has also been a contributing author to the Antitrust Section's *Antitrust Discovery Handbook* (2d ed.), *Joint Venture Handbook* (2d ed.), and the *2010 Annual Review of Antitrust Law Developments*. In addition, Ms. Anderson served as an editor for *Model Jury Instructions in Civil Antitrust Cases* (2016 ed.). Ms. Anderson was a co-author of an article appearing in the Fall 2014 edition of *Competition: Journal of the Antitrust and Unfair Competition Section of the State Bar of California*, entitled *The Misapplication of Associated General Contractors to Cartwright Act Claims*, 23 COMPETITION: J. ANTI. & UNFAIR COMP. L. SEC. ST. B. CAL. 120 (2014).

Ms. Anderson is a graduate of St. Louis University (B.A. Philosophy, *summa cum laude*, 2003) and the University of California, Hastings College of the Law (J.D. 2006). During law school, Ms. Anderson served as an extern at the U.S. Department of Justice, Antitrust Division, in San Francisco. While at Hastings, Ms. Anderson also served as an extern to Justice Kathryn Mickle Werdegard of the Supreme Court of California and was the research assistant to Professor James R. McCall in the areas of antitrust and comparative antitrust law.

Ms. Anderson is admitted to practice in California, New York, and the District of Columbia.

JOSEPH P. GUGLIELMO is a partner in the firm's New York office and represents institutional and individual clients in securities, antitrust, and consumer litigation in federal and state courts throughout the United States and has achieved numerous successful outcomes.

Mr. Guglielmo, along with other attorneys at Scott+Scott, was recognized for his efforts representing New York University in obtaining a monumental temporary restraining order of over \$200 million from a Bernard Madoff feeder fund. Specifically, New York State Supreme Court Justice Richard B. Lowe III stated, "Scott+Scott has demonstrated a remarkable grasp and handling of the extraordinarily complex matters in this case. The extremely professional and thorough means by which NYU's counsel has litigated this matter has not been overlooked by this Court."

Mr. Guglielmo serves in a leadership capacity in a number of complex antitrust, securities, and consumer actions, including: *In Equifax, Inc. Customer Data Security Breach Litigation*, No. 1:17-md-2800 (N.D. Ga.), co-lead counsel, claims on behalf of financial institutions involving data breach of personal and financial information of approximately 150 million consumers, *In Re: Disposable Contact Lens Antitrust Litigation*, No. 3:15-md-2626 (M.D. Fla.), co-lead counsel, claims on behalf of a class of contact lens purchasers alleging violations of the antitrust laws, *In re The Home Depot, Inc., Customer Data Security Breach Litigation*, MDL No. 2583 (N.D. Ga.), co-lead counsel, \$27.25 million settlement on behalf of financial institutions involving data breach and the theft of the personal and financial information of over 40 million credit and debit card holders, *In re Humana PBM Litigation*, No. 16-cv-706 (W.D. Ky.), co-lead counsel, claims on behalf of a nationwide class of consumers involving overcharge of copayments for prescription drugs; *In re Cigna Corporation PBM Litigation*, No. 3:16-cv-1702 (WWE) (D. Conn.), Chair of Executive Committee, asserting RICO and ERISA claims on behalf of nationwide class of plan participants involving overcharge of copayments for prescription drugs; *Forth v. Walgreen Co, Inc.*, No. 1:17-cv-02246 (N.D. Ill.), lead counsel, asserting claims on behalf of class of consumers alleging overcharge for medically necessary, covered prescription drugs, *Bellwether Community Credit Union v. Chipotle Mexican Grill, Inc.*, No. 1:17-cv-01102-WJM-STV (D. Colo.) co-lead counsel, on behalf of financial institutions involving data breach and the theft of the personal and financial information. Mr. Guglielmo is also actively involved in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 1:13-cv-07789-LGS (S.D.N.Y), which involves claims on behalf of purchasers of foreign exchange instruments alleging violations of federal antitrust laws.

Mr. Guglielmo has achieved significant victories and obtained numerous settlements for his clients. He was one of the principals involved in the litigation and settlement of *In re Managed Care Litigation*, MDL No. 1334 (S.D. Fla.), which included settlements with Aetna, CIGNA, Prudential, Health Net, Humana, and WellPoint, providing monetary and injunctive benefits exceeding \$1 billion. Additional cases Mr. Guglielmo played a leading role and obtained substantial recoveries for his clients include: *Love v. Blue Cross and Blue Shield Ass'n*, No. 03-cv-21296 (S.D. Fla.), which resulted in settlements of approximately \$130 million and injunctive benefits valued in excess of \$2 billion; *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1897 (D.N.J.), settlements in excess of \$180 million; *In re Target Corporation Customer Data Security Breach Litigation*, MDL No. 2522 (D. Minn.), \$59 million settlement achieved on behalf of financial institutions involving data breach of personal and financial information of approximately 110 million credit and debit cardholders; *Winsouth Credit Union v. Mapco*

Express Inc., No.: 3:14-cv-1573 (M.D. Tenn.), largest dollar-per-card settlement obtained on behalf of financial institutions involving data breach of credit and debit card information; *In re Pre-Filled Propane Tank Marketing and Sales Practices Litigation*, MDL No. 2086 (W.D. Mo.), consumer settlements in excess of \$40 million; *Bassman v. Union Pacific Corp.*, No. 97-cv-02819 (N.D. Tex.), \$35.5 million securities class action settlement; *Garcia v. Carrion*, No. CV. 11-1801 (D. P.R.), substantial corporate governance reforms; *Boilermakers National Annuity Trust Fund v. WaMu Mortgage Pass-Through Certificates*, No. 09-cv-00037 (W.D. Wash.), \$26 million securities class action settlement, *Murr v. Capital One Bank (USA), N.A.*, No. 13-cv-1091 (E.D. Va.), \$7.3 million settlement pending on behalf of class of consumers who were misled into accepting purportedly 0% interest offers, and *Howerton v. Cargill, Inc.*, No. 13-cv-00336 (D. Haw.), \$6.1 settlement obtained on behalf of class of consumers who purchased Truvia, purported to be deceptively marketed as “all-natural.” Mr. Guglielmo was the principle litigator and obtained a significant opinion from the Hawaii Supreme Court in *Hawaii Medical Association v. Hawaii Medical Service Association*, 113 Hawaii 77 (Haw. 2006), reversing the trial court’s dismissal and clarifying rights for consumers under the state’s unfair competition law.

Mr. Guglielmo lectures on electronic discovery and is a member of the Steering Committee of the Sedona Conference®, an organization devoted to providing guidance and information concerning issues such as discovery and production issues, as well as areas focusing on antitrust law, complex litigation, and intellectual property. Recently, Mr. Guglielmo was selected as a speaker for electronic discovery issues at the Sedona Conference as well as the Advanced eDiscovery Institute at Georgetown University Law Center. Mr. Guglielmo was also recognized for his achievements in litigation by his selection to *The National Law Journal*’s “Plaintiffs’ Hot List.” In 2018, Mr. Guglielmo was again named by Super Lawyers as a top Antitrust lawyer in the New York metro area.

Mr. Guglielmo graduated from the Catholic University of America (B.A., *cum laude*, 1992; J.D., 1995) and also received a Certificate of Public Policy.

Mr. Guglielmo is admitted to practice before numerous federal and state courts: the United States Supreme Court, the United States Court of Appeals for the First Circuit, Second Circuit, Third Circuit, Eighth Circuit, Ninth Circuit and Eleventh Circuit, the United States District Courts for the Southern and Eastern Districts of New York, District of Massachusetts, District of Connecticut, District of Colorado, Eastern District of Wisconsin, New York State, the District of Columbia, and the Commonwealth of Massachusetts.

He is also a member of the following associations: District of Columbia Bar Association, New York State Bar Association, American Bar Association, and The Sedona Conference®.

WILLIAM C. FREDERICKS holds a B.A. (with high honors) from Swarthmore College (Pa.), an M. Litt. in International Relations from Oxford University (England), and a J.D. from Columbia University Law School (N.Y.). At Columbia, Mr. Fredericks was also a three-time Harlan Fiske Stone Scholar, a Columbia University International Fellow, and the winner of the law school’s Beck Prize (property law), Toppan Prize (advanced constitutional law) and Greenbaum Prize (written advocacy). A three-judge panel chaired by the late Justice Antonin Scalia also awarded Mr. Fredericks the Thomas E. Dewey Prize for the best oral argument in the final round of Columbia’s Stone Moot Court Honor Competition.

After clerking for the Hon. Robert S. Gawthrop III (E.D. Pa.) in Philadelphia, Mr. Fredericks spent seven years practicing securities and complex commercial litigation at Simpson Thacher & Bartlett LLP and Willkie Farr & Gallagher LLP in New York before moving to the plaintiffs' side of the bar in 1996. Since 1996, Mr. Fredericks has represented investors as a lead or co-lead plaintiff in dozens of securities class actions, including *In re Wachovia Preferred Securities and Bond/Notes Litig.* (S.D.N.Y.) (total settlements of \$627 million, reflecting the largest recovery ever in a pure Securities Act case not involving any parallel government fraud claims); *In re Rite Aid Securities Litig.* (E.D. Pa.) (total settlements of \$323 million, including the then-second largest securities fraud settlement ever against a Big Four accounting firm); *In re Sears Roebuck & Co. Sec. Litig.* (N.D. Ill.) (\$215 million settlement, representing the then-largest §10(b) class action recovery in an action that did not involve either a financial restatement or parallel government fraud claims); *In re State Street ERISA Litig.* (S.D.N.Y.) (one of the largest ERISA class settlements to date); *In re King Digital Sec. Enter. PLC S'holder Litig.* (Super. Ct. San Fran. Cty.) (\$18.5 million settlement pending, representing one of the largest state court §11 class action recoveries to date); and *Irvine v. ImClone Systems, Inc.* (S.D.N.Y.) (\$75 million settlement). Mr. Fredericks also played a leading role on the team that obtained a rare 9-0 decision for securities fraud plaintiffs in the U.S. Supreme Court in *Merck & Co., Inc. v. Reynolds* (which later settled for \$1.052 billion), and has also coauthored amicus briefs in various other Supreme Court cases (including *Halliburton* and *Amgen*) involving securities issues.

At Scott+Scott, Mr. Fredericks' current cases include representing investors in several pending securities fraud actions, and in antitrust litigation against over a dozen leading banks based on their involvement in manipulating foreign exchange ("FX") rates and spreads.

Mr. Fredericks has been recognized in the 2012-17 editions of "America's Best Lawyers" in the field of commercial litigation, in "Who's Who in American Law" (Marquis), and in the New York City "SuperLawyers" listings for securities litigation. He has been a frequent panelist on various securities litigation programs sponsored by the Practising Law Institute (PLI), and has lectured overseas on American class action litigation on behalf of the American Law Institute/American Bar Association (ALI/ABA). He is also a member of the New York City Bar Association (former chair, Committee on Military Affairs and Justice), the Federal Bar Council and the American Bar Association.

SYLVIA M. SOKOL is a New York- and London-based partner in the firm's Antitrust and Competition Law Practice. She focuses on representing national and international clients in litigation involving domestic and international cartels. Ms. Sokol has substantial experience in all aspects of complex litigation, including the day-to-day management of cases. She also has substantial experience in counseling corporate clients, evaluating potential claims, and developing strategies to recoup losses stemming from anticompetitive conduct.

Ms. Sokol currently represents a nationwide class in price-fixing litigation regarding the \$5.3 trillion-a-day foreign exchange market. She also represents a proposed nationwide class in an action involving ISDAfix, a financial benchmark that is tied to over \$379 trillion of interest-rate swaps around the world. In addition, Ms. Sokol represents several large multinational

corporations alleging that Goldman Sachs, JPMorgan, Glencore, and their warehouse affiliates conspired to restrict the supply of aluminum in London Metal Exchange-approved warehouses. And she represents several government entities in a national lawsuit alleging bid-rigging in the municipal derivatives market.

In addition, Ms. Sokol's civil litigation experience has involved defending corporate clients charged with unlawful business practices and monopolizations. She has also represented clients in criminal and extradition matters.

Ms. Sokol was selected for the International Who's Who of Competition Lawyers & Economists and for Competition - U.S. in 2016, 2017, and 2018. Honorees are selected based on comprehensive and independent survey responses received from general counsel and private practitioners around the world. She has been selected to be a Fellow in The Trial Lawyer Honorary Society of the Litigation Counsel of America, which is a trial lawyer honorary society composed of less than one-half of one percent of American lawyers. *Lawyer Monthly* magazine awarded her the Women in Law Award 2017. She was also named a "Super Lawyer" in 2014, 2015, 2016, 2017, and 2018 Super Lawyers New York Metro Edition, and was named a "Super Lawyer" in 2011-2012, Super Lawyers Northern California Edition.

She is a 1998 graduate of the New York University School of Law (*cum laude*), and completed her undergraduate studies at the University of British Columbia. After law school, Ms. Sokol was awarded the Soros Justice Fellowship to serve a year in the Capital Habeas Unit of the Federal Public Defender's Office, where she represented clients condemned to death and developed training materials for members of the capital defense bar. She then served as a judicial law clerk to the Honorable Warren J. Ferguson, United States Court of Appeals for the Ninth Circuit, before spending several years working at Morrison & Foerster LLP.

Ms. Sokol is a member of the American Bar Association and is admitted to practice in New York, California, and the District of Columbia. She is also admitted to the Southern District of New York, the Northern, Southern, and Eastern Districts of California, as well as the United States Supreme Court.

She is bilingual in English and French, and holds French and United States citizenships.

PETER A. BARILE III is a partner in Scott+Scott's competition practice. His focus is on complex antitrust and commodity litigation.

Mr. Barile has extensive experience representing clients on both sides of the docket in a variety of industries and contexts, from consumers and investors to institutions and corporations, whether as individual plaintiffs, class plaintiffs, opt-outs, or defendants in complex matters. Prior to joining the firm, he practiced both in New York and in Washington D.C., with major law firms renowned for their historically leading antitrust practices.

Mr. Barile devotes a substantial amount of his practice to federal antitrust and commodity class action litigation involving the financial services industry in the Southern District of New York. Mr. Barile is or has been involved in representing investor rights in major cases involving

commodities and financial benchmarks, including: *Aluminum, Cotton, Crude Oil, FX, Gold, ISDAfix, LIBOR, Silver, and Zinc.*

He also has significant experience litigating high-tech antitrust cases in the Northern District of California, including *In re Online DVD Antitrust Litigation; In re Lithium Ion Batteries Antitrust Litigation;* and *In re High Tech Employees Antitrust Litigation.*

In addition to his work in federal district trial courts, Mr. Barile has considerable experience in other arenas, including the Judicial Panel on Multidistrict Litigation, federal Circuit Courts of Appeal, and the United States Supreme Court.

Mr. Barile is active in the antitrust bar, having held a number of leadership posts in the ABA and other organizations. He serves on the Advisory Board of the Loyola Institute for Consumer Antitrust Studies. Mr. Barile has published numerous articles and served as a panelist or speaker on antitrust issues. His work has been cited by the Federal Trade Commission and the Antitrust Modernization Commission, as well as leading academics and practitioners.

Mr. Barile also has helped nonprofit advocacy groups be heard in matters of national importance as Friends of the Court in major cases before the United States Supreme Court. His work has included *Leegin Creative Leather Products, Inc. v. PSKS, Inc.*, 551 U.S. 877 (2007), in which he served as lead counsel for *amicus curiae* Consumer Federation of America in a landmark antitrust case on resale price fixing, and *Giles v. State of California*, 554 U.S. 353 (2008), in which he served as lead counsel for *amicus curiae* Battered Women's Justice Project, in a case concerning the scope of the Confrontation Clause of the United States Constitution.

Mr. Barile earned his law degree in 1999 from the University of Connecticut School of Law, *magna cum laude*, where he was an Editor of the Connecticut Law Review and Moot Court Champion. His bachelor's degree is from the University of Connecticut.

Mr. Barile is a member of the bars of New York, Connecticut, and the District of Columbia. He is admitted to practice in the United States District Courts for the Southern District of New York, Eastern District of New York, District of Columbia, Northern District of Illinois, District of Connecticut; United States Courts of Appeal for the Second, Fourth, Sixth, Seventh, Ninth, Federal, and District of Columbia Circuits, and the Supreme Court of the United States.

BELINDA HOLLWAY is the head of Scott+Scott's office in London. She has over a decade of competition law experience, and specialises in competition damages litigation before the English High Court, Competition Appeal Tribunal and the Court of Appeal, particularly on behalf of multinational corporations in follow-on damages claims. She has extensive expertise in developing and coordinating multijurisdictional litigation strategies, both within Europe and beyond. She also represents investors in shareholder litigation.

Prior to joining Scott+Scott, Ms. Hollway spent nine years in the London office of Freshfields Bruckhaus Deringer LLP. She represented clients across a wide range of industries, acting in many of the leading English competition damages cases, such as *Cooper Tire*, relating to the synthetic rubber cartel, and *National Grid v. ABB*, relating to the cartel in gas insulated switchgear. She was the lead associate on the defence team in *Enron v. EWS*, which was the first

follow-on damages claim ever to reach trial in the Competition Appeal Tribunal. Her wide experience on the defence side gives her a special insight into the issues that claimants must address and overcome in order to recoup losses stemming from breaches of competition law in Europe.

Ms. Hollway has also acted for numerous clients in competition law investigations, both internal investigations and those brought by the UK Office of Fair Trading (now the Competition and Markets Authority) and the European Commission. She has been involved in immunity applications, Commission cartel settlements, and contested cases. From this work, she has an in-depth understanding of the interaction between private and public enforcement in Europe and the ramifications that public enforcement has for the strategy and progression of damages claims.

Ms. Hollway attended the Australian National University and graduated in 2001 with a First Class Honours degree in History and a First Class Honours Degree and University Medal in Law. She then spent a year as an Associate to Her Honour Justice Catherine Branson at the Federal Court of Australia and then worked for the competition and litigation teams of Allens Arthur Robinson in Sydney, prior to moving to the United Kingdom in 2006. She has a Master's Degree in Competition Law from King's College London.

She has published on competition law issues, including in relation to the EU Damages Directive and has been quoted in the press on competition law in Europe.

Ms. Hollway is admitted to practice in England and Wales and in New South Wales, Australia.

BETH A. KASWAN, during her tenure as an Assistant U.S. Attorney and subsequent promotions to Chief of the Commercial Litigation Unit and Deputy Chief of the Civil Division of the U.S. Attorney's Office for the Southern District of New York, was appointed by the FDA as lead counsel in litigation to enjoin the manufacture of adulterated generic drugs in the landmark case *United States v. Barr Laboratories, Inc.*, 812 F. Supp. 458 (D.N.J. 1993). Ms. Kaswan, who began her career as an accountant at the offices of Peat, Marwick, Mitchell & Co., and then worked as a civil trial attorney at the U.S. Department of Justice in Washington, D.C., is the recipient of several awards from the Justice Department and other agencies she represented, including the Justice Department's John Marshall award, Special Commendation from the Attorney General, a Superior Performance award from the Executive Office of U.S. Attorneys and Tax Division Outstanding Achievement awards.

While at Scott+Scott, Ms. Kaswan served as lead counsel in *Boilermakers National Annuity Trust Fund v. WaMu Mortgage Pass Through Certificates*, No. 09-cv-00037 (W.D. Wa.), the WaMu RMBS Section 11 Securities Act case which settled after plaintiffs succeeded in defeating the defendants' motion for summary judgment, only weeks before it was scheduled to proceed to a jury trial. Ms. Kaswan just completed the nine-week trial in *In the Matter of the Application of The Bank of New York Mellon*, Index No. 651786/2011 (N.Y. Supr. Ct.) in which she and other interveners challenged the proposed settlement between Bank of New York Mellon and Bank of America to resolve repurchase and servicing claims for 530 Countrywide trusts. She and others at Scott+Scott recently settled federal and state law claims against the Securitization Trustees for WaMu and Bear Stearns Trusts in *Policemen's Annuity and Benefit*

Fund of the City of Chicago v. Bank of America, N.A., No. 12-cv-2865 (S.D.N.Y.) and *Oklahoma Police Pension and Retirement System v. U.S. Bank N.A.*, No. 11-cv-8066 (S.D.N.Y.), respectively. Ms. Kaswan brought a derivative suit on behalf of New York University against Ezra Merkin to freeze funds belonging to a feeder fund to Bernard Madoff. She also served as lead counsel to another shareholder derivative case, *Carfagno v. Schnitzer*, No. 08-CV-912-SAS (S.D.N.Y.), where she successfully negotiated a settlement on behalf of Centerline Holding Company and Centerline shareholders. Ms. Kaswan has served as lead counsel in *Cornwell v. Credit Suisse Group*, No. 08-cv-3758 (S.D.N.Y.) and *In re Tetra Technologies, Inc. Securities Litigation*, No. 08-cv-0965 (S.D. Tex.), among others.

Ms. Kaswan is a member of the New York and Massachusetts bars. Ms. Kaswan has been practicing law for over 35 years and is a partner in the firm's New York office.

JUDY SCOLNICK is a partner in the firm's New York office. Ms. Scolnick is a graduate of New York University (B.A., *cum laude* 1972), Brandeis University (M.A. Political Science Theory, 1973), and Boston College Law School (J.D., 1976), where she served on the Boston College Industrial and Commercial Law Review. She has extensive experience in the fields of shareholder derivative law, particularly in the pharmaceutical industry, employment law and employment class actions, and securities class actions. She has contributed substantially to recent jurisprudence expanding shareholders' rights to examine books and records of the corporations in which they hold stock. In *Cain v. Merck & Co., Inc.*, 415 N.J. Super. 319 (N.J. Super. A.D. 2010), the New Jersey Appellate Division agreed with Ms. Scolnick and held in a precedential decision that the New Jersey Business Corporation Act allows shareholders to inspect the minutes of board of directors and executive committee meetings upon a showing of proper purpose. In *King v. VeriFone Holdings, Inc.*, 12 A.3d 1140 (Del. Supr. 2011), the Delaware Supreme Court ruled in a ground-breaking decision that plaintiffs may, in certain circumstances, inspect a corporation's books and records to bolster a shareholder derivative complaint even after they have filed a lawsuit.

She has served as lead counsel in many shareholder derivative actions and is currently lead counsel in *North Miami General Employees Retirement Fund v. Parkinson*, No. 10-cv-6514 (N.D. Ill.), a shareholder derivative case on behalf of pharmaceutical company, Baxter International, arising from the Board's failure to comply with FDA orders to remediate a medical device known as the Colleague Pump. She is also lead counsel in *Cottrell v. Duke*, No. 12-4041 (W.D. Ark.), a shareholder derivative action brought on behalf of Wal-Mart arising from a widespread bribery and cover-up conspiracy conducted by Wal-Mart executives and Board members.

Ms. Scolnick has experience litigating shareholder derivative actions at both the trial and appellate level. She successfully argued the Baxter appeal where the Court of Appeals for the Seventh Circuit, reversing a trial court's dismissal, held that a pension fund's complaint on behalf of all shareholders passed the pre-suit demand futility threshold test under Delaware substantive law. *Westmoreland County Employees' Retirement System v. Parkinson*, 727 F.3d 719 (7th Cir. 2013). Also in 2013, Ms. Scolnick obtained a landmark ruling in the Wal-Mart shareholder derivative litigation from the Court of Appeals for the Eighth Circuit. The Eighth Circuit reversed the district court's stay of the federal action in favor of a related proceeding in

Delaware Chancery Court, and held that a *Colorado River* stay is never appropriate where the federal complaint alleges valid, exclusive federal claims. *Cottrell v. Duke*, 737 F.3d 1238 (8th Cir. 2013).

Ms. Scolnick has also litigated a number of important employment discrimination class actions. These include *U.S. v. City of New York*, No. 07-cv-2067, 2011 WL 4639832 (E.D.N.Y. Oct. 5, 2011) (successfully representing a class of black applicants for entry-level firefighter jobs who were discriminated against by the City of New York), *Hohider v. UPS*, 243 F.R.D. 147 (W.D. Pa. 2007), *reversed and remanded*, 574 F.3d 169 (3d Cir. 2009), where although the Third Circuit reversed certification of a nationwide class of Americans with Disabilities Act protected UPS employees, Ms. Scolnick was able to negotiate with UPS changes to its return to work policy with regard to injured workers.

Ms. Scolnick began her career by serving as a law clerk to the late Honorable Anthony Julian of the United States District Court in Massachusetts. Thereafter, she served as a trial attorney in the Civil Division of the United States Department of Justice, where she was lead counsel in several high-profile employment discrimination lawsuits against various U.S. agencies around the country.

Ms. Scolnick has been selected for the past two years in Thompson Reuter's "New York Super Lawyers."

Ms. Scolnick is admitted to practice in New York, New Jersey, and Massachusetts.

DONALD A. BROGGI is a partner in the firm's New York office. Mr. Broggi is a graduate of the University of Pittsburgh (B.A., 1990) and Duquesne University School of Law (J.D., 2000). He is engaged in the firm's complex securities, antitrust, and consumer litigation, including: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (S.D.N.Y.), *In re: Priceline.com Inc. Securities Litigation*, No. 00-cv-1884 (D. Conn.), *Irvine v. ImClone Systems, Inc.*, No. 02-cv-0109 (S.D.N.Y.), *In re: Rubber Chemicals Antitrust Litigation*, No. C04-01648 (N.D. Cal.), *In re: Plastics Additives Antitrust Litigation*, No. 03-cv-2038 (E.D. Pa.), and *In re Washington Mutual Mortgage-Backed Securities Litigation*, No. 09-cv-0037 (W.D. Wash.), among others.

Mr. Broggi also works with the firm's institutional investor clients, including numerous public pension systems and Taft-Hartley funds throughout the United States to ensure their funds have proper safeguards in place to ensure against corporate malfeasance. Similarly, Mr. Broggi consults with institutional investors in the United States and Europe on issues relating to corporate fraud in the U.S. securities markets, as well as corporate governance issues and shareholder litigation. Mr. Broggi has lectured at institutional investor conferences throughout the United States on the value of shareholder activism as a necessary component of preventing corporate fraud abuses, including the Texas Association of Public Employee Retirement Systems, Georgia Association of Public Pension Trustees, Michigan Association of Public Retirement Systems, Illinois Public Pension Fund Association, and the Pennsylvania Association of County Controllers, among others.

Mr. Broggi is admitted to practice in New York and Pennsylvania.

DEBORAH CLARK-WEINTRAUB is a partner in the firm's New York office. Ms. Weintraub graduated from St. John's University, Queens, New York (B.A., *summa cum laude*, 1981; President's Award in recognition of achieving highest GPA among graduates of St. John's College of Liberal Arts and Science) and Hofstra Law School in Hempstead, New York (J.D., with distinction, 1986). While in law school, Ms. Weintraub was a member and research editor of the Hofstra Law Review. Following her graduation from Hofstra Law School, Ms. Weintraub served as a law clerk to the Honorable Jacob Mishler, United States District Judge for the Eastern District of New York (1986-1987). Ms. Weintraub is a member of the New York bar.

Ms. Weintraub has extensive experience in all types of class action litigation. Ms. Weintraub has served as lead counsel for investors in mortgage-backed securities (MBS) in litigation against MBS trustees for failure to pursue repurchase remedies with respect to mortgage loans in MBS trusts that breached representations and warranties. These matters include *Policemen's Annuity and Benefit Fund of the City of Chicago v. Bank of America, NA*, 1:12-cv-2865 (S.D.N.Y.), which recovered \$69 million for investors.

Ms. Weintraub is also currently representing investors in several ongoing securities class action cases including *Weston v. RCS Capital Corporation*, 1:14-cv-10136 (S.D.N.Y.); *ECD Investor Group v. Credit Suisse International*, 14-cv-8484 (S.D.N.Y.); and *In re Conn's, Inc. Sec. Litig.*, No. 4:14-cv-00548 (S.D. Tex.).

Ms. Weintraub has extensive securities class action experience and has acted as plaintiffs' co-lead counsel in numerous cases that have obtained substantial recoveries for defrauded investors. Ms. Weintraub was one of the lead counsel in *In re Oxford Health Plans, Inc. Securities Litigation*, MDL No. 1222 (S.D.N.Y.), in which a cash settlement of \$300 million was obtained on the eve of trial after more than five years of litigation. At the time, the \$300 million cash recovery was one of the largest recoveries ever achieved in a securities class action. The Honorable Charles L. Briant, Jr., who presided over this case described it as "perhaps the most heavily defended, ardently pursued defense of a similar case that I can recall." Ms. Weintraub also served plaintiffs' co-lead counsel in *In re CVS Corporation Securities Litigation*, No. 01-11464 (D. Mass.), in which a cash settlement of \$110 million was obtained for investors. Following the settlement in March 2006, CVS disclosed that the SEC had opened an inquiry into the manner in which CVS had accounted for a barter transaction, a subject of the class action suit, and that independent counsel to the firm's audit committee had concluded in December 2005 that various aspects of the company's accounting for the transaction were incorrect, leading to the resignations of the company's controller and treasurer.

Ms. Weintraub is the co-author of "Gender Bias and the Treatment of Women as Advocates," *Women in Law* (1998), and the "Dissenting Introduction" defending the merits of securities class action litigation contained in the 1994 monograph "Securities Class Actions: Abuses and Remedies," published by the National Legal Center for the Public Interest. She is a member of the Association of the Bar of the City of New York.

DARYL F. SCOTT graduated in 1981 from Vanderbilt University with a Bachelor of Arts in Economics. He received his Juris Doctorate from Creighton University School of Law in 1984, and a Masters of Taxation from Georgetown University Law Center in 1986. Mr. Scott is a partner involved in complex securities litigation at Scott+Scott. In addition to his work with the firm, Mr. Scott has specialized in private foundation and ERISA law. He was also formerly an executive officer of a private equity firm that held a majority interest in a number of significant corporations. Mr. Scott is admitted to the Supreme Court of Virginia and a member of the Virginia Bar Association and the Connecticut Bar Association.

DEIRDRE DEVANEY is a graduate of New York University (B.A., *cum laude*, 1990) and the University of Connecticut School of Law (J.D., with honors, 1998) where she was the managing editor of the Connecticut Journal of International Law. Ms. Devaney's experience includes commercial and probate litigation, as well as trusts and estates. Currently, Ms. Devaney's practice areas include commercial and securities litigation, including: *In re Priceline.com, Inc. Securities Litigation*, among others. Ms. Devaney is admitted to practice in Connecticut, New York, and the United States District Court for the District of Connecticut.

GEOFFREY M. JOHNSON is a partner in the firm's Ohio office. Mr. Johnson's practice focuses on shareholder derivative, corporate governance, and securities class action litigation. Mr. Johnson is also active in the firm's settlement and appellate practice groups.

Mr. Johnson has served as lead or co-lead counsel in several securities class action cases brought under Section 11 of the Securities Act of 1933, including *In re King Digital Entertainment plc Shareholder Litigation*, Case No. 15-544770 (Superior Court of California, San Francisco County), a shareholder lawsuit that settled for \$18.5 million after surviving two separate motions to dismiss, and *Rosenberg v. Cliffs Natural Resources, Inc.*, Case No. 14-1531 (Court of Common Pleas, Cuyahoga County, Ohio), a shareholder lawsuit that settled for \$10 million after the firm had engaged in extensive litigation and motion practice.

Mr. Johnson has been active in the firm's mortgage-backed securities litigation practice, serving as lead or co-lead counsel in mortgage-backed securities class action cases involving Washington Mutual (*In re Washington Mutual Mortgage-Backed Securities Litigation*, 2:09-cv-00037 (W. D. Wash.)) and Countrywide Financial (*Putnam Bank v. Countrywide Financial, Inc.*, No. 10-cv-302 (C.D. Cal.)). Mr. Johnson also helped develop the theories that the firm's pension fund clients have used to pursue class action cases against mortgage-backed security trustees. See *Retirement Board of the Policemen's Annuity & Benefit Fund of the City of Chicago v. Bank of New York Mellon* (Case No. 11-cv-05459 (S.D.N.Y.)); *Oklahoma Police Pension & Retirement System v. U.S. Bank NA* (Case No. 11-cv-8066 (S.D.N.Y.)).

Mr. Johnson has also served as lead or co-lead counsel in other major securities and ERISA cases, including: *In re Royal Dutch/Shell ERISA Litigation*, No. 04-1398 (D.N.J.), which settled for \$90 million and is one of the three largest recoveries ever obtained in an ERISA class action case; *In re Priceline Securities Litigation*, 00-cv-1884 (D. Conn.), which settled for \$80 million and is the largest class action securities settlement ever obtained in the State of Connecticut; and *In re General Motors ERISA Litigation*, 05-cv-71085 (E.D. Mich.), a case that settled for \$37.5 million and ranks among the largest ERISA class settlements ever obtained.

Mr. Johnson is a graduate of Grinnell College (B.A., Political Science with Honors, 1996) and the University of Chicago Law School (J.D., with Honors, 1999), where he served on the law review. Prior to joining Scott+Scott, Mr. Johnson clerked for the Honorable Karen Nelson Moore, United States Court of Appeals for the Sixth Circuit.

AMANDA F. LAWRENCE is a partner in the firm's Connecticut office. Ms. Lawrence is a graduate of Dartmouth College (B.A., *cum laude*, 1998) and Yale Law School (J.D., 2002). Ms. Lawrence has been at the firm since 2007 where she splits her time between antitrust and securities matters.

In the antitrust realm, Ms. Lawrence has been intricately involved in the "ISDAFix case" (*Alaska Electrical Pension Fund v. Bank of America*, 1:14-cv-07126-JMF-OTW (S.D.N.Y.)), taking depositions and working through expert discovery, including numerous *Daubert* motions and responses. That case has to date achieved over \$504.5 million in recovery from large financial institutions for investors. Ms. Lawrence is also a principal attorney litigating *Axiom Investment Advisors, LLC v. Deutsche Bank AG*, 1:15-cv-09945-LGS (S.D.N.Y.), which alleges manipulation of trading algorithms to benefit the defendant financial institution. She likewise has managed complex international investigations into suspected collusion or manipulation of financial markets. For example, she devoted herself to the international investigation of SSA bonds, which included multiple interviews with former managers of trading banks as well as extensive work with New York University professors to analyze trading data and unearth manipulation.

In her securities practice, Ms. Lawrence has worked on numerous Exchange Act and 1933 Act cases that have resulted in substantial settlements, including: *Police and Fire Retirement System of the City of Detroit v. Crane*, No. 13-cv-00945-VC (N.D. Cal.) (\$5.1 million settlement); *Rosenberg v. Cliffs Natural Resources, Inc.*, No. CV-14-828140 (Ohio Com. Pleas) (\$10 million settlement in 1933 Act case); *Rubenstein v. Oilsands Quest Inc.*, No. 11-1288 (S.D.N.Y.) (securities settlement of \$10.235 million); *Boilermakers National Annuity Trust Fund v. WaMu Mortgage Pass-Through Certificates*, No. 09-cv-00037 (W.D. Wash.) (\$26 million securities class action settlement); and *In re TETRA Technologies, Inc. Securities Litig.*, No. 07-cv-00965 (S.D. Tex.) (\$8.25 million securities class action settlement); *In re LendingClub Corporation Shareholder Litig.*, No. CIV 537300 (Cal. Super., San Mateo) (\$125 million securities class action settlement); and *In Re: FireEye, Inc. Securities Litig.*, No. 1-14-cv-066866 (Cal. Super., Santa Clara) (\$10.25 million securities class action settlement).

In addition to antitrust and securities matters, Ms. Lawrence has also worked on consumer cases that have resulted in significant settlements for the affected classes. For example, Ms. Lawrence helped achieve a settlement in *Vulcan Society, Inc. v. The City of New York*, No. 07-CV-2067 (E.D.N.Y.) that brought both monetary and injunctive relief to a class of African American and Hispanic firefighters in New York City, as well as a settlement in *In re Prudential Insurance Company of America SGLI/VGLI Contract Litigation*, No. 3:11-md-02208-MAP (D. Mass.) that brought both forms of relief to relatives of deceased servicemen and women.

Ms. Lawrence has taught Trial Practice at the University of Connecticut School of Law and is very actively involved in her community, particularly in recreational organizations and events. A five-time NCAA National Champion cyclist who has raced throughout the United States,

Europe, Bermuda, and Pakistan, Ms. Lawrence is now an avid endurance athlete. She has competed in dozens of marathons, including the New York City Marathon and the Boston Marathon, and in 16 full-distance Ironman competitions – four of which were at the Ironman World Championships in Kona, Hawaii.

She is licensed to practice in Connecticut and Massachusetts, as well as the District of Connecticut, District of Massachusetts, and the Southern District of New York. Additionally, she is admitted to the Ninth and First Circuit Courts of Appeals, before which she has argued.

ERIN GREEN COMITE is a partner in the firm's Connecticut office. Ms. Comite is a graduate of Dartmouth College (B.A., *magna cum laude*, 1994) and the University of Washington School of Law (J.D., 2002). Ms. Comite litigates complex class actions throughout the United States, representing the rights of shareholders, employees, consumers, and other individuals harmed by corporate misrepresentation and malfeasance. Since joining Scott+Scott in 2002, she has litigated such cases as *In re Priceline.com Securities Litigation* (\$80 million settlement); *Schnall v. Annuity and Life Re (Holdings) Ltd.* (\$27 million settlement); and *In re Qwest Communications International, Inc.* (settlement obtaining \$25 million for the company and achieving corporate governance reforms aimed at ensuring board independence). Currently, she is one of the court-appointed lead counsel in *In re Monsanto Company Genetically-Engineered Wheat Litigation*, MDL No. 2473 (D. Kan.), and is prosecuting or has recently prosecuted actions against defendants such as Banco Popular, N.A.; Cargill, Inc.; The Estée Lauder Companies, Inc.; Ferrero USA, Inc.; L'Oreal USA, Inc.; Merisant Company; Merrill, Lynch, Pierce, Fenner & Smith, Inc.; NCO Financial Systems, Inc.; and Nestlé USA, Inc.

While Ms. Comite is experienced in all aspects of complex pre-trial litigation, she is particularly accomplished in achieving favorable results in discovery disputes. In *Hohider v. United Parcel Service, Inc.*, Ms. Comite spearheaded a nearly year-long investigation into every facet of UPS's preservation methods, requiring intensive, full-time efforts by a team of attorneys and paralegals well beyond that required in the normal course of pre-trial litigation. Ms. Comite assisted in devising the plan of investigation in weekly conference calls with the Special Master, coordinated the review of over 30,000 documents that uncovered a blatant trail of deception and prepared dozens of briefs to describe the spoliation and its ramifications on the case to the Special Master. In reaction to UPS's flagrant discovery abuses brought to light through the investigation, the Court conditioned the parties' settlement of the three individual ADA case on UPS adopting and implementing preservation practices that passed the approval of the Special Master.

Ms. Comite also is active in the firm's appellate practice. Recent successes include achieving a Ninth Circuit reversal of a district court's dismissal of consumers' claims concerning Nestlé's Juicy Juice Brain Development Beverage, which the plaintiffs alleged was deceptively marketed as having the ability to improve young children's cognitive development with minute quantities of the Omega-3 fatty acid, DHA. *Chavez v. Nestle USA, Inc.*, 511 F. App'x 606 (9th Cir. 2013).

Prior to entering law school, Ms. Comite served in the White House as Assistant to the Special Counsel to President Clinton. In that capacity, she handled matters related to the White House's response to investigations, including four independent counsel investigations, a Justice

Department task force investigation, two major oversight investigations by the House of Representatives and the Senate, and several other congressional oversight investigations.

Ms. Comite's volunteer activities have included assisting immigrant women, as survivors of domestic violence, with temporary residency applications as well as counseling sexual assault survivors. Currently, Ms. Comite supports Connecticut Children's Medical Center and March of Dimes/March for Babies.

Ms. Comite is licensed to practice in the State of Connecticut and is admitted to practice in the U.S. District Court for the District of Connecticut and the Southern District of New York and the U.S. Court of Appeals for the Second, Third, Ninth and Eleventh Circuits.

THOMAS LAUGHLIN is a partner in the firm's New York office. Mr. Laughlin is a graduate of Yale University (B.A. History, *cum laude*, 2001) and New York University School of Law (J.D., *cum laude*, 2005). After graduating from law school, Mr. Laughlin clerked for the Honorable Irma E. Gonzalez, United States District Court Judge for the Southern District of California.

Mr. Laughlin's practice focuses on securities class action, shareholder derivative, ERISA and other complex commercial litigation. While at Scott+Scott, Mr. Laughlin has worked on several cases that have achieved notable victories, including *Cornwell v. Credit Suisse*, No. 08-3758 (S.D.N.Y.) (securities settlement of \$70 million), *Rubenstein v. Oilsands Quest Inc.*, No. 11-1288 (S.D.N.Y.) (securities settlement of \$10.235 million) *Plymouth County Contributory Ret. Sys. v. Hassan*, No. 08-1022 (D.N.J.) (corporate governance reform); and *Garcia v. Carrion*, No. 09-1507 (D.P.R.) (corporate governance reform). Mr. Laughlin is a member of the New York bar and is admitted to practice in the Southern District of New York and the Eastern District of New York.

Mr. Laughlin also has significant appellate experience, having represented clients in connection with several appellate victories, including *Cottrell v. Duke*, 737 F.3d 1238 (8th Cir. 2013); *Westmoreland County Employee Retir. Sys. v. Parkinson*, 727 F.3d 719 (7th Cir. 2013); *Pfeil v. State Street Bank and Trust Co.*, 671 F.3d 585 (6th Cir. 2012); and *King v. VeriFone Holdings, Inc.*, 12 A.3d 1140 (Del. Supr. 2011).

In 2014, Mr. Laughlin was co-chair of a 13-day bench trial in *Bankers' Bank Northeast v. Berry, Dunn, McNeil & Parker, LLC*, No. 12-cv-00127 (D. Me.). Mr. Laughlin represented a consortium of 10 community banks asserting negligence and professional malpractice claims against the former officers and directors of a bank and its auditor in connection with an \$18 million loan made to that bank in September 2008. Among other things, Mr. Laughlin conducted the cross-examination of all three witnesses from the defendant's auditing firm and the direct examination of plaintiff's auditing expert. The parties to the action succeeded in resolving the action after trial.

MAX SCHWARTZ is a partner based in New York. His main practice area is complex civil litigation, with an emphasis on financial products and services. He also counsels investment

firms and institutional investors on strategies to enhance returns, or recoup losses, through a variety of legal actions.

Following the financial crisis, Mr. Schwartz served as lead counsel in several cases that set important precedents regarding mortgage-backed securities. He argued the first cases to find that securitization trustees must seek to have defective mortgages repurchased from MBS trusts. These efforts recently led to the recovery of \$69 million for investors in Washington Mutual MBS and \$6 million for investors in Bear Stearns MBS. *Policemen's Annuity and Benefit Fund of the City of Chicago v. Bank of America, NA*, 1:12-cv-2865 (S.D.N.Y.); *Oklahoma Police Pension and Retirement System v. U.S. Bank National Association*, 1:11-cv-8066 (S.D.N.Y.).

Currently, Mr. Schwartz represents investment firms pursuing claims against MBS servicers. He also represents plaintiffs in a securities action against Nicholas Schorsch and RCS Capital Corp., among others. *Weston v. RCS Capital Corp.*, 1:14-cv-10136 (S.D.N.Y.).

Mr. Schwartz has substantial experience in competition and antitrust matters as well. He was part of the team that secured a \$590 million settlement stemming from allegations that several of the largest leveraged buyouts were subject to collusion. *Dahl v. Bain Capital Partners, LLC*, 1:07-cv-12388 (D. Mass.). In addition, Mr. Schwartz has advised clients in antitrust matters ranging from pharmaceuticals to precious metals and has advised companies seeking merger review before a number of regulatory agencies.

Super Lawyers named Mr. Schwartz a Rising Star. The Legal Aid Society also recognized him with a Pro Bono Service Award for work before the New York Court of Appeals.

Mr. Schwartz holds a B.A. from Columbia University (*cum laude*), and a J.D. from New York University School of Law.

DAVID HOWE is a competition, EU and public lawyer, and Senior Counsel at Scott+Scott Europe. He trained at Freshfields Bruckhaus Deringer LLP and, after qualification, spent a further eight years in the competition and dispute resolution teams there.

David has acted for a range of multinational clients on the full spectrum of competition investigations (in both the UK and internationally) litigation and advice. He has conducted competition damages claims in the English High Court, Court of Appeal and Competition Appeal Tribunal, and also appeared in the European Court of Justice. He acted for Roche on its defence of litigation arising out of the Vitamins cartel (including in the Devenish litigation, which ruled on the availability of restitutionary and exemplary damages in follow-on claims) and, for EWS in its defence of claims brought by the administrators of Enron for damage following EWS' abuse of dominance (the first follow-on damages action to go to trial in the Competition Appeal Tribunal). He has published several articles on competition law, including in relation to the new EU Damages Directive.

David also has significant wider expertise, including in bribery, public and regulatory law, and human rights matters. For instance, he was the lead associate co-ordinating a multi-jurisdictional regulatory and public law strategy for a major consumer products company, and has acted on a

number of judicial reviews for a range of clients, including (as lead associate) on a significant judicial review of the lawfulness of domestic consumer products legislation, relying primarily on EU free movement and human rights grounds. In addition to “classic” human rights claims, David also has expertise in the evolving body of hard and soft law arising out of the UN “Ruggie Principles” on Business and Human Rights, having assisted a major technology company on a full Ruggie-compliant assessment of, and mitigation strategy for, a new project.

David attended Oxford University. He studied Law and French Law, was appointed a scholar, and graduated in 2003 with First Class Honours (being placed in the top 3% of his year), and a Diploma in French Law from the Universite Pantheon-Assas (Paris II). After a year completing professional qualifications, he returned to Oxford University to study the BCL (Oxford University’s LLM equivalent), graduating in 2005 with a Distinction and a university prize, and was subsequently short-listed for the All Souls Prize Fellowship. In the early years of his practice at Freshfields, David also completed an LLM in European Law at Kings College London.

DAVID H. GOLDBERGER is an associate in Scott+Scott’s San Diego office. Currently, Mr. Goldberger’s practice is focused on antitrust litigation, initial case investigations, and other special projects.

Representative actions include *Kleen Products LLC v. Packaging Corporation of America*, No. 10-cv-5711 (N.D. Ill.), an action challenging price-fixing in the containerboard industry, and *In re Lithium Ion Batteries Antitrust Litig.*, No. 13-md-2420 (N.D. Cal.), an action challenging price-fixing of Li-Ion batteries. Mr. Goldberger has also worked on antitrust cases involving delayed generic drug entry, such as *Mylan Pharmaceuticals Inc. v. Warner Chilcott Public Ltd. Co.*, No. 12-cv-3824 (E.D. Pa.) (\$8 million settlement) and *In re Prograf Antitrust Litig.*, No. 1:11-md-02242 (D. Mass.).

Previously, Mr. Goldberger was active in Scott+Scott’s securities fraud and ERISA practice, including *In re: Priceline.com Securities Litigation*, 03-cv-1884 (D. Conn.) (\$80 million settlement), *Alaska Electrical Pension Fund v. Pharmacia Corporation*, No. 03-1519 (D.N.J.) (\$164 million settlement), and *In re: General Motors ERISA Litigation*, No. 05-71085 (E.D. Mich.) (resulting in significant enhancements to retirement plan administration in addition to \$37.5 million settlement for plan participants).

Mr. Goldberger was also a member of Scott+Scott’s institutional investor relations staff, providing the Firm’s many institutional clients with assistance in various matters pertaining to their involvement in complex civil litigations.

Mr. Goldberger is also a frequent contributing author to Market+Litigation, Scott+Scott’s monthly client newsletter.

Mr. Goldberger graduated from the University of Colorado (B.A., 1999) and California Western School of Law (J.D., 2002). Mr. Goldberger is admitted to practice by the Supreme Court of the State of California and in all California United States District Courts.

A San Diego native, Mr. Goldberger was a founding member of the Torrey Pines High School “Friends of the Library” and coaches youth sports in his spare time.

JULIE A. KEARNS has been litigating complex class action cases, focusing primarily on violations of federal antitrust and securities laws, since 2006. She also has experience handling civil matters in California state court, and is located in Scott+Scott’s San Diego office. Ms. Kearns has been recognized as a Rising Star in the 2015, 2016, 2017, and 2018 editions of Super Lawyers. She was also honored by the San Diego Business Journal as Best of the Bar in 2015.

At Scott+Scott, Ms. Kearns presently devotes much of her time representing investors in cases involving the manipulation of financial benchmarks by numerous major banks, including *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (S.D.N.Y) and *Alaska Elec. Pension Fund v. Bank of America Corp.*, No. 14-cv-7126 (S.D.N.Y).

A native Southern Californian, Ms. Kearns earned her Bachelor of Arts degree from the University of California, Santa Barbara, in 2003, with a double major in Political Science and Law & Society. She graduated *cum laude* from Thomas Jefferson School of Law in 2006. During law school, Ms. Kearns served as Executive Board Co-Chair of the Moot Court Society, and participated in multiple competitions across the country. She also served as judicial intern to the Honorable Judge William S. Cannon, who oversaw civil matters in the Superior Court of California, County of San Diego. She completed internships at various public defender entities at both the state and federal levels, and drafted sponsorship agreements and similar documents as legal intern for the local minor league ice hockey team, the San Diego Gulls.

As an avid animal lover and supporter of animal rights, Ms. Kearns has served as *pro bono* volunteer attorney in association with the non-profit association Expand Animal Rights Now (“EARN”) since 2016. She is a long-time supporter of the San Diego Humane Society, the San Diego Zoological Society, the ASPCA, and other similar organizations. Ms. Kearns has also made presentations to middle and high school students around San Diego County as part of the annual, non-partisan Constitution Day event organized by the San Diego ACLU.

Ms. Kearns is licensed to practice law in the state of California, and is admitted to the U.S. District Court for the Southern, Central, and Northern Districts of California, the District of Colorado, and the U.S. Court of Appeals for the Fifth Circuit.

CIAN MANSFIELD is a senior associate in Scott+Scott Europe LLP’s London office. He specialises in competition damages litigation before the English High Court, Competition Appeal Tribunal, and the Court of Appeal.

Cian is currently acting as lead associate for a large number of retailers in their claims in the English High Court against Visa and MasterCard in relation to anti-competitive interchange fees; and as lead associate on behalf of a number of potential claimants in follow-on damage actions arising from the Trucks cartel.

Prior to joining Scott+Scott Europe LLP, Cian spent over six years in the London office of Freshfields Bruckhaus Deringer LLP. During his time at Freshfields, Cian worked on a number

of competition damages claims arising from European Commission infringement decisions in relation to a number of cartels, including in the energy and industrial sectors. He also acted in a number of investigations, both internal investigations and those brought by international regulators (including the European Commission and the Competition and Markets Authority), and on pieces of general commercial litigation.

Cian also has extensive pro bono experience. He currently acts as an advocate on behalf of failed and pending asylum seekers at the Asylum Support Tribunal as a member of the charity, the Asylum Support Appeals Project. While at Freshfields, Cian worked on UK Supreme Court interventions for the Office of the Children's Commissioner and the Open Society Justice Initiative.

Cian attended University College Dublin, Ireland and graduated in 2007 with a Bachelors of Civil Law (European Legal Studies) (First Class Honours). As part of his degree he spent a year studying at the University of Lausanne in Switzerland. Cian has an LL.M from the University of Cambridge and a Postgraduate Diploma in EU Competition Law from King's College London.

Following his LL.M, Cian completed a five-month *stage* (internship) at the Legal Service of the European Commission in Brussels.

Cian is admitted to practice in England & Wales and the Republic of Ireland.

THOMAS K. BOARDMAN is an associate in the Scott+Scott's New York office, focusing on antitrust litigation. At his prior firm, Mr. Boardman was a member of the trial team in *In re TFT-LCD (Flat Panel) Antitrust Litigation*. For his work on that case, Mr. Boardman was nominated by Consumer Attorneys of California as a finalist for Consumer Attorney of the Year. Mr. Boardman was also an instrumental part of the lead counsel team in *In re Potash Antitrust Litigation (II)*, a case that featured a unanimous victory before an *en banc* panel of the Seventh Circuit, resulting in one of the most influential antitrust appellate opinions in recent memory. The case ended in \$90 million in settlements.

At Scott+Scott, Mr. Boardman represents plaintiff-investors in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* and represents opt-out plaintiffs in *Mag Instrument Inc v. The Goldman Sachs Group Inc*. Mr. Boardman also represents indirect purchaser plaintiffs in *In re Lithium Ion Batteries Antitrust Litigation*.

Mr. Boardman received his Bachelor of Arts degree from Vassar College in 2004, majoring in Political Science and Film Studies. He received his Juris Doctorate from the University of California, Hastings College of the Law in 2009. While at Hastings, Mr. Boardman was a member of the Hastings Science and Technology Law Journal and worked as a research assistant to professors Geoffrey C. Hazard, Jr. and Rory K. Little. Mr. Boardman is a member of the following Bars: California, New York, Ninth Circuit Court of Appeals, Central District of California, Northern District of California, and Southern District of California. He is also a member of the following professional associations: ABA Antitrust Section – Model Jury Instruction Revision Task Force, ABA Antitrust Section – Young Lawyers Division – Litigation Committee, ABA Antitrust Section – Young Lawyers Division – Civil Practice and Procedure

Committee, New York State Bar Association – Antitrust Section, Bar Association of San Francisco, and Public Justice Foundation.

Mr. Boardman has co-authored the following articles: “Reverse Engineering Your Antitrust Case: Plan for Trial Even Before You File Your Case,” *Antitrust Magazine*, Spring 2014, Vol. 28, No. 2, with Bruce L. Simon; and “Class Action for Health Professionals,” chapter from *Advocacy Strategies for Health and Mental Health Professionals*, Springer Publishing Co., 2011, with Bruce L. Simon, Stuart L. Lustig, Editor.

Prior to joining Scott+Scott, Mr. Boardman worked at Pearson, Simon & Warshaw, LLP in San Francisco and served as a judicial law clerk to the Hon. Christina Reiss in United States District Court, District of Vermont.

Mr. Boardman enjoys running and regularly does so for charity. He has run several races to fundraise for various causes, including the New York City Marathon (National Multiple Sclerosis Foundation) and the Boston Marathon (Cystic Fibrosis Foundation).

PATRICK McGAHAN is an associate in Scott+Scott’s London office. He specialises in competition damages litigation before the English High Court, Competition Appeal Tribunal and the Court of Appeal. Mr. McGahan works closely with other members of the firm’s Antitrust and Competition Practice in counseling corporate and institutional clients, evaluating potential claims and developing strategies to recover losses caused by anticompetitive conduct. He has also acted for clients in a variety of arbitrations (both investment treaty and commercial) and pieces of general commercial litigation.

Mr. McGahan is presently representing numerous clients who may have European claims arising from the manipulation of the foreign exchange market. He is also acting for various national and multinational retailers in relation to competition damages claims arising from Visa and MasterCard’s card payment schemes.

Prior to joining Scott+Scott, Mr. McGahan spent four years in the London office of Freshfields Bruckhaus Deringer LLP. During this time he acted in many of the leading English competition damages cases, including *National Grid Electricity Transmission Plc v ABB Ltd*. He also acted for numerous clients in competition law investigations, both internal investigations and those brought by the Competition and Markets Authority, the European Commission, and other regulators.

Mr. McGahan attended the University of Queensland and graduated in 2010 with a Bachelor of Laws (First Class Honours) and a Bachelor of Arts (Economics/Political Science). He then spent a year as the Associate to His Honour Justice Andrew Greenwood at the Federal Court of Australia. Mr. McGahan has a Postgraduate Diploma in Competition Law from King’s College London.

Mr. McGahan is admitted to practice in England and Wales and in Queensland, Australia.

JAMES HAIN-COLE is located in Scott+Scott's London office. He specialises in competition damages litigation before the English Courts and the Competition Appeal Tribunal. Mr. Hain-Cole works with the firm's Antitrust and Competition Practice in advising international clients on their potential to claim damages arising from anticompetitive conduct and working with them to design an effective strategy to compensate them for losses arising from such conduct. He has also has experience in commercial arbitration and general commercial litigation.

Prior to working with Scott+Scott, Mr. Hain-Cole spent two and a half years at Cuatrecasas in Madrid, where he advised on competition damages claims before the courts of Spain, England and Italy and also formed part of the team that drafted the legal section of the "*Study on the Passing-on of Overcharges*" for the European Commission. Prior to that, Mr. Hain-Cole spent six years in the London office of Freshfields Bruckhaus Deringer LLP, where he advised clients in some of the leading competition damages before the English courts and tribunals, including *Deutsche Bahn AG and others v Morgan Advanced Materials Plc* and *Cooper Tire and Rubber Company Europe Ltd and others v. Dow Deutschland Inc and others*. He also acted for a major financial institution in competition law investigations before the European Commission and other competition regulators worldwide, including in the North America and Asia.

Mr. Hain-Cole attended the University of St. Andrews and graduated in 2006 with a Master of Arts (First Class Honours) in International Relations and Modern History. He then gained the Graduate Diploma in Law and the Legal Practice Course at BPP Law School, London. In 2015, obtained the BASL DMU Postgraduate Certificate in Sports Law from De Montfort University, Leicester.

Mr. Hain-Cole is admitted to practice in England and Wales. He has professional proficiency in Spanish.

JOHN JASNOCH's practice areas include securities and antitrust class actions, shareholder derivative actions, and other complex litigation. Mr. Jasnoch represented plaintiffs in *In re Washington Mutual Mortgage-Backed Securities Litigation*, Case No. 2:09-cv-00037 (W.D. Washington), a case that was litigated through summary judgment and settled on the eve of trial for \$26 million. Mr. Jasnoch was also one of the lead attorneys that secured a \$7.68 million settlement in *In re Pacific Biosciences Securities Litigation*, Case No. CIV509210 (San Mateo County, California). Other cases Mr. Jasnoch has worked on that have achieved notable results include: *West Palm Beach Police Pension Fund v. Cardionet, Inc.*, Case No. 37-2010-00086836-CU-SL-CTL (San Diego County, California) (\$7.25 million settlement), *Hodges v. Akeena Solar*, 09-cv-2147 (N.D. Cal.) (\$4.77 million settlement), *Plymouth County Contributory Ret. Sys. v. Hassan*, No. 08-1022 (D.N.J.) (corporate governance reform), and *In re HQ Sustainable Maritime Industries, Inc., Derivative Litigation*, Case No. 11-2-16742-9 (King County, Washington) (\$2.75 million settlement).

As an active member of the Consumer Attorneys of California, Mr. Jasnoch has prepared and submitted successful *amicus curie* briefs to the Ninth Circuit Court of Appeals, including on California's Anti-SLAPP law and consumer protection issues.

Mr. Jasnoch graduated *cum laude* from Creighton University with a Bachelor of Arts in Political Science in 2007. He received his Juris Doctorate from The University of Nebraska College of Law in 2011 and is a member of the California Bar.

MICHAEL G. BURNETT is a graduate of Creighton University (B.A., 1981) and Creighton University School of Law (J.D., 1984). Mr. Burnett practices complex securities litigation at the firm where he consults with the firm's institutional clients on corporate fraud in the securities markets as well as corporate governance issues. In addition to his work with the firm, Mr. Burnett has specialized in intellectual property and related law. Mr. Burnett is admitted to the Nebraska Supreme Court and United States District Court, District of Nebraska. He is a member of the Nebraska Bar Association.

DOUGLAS CAMPBELL is an associate in Scott+Scott's London office who specialises in competition damages litigation. Douglas regularly works with clients and counsel, considering competition and regulatory claims, assessing their merits and viability. He has knowledge of the third-party funding sector and has experience of working on funded cases and preparing proposals for third-party funding.

Douglas is currently representing a number of clients with potential claims against financial institutions for manipulation of the foreign exchange market, and acting for several retailers with claims against Visa and Mastercard in respect of charges and rules imposed in respect of their card payment schemes.

Prior to joining Scott+Scott, Douglas spent five years working for a major UK law firm in Edinburgh and London. During this time he acted in a number of competition damages and general commercial claims in the English High Court and Court of Appeal. His experience includes acting for a Part 20 Defendant airline in the *Air Cargo* follow-on and stand-alone damages claims and acting for a FTSE 250 listed company coordinating a claim against a major UK bank for manipulation of the foreign exchange market. Douglas represented clients across a broad range of industries in the public and private sectors.

Douglas studied law at the University of Edinburgh and spent a year studying law and politics at Université Paul Cézanne Aix-Marseille III in France.

Douglas is admitted to practise in England & Wales and Scotland.

J. ALEX VARGAS serves as Scott+Scott's Director of Investigations. He has devoted over a decade of his career investigating claims on behalf of institutional investors and other stakeholders. At Scott+Scott, Mr. Vargas conducts and oversees investigations across all practice groups. Prior to joining the firm, Mr. Vargas was involved in several high-profile securities fraud cases, including one where he served as the principal investigator in connection with a 14-year litigation, resulting in the largest securities fraud settlement following a trial; a record \$1.575 billion recovery in *Jaffe v. Household Int'l, Inc.*, No. 02-C-05893 (N.D. Ill.).

Representative antitrust class actions include: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 1:13-cv-07789 (S.D.N.Y.); *In re SSA Bonds Antitrust Litigation*, No.

1:16-cv-03711-ER (S.D.N.Y.); and *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, No. 2:16-cb-27240-CMR (E.D. Pa.).

Representative securities class actions include: *Ret. Bd. of the Policemen's Annuity and Benefit Fund of Chicago v. FXCM Inc.*, No. 1:15-cv-03599-KMW (S.D.N.Y.); *Union Asset Management Holding AG v. SanDisk LLC*, No. 3:15-cv-01455-VC (N.D. Cal.); *In re LendingClub Corp. Shareholder Litig.*, No. CIV537300 (Cal. Super. Ct., San Mateo County) (settlement of \$125 million); *In re MobileIron, Inc. S'holder Litig.*, No. 1-15-cv-284001 (Cal. Super. Ct., Santa Clara County) (settlement of \$7.5 million); *In re Endochoice Holdings, Inc. Sec. Litig.*, C.A. No. 2016 cv 277772 (Ga. Super. Ct. Fulton County); and *Rubenstein v. Oilsands Quest Inc.*, No. 11-cv-288 (S.D.N.Y.) (settlement of \$10.235 million).

Representative consumer and data breach class actions include *In re Pacific Coast Oil Trust Sec. Lit.*, No. BC550418 (Cal. Sup. Ct., Los Angeles County) (settlement of \$7.6 million); *Greater Chautauqua Federal Credit Union v. Kmart Corp.*, No. 15-cv-2228 (N.D. Ill.) (settlement of \$5.2 million); *WinSouth Credit Union v. MAPCO Express, Inc.*, No. 14-cv-1573 (M.D. Tenn.) (largest dollar-per-card settlement obtained on behalf of financial institutions involving data breach of credit and debit card information); *Selco Community Credit Union v. Noodles & Co.*, C.A. No. 1:16-cv-2247 (D. Colo.); and *First Choice Fed. Credit Union v. The Wendy's Co.*, No. 2:16-cv-00506 (W.D. Pa.).

Mr. Vargas graduated from the University of San Diego (B.A., 1997) and the University of San Diego School of Law (J.D., 2004). He is admitted to practice in New York, California, and the District of Columbia.

STEPHANIE HACKETT is an associate in Scott+Scott's San Diego office. She primarily practices in the area of antitrust litigation on behalf of classes and individual plaintiffs.

Ms. Hackett has represented class plaintiffs in *Dahl v. Bain Capital Partners, LLC*, No. 1:07-cv-12388 (D. Mass.) (\$590.5 million settlement) and *Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Ltd. Co.*, No. 12-3824 (E.D. Pa.) (\$8 million settlement). She represented corporate opt-out clients in *In re Polychloroprene Rubber (CR) Antitrust Litigation*, MDL No. 1642 (D. Conn.); and *In re Plastics Additives (No. II) Antitrust Litigation*, MDL No. 1684 (E.D. Pa.).

Ms. Hackett's current cases include representing class plaintiffs in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 1:13-cv-07789 (S.D.N.Y.), an action challenging collusion regarding foreign exchange rates, and *Alaska Electrical Pension Fund v. Bank of America Corporation*, No. 1:14-cv-07126 (S.D.N.Y.), an action challenging collusion regarding the setting of the ISDAfix benchmark interest rate. Ms. Hackett also represents corporate opt-out clients in *In re: Aluminum Warehousing Antitrust Litigation*, MDL No. 2481 (S.D.N.Y.), a case challenging collusion regarding the spot metal price of physically-delivered aluminum.

As a part of her *pro bono* work, Ms. Hackett has worked with the San Diego Volunteer Lawyer Program, providing assistance to immigrant victims of domestic violence, and the ABA Immigration Justice Project, where she obtained a grant of asylum on behalf of her client.

Ms. Hackett is an active member of the American Bar Association's Antitrust Section and the San Diego La Raza Lawyers Association. She is also a contributing author to Market+Litigation, Scott+Scott's monthly newsletter.

Ms. Hackett is a graduate of the University of Iowa (B.S. Political Science, International Business Certificate, 2001) and of the University of Iowa College of Law (J.D., with distinction, 2005), where she was a recipient of the Willard L. Boyd Public Service Distinction award. While obtaining her law degree, Ms. Hackett worked as a judicial extern for the Honorable Celeste F. Bremer, United States District Court for the Southern District of Iowa. Ms. Hackett is admitted to practice in California.

In addition to her legal education, Ms. Hackett has engaged in accounting study and passed all four parts of the CPA exam. This background has proved particularly useful in cases involving the financial services industry.

HAL CUNNINGHAM is a graduate of Murray State (B.S. Biological Chemistry) and the University of San Diego School of Law. Prior to joining Scott+Scott, Mr. Cunningham was engaged in research and development in the chemical and pharmaceutical industries.

Mr. Cunningham's practice focuses on securities class action, shareholder derivative, and consumer litigation. While at Scott+Scott, Mr. Cunningham has worked on several cases that have achieved notable results, including *In re Washington Mutual Mortgage Backed Securities Litigation*, No. C09-0037 (W.D. Wash.) (securities settlement of \$26 million). Mr. Cunningham is also involved in the Firm's securities lead plaintiff motion practice, having briefed several successful lead plaintiff applications for the firm's institutional and individual clients.

Mr. Cunningham is a regular contributor to and editor of Scott+Scott's monthly newsletter, MARKET+LITIGATION.

Mr. Cunningham is admitted to practice in California.

YIFAN ("KATE") LV is an associate in Scott+Scott's San Diego office. Her practice focuses on prosecuting antitrust actions with an emphasis on intercultural cartels.

Ms. Lv represents plaintiffs in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (S.D.N.Y), challenging foreign-exchange market manipulation by many global financial institutions. Ms. Lv also represents and advises the Firm's Asian clients.

Ms. Lv graduated from Tianjin University of Commerce, Tianjin, China, with a Dual Bachelors in Law and Economics in 2008, from Peoples University of China, Beijing, China with a Master in Law in June 2010, and from William & Mary School of Law in 2014.

Ms. Lv is bilingual, speaking fluent Chinese and English.

Ms. Lv is a member of the California, New York, and China Bars.

MICHELLE CONSTON is an associate at Scott+Scott's New York office, focusing on antitrust litigation.

Prior to joining Scott+Scott, Ms. Conston represented institutional investors, hedge funds, and individual investors in complex class action litigation arising under the Commodity Exchange Act, Sherman Act, RICO Act, and common law. She was heavily involved in litigating actions alleging the manipulation of the London Interbank Offered Rate ("LIBOR") for several currencies by large financial institutions (e.g., *Laydon v. Mizuho Bank, Ltd.*, No. 12-cv-3419 (S.D.N.Y.) and *Sullivan v. Barclays plc*, No. 13-cv-00281 (S.D.N.Y.)), as well as an action alleging manipulation of the daily London Silver Fixing by the Fixing Banks and several other financial institutions (*In re London Silver Fixing, Ltd., Antitrust Litigation*, No. 14-md-02573 (S.D.N.Y.)).

At Scott+Scott, Ms. Conston presently devotes much of her time representing investors in cases involving the manipulation of financial benchmarks by numerous major banks, including *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (S.D.N.Y) and *Alaska Elec. Pension Fund v. Bank of America Corp.*, No. 14-cv-7126 (S.D.N.Y).

Ms. Conston is a graduate of Marist College (B.A., *magna cum laude*, 2010) and the University of Miami School of Law (J.D., *magna cum laude*, 2013). During law school, Ms. Conston served as a judicial intern for the Honorable Stephen T. Brown, the Chief Magistrate Judge of the United States District Court for the Southern District of Florida. Ms. Conston also served as a certified legal intern for the United States Attorney's Office for the Southern District of Florida.

Ms. Conston is licensed to practice law in New York, New Jersey, and Florida (inactive), and is admitted to the U.S. District Court for the Southern District of New York.

SCOTT JACOBSEN is an associate in Scott+Scott's New York office. Mr. Jacobsen practices in the areas of shareholder derivative actions, securities class action litigation, and other complex litigation.

While at Scott+Scott, Mr. Jacobsen has primarily focused on securities and derivative litigation, including investigation of corporate books and records to evaluate potential claims on behalf of shareholders. Cases include *International Union of Operating Engineers Local No. 478 Pension Fund v. McInerney*, C.A. No. 11901-VCN (Del. Ch. Jan 13, 2016) (derivatively on behalf of Genworth Financial Inc.); *Carlson v. Dipp*, No. 1:15-cv-14032 (D. Mass. Dec. 7, 2015) (securities class action); *Fernicola v. Hugin*, C.A. No. 11748-VCMR (Del. Ch. Nov. 24, 2015) (derivatively on behalf of Celgene Corp.); *Feldman v. Kulas*, C.A. No. 11614-VCG (Del. Ch. Oct. 15, 2015) (derivatively on behalf of Santander Consumer USA Holdings Inc.); *Fortunato v. Akebia Therapeutics, Inc.*, No. 1:15-cv-13501 (D. Mass. Oct. 5, 2015) (securities class action).

Mr. Jacobsen graduated from The George Washington University (B.A. English, *magna cum laude*; M.A., English) and William & Mary Law School (J.D. 2014). During law school, Mr. Jacobsen externed at the American Civil Liberties Union of Virginia and served as a staff member for the William & Mary Bill of Rights Journal.

Mr. Jacobsen is a member of the following professional associations: ABA Business Section and ABA Young Lawyers Division. Mr. Jacobsen is also a regular contributor to Scott+Scott's monthly newsletter. He is admitted to practice in New Jersey, New York, and the United States District Court for the Southern District of New York.

RHIANA SWARTZ is an associate in the firm's New York office. Ms. Swartz graduated *magna cum laude* from Brooklyn Law School in 2006, and received her B.A. from Swarthmore College in 2000. After graduating from law school, Ms. Swartz clerked for the Honorable Joan M. Azrack in the Eastern District of New York.

Ms. Swartz's practice focuses on securities class actions and shareholder derivative actions.

Prior to joining Scott+Scott, Ms. Swartz was Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, Office of Corporation Counsel, where she handled federal cases brought under 42 U.S.C. §1983 from initial receipt of complaint through trial verdict. Ms. Swartz settled more than 80 cases and conducted four federal trials. Ms. Swartz also spent more than four years as an Associate at Sullivan & Cromwell LLP in New York, representing major financial institutions in civil and regulatory matters involving securities, antitrust, corporate governance, and employment law issues.

Ms. Swartz is a member of the New York bar and is admitted to practice in the Southern District of New York, Eastern District of New York, and Second Circuit.

SEAN T. MASSON is an associate in Scott+Scott's New York office. Mr. Masson's practice focuses on securities class action, mass torts, and other complex commercial litigation. *Super Lawyers* has named Mr. Masson a Rising Star for four consecutive years (2015-2018) for his work as a securities class action litigator.

Prior to entering the private sector, Mr. Masson served as an Assistant District, successfully argued over 40 appeals in state and federal courts and gained extensive experience with large-scale government and regulatory investigations. Notable cases include: *People v. McKelvey* (upheld 75-year sentence for serial rapist preying on homeless women); *People v. Doyle* (affirming conviction for notorious fine art thief); and *People v. Wong* (affirming conviction of driving school instructor involved in hit and run of a child).

Mr. Masson graduated from Queens College (*summa cum laude*) and Hofstra University School of Law (*cum laude*). During law school, Mr. Masson served as the Senior Notes and Comments Editor of the *Hofstra Law Review* and won various awards during Moot Court competitions.

Mr. Masson's publications include:

The Presidential Right of Publicity, 2010 Boston College Intellectual Property & Technology Forum 012001.

Note, *Cracking Open the Golden Door: Revisiting U.S. Asylum Law's Response To China's One-Child Policy*, 37 Hofstra Law Review 1135 (2009).

MARGARET (MAGGIE) FERRON is an associate at the Firm's Connecticut office. Ms. Ferron is a graduate of Middlebury College (B.A., 2003) and the University of Connecticut School of Law (J.D., High Honors, 2009). During law school, Ms. Ferron worked for the Honorable Janet Bond Arterton of the U.S. District Court for the District of Connecticut and for the Iran Human Rights Documentation Center in New Haven, Connecticut. As an undergraduate, she studied classical languages and history in Athens, Greece; as a law student, she studied international human rights law at Trinity College, Dublin, Ireland.

Prior to joining the firm, Ms. Ferron worked as a plaintiffs' employment lawyer in Hartford for several years. Her experience also encompasses municipal affairs and state grant compliance. Ms. Ferron practices in varied Connecticut state court matters as well as federal class actions. She is admitted to practice in Connecticut and the U.S. District Court for the District of Connecticut.

Ms. Ferron is a trustee of Joshua's Tract Conservation and Historic Trust, located in Mansfield, Connecticut. She successfully led an effort to build an accessible playground in Mansfield and enjoys trail running and reading with her family.

CAREY ALEXANDER is an associate in Scott+Scott's New York office where he focuses on complex consumer litigation and class actions.

Mr. Alexander received his B.A. from Skidmore College in 2004, and graduated *magna cum laude* from St. John's University School of Law in 2012. During law school, Mr. Alexander served as Associate Managing Editor of the *St. John's Law Review*. His student note, *Abusive: Dodd-Frank Section 1031 and the Continuing Struggle To Protect Consumers*, 85 *St. John's L. Rev.* 1105 (2012), has been cited in several legal journals, including the *Harvard Law Review*.

Prior to law school, Mr. Alexander served as an editor of the consumer-advocacy blog, *Consumerist.com*. He also served as an advisor to the Bronx Borough President and worked as part of the National Campaign to Restore Civil Rights.

Mr. Alexander is admitted to practice in the State of New York and in several federal courts, including New York's Southern, Eastern, and Western Districts, the Northern District of Illinois, and Court of Appeals for the Ninth Circuit.

ANJALI BHAT is an associate at the Firm's New York office. Ms. Bhat is a graduate of Swarthmore College (B.A., High Honors, 2007) and Columbia Law School (J.D., High Honors, 2011). During law school, Ms. Bhat was a Harlan Fiske Stone Scholar and a finalist in the Harlan Fiske Stone Moot Court Competition. As an undergraduate, she studied history.

Prior to joining the firm, Ms. Bhat clerked for the Honorable William F. Kuntz II of the United States District Court for the Eastern District of New York. In addition to securities class actions, her experience also encompasses real estate litigation in New York state courts. She is admitted to practice in New York and the U.S. District Courts for the Southern and Eastern Districts of New York. She enjoys reading, tennis, and rock climbing.

KASSANDRA NELSON is an associate in the firm's New York office where she focuses on securities and antitrust litigation.

Ms. Nelson is a graduate of the University of Alabama (B.A., *cum laude* 2012) and Southern Methodist University (J.D., 2016). During law school, Ms. Nelson volunteered over 450+ hours in Legal Public Service and received the distinction of Pro Bono Honor Roll upon graduation. She worked as an intern for the Domestic Violence Division at the Dallas County District Attorney's Office as well as an extern for the Honorable Judge Martin Hoffman. Ms. Nelson served as a student attorney for SMU's Innocence Clinic, working with the Dallas County Public Defender's Office and New York Innocence Project, and successfully advocated for the release and exoneration of Steven Chaney, freed after wrongfully serving more than 25 years.

Ms. Nelson is admitted to practice in the State of Texas.

JONATHAN ZIMMERMAN is an associate in the New York office where he focuses on shareholder derivative and federal securities litigation.

Mr. Zimmerman is a graduate of McGill University, Desautels School of Management (B.Commerce, 2009) and Temple University, Beasley School of Law (J.D., 2016). While in law school, Mr. Zimmerman served as a Staff Editor on Temple's International and Comparative Law Journal. He also received the Best Paper Award in Advanced Financial Regulations for his work entitled *Corporate Diversions: Short-Term Tax Savings at the Expense of Shareholder Rights* (Spring 2015).

Prior to joining Scott+Scott, Mr. Zimmerman practiced in the areas of shareholder derivative, federal securities, and *Qui Tam* litigation as an Associate at The Weiser Law Firm, located in the suburbs of Philadelphia, Pennsylvania.

Mr. Zimmerman is a member of the New Jersey and Pennsylvania Bars. He is also admitted to the U.S. District Court for the District of New Jersey and the U.S. District Court for the Eastern District of Pennsylvania.

A former two-time All-Canadian collegiate lacrosse player and co-captain of McGill University's men's varsity team, Mr. Zimmerman loves watching and playing sports when he, his wife, and his son are not exploring New York City's vibrant food scene.

PHILIPPA (PIPPA) WINSTANLEY is an associate in Scott+Scott Europe LLP's London office. She specialises in competition damages litigation before the English High Court, Competition Appeal Tribunal and the Court of Appeal.

Pippa is currently representing potential claimants in follow-on damage actions against Visa and MasterCard in relation to anti-competitive interchange fees. She is also acting on behalf of clients seeking compensation from participants in a long-running multinational cartel. Pippa also works on general commercial litigation, including a dispute relating to a major property portfolio in the UK.

Prior to joining Scott+Scott Europe LLP, Pippa trained at Marriott Harrison LLP and qualified in commercial litigation at Clyde & Co LLP, where she represented major energy and aviation clients in relation to various debt recovery and breach of contract claims. Pippa has experience representing both corporations and individual shareholders.

Pippa attended the University of Oxford and graduated in 2012 with a Bachelor of Music. Pippa subsequently undertook a Graduate Diploma of Law and LLM in Law at the University of Law, London.

Pippa is admitted to practice in England and Wales.

RUTH MANSON is an associate in Scott+Scott Europe LLP's London office.

Ruth specialises in commercial and competition litigation. She is currently working as part of the firm's Antitrust and Competition Practice advising a number of retailers regarding claims against Visa and MasterCard in respect of anti-competitive interchange fees, and working with numerous clients assessing potential claims arising from the manipulation of the foreign exchange market.

Prior to joining Scott+Scott Europe LLP, Ruth completed her traineeship at a major UK law firm in London. During her traineeship, Ruth worked on a number of large scale litigations including a multi-million pound breach of contract claim and acting on behalf of a Part 20 Defendant in the on-going Air Cargo cartel litigation.

Ruth attend the University of Cambridge (Trinity Hall) and graduated in 2015 with a Bachelor of Arts in Law. She subsequently completed her Legal Practice Course, which she passed with distinction, at the University of Westminster.

Ruth is admitted to practice in England and Wales.

G. DUSTIN FOSTER's main practice areas include antitrust, securities, and complex litigation, which includes such cases as *In Re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (S.D.N.Y.), *Dahl v. Bain Capital Partners, LLC*, No. 1:07-cv-12388 (D. Mass.), and *Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Ltd. Co.*, No. 2:12-cv-03824 (E.D. Pa.). Mr. Foster is a member of the West Virginia State Bar.

Mr. Foster is a graduate of West Virginia Wesleyan College (B.S., Biology, *cum laude*, 1999) and of the West Virginia University College of Law (J.D., 2002), where he earned a position on the Moot Court Board and Lugar Trial Association. During law school, Mr. Foster served as a law clerk for the West Virginia Supreme Court of Appeals, after which he assumed a full-time term position as a law clerk for the Hon. Thomas C. Evans, III, of the Fifth Circuit Court of West Virginia.

JOSEPH A. PETTIGREW's practice areas include securities, antitrust, shareholder derivative litigation, and other complex litigation, including work on the following cases: *Dahl v. Bain*

Capital Partners, LLC, No. 07-cv-12388 (D. Mass.); *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL 1720 (E.D.N.Y); and *Marvin H. Maurras Revocable Trust v. Bronfman*, 12-cv-3395 (N.D. Ill.).

Mr. Pettigrew graduated from Carleton College (B.A., Art History, *cum laude*, 1998) and from the University of San Diego School of Law (J.D., 2004). Mr. Pettigrew has served on the board and as legal counsel to several nonprofit arts organizations.

Mr. Pettigrew is admitted to practice in California.

JACEY BOGLER is an attorney in Scott+Scott's California office where she focuses on complex antitrust litigation and class actions.

Jacey graduated, *cum laude*, from Iowa State University with a Bachelor of Arts degree in Psychology and Criminal Justice (minor) in 2010. She graduated with *honors* from Drake University Law School in 2014. While at Drake, Jacey was a junior staff and editorial board member of the Drake Law Review.

Jacey is admitted to practice in the State of Iowa.

JOEL BOORAS is a staff attorney in Scott+Scott's California office where he focuses on complex antitrust litigation and class actions.

Mr. Booras received his B.A. from the University of San Diego in 2008, and graduated from the University of San Diego School of Law in 2012.

Prior to joining Scott+Scott, Mr. Booras practiced in the personal injury field and managed cases in the electronic discovery arena for several high-profile technology clients.

Mr. Booras is admitted to practice in the State of California.

VICTORIA BURKE is an attorney in Scott+Scott's California office where she focuses on complex antitrust litigation and class actions.

Victoria received her B.A. from Arizona State University in 1997, and graduated from Southwestern Law School in 2011. Additionally, in 2014, Victoria attained a certificate of completion from Loyola Law School's Fashion Law Summer Intensive program.

On behalf of the American Bar Association, Victoria serves as Vice-Chair of the Trademark Transactions Committee, Chair of the Fashion Law Subcommittee, and former Vice-Chair of the Trademark Litigation Committee. She also frequently authors law articles on a range of topics for various legal publications, most recently for the Daily Journal in November 2016, "*Blunt Talk About Trademarks in the Marijuana Business.*" Victoria has also served as panelist for many programs, such as the ABA's webinar *Runway Ready: Fashion Law Fundamentals* (2016). Victoria has volunteered her time to Bet Tzedek's *Employment Rights Project: Wages and Hour*

cases and regularly serves as a moot court judge for Pepperdine University School of Law's Annual National Entertainment Law Moot Court Competition.

Victoria is admitted to practice in the State of California and the District of Columbia, and in several federal courts, including the U.S. District Court for the Central District of California.

ELIZABETH A. CAMPOS is an attorney in Scott+Scott's California office where she focuses on complex antitrust litigation and class actions.

Ms. Campos received her B.A. from the University of Southern California in 1997, and graduated from Thomas Jefferson School of Law in 2001.

Ms. Campos is admitted to practice in the State of California and is registered to practice in front of the U.S. Patent and Trademark Office.

NGA CUNNINGHAM is an attorney in Scott+Scott's California office where she focuses on complex antitrust litigation and class actions.

Nga received her B.A. from the University of California, San Diego in Political Science with an emphasis on Public Policy, and graduated, *cum laude*, from Thomas Jefferson School of Law in 2005.

Nga is admitted to practice in the State of California and in the U.S. District Court for the Central District of California.

YVONNE FUNK is an attorney in Scott+Scott's California office where she focuses on complex antitrust litigation and class actions.

Yvonne received her B.A. from UCLA in 2001, and graduated from UC Hastings law school in 2007. She is admitted to practice in the State of California.

CARLY HENEK is an attorney in Scott+Scott's California office where she focuses on complex antitrust litigation and class actions.

Carly received her B.S. from State University of New York at Albany in Human Biology, and graduated from St. John's School of Law in 2001.

Carly has extensive state and federal court experience litigating against and representing major U.S. and international corporations and individual clients in all phases of the litigation process. Her practice focuses on complex commercial litigation and securities fraud litigation.

Carly is admitted to practice in the State of California and New York, including all federal courts in California and New York.

TODD S. HIPPER is an attorney in Scott+Scott's California office where he focuses on complex antitrust litigation and class actions.

Todd received his B.A. in Political Science from University of California, Berkeley in 1996, and graduated from Georgetown University Law Center in 2001.

Todd is admitted to practice in the States of California and New York, and in several federal courts, including all federal courts in California, and the U.S. District Court for the Eastern District of New York.

RANDALL AUBREY PETRIE is an attorney in Scott+Scott's California office where he focuses on complex antitrust litigation and class actions.

Randall received his B.A. from Hamilton College in 1988, and graduated from George Washington University School of Law in 1992, Dean's Fellow.

Randall is admitted to practice in the States of New York and New Jersey and in U.S. District Court for the Southern District of New York.

MELANIE PORTER is an attorney in Scott+Scott's California office where she focuses on complex antitrust litigation and class actions.

Melanie graduated from UCLA with a B.A. in Psychology in 2003. She received her J.D. from California Western School of Law in 2006, where she graduated *cum laude* in her concentration. While at CWSL, Melanie served as President of the Asian Pacific Law Student Association and Hawaiian Law Student Association, as well as Secretary and Chair of Community Relations for the Health Law Society and Co-Chair of the Social and Membership Committee for Phi Alpha Delta.

In 2016 and 2017, Melanie received the Rising Star recognition by Super Lawyers. She is currently a member of the California State Bar, San Diego County Bar Association, Consumer Attorneys of San Diego, and the American Bar Association.

She is admitted to practice in the State of California and the U.S. Southern District of California.

SEAN RUSSELL is an attorney in Scott+Scott's California office where he focuses on complex antitrust litigation and class actions.

Mr. Russell graduated in 2008 from the University of California, Davis with a Bachelor of Arts in Economics. He received his Juris Doctorate from Thomas Jefferson School of Law in 2015, *cum laude*, where he was Chief Articles Editor of the Thomas Jefferson Law Review and a Moot Court Competitor. While at Thomas Jefferson, Mr. Russell also served as an extern to the Honorable William V. Gallo of the U.S. District Court for the Southern District of California. Mr. Russell received a Masters of Taxation from the University of San Diego School of Law in 2016.

Mr. Russell is admitted to practice in the State of California and the U.S. District Court for the Southern District of California.

AMY SIPE is an attorney in Scott+Scott's California office where she focuses on complex antitrust litigation and class actions.

Ms. Sipe received her B.A. and M.A. from the University of Missouri in Communications, and graduated from the University of Missouri School of Law in Kansas City.

Prior to joining Scott+Scott, Ms. Sipe worked as in-house counsel for a highly diversified Fortune 500 corporation and for an Am Law Top 20 Litigation Firm. Most recently, in addition to antitrust litigation and class actions, Ms. Sipe has focused on best practices in the areas of electronic discovery, information governance, compliance, and risk management.

Ms. Sipe is admitted to practice in the State of Kansas and in the U.S. Court of Appeals for the 10th Circuit.

BRANDON ZAPF is an attorney in Scott+Scott's California office where he focuses on complex antitrust litigation and class actions.

Brandon received his B.A. from the University of California, Santa Barbara, in 2002, and graduated from the University of San Francisco School of Law, *cum laude*, in 2007. He received his LL.M. in taxation from the University of San Diego School of Law in 2011.

Brandon is admitted to practice in the State of California and is admitted in the U.S. District Court for the Central District of California.

CAITLIN ZAPF is an attorney in Scott+Scott's California office where she focuses on complex antitrust litigation and class actions.

Caitlin received her B.A. from the University of California, San Diego in 2003, and graduated from the University of San Francisco School of Law, *cum laude*, in 2007.

Caitlin is admitted to practice in the State of California and is admitted in the U.S. District Court for the Central, Eastern, and Northern Districts of California.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW
YORK**

ALASKA ELECTRICAL PENSION FUND,
et al.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., et al.

Defendants.

Case Nos.: 14-cv-7126 (JMF)

Hon. Jesse M. Furman

**DECLARATION OF MICHAEL DELL'ANGELO OF BERGER MONTAGUE PC IN
SUPPORT OF THE MOTION OF LEAD COUNSEL FOR AN AWARD OF
ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

I, Michael Dell' Angelo, declare as follows:

1. I am a shareholder in the firm of Berger Montague PC, one of Plaintiffs' Counsel in the above-captioned action (the "ISDAfix Action"). I submit this declaration in support of the application of Lead Counsel for an award of attorneys' fees and reimbursement of certain litigation expenses incurred in connection with the prosecution of the ISDAfix Action.

2. The specifics of the work performed by Berger Montague are set forth in the concurrently-filed Joint Declaration of Co-Lead Counsel.

3. Attached as Exhibit 1 is a schedule indicating the amount of time spent by Berger Montague attorneys and professional support staff who were involved in the ISDAfix Action. We include in the schedule only those attorneys who billed more than ten hours to the ISDAfix Action. We also include the lodestar calculation (hours billed x hourly rates) based on our Firm's current billing rates. These are the same rates we charge to clients in non-contingent fee matters, and these rates have been found reasonable and consistent with the market in other complex or class action

litigation. For personnel who are no longer employed by the Firm, the lodestar calculation is based on the billing rates for such personnel in the final year of their employment with the Firm.

4. The schedule in Exhibit 1 was created from contemporaneous daily time records regularly prepared and maintained by the Firm. Time posted to the matter after January 31, 2018 has not been included in this request. We also excluded time expended on the application for attorneys' fees and reimbursement of litigation expenses.

5. The total number of hours reflected in Exhibit 1 is 5,934.50, resulting in a lodestar of \$2,022,502.97. Of this amount, \$1,974,253.00 is for attorneys' time and \$48,249.97 is for professional support staff time.

6. As described below, the highly compressed time period during which Berger Montague had to collect the Commission's documents following service of Defendants' document requests and then apply the parties' agreed upon search terms, review the documents returned by the application of the Defendants' search terms and then complete the production of documents by the Court ordered substantial completion deadline required the use of a larger than typical number of staff attorneys as reflected in Exhibit 1. Ultimately, Berger Montague's staffing of the document review enabled it to review documents estimated to total millions of pages and to produce nearly 1.1 million pages of documents to Defendants in a period of just a few weeks all in compliance with the substantial completion deadline and without dispute with the Defendants regarding the substance of the Commission's production.

7. On February 15, 2017, Defendants served on certain plaintiffs Defendants' First Request to Uniq Capital Markets GmbH On Behalf of Uniq Dollar Bond, Pennsylvania Turnpike Commission, Erste Abwicklungsanstalt (EAA), and Portigon AG for Production of Documents ("First Document Requests"). However, Defendants did not serve their First Document Requests on the Commission or Berger Montague which delayed the Commission's receipt of Defendants'

First Document Requests. Most of Defendants' First Document Requests broadly sought "[a]ll Documents" or "[a]ll Transaction Data" from the Commission.

8. Promptly upon receiving Defendants' First Document Requests, Berger Montague worked closely with the Commission to collect all potentially relevant sources of documents and information potentially responsive to Defendants' First Document Requests. In doing so, at the direction of Berger Montague, the Commission conducted an extensive search of its digital and paper files for responsive documents in conjunction with Berger Montague, internal IT staff and third-party IT professionals, and coordinated with its Swap advisors.

9. On March 31, 2017, Berger Montague, on behalf of the Commission, made the first of many productions of responsive documents to the Defendants (producing ISDA_PATPK_0000001 - ISDA_PATPK_0000630), and served Plaintiff Pennsylvania Turnpike Commission's Fed. R. Civ. P. 26(a)(1)(A) Initial Disclosures. Meanwhile, the parties were engaged in negotiations regarding the search terms to be applied to the Commission's collection of documents.

10. Defendants insisted upon broad discovery from the Commission. For example, the Commission collected documents from four document custodians selected by Defendants, spanning as long as seven and one-half years, from January 1, 2006 to August 31, 2013. The Commission's search and collection included the collection of each custodians' email box, imaging available hard drives, the collection of several shared drives, targeted searches and collections of non-custodians and departmental drives within the Commission, and the evaluation of mobile phones and external storage devices.

11. Ultimately, the Commission collected approximately 291 gigabytes of documents and data potentially responsive to the Defendants' First Document Requests and provided that information to Berger Montague.

12. Meanwhile, the parties were negotiating search terms to be applied to the Commission's collection of potentially responsive documents. On April 17, 2017, the parties reached an agreement on the final search terms to be applied to the Commission's collection of documents.

13. Once collected, the Commission's documents had to be transmitted to Berger Montague's IT professionals. Berger Montague's IT professionals then extracted the Commission's data, processed it to be uploaded to a document review platform, applied each of the Defendants' 129 search terms to the entire dataset to create a set of documents to be reviewed for relevancy, responsiveness and privilege and then made those documents available to attorneys for review. In addition, once a document was designated for production, pursuant to the ESI Protocol in the ISDAfix Action, each document had to undergo additional processing to meet agreed upon formats and production values, including branding with a production control prefix and number. *See* ECF No. 268.

14. The process of applying all of the Defendants' search terms and making the review set available for review took several weeks to complete, stretching into early May 2017, given the substantial size of the dataset.

15. Even after applying the Defendants' search terms, the Commission and Berger Montague were faced with a very substantial volume of documents to be reviewed for production which is estimated to number millions of pages.

16. Meanwhile, on May 5, 2017, Defendants moved the Court to compel all Plaintiffs to substantially complete their productions of documents no later than May 26, 2017, less than six weeks after the parties had agreed upon search terms. *See* EFC No. 441. On May 12, 2017, the Court granted Defendants' motion and ordered Plaintiffs to substantially complete the production of all documents no later than May 26, 2017. *See* ECF No. 454.

17. During the time period for which the Defendants sought documents from the Commission, the Commission used three separate swap advisors and numerous outside lawyers and law firms in connection with the transactions at issue in the ISDAfix Action. As a result, the review for production of the Commission's documents required particular attention to issues of privilege and as the document collection may have included many potentially privileged documents which reduced the rate at which any one attorney could review documents necessitating an even larger number of attorney reviewers given the time frame for review and production.

18. The Commission and Berger Montague were faced with the need to review hundreds of thousands of documents, consisting of millions of pages, in just a few weeks. Ordinarily, the review of such a substantial number of documents, containing a large number of potentially privileged documents, would be conducted by a team of attorneys who perform the review over a period of many months or longer. In order to meet the May 26, 2017, substantial completion deadline, Berger Montague utilized a larger number of staff attorneys than might otherwise be utilized during a longer review period, all of whom worked in a highly concentrated fashion, many over a period of two weeks or less. In addition, in order to increase the effectiveness and efficiency of the reviewing attorneys with the aim of meeting the substantial completion deadline, many reviewing attorneys who ultimately worked for a smaller number of total hours (including during the final days of the review) were tasked with discrete review projects.

19. The unique manner in which Berger Montague staffed and organized the review of the Commission's documents in the ISDAfix Action, necessitated by the short document review period, enabled it to meet the May 26 substantial completion deadline ultimately producing 102,192 documents consisting of 1,083,002 pages or 128 gigabytes of documents and data responsive to Defendants' First Document Requests and a detailed privilege log containing over 2,000 individual document entries.

20. Specifically, following the Commission's May 31, 2017 production, the Commission made very large productions of documents on May 22, 2017 (ISDA_PATPK_0000630 - ISDA_PATPK_0172046), May 23, 2017 (ISDA_PATPK_0172047 - ISDA_PATPK_0399075); May 24, (ISDA_PATPK_0399076 - ISDA_PATPK_0545987); May 25, 2017 (ISDA_PATPK_0545988 - ISDA_PATPK_0689460); and May 26, 2017 (ISDA_PATPK_0689461 - ISDA_PATPK_1058480). The Commission subsequently produced an additional 24,522 pages of documents largely consisting of documents previously withheld as privileged and which, on a subsequent review, were dedesignated and produced to Defendants.

21. Of the 102,192 documents produced, many were in native format or were produced with a document linked in native format. Pursuant to the parties Stipulated ESI Protocol in the ISDAfix Action (ECF No. 268), documents produced to Defendants in native format were not processed such that individual page counts were created for production purposes. Therefore, the Commission's total production of documents exceeded the page count of 1,083,002.

22. As detailed in Exhibit 2, we seek reimbursement of \$47,622.34 in litigation expenses through January 31, 2018. All of these expenses were incurred in connection with the prosecution of the ISDAfix Action.

23. In determining which litigation costs to include, we applied certain caps and protocols as follows:

- (a) For out-of-town travel, airfare is included only at coach rates.
- (b) Hotel charges per night are capped at \$450 per night.
- (c) Meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.
- (d) Internal copying is charged at \$0.10 per page.

- (e) Online research charges reflect only out-of-pocket payments to the vendors for research done in connection with the ISDAfix Action. Online research is billed based on actual time usage at a set charge by the vendor. There are no administrative charges included in these figures.

24. These expenses are all reflected on the books and records of Berger Montague. These books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred.

25. We reviewed the relevant time and expense records and have corrected any errors or mistakes.

26. Attached as Exhibit 3 are biographies of the Berger Montague shareholders and associates who worked on the ISDAfix Action.

I declare, under penalty of perjury, that the foregoing facts are true and correct. Executed on September 28, 2018.



Michael Dell'Angelo

EXHIBIT 1

Berger Montague PC
TIME REPORT
Inception through January 31, 2018

NAME	HOURS	HOURLY RATE	LODESTAR
Partners			
Davidoff, Merrill G.	19.20	975	\$18,720.00
Gordon, Ruthanne	14.60	795	\$11,607.00
Dell'Angelo, Michael C.	391.20	750	\$293,400.00
Stock, Arthur M.	53.90	675	\$36,382.50
Enders, Candice J.	77.30	635	\$49,085.50
Parker, Phyllis M.	33.00	625	\$20,625.00
Staff Attorneys			
Babiasz, Carrie	149.00	370	\$55,130.00
Bader, Aimee	27.80	280	\$7,784.00
Bhathija, Kunal G.	27.20	280	\$7,616.00
Biddy, Jonathan	11.10	280	\$3,108.00
Bridge, Gary A	60.40	280	\$16,912.00
Brown, Terese M	11.00	280	\$3,080.00
Bucher, Matthew K.	111.00	370	\$41,070.00
Bujan, John M	41.60	280	\$11,648.00
Burrowes, Natalie	253.50	280	\$70,980.00
Caraballo, Barbara	45.00	280	\$12,600.00
Carlson, Elizabeth	61.90	280	\$17,332.00
Cohen, Sharon J	63.90	280	\$17,892.00
Crawford, Eva	47.90	280	\$13,412.00
Delfi, Frank A	49.50	360	\$17,820.00
Devries, Robert	89.70	330	\$29,601.00
Didier, Vanessa	43.60	280	\$12,208.00
Doenges, Nicholas	13.80	280	\$3,864.00
Ekeh, Loveday	55.10	280	\$15,428.00
Ephraim, Matthew A	25.00	280	\$7,000.00
Evans, Patrick C	59.50	280	\$16,660.00
Fanone, Anthony V	29.10	280	\$8,148.00
Ficklin, Bobby A	59.00	280	\$16,520.00
Flaen, Richard H	55.80	280	\$15,624.00
Forrester, Melody	101.30	400	\$40,520.00
Ganzberger, Kelly C	54.60	280	\$15,288.00
Gibson, Cortney	18.70	280	\$5,236.00

NAME	HOURS	HOURLY RATE	LODESTAR
Girard, Sandra B	67.70	280	\$18,956.00
Green, Denise D	35.30	280	\$9,884.00
Griffin, Ryan	41.10	280	\$11,508.00
Guess, Sherrie P	51.50	280	\$14,420.00
Hanna, Jennifer	53.20	280	\$14,896.00
Hatchett, Khari	44.40	280	\$12,432.00
Henderson, Yasmeen I	46.40	280	\$12,992.00
Horning, Tracy L	42.30	280	\$11,844.00
Ives, Karen L	39.10	280	\$10,948.00
Jacobs, James J	51.00	280	\$14,280.00
Jacobus, Sharonah A	13.70	280	\$3,836.00
Jones , Patricia J	44.10	280	\$12,348.00
Juska, Mindaugas	21.30	280	\$5,964.00
Kent, Terrel	40.20	280	\$11,256.00
Kim, Young-Ki	56.10	280	\$15,708.00
Kosloski, Jean M	51.30	280	\$14,364.00
Kovacevich, Anthony J	54.60	280	\$15,288.00
Ladd, Sarah	41.00	280	\$11,480.00
Lichtenwalter, Mark	38.40	280	\$10,752.00
Lin, Jeff	17.60	280	\$4,928.00
Lindquist, Kent	65.70	280	\$18,396.00
McBride, Amanda	62.10	280	\$17,388.00
McGullam, Karen	40.50	280	\$11,340.00
McKoan, Joseph H	44.00	280	\$12,320.00
Napoli, Andrew F	68.70	360	\$24,732.00
Nathanson, Leonard M	62.90	280	\$17,612.00
Orrin, Christopher	68.20	360	\$24,552.00
Orzach, Keren	30.10	280	\$8,428.00
Owens, Bryan	39.30	280	\$11,004.00
Papadopoulos, Patricia	35.40	280	\$9,912.00
Parker, Kevin	36.70	280	\$10,276.00
Porter, Alexander	23.40	280	\$6,552.00
Reyher, Caelyn	24.90	280	\$6,972.00
Roman, Angelina	48.90	360	\$17,604.00
Ross, Rhonda	31.80	280	\$8,904.00
Scalzo, James	437.00	400	\$174,800.00
Schiebler, Alisa A	55.70	280	\$15,596.00
Schmitt, Chadwick	73.20	280	\$20,496.00
Sefcovic, Lianne L	113.00	280	\$31,640.00

NAME	HOURS	HOURLY RATE	LODESTAR
Shaynak, Ariel	34.20	280	\$9,576.00
Sims, Martin F	55.00	280	\$15,400.00
Smith, Deanna	33.00	280	\$9,240.00
Smith, Molly M	54.70	280	\$15,316.00
ST Fort, Derrika	33.60	280	\$9,408.00
Stapleton, Timothy	29.20	280	\$8,176.00
Starkman, Lisa	23.00	280	\$6,440.00
Stephens , Elliot	43.00	280	\$12,040.00
Stevens, Boi-Tia	21.50	280	\$6,020.00
Stevens, Carol	56.10	280	\$15,708.00
Stockman-Maher, Melissa	23.40	280	\$6,552.00
Sullivan, John C	81.10	280	\$22,708.00
Tate, Kenneth	123.30	280	\$34,524.00
Teasdale, John T	45.20	280	\$12,656.00
Wheeler, William J	243.40	280	\$68,152.00
Whittaker, Elise	35.60	280	\$9,968.00
Wilkerson, Marshall	35.30	330	\$11,649.00
Willimas, Trevor S	34.60	280	\$9,688.00
Wilson, Andrea	82.70	410	\$33,907.00
Winiarski, Debra A	47.30	280	\$13,244.00
Yang, Stephanie Y	45.00	280	\$12,600.00
Yanos, Brian J	64.80	360	\$23,328.00
Zishka, Gretchen	32.30	280	\$9,044.00
Paralegals			
Stein, Mark R.	109.00	335	\$36,515.00
McCollum, Sandy	108.60	57.50	\$6,244.50
Litigation Support			
Fox, Barry J.	58.50	83.49	\$4,884.17
Rajendran, Arun	14.10	43	\$606.30
TOTALS	5,934.50		\$2,022,502.97

EXHIBIT 2Berger Montague PC
EXPENSE REPORT

Inception through January 31, 2018

CATEGORY	AMOUNT
Court Fees & Other Filing Fees	\$625.00
Online Legal & Financial Research	\$1,372.39
Document Management & Litigation Support	\$32,087.03
Telephone & Facsimile	\$313.68
Postage, overnight delivery & messengers	\$123.32
Internal Copying	\$6,583.82
Outside Copying	\$1,048.54
Travel (meals, lodging & transportation)*	\$2,370.31
Court Reporters and Transcripts	\$3,098.25
TOTAL EXPENSES:	\$47,622.34

* Out of town travel includes hotels capped at \$450 per night. All meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.

EXHIBIT 3

BERGER MONTAGUE PC
FIRM RÉSUMÉ AND BIOGRAPHIES



1818 Market Street | Suite 3600 | Philadelphia, PA 19103

info@bm.net

bergermontague.com

800-424-6690

About Berger Montague

Berger Montague is a full-spectrum class action and complex civil litigation firm, with nationally known attorneys highly sought after for their legal skills. The firm has been recognized by courts throughout the country for its ability and experience in handling major complex litigation, particularly in the fields of antitrust, securities, mass torts, civil and human rights, whistleblower cases, employment, and consumer litigation. In numerous precedent-setting cases, the firm has played a principal or lead role.

The *National Law Journal*, which recognizes a select group of law firms each year that have done “exemplary, cutting-edge work on the plaintiffs side,” has selected Berger Montague in 12 out of the last 14 years (2003-05, 2007-13, 2015-16) for its “Hot List” of top plaintiffs’ oriented litigation firms in the United States. The firm has also achieved the highest possible rating by its peers and opponents as reported in *Martindale-Hubbell*, and was ranked as a 2018 “Best Law Firm” by *U.S. News - Best Lawyers*.

Currently, the firm consists of 63 lawyers; 19 paralegals; and an experienced support staff. Few firms in the United States have our breadth of practice and match our successful track record in such a broad array of complex litigation.

History of the Firm

Berger Montague was founded in 1970 by the late David Berger to concentrate on the representation of plaintiffs in a series of antitrust class actions. David Berger helped pioneer the use of class actions in antitrust litigation and was instrumental in extending the use of the class action procedure to other litigation areas, including securities, employment discrimination, civil and human rights, and mass torts. The firm’s complement of nationally recognized lawyers has represented both plaintiffs and defendants in these and other areas, and has recovered billions of dollars for its clients. In complex litigation, particularly in areas of class action litigation, Berger Montague has established new law and forged the path for recovery.

The firm has been involved in a series of notable cases, some of them among the most important in the last 40 years of civil litigation. For example, the firm was one of the principal counsel for plaintiffs in the *Drexel Burnham Lambert/Michael Milken* securities and bankruptcy litigation. Claimants in these cases recovered approximately \$2 billion in the aftermath of the collapse of the junk bond market and the bankruptcy of *Drexel* in the late 1980’s. The firm was also among the principal trial counsel in the *Exxon*

Valdez Oil Spill litigation in Anchorage, Alaska, a trial resulting in a record jury award of \$5 billion against Exxon, later reduced by the U.S. Supreme Court to \$507.5 million. Berger Montague was lead counsel in the *School Asbestos Litigation*, in which a national class of secondary and elementary schools recovered in excess of \$200 million to defray the costs of asbestos abatement. The case was the first mass tort property damage class action certified on a national basis. Berger Montague was also lead/liaison counsel in the *Three Mile Island Litigation* arising out of a serious nuclear incident.

Additionally, in the human rights area, the firm, through its membership on the executive committee in the *Holocaust Victim Assets Litigation*, helped to achieve a \$1.25 billion settlement with the largest Swiss banks on behalf of victims of Nazi aggression whose deposits were not returned after the Second World War. The firm also played an instrumental role in bringing about a \$4.37 billion settlement with German industry and government for the use of slave and forced labor during the Holocaust.

Practice Areas and Case Profiles

Antitrust

In antitrust litigation, the firm has served as lead, co-lead or co-trial counsel on many of the most significant civil antitrust cases over the last 45 years, including *In re Corrugated Container Antitrust Litigation* (recovery in excess of \$366 million), the *Infant Formula* case (recovery of \$125 million), the *Brand Name Prescription Drug* price fixing case (settlement of more than \$700 million), the *State of Connecticut Tobacco Litigation* (settlement of \$3.6 billion), the *Graphite Electrodes Antitrust Litigation* (settlement of more than \$134 million), and the *High-Fructose Corn Syrup Litigation* (\$531 million).

The *Legal 500*, a guide to worldwide legal services providers, ranked Berger Montague as a Top-Tier Firm for Antitrust: Civil Litigation and Class Actions in the United States in its 2017 guide and states that Berger Montague's antitrust department "has been a key player in high-profile antitrust class actions since the firm's inception in 1970."

Once again, Berger Montague has been selected by *Chambers and Partners* for its 2018 *Chambers USA* Guide as one of Pennsylvania's top antitrust firms. *Chambers USA 2018* states that Berger Montague's antitrust practice group is "a respected force in the Pennsylvania antitrust market, offering expert counsel to clients from a broad range of industries."

- ***In re Currency Conversion Fee Antitrust Litigation:*** Berger Montague, as one of two co-lead counsel, spearheaded a class action lawsuit alleging that the major credit cards had conspired to fix prices for foreign currency conversion fees imposed on credit card transactions. After eight years of litigation, a settlement of \$336 million was approved in October, 2009, with a Final Judgment entered in November, 2009. Following the resolution of eleven appeals, the District Court, on October 5, 2011, directed distribution of the settlement funds to more than 10 million timely filed claimants, among the largest class of claimants in an antitrust consumer class action. A subsequent settlement with American Express increased the settlement amount to \$386 million. (MDL No. 1409 (S.D.N.Y)).
- ***In re Marchbanks Truck Service Inc., et al. v. Comdata Network, Inc.:*** Berger Montague was co-lead counsel in this antitrust class action brought on behalf of a class of thousands of Independent Truck Stops. The lawsuit alleged that defendant Comdata Network, Inc. had monopolized the market for specialized Fleet Cards used by long haul truckers. Comdata imposed anticompetitive provisions in its agreements with Independent Truck Stops that artificially inflated the fees Independents paid when accepting the Comdata's Fleet Card for payment. These contractual provisions, commonly referred to as anti-steering provisions or

merchant restraints, barred Independents from taking various competitive steps that could have been used to steer fleets to rival payment cards. The settlement for \$130 million and valuable prospective relief was preliminary approved on March 17, 2014, and finally approved on July 14, 2014. In its July 14, 2014 order approving Class Counsel's fee request, entered contemporaneously with its order finally approving the settlement, the Court described this outcome as "substantial, both in absolute terms, and when assessed in light of the risks of establishing liability and damages in this case."

- ***Ross, et al. v. Bank of America (USA) N.A., et al.***: Berger Montague, as lead counsel for the cardholder classes, obtained final approval of settlements reached with Chase, Bank of America, Capital One and HSBC, on claims that the defendant banks unlawfully acted in concert to require cardholders to arbitrate disputes, including debt collections, and to preclude cardholders from participating in any class actions. The case was brought for injunctive relief only. The settlements remove arbitration clauses nationwide for 3.5 years from the so-called "cardholder agreements" for over 100 million credit card holders. This victory for consumers and small businesses came after nearly five years of hard-fought litigation, including obtaining a decision by the Court of Appeals reversing the order dismissing the case, and will aid consumers and small businesses in their ability to resist unfair and abusive credit card practices. In June 2009, the National Arbitration Forum (or "NAF") was added as a defendant. Berger Montague also reached a settlement with NAF. Under that agreement, NAF ceased administering arbitration proceedings involving business cards for a period of three and one-half (3.5) years, which relief is in addition to the requirements of a Consent Judgment with the State of Minnesota, entered into by the NAF on July 24, 2009.
- ***In re High Fructose Corn Syrup Antitrust Litigation***: Berger Montague was one of three co-lead counsel in this nationwide class action alleging a conspiracy to allocate volumes and customers and to price-fix among five producers of high fructose corn syrup. After nine years of litigation, including four appeals, the case was settled on the eve of trial for \$531 million. (MDL No. 1087, Master File No. 95-1477 (C.D. Ill.)).
- ***In re Linerboard Antitrust Litigation***: Berger Montague was one of a small group of court-appointed executive committee members who led this nationwide class action against producers of linerboard. The complaint alleged that the defendants conspired to reduce production of linerboard in order to increase the price of linerboard and corrugated boxes made therefrom. At the close of discovery, the case was settled for more than \$200 million. (98 Civ. 5055 and 99-1341 (E.D. Pa.)).
- ***Johnson, et al. v AzHHA, et al.***: Berger Montague was co-lead counsel in this litigation on behalf of a class of temporary nursing personnel, against the Arizona Hospital and Healthcare Association, and its member hospitals, for agreeing and conspiring to fix the rates and wages for temporary nursing personnel, causing class members to be underpaid. The court approved \$24 million in settlements on behalf of this class of nurses. (Case No. 07-1292 (D. Ariz.)).
- ***In re Graphite Electrodes Antitrust Litigation***: Berger Montague was one of the four co-lead counsel in a nationwide class action price-fixing case. The case settled for in excess of \$134 million and over 100% of claimed damages. (02 Civ. 99-482 (E.D. Pa.)).
- ***In re Catfish Antitrust Litig. Action***: The firm was co-trial counsel in this action which settled with the last defendant a week before trial, for total settlements approximating \$27 million. (No. 2:92CV073-D-O, MDL No. 928 (N.D. Miss.)).
- ***In re Carbon Dioxide Antitrust Litigation***: The firm was co-trial counsel in this antitrust class action which settled with the last defendant days prior to trial, for total settlements approximating \$53 million, plus injunctive relief. (MDL No. 940 (M.D. Fla.)).
- ***In re Infant Formula Antitrust Litigation***: The firm served as co-lead counsel in an antitrust class action where settlement was achieved two days prior to trial, bringing the total settlement proceeds to \$125 million. (MDL No. 878 (N.D. Fla.)).

- ***Red Eagle Resources Corp., Inc., v. Baker Hughes, Inc.***: The firm was a member of the plaintiffs' executive committee in this antitrust class action which yielded a settlement of \$52.5 million. (C.A. No. H-91-627 (S.D. Tex.)).
- ***In re Corrugated Container Antitrust Litigation***: The firm, led by H. Laddie Montague, was co-trial counsel in an antitrust class action which yielded a settlement of \$366 million, plus interest, following trial. (MDL No. 310 (S.D. Tex.)).
- ***Bogosian v. Gulf Oil Corp.***: With Berger Montague as sole lead counsel, this landmark action on behalf of a national class of more than 100,000 gasoline dealers against 13 major oil companies led to settlements of over \$35 million plus equitable relief on the eve of trial. (No. 71-1137 (E.D. Pa.)).
- ***In re Master Key Antitrust Litigation***: The firm served as co-lead counsel in an antitrust class action that yielded a settlement of \$21 million during trial. (MDL No. 45 (D. Conn.)).

The firm has also played a leading role in cases in the pharmaceutical arena, especially in cases involving the delayed entry of generic competition, having achieved over \$1 billion in settlements in such cases over the past decade, including:

- ***King Drug Co. v. Cephalon, Inc.***: Berger Montague played a major role (serving on the executive committee) in this antitrust class action on behalf of direct purchasers of generic versions of the prescription drug Provigil (modafinil). After nine years of hard-fought litigation, the court approved a \$512 million partial settlement, the largest settlement ever for a case alleging delayed generic competition. (Case No. 2:06-cv- 01797 (E.D. Pa.)). The case is continuing against one defendant.
- ***In re Asacol Antitrust Litigation***: The firm served as class counsel for direct purchasers of Asacol HS and Delzicol that alleged that defendants participated in a scheme to block generic competition for the ulcerative colitis drug Asacol. The case settled for \$15 million. (Case No. 15-cv-12730-DJC (D. Mass.)).
- ***In re Celebrex (Celecoxib) Antitrust Litigation***: The firm represented a class of direct purchasers of brand and generic Celebrex (celecoxib) in an action alleging that Pfizer, in violation of the Sherman Act, improperly obtained a patent for Celebrex from the U.S. Patent and Trademark Office in a scheme to unlawfully extend patent protection and delay market entry of generic versions of Celebrex. The case settled for \$94 million. (Case No. 14-cv-00361 (E.D. VA.)).
- ***In re K-Dur Antitrust Litigation***: Berger Montague served as co-lead counsel for the class in this long-running antitrust litigation. Berger Montague litigated the case before the Court of Appeals and won a precedent-setting victory, and continued the fight before the Supreme Court. On remand, the case settled for \$60.2 million. (Case No. 01-1652 (D.N.J.)).
- ***In re Aggrenox Antitrust Litigation***: Berger Montague represented a class of direct purchasers of Aggrenox in an action alleging that defendants delayed the availability of less expensive generic Aggrenox through, inter alia, unlawful reverse payment agreements. The case settled for \$146 million. (Case No. 14-02516 (D. Conn.)).
- ***In re Solodyn Antitrust Litigation***: Berger Montague serves as co-lead counsel representing a class of direct purchasers of brand and generic Solodyn (extended-release minocycline hydrochloride tablets) alleging that defendants entered into agreements not to compete in the market for extended-release minocycline hydrochloride tablets in violation of the Sherman Act. The case settled for a total of more than \$76 million. (Case No. 14-MD-2503-DJC (D. Mass.)).
- ***In re Prandin Direct Purchaser Antitrust Litigation***: Berger Montague served as co-lead counsel and recovered \$19 million on behalf of direct purchasers of the diabetes medication Prandin. (Case No. 2:10-cv-12141 (E.D. Mich.)).

- ***Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Ltd. Co.***: Berger Montague was appointed as co-lead counsel in a case challenging Warner Chilcott's alleged anticompetitive practices with respect to the branded drug Doryx. The case settled for \$15 million. (Case No. 2:12-cv-03824 (E.D. Pa.)).
- ***In re Neurontin Antitrust Litigation***: Berger Montague served as part of a small group of firms challenging the maintenance of a monopoly relating to the pain medication Neurontin. The case settled for \$190 million. (Case No. 02-1830 (D.N.J.)).
- ***In re Skelaxin Antitrust Litigation***: Berger Montague was among a small group of firms litigating on behalf of direct purchasers of the drug Skelaxin. The case settled for \$73 million. (Case No. 2:12-cv-83 / 1:12-md-02343) (E.D. Tenn.)).
- ***In re Wellbutrin XL Antitrust Litigation***: Berger Montague served as co-lead counsel for a class of direct purchasers of the antidepressant Wellbutrin XL. A settlement of \$37.5 million was reached with Valeant Pharmaceuticals (formerly Biovail), one of two defendants in the case. (Case No. 08-cv-2431 (E.D. Pa.)).
- ***Rochester Drug Co-Operative, Inc. v. Braintree Labs., Inc.***: Berger Montague, appointed as co-lead counsel, prosecuted this case on behalf of direct purchasers alleging sham litigation led to the delay of generic forms of the brand drug Miralax. The case settled for \$17.25 million. (Case No. 07-142 (D. Del.)).
- ***In re Oxycontin Antitrust Litigation***: Berger Montague served as co-lead counsel on behalf of direct purchasers of the prescription drug Oxycontin. The case settled in 2011 for \$16 million. (Case No. 1:04-md-01603 (S.D.N.Y.)).
- ***Meijer, Inc., et al. v. Abbott Laboratories***: Berger Montague served as co-lead counsel in a class action on behalf of pharmaceutical wholesalers and pharmacies charging Abbott Laboratories with illegally maintaining monopoly power and overcharging purchasers in violation of the federal antitrust laws. Plaintiffs alleged that Abbott had used its monopoly with respect to its anti-HIV medicine Norvir (ritonavir) to protect its monopoly power for another highly profitable Abbott HIV drug, Kaletra. This antitrust class action settled for \$52 million after four days of a jury trial in federal court in Oakland, California. (Case No. 07-5985 (N.D. Cal.)).
- ***In re Nifedipine Antitrust Litigation***: Berger Montague played a major role (serving on the executive committee) in this antitrust class action on behalf of direct purchasers of generic versions of the anti-hypertension drug Adalat (nifedipine). After eight years of hard-fought litigation, the court approved a total of \$35 million in settlements. (Case No. 1:03-223 (D.D.C.)).
- ***In re DDAVP Direct Purchaser Antitrust Litigation***: Berger Montague served as co-lead counsel in a case that charged defendants with using sham litigation and a fraudulently obtained patent to delay the entry of generic versions of the prescription drug DDAVP. Berger Montague achieved a \$20.25 million settlement only after winning a precedent-setting victory before the United States Court of Appeals for the Second Circuit that ruled that direct purchasers had standing to recover overcharges arising from a patent-holder's misuse of an allegedly fraudulently obtained patent. (Case No. 05-2237 (S.D.N.Y.)).
- ***In re Terazosin Antitrust Litigation***: Berger Montague was one of a small group of counsel in a case alleging that Abbott Laboratories was paying its competitors to refrain from introducing less expensive generic versions of Hytrin. The case settled for \$74.5 million. (Case No. 99-MDL-1317 (S.D. Fla.)).
- ***In re Remeron Antitrust Litigation***: Berger Montague was one of a small group of counsel in a case alleging that the manufacturer of this drug was paying its competitors to refrain from introducing less expensive generic versions of Remeron. The case settled for \$75 million. (2:02-CV-02007-FSH (D. N.J.)).
- ***In re Tricor Antitrust Litigation***: Berger Montague was one of a small group of counsel in a case alleging that the manufacturer of this drug was paying its competitors to refrain from introducing less expensive generic versions of Tricor. The case settled for \$250 million. (No. 05-340 (D. Del.)).

- ***In re Relafen Antitrust Litigation:*** Berger Montague was one of a small group of firms who prepared for the trial of this nationwide class action against GlaxoSmithKline, which was alleged to have used fraudulently-procured patents to block competitors from marketing less-expensive generic versions of its popular nonsteroidal anti-inflammatory drug, Relafen (nabumetone). Just before trial, the case was settled for \$175 million. (No. 01-12239-WGY (D. Mass.)).
- ***In re Cardizem CD Antitrust Litigation:*** Berger Montague served on the executive committee of firms appointed to represent the class of direct purchasers of Cardizem CD. The suit charged that Aventis (the brand-name drug manufacturer of Cardizem CD) entered into an illegal agreement to pay Andrx (the maker of a generic substitute to Cardizem CD) millions of dollars to delay the entry of the less expensive generic product. On November 26, 2002, the district court approved a final settlement against both defendants for \$110 million. (No. 99-MD-1278, MDL No. 1278 (E.D. Mich.)).
- ***In re Buspirone Antitrust Litigation:*** The firm served on the court-appointed steering committee in this class action, representing a class of primarily pharmaceutical wholesalers and resellers. The Buspirone class action alleged that pharmaceutical manufacturer BMS engaged in a pattern of illegal conduct surrounding its popular anti-anxiety medication, Buspar, by paying a competitor to refrain from marketing a generic version of Buspar, improperly listing a patent with the FDA, and wrongfully prosecuting patent infringement actions against generic competitors to Buspar. On April 11, 2003, the Court approved a \$220 million settlement. (MDL No. 1410 (S.D.N.Y.)).
- ***North Shore Hematology-Oncology Assoc., Inc. v. Bristol-Myers Squibb Co.:*** The firm was one of several prosecuting an action complaining of Bristol Myers's use of invalid patents to block competitors from marketing more affordable generic versions of its life-saving cancer drug, Platinol (cisplatin). The case settled for \$50 million. (No. 1:04CV248 (EGS) (D.D.C.)).

Commercial Litigation

Berger Montague helps business clients achieve extraordinary successes in a wide variety of complex commercial litigation matters. Our attorneys appear regularly on behalf of clients in high stakes federal and state court commercial litigation across the United States. We work with our clients to develop a comprehensive and detailed litigation plan, and then organize, allocate and deploy whatever resources are necessary to successfully prosecute or defend the case.

- ***Erie Power Technologies, Inc. v. Aalborg Industries A/S, et al.:*** Berger Montague represented a trustee in bankruptcy against officers and directors and the former corporate parent and obtained a very favorable confidential settlement. (No. 04-282E (W.D. Pa.)).
- ***Moglia v. Harris et al.:*** Berger Montague represented a liquidating trustee against the officers of U.S. Aggregates, Inc. and obtained a settlement of \$4 million. (No. C 04 2663 (CW) (N.D. Cal.)).
- ***Gray v. Gessow et al.:*** The firm represented a litigation trust and brought two actions, one against the officers and directors of Sunterra Inc. an insolvent company, and the second against Sunterra's accountants, Arthur Andersen and obtained an aggregate settlement of \$4.5 million. (Case No. MJG 02-CV-1853 (D. Md.) and No. 6:02-CV-633-ORL-28JGG (M.D. Fla.)).
- ***Fitz, Inc. v. Ralph Wilson Plastics Co.:*** The firm served as sole lead counsel and obtained, after 7 years of litigation, in 2000 a settlement whereby fabricator class members could obtain full recoveries for their losses resulting from defendants' defective contact adhesives. (No. 1-94-CV-06017 (D.N.J.)).
- ***Provident American Corp. and Provident Indemnity Life Insurance Company v. The Loewen Group Inc. and Loewen Group International Inc.:*** Berger Montague settled this individual claim, alleging a 10-year oral contract (despite six subsequent writings attempting to reduce terms to writing, each with materially different terms added, all of which were not signed), for a combined payment in cash and stock of the defendant, of \$30 Million. (No. 92-1964 (E.D. Pa.)).

- ***Marilou Whitney (Estate of Cornelius Vanderbilt Whitney) v. Turner/Time Warner:*** Berger Montague settled this individual claim for a confidential amount, seeking interpretation of the distribution agreement for the movie, *Gone with the Wind* and undistributed profits for the years 1993-1997, with forward changes in accounting and distribution.
- ***American Hotel Holdings Co., et. al v. Ocean Hotel Holdings, Inc., et. al.:*** Berger Montague defended against a claim for approximately \$16 million and imposition of a constructive trust, arising out of the purchase of the Latham Hotel in Philadelphia. Berger Montague settled the case for less than the cost of the trial that was avoided. (June Term, 1997, No. 2144 (Pa. Ct. Com. Pl., Phila. Cty.))
- ***Creative Dimensions and Management, Inc. v. Thomas Group, Inc.:*** Berger Montague defended this case against a claim for \$30 million for breach of contract. The jury rendered a verdict in favor of Berger Montague's client on the claim (i.e., \$0), and a verdict for the full amount of Berger Montague's client on the counterclaim against the plaintiff. (No. 96-6318 (E.D.Pa.)).
- ***Robert S. Spencer, et al. v. The Arden Group, Inc., et al.:*** Berger Montague represented an owner of limited partnership interests in several commercial real estate partnerships in a lawsuit against the partnerships' general partner. The terms of the settlement are subject to a confidentiality agreement. (Aug. Term, 2007, No. 02066 (Pa. Ct. Com. Pl., Phila. Cty. - Commerce Program)).
- ***Forbes v. GMH:*** Berger Montague represented a private real estate developer/investor who sold a valuable apartment complex to GMH for cash and publicly-held securities. The case which claimed securities fraud in connection with the transaction settled for a confidential sum which represented a significant portion of the losses experienced. (No. 07-cv-00979 (E.D.Pa.)).

Commodities & Financial Instruments

Berger Montague ranks among the country's preeminent firms for managing and trying complex Commodities & Financial Instruments related cases on behalf of individuals and as class actions. The Firm's commodities clients include individual hedge and speculation traders, hedge funds, energy firms, investment funds, and precious metals clients.

- ***In re MF Global Holdings Ltd. Investment Litigation:*** Berger Montague is one of two co-lead counsel that represented thousands of commodities account holders who fell victim to the alleged massive theft and misappropriation of client funds at the former major global commodities brokerage firm MF Global. Berger Montague reached a variety of settlements, including with JPMorgan Chase Bank, the MF Global SIPA Trustee, and the CME Group, that collectively helped to return approximately \$1.6 billion to the class. Ultimately, class members received more than 100% of the funds allegedly misappropriated by MF Global even after all fees and expenses. (No. 11-cv-07866 (S.D.N.Y.)).
- ***In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation:*** Berger Montague is one of two co-lead counsel representing traders of gold-based derivative contracts, physical gold, and gold-based securities against The Bank of Nova Scotia, Barclays Bank plc, Deutsche Bank AG, HSBC Bank plc, Société Générale and the London Gold Market Fixing Limited. Plaintiffs allege that the defendants, members of the London Gold Market Fixing Limited, which sets an important benchmark price for gold, conspired to manipulate this benchmark for their collective benefit. (1:14-md-02548 (S.D.N.Y.)).
- ***In re Libor-Based Financial Instruments Antitrust Litigation:*** Berger Montague represents investors who transacted in Eurodollar futures contracts and options on futures contracts on the Chicago Mercantile Exchange ("CME") between August 2007 and May 2010. The lawsuit alleges that the defendant banks knowingly and intentionally understated their true borrowing costs. By doing so, the defendant banks caused Libor to be calculated or suppressed at artificially low rates. The defendants' alleged manipulation of Libor allowed their banks to pay artificially low interest rates to purchasers of Libor-based financial instruments thereby harming investors in futures, swaps, and other Libor-based derivative products. On February 28, 2018, the Court denied Plaintiff's motion for class certification. That decision is on appeal which is pending. (No. 1:11-md-02262-NRB (S.D.N.Y.)).

- ***Brown, et al. v. Kinross Gold, U.S.A., et al.***: Berger Montague was one of two co-lead counsel in this action alleging that a leading gold mining company illegally forced out preferred shareholders. The action resulted in a settlement of \$29.25 million in cash and \$6.5 million in other consideration (approximately 100% of damages and accrued dividends after fees and costs). (No. 02-cv-00605 (D.N.V.)).

Consumer Protection

Berger Montague's Consumer Protection Group protects consumers when they are injured by false or misleading advertising, defective products, data privacy breaches, and various other unfair trade practices. Consumers too often suffer the brunt of corporate wrongdoing, particularly in the area of false or misleading advertising, defective products, and data or privacy breaches.

- ***In re: CertainTeed Fiber Cement Siding Litigation***, MDL No. 2270 (E.D. Pa.). The firm, as one of two Co-Lead Counsel firms obtained a settlement of more than \$103 million in this multidistrict products liability litigation concerning CertainTeed Corporation's fiber cement siding, on behalf of a nationwide class.
- ***Countrywide Predatory Lending Enforcement Action***: Berger Montague advised the Ohio Attorney General (and several other state attorneys general) regarding predatory lending in a landmark law enforcement proceeding against *Countrywide* (and its parent, Bank of America) culminating in 2008 in mortgage-related modifications and other relief for borrowers across the country valued at some \$8.6 billion.
- ***In re Pet Foods Product Liability Litigation***: The firm served as one of plaintiffs' co-lead counsel in this multidistrict class action suit seeking to redress the harm resulting from the manufacture and sale of contaminated dog and cat food. The case settled for \$24 million. Many terms of the settlement are unique and highly beneficial to the class, including allowing class members to recover up to 100% of their economic damages without any limitation on the types of economic damages they may recover. (1:07-cv-02867 (D.N.J.), MDL Docket No. 1850 (D.N.J.)).
- ***In re TJX Companies Retail Security Breach Litigation***: The firm served as co-lead counsel in this multidistrict litigation brought on behalf of individuals whose personal and financial data was compromised in the then-largest theft of personal data in history. The breach involved more than 45 million credit and debit card numbers and 450,000 customers' driver's license numbers. The case was settled for benefits valued at over \$200 million. Class members whose driver's license numbers were at risk were entitled to 3 years of credit monitoring and identity theft insurance (a value of \$390 per person based on the retail cost for this service), reimbursement of actual identity theft losses, and reimbursement of driver's license replacement costs. Class members whose credit and debit card numbers were at risk were entitled to cash of \$15-\$30 or store vouchers of \$30-\$60. (No. 1:07-cv-10162-WGY, (D. Mass.)).
- ***In Re: Heartland Payment Systems, Inc. Customer Data Security Breach Litigation***: The firm served on the Executive Committee of this multidistrict litigation and obtained a settlement of cash and injunctive relief for a class of 130 million credit card holders whose credit card information was stolen by computer hackers. The breach was the largest known theft of credit card information in history. (No. 4:09-MD-2046 (S.D. Tex. 2009)).
- ***In re: Countrywide Financial Corp. Customer Data Security Breach Litigation***: The firm served on the Executive Committee of this multidistrict litigation and obtained a settlement for a class of 17 million individuals whose personal information was at risk when a rogue employee sold their information to unauthorized third parties. Settlement benefits included: (i) reimbursement of several categories of out-of-pocket costs; (ii) credit monitoring and identity theft insurance for 2 years for consumers who did not accept Countrywide's prior offer of credit monitoring; and (iii) injunctive relief. The settlement was approved by the court in 2010. (3:08-md-01998-TBR (W.D. Ky. 2008)).

- ***In re Educational Testing Service Praxis Principles of Learning and Teaching: Grades 7-12 Litigation:*** The firm served on the plaintiffs' steering committee and obtained an \$11.1 million settlement in 2006 on behalf of persons who were incorrectly scored on a teacher's licensing exam. (MDL No. 1643 (E.D. La.)).
- ***Vadino, et al. v. American Home Products Corporation, et al.:*** The firm filed a class complaint different from that filed by any other of the filing firms in the New Jersey State Court "Fen Phen" class action, and the class sought in the firm's complaint was ultimately certified. It was the only case anywhere in the country to include a claim for medical monitoring. In the midst of trial, the New Jersey case was folded into a national settlement which occurred as the trial was ongoing, and which was structured to include a medical monitoring component worth in excess of \$1 billion. (Case Code No. 240 (N.J. Super. Ct.)).
- ***Parker v. American Isuzu Motors, Inc.:*** The firm served as sole lead counsel and obtained a settlement whereby class members recovered up to \$500 each for economic damages resulting from accidents caused by faulty brakes. (Sept. Term 2003, No. 3476 (Pa. Ct. Com. Pl., Phila. Cty.)).
- ***Salvucci v. Volkswagen of America, Inc. d/b/a Audi of America, Inc.:*** The firm served as co-lead counsel in litigation brought on behalf of a nationwide class alleging that defendants failed to disclose that its vehicles contained defectively designed timing belt tensioners and associated parts and that defendants misrepresented the appropriate service interval for replacement of the timing belt tensioner system. After extensive discovery, a settlement was reached. (Docket No. ATL-1461-03 (N.J. Sup. Ct. 2007)).
- ***Burgo v. Volkswagen of America, Inc. d/b/a Audi of America, Inc.:*** The firm served as co-lead counsel in litigation brought on behalf of a nationwide class against premises on defendants' defective tires that were prone to bubbles and bulges. Counsel completed extensive discovery and class certification briefing. A settlement was reached while the decision on class certification was pending. The settlement consisted of remedies including total or partial reimbursement for snow tires, free inspection/replacement of tires for those who experienced sidewall bubbles, blisters, or bulges, and remedies for those class members who incurred other costs related to the tires' defects. (Docket No. HUD-L-2392-01 (N.J. Sup. Ct. 2001)).
- ***Crawford v. Philadelphia Hotel Operating Co.:*** The firm served as co-lead counsel and obtained a settlement whereby persons who contracted food poisoning at a business convention recovered \$1,500 each. (March Term, 2004, No. 000070 (Pa. Ct. Com. Pl., Phila. Cty.)).
- ***Block v. McDonald's Corporation:*** The firm served as co-lead counsel and obtained a settlement of \$12.5 million with McDonald's stemming from its failure to disclose the use of beef fat in its french fries. (No. 01-CH-9137 (Ill. Cir. Ct., Cook Cty.)).

Corporate Governance and Shareholder Rights

Berger Montague protects the interests of individual and institutional investors in shareholder derivative actions in state and federal courts across the United States. Our attorneys help individual and institutional investors reform poor corporate governance, as well as represent them in litigation against directors of a company for violating their fiduciary duty or provide guidance on shareholder rights.

- ***Emil Rossdeutscher and Dennis Kelly v. Viacom:*** The firm, as lead counsel, obtained a settlement resulting in a fund of \$14.25 million for the class. (C.A. No. 98C-03-091 (JEB) (Del. Super. Ct.)).
- ***Fox v. Riverview Realty Partners, f/k/a Prime Group Realty Trust, et al.:*** The firm, as lead counsel, obtained a settlement resulting in a fund of \$8.25 million for the class.

Employee Benefits & ERISA

Berger Montague represents employees who have claims under the federal Employee Retirement Income Security Act. We litigate cases on behalf of employees whose 401(k) and pension investments have suffered losses as a result of the breach of fiduciary duties by plan administrators and the companies they represent.

Berger Montague has recovered hundreds of millions of dollars in lost retirement benefits for American workers and retirees, and also gained favorable changes to their retirement plans.

- ***In re Unisys Corp. Retiree Medical Benefits:*** The firm, as co-lead counsel, handled the presentation of over 70 witnesses, 30 depositions, and over 700 trial exhibits in this action that has resulted in partial settlements in 1990 of over \$110 million for retirees whose health benefits were terminated. (MDL No. 969 (E.D.Pa.)).
- ***Local 56 U.F.C.W. v. Campbell Soup Co.:*** The firm represented a class of retired Campbell Soup employees in an ERISA class action to preserve and restore retiree medical benefits. A settlement yielded benefits to the class valued at \$114.5 million. (No. 93-MC-276 (SSB)(D.N.J.)).
- ***Rose v. Cooney:*** No. 5:92-CV-208 (D. Conn.) The firm, acting as lead counsel, obtained more than \$29 million in cash and payment guarantees from Xerox Corporation to resolve claims of breach of fiduciary duty for plan investments in interest contracts issued by Executive Life Insurance Company.
- ***In re Masters, Mates & Pilots Pension Plan and IRAP Litig.:*** No. 85 Civ. 9545 (VLB) (S.D.N.Y) The firm, as co-lead counsel, participated in lengthy litigation with the U.S. Department of Labor to recover losses to retirement plans resulting from imprudent and prohibited investments; settlements in excess of \$20 million, which fully recovered lost principal, were obtained to resolve claims of fiduciary breaches in selecting and monitoring investment managers and investments.
- ***In re Lucent Technologies, Inc. ERISA Litigation:*** No. 01-CV-3491 (D.N.J.) The firm served as co-lead counsel in this class action on behalf of participants and beneficiaries of the Lucent defined contribution plans who invested in Lucent stock, and secured a settlement providing injunctive relief and for the payment of \$69 million.
- ***Diebold v. Northern Trust Investments, N.A.:*** 1:09-cv-01934 (N.D. Ill.) As co-lead counsel in this ERISA breach of fiduciary duty case, the firm secured a \$36 million settlement on behalf of participants in retirement plans who participated in Northern Trust's securities lending program. Plaintiffs alleged that defendants breached their ERISA fiduciary duties by failing to manage properly two collateral pools that held cash collateral received from the securities lending program. The settlement represented a recovery of more than 25% of alleged class member losses.
- ***In re SPX Corporation ERISA Litigation:*** No. 3:04-cv-192 (W.D.N.C.) The firm recovered 90% of the estimated losses 401(k) plan participants who invested in the SPX stock fund claimed they suffered as a result of defendants' breaches of their ERISA fiduciary duties caused them.
- ***In re Nortel Networks ERISA Litigation:*** Civil Action No. 01-cv-1855 (MD Tenn.) The firm represented a class of former workers of the bankrupt telecommunications company of mismanaging their employee stock fund in violation of their fiduciary duties. The case settled for \$21.5 million.
- ***Glass Dimensions, Inc. v. State Street Bank & Trust Co.:*** 1:10-cv-10588-DPW (D. Mass). The firm served as co-lead counsel in this ERISA case that alleged that defendants breached their fiduciary duties to the retirement plans it managed by taking unreasonable compensation for managing the securities lending program in which the plans participated. After the court certified a class of the plans that participated in the securities lending program at issue, the case settled for \$10 million on behalf of 1,500 retirement plans that invested in defendants' collective investment funds.
- ***In re Eastman Kodak ERISA Litigation:*** Master File No. 6:12-cv-06051-DGL (W.D.N.Y.) The firm served as class counsel in this ERISA breach of fiduciary duty class action which alleged that defendants breached their fiduciary duties to Kodak retirement plan participants by allowing plan investments in Kodak common stock. The case settled for \$9.7 million.
- ***Lequita Dennard v. Transamerica Corp. et al.:*** Civil Action No. 1:15-cv-00030-EJM (N.D. Iowa). The firm served as counsel to plan participants who alleged that they suffered losses when plan fiduciaries failed to

act solely in participants' interests, as ERISA requires, when they selected, removed and monitored plan investment options. The case settled for structural changes to the plan and \$3.8 million monetary payment to the class.

Employment & Unpaid Wages

The Berger Montague Employment & Unpaid Wages group works tirelessly to safeguard the rights of employees, and devote all of their energies to helping our firm's clients achieve their goals. Our attorneys' understanding of federal and state wage and hour laws, federal and state civil rights and discrimination laws, ERISA, the WARN Act, laws protecting whistleblowers, such as federal and state False Claims Acts, and other employment laws, allows us to develop creative strategies to vindicate our clients' rights and help them secure the compensation to which they are entitled.

- ***Jantz v. Social Security Administration:*** The firm served as co-lead counsel and obtained a settlement on behalf of employees with targeted disabilities ("TDEs") alleged that SSA discriminated against TDEs by denying them promotional and other career advancement opportunities. The settlement was reached after more than ten years of litigation, and the Class withstood challenges to class certification on four separate occasions. The settlement includes a monetary fund of \$9.98 million and an unprecedented package of extensive programmatic changes valued at approximately \$20 million. EEOC No. 531-2006-00276X (2015).
- ***Ciamillo v. Baker Hughes, Incorporated:*** The firm served as lead counsel and obtained a settlement of \$5 million on behalf of a class of oil and gas workers who did not receive any overtime compensation for working hours in excess of 40 per week. (Civil Action No. 14-cv-81 (D. Alaska)).
- ***Employees Committed for Justice v. Eastman Kodak Company:*** The firm served as co-lead counsel and obtained a settlement of \$21.4 million on behalf of a nationwide class of African American employees of Kodak alleging a pattern and practice of racial discrimination (pending final approval). A significant opinion issued in the case is *Employees Committed For Justice v. Eastman Kodak Co.*, 407 F. Supp. 2d 423 (W.D.N.Y. 2005) (denying Kodak's motion to dismiss). No. 6:04-cv-06098(W.D.N.Y.).
- ***Salcido v. Cargill Meat Solutions Corp.:*** The firm served as co-lead counsel and obtained a settlement of \$7.5 million on behalf of a class of thousands of employees of Cargill Meat Solutions Corp. alleging that they were forced to work off-the-clock and during their breaks. This is one of the largest settlements of this type of case involving a single plant in U.S. history. (Civil Action Nos. 1:07-cv-01347-LJO-GSA and 1:08-cv-00605-LJO-GSA (E.D. Cal.)).
- ***Miller v. Hygrade Food Products, Inc.:*** The firm served as lead counsel and obtained a settlement of \$3.5 million on behalf of a group of African American employees of Sara Lee Foods Corp. to resolve charges of racial discrimination and retaliation at its Ball Park Franks plant. (No. 99-1087 (E.D. Pa.)).
- ***Chabrier v. Wilmington Finance, Inc.:*** The firm served as co-lead counsel and obtained a settlement of \$2,925,000 on behalf of loan officers who worked in four offices to resolve claims for unpaid overtime wages. A significant opinion issued in the case is *Chabrier v. Wilmington Finance, Inc.*, 2008 WL 938872 (E.D. Pa. April 04, 2008) (denying the defendant's motion to decertify the class). (No. 06-4176 (E.D. Pa.)).
- ***Bonnette v. Rochester Gas & Electric Co.:*** The firm served as co-lead counsel and obtained a settlement of \$2 million on behalf of a class of African American employees of Rochester Gas & Electric Co. to resolve charges of racial discrimination in hiring, job assignments, compensation, promotions, discipline, terminations, retaliation, and a hostile work environment. (No. 07-6635 (W.D.N.Y.)).
- ***Confidential.*** The firm served as lead counsel and obtained a settlement of \$6 million on behalf of a group of African American employees of a Fortune 100 company to resolve claims of racial discrimination, as well as injunctive relief which included significant changes to the Company's employment practices (settled out of court while charges of discrimination were pending with the U.S. Equal Employment Opportunity Commission).

Environment & Public Health

Berger Montague lawyers are trailblazers in the fields of environmental class action litigation and mass torts. Our attorneys have earned their reputation in the fields of environmental litigation and mass torts by successfully prosecuting some of the largest, most well-known cases of our time. Our Environment & Public Health Group also prosecutes significant claims for personal injury, commercial losses, property damage, and environmental response costs. In 2016 Berger Montague was named an Elite Trial Lawyer Finalist in special litigation (environmental) by The National Law Journal.

- ***Cook v. Rockwell International Corporation:*** In February 2006, the firm won a \$554 million jury verdict on behalf of thousands of property owners whose homes were exposed to plutonium or other toxins. Judgment in the case was entered by the court in June 2008 which, with interest, totaled \$926 million. Recognizing this tremendous achievement, the Public Justice Foundation bestowed its prestigious Trial Lawyer of the Year Award for 2009 on Merrill G. Davidoff, David F. Sorensen, and the entire trial team for their “long and hard-fought” victory against “formidable corporate and government defendants.” (No. 90-cv-00181-JLK (D. Colo.)). The jury verdict in that case was vacated on appeal in 2010, but on a second trip to the Tenth Circuit, Plaintiffs secured a victory in 2015, with the case then being sent back to the district court. A \$375 million settlement was reached in May 2016, and final approval by the district court was obtained in April 2017.
- ***In re Exxon Valdez Oil Spill Litigation:*** On September 16, 1994, a jury trial of several months duration resulted in a record punitive damages award of \$5 billion against the Exxon defendants as a consequence of one of the largest oil spills in U.S. history. The award was reduced to \$507.5 million pursuant to a Supreme Court decision. David Berger was co-chair of the plaintiffs’ discovery committee (appointed by both the federal and state courts). Harold Berger served as a member of the organizing case management committee. H. Laddie Montague was specifically appointed by the federal court as one of the four designated trial counsel. Both Mr. Montague and Peter Kahana shared (with the entire trial team) the 1995 “Trial Lawyer of the Year Award” given by the Trial Lawyers for Public Justice. (No. A89-0095-CVCHRH (D. Alaska)).
- ***In re Ashland Oil Spill Litigation:*** The firm led by Harold Berger served as co-lead counsel and obtained a \$30 million settlement for damages resulting from a very large oil spill. (Master File No. M-14670 (W.D. Pa.)).
- ***State of Connecticut Tobacco Litigation:*** Berger Montague was one of three firms to represent the State of Connecticut in a separate action in state court against the tobacco companies. The case was litigated separate from the coordinated nationwide actions. Although eventually Connecticut joined the national settlement, its counsel’s contributions were recognized by being awarded the fifth largest award among the states from the fifty states’ Strategic Contribution Fund.
- ***In re School Asbestos Litigation:*** As co-lead counsel, the firm successfully litigated a case in which a nationwide class of elementary and secondary schools and school districts suffering property damage as a result of asbestos in their buildings were provided relief. Pursuant to an approved settlement, the class received in excess of \$70 million in cash and \$145 million in discounts toward replacement building materials. (No. 83-0268 (E.D. Pa.)).
- ***Drayton v. Pilgrim’s Pride Corp.:*** The firm served as counsel in a consolidation of wrongful death and other catastrophic injury cases brought against two manufacturers of turkey products, arising out of a 2002 outbreak of *Listeria Monocytogenes* in the Northeastern United States, which resulted in the recall of over 32 million pounds of turkey – the second largest meat recall in U.S. history at that time. A significant opinion issued in the case is *Drayton v. Pilgrim’s Pride Corp.*, 472 F. Supp. 2d 638 (E.D. Pa. 2006) (denying the defendants’ motions for summary judgment and applying the alternative liability doctrine). All of the cases settled on confidential terms in 2006. (No. 03-2334 (E.D. Pa.)).
- ***In re SEPTA 30th Street Subway/Elevated Crash Class Action:*** Berger Montague represented a class of 220 persons asserting injury in a subway crash. Despite a statutory cap of \$1 million on damages recovery

from the public carrier, and despite a finding of sole fault of the public carrier in the investigation by the National Highway Transit Safety Administration, Berger Montague was able to recover an aggregate of \$3.03 million for the class. (1990 Master File No. 0001 (Pa. Ct. Com. Pls., Phila. Cty.)).

- ***In re Three Mile Island Litigation:*** As lead/liaison counsel, the firm successfully litigated the case and reached a settlement in 1981 of \$25 million in favor of individuals, corporations and other entities suffering property damage as a result of the nuclear incident involved. (C.A. No. 79-0432 (M.D. Pa.)).
- ***In Re Louisville Explosions Litigation:*** This case was one of the earliest examples of a class action trial of an environmental class action. It redressed damage to private property owners and employees resulting from a February 13, 1981 sewer explosion which was one of the largest explosion mishaps in U.S. history. In February, 1984 the matter went to trial, and after the plaintiffs' case and the denial of motions for direct verdict the litigation settled for net payments to the class members of 100% to 300% or more of direct monetary damages, depending on their zone's distance from the streets that exploded. Claimants lined up near the claims office for blocks to file claims. Mr. Davidoff was lead counsel and lead trial counsel. (No. CV 81-0080, W.D. Ky.).

Insurance Fraud

When insurance companies and affiliated financial services entities engage in fraudulent, deceptive or unfair practices, Berger Montague helps injured parties recover their losses. We focus on fraudulent, deceptive and unfair business practices across all lines of insurance and financial products and services sold by insurers and their affiliates, which include annuities, securities and other investment vehicles.

- ***Spencer v. Hartford Financial Services Group, Inc.:*** The firm, together with co-counsel, prosecuted this national class action against The Hartford Financial Services Group, Inc. and its affiliates in the United States District Court for the District of Connecticut (*Spencer v. Hartford Financial Services Group, Inc.*, Case No. 05-cv-1681) on behalf of approximately 22,000 claimants, each of whom entered into structured settlements with Hartford property and casualty insurers to settle personal injury and workers' compensation claims. To fund these structured settlements, the Hartford property and casualty insurers purchased annuities from their affiliate, Hartford Life. By purchasing the annuity from Hartford Life, The Hartford companies allegedly were able to retain up to 15% of the structured amount of the settlement in the form of undisclosed costs, commissions and profit - all of which was concealed from the settling claimants. On March 10, 2009, the U.S. District Court certified for trial claims on behalf of two national subclasses for civil RICO and fraud (256 F.R.D. 284 (D. Conn. 2009)). On October 14, 2009, the Second Circuit Court of Appeals denied The Hartford's petition for interlocutory appeal under Federal Rule of Civil Procedure 23(f). On September 21, 2010, the U.S. District Court entered judgment granting final approval of a \$72.5 million cash settlement.
- ***Nationwide Mutual Insurance Company v. O'Dell:*** The firm, together with co-counsel, prosecuted this class action against Nationwide Mutual Insurance Company in West Virginia Circuit Court, Roane County (*Nationwide Mutual Insurance Company v. O'Dell*, Case No. 00-C-37), on behalf of current and former West Virginia automobile insurance policyholders, which arose out of Nationwide's failure, dating back to 1993, to offer policyholders the ability to purchase statutorily-required optional levels of underinsured ("UIM") and uninsured ("UM") motorist coverage in accordance with West Virginia Code 33-6-31. The court certified a trial class seeking monetary damages, alleging that the failure to offer these optional levels of coverage, and the failure to provide increased first party benefits to personal injury claimants, breached Nationwide's insurance policies and its duty of good faith and fair dealing, and violated the West Virginia Unfair Trade Practices Act. On June 25, 2009, the court issued final approval of a settlement that provided a minimum estimated value of \$75 million to Nationwide auto policyholders and their passengers who were injured in an accident or who suffered property damage.

Predatory Lending and Borrowers' Rights

Berger Montague's attorneys fight vigorously to protect the rights of borrowers when they are injured by the practices of banks and other financial institutions that lend money or service borrowers' loans. Berger Montague has successfully obtained multi-million dollar class action settlements for nationwide classes of

borrowers against banks and financial institutions and works tirelessly to protect the rights of borrowers suffering from these and other deceptive and unfair lending practices.

- ***Coonan v. Citibank, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against Citibank and its affiliates in the United States District Court for the Northern District of New York concerning alleged kickbacks Citibank received in connection with its force-placed insurance programs. The firm obtained a settlement of \$122 million on behalf of a class of hundreds of thousands of borrowers.
- ***Arnett v. Bank of America, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against Bank of America and its affiliates in the United States District Court for the District of Oregon concerning alleged kickbacks received in connection with its force-placed flood insurance program. The firm obtained a settlement of \$31 million on behalf of a class of hundreds of thousands of borrowers.
- ***Clements v. JPMorgan Chase Bank, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against JPMorgan Chase and its affiliates in the United States District Court for the Northern District of California concerning alleged kickbacks received in connection with its force-placed flood insurance program. The firm obtained a settlement of \$22,125,000 on behalf of a class of thousands of borrowers.
- ***Holmes v. Bank of America, N.A.***: The firm, as Co-Lead Counsel, prosecuted this national class action against Bank of America and its affiliates in the United States District Court for the Western District of North Carolina concerning alleged kickbacks received in connection with its force-placed wind insurance program. The firm obtained a settlement of \$5.05 million on behalf of a class of thousands of borrowers.

Securities & Investor Protection

In the area of securities litigation, the firm has represented public institutional investors – such as the retirement funds for the States of Pennsylvania, Connecticut, New Hampshire, New Jersey, Louisiana and Ohio, as well as the City of Philadelphia and numerous individual investors and private institutional investors. The firm was co-lead counsel in the *Melridge Securities Litigation* in the Federal District Court in Oregon, in which jury verdicts of \$88.2 million and a RICO judgment of \$239 million were obtained. Berger Montague has served as lead or co-lead counsel in numerous other major securities class action cases where substantial settlements were achieved on behalf of investors.

- ***In re Merrill Lynch Securities Litigation:*** Berger Montague, as co-lead counsel, obtained a recovery of \$475 million for the benefit of the class in one of the largest recoveries among the recent financial crisis cases. (No. 07-cv-09633 (S.D.N.Y.)).
- ***In re Sotheby's Holding, Inc. Securities Litigation:*** The firm, as lead counsel, obtained a \$70 million settlement, of which \$30 million was contributed, personally, by an individual defendant. (No. 00-cv-1041 (DLC) (S.D.N.Y.)).
- ***In re: Oppenheimer Rochester Funds Group Securities Litigation:*** The firm, as co-lead counsel, obtained a \$89.5 million settlement on behalf of investors in six tax-exempt bond mutual funds managed by OppenheimerFunds, Inc. (No. 09-md-02063-JLK (D. Col.)).

- ***In re KLA Tencor Securities Litigation:*** The firm, as a member of Plaintiffs' Counsel's Executive Committee, obtained a cash settlement of \$65 million in an action on behalf of investors against KLA-Tencor and certain of its officers and directors. (No. 06-cv-04065 (N.D. Cal.)).
- ***Ginsburg v. Philadelphia Stock Exchange, Inc., et al.:*** The firm represented certain shareholders of the Philadelphia Stock Exchange in the Delaware Court of Chancery and obtained a settlement valued in excess of \$99 million settlement. (C.A. No. 2202-CC (Del. Ch.)).
- ***In re Sepracor Inc. Securities Litigation:*** The firm, as co-lead counsel, obtained a settlement of \$52.5 million for the benefit of bond and stock purchaser classes. (No. 02-cv-12235-MEL (D. Mass.)).
- ***In re CIGNA Corp. Securities Litigation:*** The firm, as co-lead counsel, obtained a settlement of \$93 million for the benefit of the class. (Master File No. 2:02-cv-8088 (E.D. Pa.)).
- ***In re Fleming Companies, Inc. Securities Litigation:*** The firm, as lead counsel, obtained a class settlement of \$94 million for the benefit of the class. (No. 5-03-MD-1530 (TJW) (E.D. Tex.)).
- ***In re Xcel Energy Inc. Securities, Derivative & "ERISA" Litigation:*** The firm, as co-lead counsel in the *securities* actions, obtained a cash settlement of \$80 million on behalf of investors against Xcel Energy and certain of its officers and directors. (No. 02-cv-2677 (DSD/FLN) (D. Minn.)).
- ***In re NetBank, Inc. Securities Litigation:*** The firm served as lead counsel in this certified class action on behalf of the former common shareholders of NetBank, Inc. The \$12.5 million settlement, which occurred after class certification proceedings and substantial discovery, is particularly noteworthy because it is one of the few successful securities fraud class actions litigated against a subprime lender and bank in the wake of the financial crisis. (No. 07-cv-2298-TCB (N.D. Ga.)).
- ***Brown v. Kinross Gold U.S.A. Inc.:*** The firm represented lead plaintiffs as co-lead counsel and obtained \$29.25 million cash settlement and an additional \$6,528,371 in dividends for a gross settlement value of \$35,778,371. (No. 02-cv-0605 (D. Nev.)) All class members recovered 100% of their damages after fees and expenses.
- ***In re Campbell Soup Co. Securities Litigation:*** The firm, as co-lead counsel, obtained a settlement of \$35 million for the benefit of the class. (No. 00-cv-152 (JEI)(D.N.J.)).
- ***In re Premiere Technologies, Inc. Securities Litigation:*** The firm, as co-lead counsel, obtained a class settlement of over \$20 million in combination of cash and common stock. (No.1:98-cv-1804-JOF (N.D. Ga.)).
- ***In re PSINet, Inc., Securities Litigation:*** The firm, as co-lead counsel, obtained a settlement of \$17.83 million on behalf of investors. (No. 00-cv-1850-A (E.D. Va.)).
- ***In re Safety-Kleen Corp. Securities Litigation:*** The firm, as co-lead counsel, obtained a class settlement in the amount of \$45 million against Safety-Kleen's outside accounting firm and certain of the Company's officers and directors. The final settlement was obtained 2 business days before the trial was to commence. (No. 3:00-cv-736-17 (D.S.C.)).
- ***The City Of Hialeah Employees' Retirement System v. Toll Brothers, Inc.:*** The firm, as co-lead counsel, obtained a class settlement of \$25 million against Home Builder Toll Brothers, Inc. (No. 07-cv-1513 (E.D. Pa.)).

- ***In re Rite Aid Corp. Securities Litigation:*** The firm, as co-lead counsel, obtained settlements totaling \$334 million against Rite Aid’s outside accounting firm and certain of the company’s former officers. (No. 99- cv-1349 (E.D. Pa.)).
- ***In re Sunbeam Inc. Securities Litigation:*** As co-lead counsel and designated lead trial counsel (by Mr. Davidoff), the firm obtained a settlement on behalf of investors of \$142 million in the action against Sunbeam’s outside accounting firm and Sunbeam’s officers. (No. 98-cv-8258 (S.D. Fla.)).
- ***In re Waste Management, Inc. Securities Litigation:*** In 1999, the firm, as co-lead counsel, obtained a class settlement for investors of \$220 million cash which included a settlement against Waste Management’s outside accountants. (No. 97-cv-7709 (N.D. Ill.)).
- ***In re IKON Office Solutions Inc. Securities Litigation:*** The firm, serving as both co-lead and liaison counsel, obtained a cash settlement of \$111 million in an action on behalf of investors against IKON and certain of its officers. (MDL Dkt. No. 1318 (E.D. Pa.)).
- ***In re Melridge Securities Litigation:*** The firm served as lead counsel and co-lead trial counsel for a class of purchasers of Melridge common stock and convertible debentures. A four-month jury trial yielded a verdict in plaintiffs’ favor for \$88.2 million, and judgment was entered on RICO claims against certain defendants for \$239 million. The court approved settlements totaling \$57.5 million. (No. 87-cv-1426 FR (D. Ore.)).
- ***Aldridge v. A.T. Cross Corp.:*** The firm represented a class of investors in a securities fraud class action against A.T. Cross, and won a significant victory in the U.S. Court of Appeals for the First Circuit when that Court reversed the dismissal of the complaint and lessened the pleading standard for such cases in the First Circuit, holding that it would not require plaintiffs in a shareholder suit to submit proof of financial restatement in order to prove revenue inflation. *See Aldridge v. A.T. Cross Corp.*, 284 F.3d 72 (1st Cir. 2002). The case ultimately settled for \$1.5 million. (C.A. No. 00-203 ML(D.R.I.)).
- ***Silver v. UICI:*** The firm, as co-lead counsel, obtained a settlement resulting in a fund of \$16 million for the class. (No. 3:99-cv-2860-L (N.D. Tex.)).
- ***In re Alcatel Alsthom Securities Litigation:*** The firm, as co-lead counsel, obtained a class settlement for investors of \$75 million cash. (MDL Docket No. 1263 (PNB) (E.D. Tex.)).
- ***Walco Investments, Inc. et al. v. Kenneth Thenen, et al. (Premium Sales):*** The firm, as a member of the plaintiffs’ steering committee, obtained settlements of \$141 million for investors victimized by a Ponzi scheme. Reported at: 881 F. Supp. 1576 (S.D. Fla. 1995); 168 F.R.D. 315 (S.D. Fla. 1996); 947 F. Supp. 491 (S.D. Fla. 1996)).
- ***In re The Drexel Burnham Lambert Group, Inc.:*** The firm was appointed co-counsel for a mandatory non-opt-out class consisting of all claimants who had filed billions of dollars in securities litigation-related proofs of claim against The Drexel Burnham Lambert Group, Inc. and/or its subsidiaries. Settlements in excess of \$2.0 billion were approved in August 1991 and became effective upon consummation of Drexel’s Plan of Reorganization on April 30, 1992. (No. 90-cv-6954 (MP), Chapter 11, Case No. 90 B 10421 (FGC), Jointly Administered, reported at, *inter alia*, 960 F.2d 285 (2d Cir. 1992), *cert. dismissed*, 506 U.S. 1088 (1993) (“Drexel I”) and 995 F.2d 1138 (2d Cir. 1993) (“Drexel II”)).
- ***In re Michael Milken and Associates Securities Litigation:*** As court-appointed liaison counsel, the firm was one of four lead counsel who structured the \$1.3 billion “global” settlement of all claims pending against Michael R. Milken, over 200 present and former officers and directors of Drexel Burnham Lambert, and more than 350 Drexel/Milken-related entities. (MDL Dkt. No. 924, M21-62-MP (S.D.N.Y.)).

- ***RJR Nabisco Securities Litigation:*** The firm represented individuals who sold RJR Nabisco securities prior to the announcement of a corporate change of control. This securities case settled for \$72 million. (No. 88-cv-7905 MBM (S.D.N.Y.)).
- ***Qwest Securities Action:*** The firm represented New Jersey in an opt-out case against Qwest and certain officers, which was settled for \$45 million. (C.A. No. L-3838-02 (Superior Court New Jersey, Law Division)).

Whistleblower, *Qui Tam*, and False Claims Act

Berger Montague has represented whistleblowers in matters involving healthcare fraud, defense contracting fraud, IRS fraud, securities fraud, and commodities fraud, helping to return more than \$1.1 billion to federal and state governments. In return, whistleblower clients retaining Berger Montague to represent them in state and federal courts have received more than \$100 million in rewards. Berger Montague's time-tested approach in Whistleblower/*Qui Tam* representation involves cultivating close, productive attorney-client relationships with the maximum degree of confidentiality for our clients.

Judicial Praise for Berger Montague Attorneys

Berger Montague's record of successful prosecution of class actions and other complex litigation has been recognized and commended by judges and arbitrators across the country. Some remarks on the skill, efficiency, and expertise of the firm's attorneys are excerpted below.

Antitrust

From **Judge Michael M. Baylson**, of the U.S. District Court of the Eastern District of Pennsylvania:

"[C]ounsel...for direct action plaintiffs have done an outstanding job here with representing the class, and I thought your briefing was always very on point. I thought the presentation of the very contentious issues on the class action motion was very well done, it was very well briefed, it was well argued."

Transcript of the June 28, 2018 Hearing in *In re Domestic Drywall Antitrust Litigation*, No. MD-13-2437 at 11:6-11.

From **Judge Madeline Cox Arleo**, of the U.S. District Court for the District of New Jersey praising the efforts of all counsel:

"I just want to thank you for an outstanding presentation. I don't say that lightly . . . it's not lost on me at all when lawyers come very, very prepared. And really, your clients should be very proud to have such fine lawyering. I don't see lawyering like this every day in the federal courts, and I am very grateful. And I appreciate the time and the effort you put in, not only to the merits, but the respect you've shown for each other, the respect you've shown for the Court, the staff, and the time constraints. And as I tell my law clerks all the time, good lawyers don't fight, good lawyers advocate. And I really appreciate that more than I can express."

Transcript of the September 9 to 11, 2015 Daubert Hearing in *Castro v. Sanofi Pasteur*, No. 11-cv-07178 (D.N.J.) at 658:14-659:4.

From **Judge William H. Pauley, III**, of the U.S. District Court of the Southern District of New York:

"Class Counsel did their work on their own with enormous attention to detail and unflinching devotion to the cause. Many of the issues in this litigation . . . were unique and issues of first impression."

* * *

"Class Counsel provided extraordinarily high-quality representation. This case raised a number of unique and complex legal issues . . . The law firms of Berger Montague and Coughlin Stoia were indefatigable. They represented the Class with a high degree of professionalism, and vigorously litigated every issue against some of the ablest lawyers in the antitrust defense bar."

In re Currency Conversion Fee Antitrust Litigation, 263 F.R.D. 110, 129 (2009).

From **Judge Faith S. Hochberg**, of the United States District court for the District of New Jersey:

"[W]e sitting here don't always get to see such fine lawyering, and it's really wonderful for me both to have tough issues and smart lawyers . . . I want to congratulate all of you for the really hard work you put into this, the way you presented the issues, . . . On behalf of the entire federal judiciary I want to thank you for the kind of lawyering we wish everybody would do."

In re Remeron Antitrust Litig., Civ. No. 02-2007 (Nov. 2, 2005).

From U.S. District **Judge Jan DuBois**, of the U.S. District Court of the Eastern District of Pennsylvania:

“[T]he size of the settlements in absolute terms and expressed as a percentage of total damages evidence a high level of skill by petitioners ... The Court has repeatedly stated that the lawyering in the case at every stage was superb, and does so again.”

In Re Linerboard Antitrust Litig., 2004 WL 1221350, at *5-*6 (E.D. Pa. 2004).

From **Judge Nancy G. Edmunds**, of the U.S. District Court of the Eastern District of Michigan:

“[T]his represents an excellent settlement for the Class and reflects the outstanding effort on the part of highly experienced, skilled, and hard working Class Counsel....[T]heir efforts were not only successful, but were highly organized and efficient in addressing numerous complex issues raised in this litigation[.]”

In re Cardizem CD Antitrust Litig., MDL No. 1278 (E.D. Mich., Nov. 26, 2002).

From **Judge Charles P. Kocoras**, of the U.S. District Court for the Northern District of Illinois:

“The stakes were high here, with the result that most matters of consequence were contested. There were numerous trips to the courthouse, and the path to the trial court and the Court of Appeals frequently traveled. The efforts of counsel for the class has [sic] produced a substantial recovery, and it is represented that the cash settlement alone is the second largest in the history of class action litigation. . . . There is no question that the results achieved by class counsel were extraordinary[.]”

Regarding the work of Berger Montague in achieving more than \$700 million in settlements with some of the defendants in *In Re Brand Name Prescription Drugs Antitrust Litigation*, 2000 U.S. Dist. LEXIS 1734, at *3-*6 (N.D. Ill. Feb. 9, 2000).

From **Judge Peter J. Messitte**, of the U.S. District Court for the District of Maryland:

“The experience and ability of the attorneys I have mentioned earlier, in my view in reviewing the documents, which I have no reason to doubt, the plaintiffs’ counsel are at the top of the profession in this regard and certainly have used their expertise to craft an extremely favorable settlement for their clients, and to that extent they deserve to be rewarded.”

Settlement Approval Hearing, Oct. 28, 1994, in *Spawd, Inc. and General Generics v. Bolar Pharmaceutical Co., Inc.*, CA No. PJM-92-3624 (D. Md.).

From **Judge Donald W. Van Arsdale**, of the U.S. District Court for the Eastern District of Pennsylvania:

“As to the quality of the work performed, although that would normally be reflected in the not immodest hourly rates of all attorneys, for which one would expect to obtain excellent quality work at all times, the results of the settlements speak for themselves. Despite the extreme uncertainties of trial, plaintiffs’ counsel were able to negotiate a cash settlement of a not insubstantial sum, and in addition, by way of equitable relief, substantial concessions by the defendants which, subject to various condition, will afford the right, at least, to lessee-dealers to obtain gasoline supply product from major oil companies and suppliers other than from their respective lessors. The additional benefits obtained for the classes by way of equitable relief would, in and of itself, justify some upward adjustment of the lodestarfigure.”

Bogosian v. Gulf Oil Corp., 621 F. Supp. 27, 31 (E.D. Pa. 1985).

From **Judge Krupansky**, who had been elevated to the Sixth Circuit Court of Appeals:

Finally, the court unhesitatingly concludes that the quality of the representation rendered by counsel was uniformly high. The attorneys involved in this litigation are extremely experienced and skilled in their prosecution of antitrust litigation and other complex actions. Their services have been rendered in an efficient and expeditious manner, but have nevertheless been productive of highly favorable result.

In re Art Materials Antitrust Litigation, 1984 CCH Trade Cases ¶65,815 (N.D. Ohio 1983).

From **Judge Joseph Blumenfeld**, of the U.S. District Court for the District of Connecticut:

“The work of the Berger firm showed a high degree of efficiency and imagination, particularly in the maintenance and management of the national class actions.”

In re Master Key Antitrust Litigation, 1977 U.S. Dist. LEXIS 12948, at *35 (Nov. 4, 1977).

Securities & Investor Protection

From **Judge Jed Rakoff** of the U.S. District Court for the Southern District of New York:

Court stated that lead counsel had made “very full and well-crafted” and “excellent submissions”; that there was a “very fine job done by plaintiffs’ counsel in this case”; and that this was “surely a very good result under all the facts and circumstances.”

In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation, Master File No. 07-cv-9633(JSR)(DFE) (S.D.N.Y., July 27, 2009).

From **Judge Michael M. Baylson** of the U.S. District Court for the Eastern District of Pennsylvania:

“The Court is aware of and attests to the skill and efficiency of class counsel: they have been diligent in every respect, and their briefs and arguments before the Court were of the highest quality. The firm of Berger Montague took the lead in the Court proceedings; its attorneys were well prepared, articulate and persuasive.”

In re CIGNA Corp. Sec. Litig., 2007 U.S. Dist. LEXIS 51089, at *17-*18 (E.D. Pa. July 13, 2007).

From **Judge Stewart Dalzell** of the U.S. District Court for the Eastern District of Pennsylvania:

“The quality of lawyering on both sides, but I am going to stress now on the plaintiffs’ side, simply has not been exceeded in any case, and we have had some marvelous counsel appear before us and make superb arguments, but they really don’t come any better than Mrs. Savett... [A]nd the arguments we had on the motion to dismiss [Mrs. Savett argued the motion], both sides were fabulous, but plaintiffs’ counsel were as good as they come.”

In re U.S. Bioscience Secs. Litig., No. 92-0678 (E.D. Pa. April 4, 1994).

From **Judge Wayne Andersen** of the U.S. District Court for the Northern District of Illinois:

“[Y]ou have acted the way lawyers at their best ought to act. And I have had a lot of cases...in 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here...I would say this has been the best representation that I have seen.”

In re: Waste Management, Inc. Secs. Litig., No. 97-C 7709 (N.D. Ill. 1999).

From **Chancellor William Chandler, III** of the Delaware Chancery Court:

“All I can tell you, from someone who has only been doing this for roughly 22 years, is that I have yet to see a more fiercely and intensely litigated case than this case. Never in 22 years have I seen counsel going at it, hammer and tong, like they have gone at it in this case. And I think that’s a testimony – Mr. Valihura correctly says that’s what they are supposed to do. I recognize that; that is their job, and they were doing it professionally.”

Ginsburg v. Philadelphia Stock Exchange, Inc., No. 2202 (Del. Ch., Oct. 22, 2007).

From **Judge Stewart Dalzell** of the U.S. District Court for the Eastern District of Pennsylvania:

“Thanks to the nimble class counsel, this sum, which once included securities worth \$149.5 million is now all cash. Seizing on an opportunity Rite Aid presented, class counsel first renegotiated what had been stock consideration into Rite Aid Notes and then this year monetized those Notes. Thus, on February 11, 2003, Rite Aid redeemed those Notes from the class, which then received \$145,754,922.00. The class also received \$14,435,104 in interest on the Notes.”

“Co-lead counsel ... here were extraordinarily deft and efficient in handling this most complex matter... they were at least eighteen months ahead of the United States Department of Justice in ferreting out the conduct that ultimately resulted in the write down of over \$1.6 billion in previously reported Rite Aid earnings. In short, it would be hard to equal the skill class counsel demonstrated here.”

In re Rite Aid Corp. Securities Litigation, 269 F. Supp. 2d 603, 605, n.1, 611 (E.D. Pa. 2003).

From **Judge Helen J. Frye**, United States District Judge for the U.S. District Court for the District of Oregon:

“In order to bring about this result [partial settlements then totaling \$54.25 million], Class Counsel were required to devote an unusual amount of time and effort over more than eight years of intense legal litigation which included a four-month long jury trial and full briefing and argument of an appeal before the Ninth Circuit Court of Appeals, and which produced one of the most voluminous case files in the history of this District.”

* * *

“Throughout the course of their representation, the attorneys at Berger Montague and Stoll, Stoll, Berne, Lokting & Shlachter who have worked on this case have exhibited an unusual degree of skill and diligence, and have had to contend with opposing counsel who also displayed unusual skill and diligence.”

In Re Melridge, Inc. Securities Litigation, No. CV 87-1426-FR (D. Ore. April 15, 1996).

From **Judge Marvin Katz** of the U.S. District Court for the Eastern District of Pennsylvania:

“[T]he co-lead attorneys have extensive experience in large class actions, experience that has enabled this case to proceed efficiently and professionally even under short deadlines and the pressure of handling

thousands of documents in a large multi-district action... These counsel have also acted vigorously in their clients' interests....”

* * *

“The management of the case was also of extremely high quality.... [C]lass counsel is of high caliber and has extensive experience in similar class action litigation.... The submissions were of consistently high quality, and class counsel has been notably diligent in preparing filings in a timely manner even when under tight deadlines.”

Commenting on class counsel, where the firm served as both co-lead and liaison counsel in *In re Ikon Office Solutions, Inc. Securities Litigation*, 194 F.R.D. 166, 177, 195 (E.D. Pa. 2000).

From **Judge William K. Thomas**, Senior District Judge for the United States District Court for the Northern District of Ohio:

“In the proceedings it has presided over, this court has become directly familiar with the specialized, highly competent, and effective quality of the legal services performed by Merrill G. Davidoff, Esq. and Martin I. Twersky, Esq. of Berger Montague....”

* * *

“Examination of the experience-studded biographies of the attorneys primarily involved in this litigation and review of their pioneering prosecution of many class actions in antitrust, securities, toxic tort matters and some defense representation in antitrust and other litigation, this court has no difficulty in approving and adopting the hourly rates fixed by Judge Aldrich.”

Commenting in *In re Revco Securities Litigation*, Case No. 1:89CV0593, Order (N.D. Oh. September 14, 1993).

Civil/Human Rights Cases

From **Deputy Treasury Secretary Stuart E. Eizenstat**:

“We must be frank. It was the American lawyers, through the lawsuits they brought in U.S. courts, who placed the long-forgotten wrongs by German companies during the Nazi era on the international agenda. It was their research and their work which highlighted these old injustices and forced us to confront them. Without question, we would not be here without them.... For this dedication and commitment to the victims, we should always be grateful to these lawyers.”

In his remarks at the July 17, 2000, signing ceremony for the international agreements which established the German Foundation to act as a funding vehicle for the payment of claims to Holocaust survivors.

Insurance Litigation

From **Judge Janet C. Hall**, of the U.S. District Court of the District of Connecticut:

Noting the “very significant risk in pursuing this action” given its uniqueness in that “there was no prior investigation to rely on in establishing the facts or a legal basis for the case....[and] no other prior or even now similar case involving parties like these plaintiffs and a party like these defendants.” Further, “the quality of the representation provided to the plaintiffs ... in this case has been consistently excellent.... [T]he defendant[s] ... mounted throughout the course of the five years the case pended, an extremely vigorous defense.... [B]ut for counsel’s outstanding work in this case and substantial effort over five years, no member of the class would have recovered a penny.... [I]t was an extremely complex and substantial class ... case ... [with an] outstanding result.”

Regarding the work of Berger Montague attorneys Peter R. Kahana and Steven L. Bloch, among other co-class counsel, in *Spencer, et al. v. The Hartford Financial Services Group, Inc., et al.*, in the Order approving the \$72.5 million final settlement of this action, dated September 21, 2010 (No. 3:05-cv-1681, D. Conn.).

Customer/Broker Arbitrations

From **Robert E. Conner**, Public Arbitrator with the National Association of Securities Dealers, Inc.:

“[H]aving participated over the last 17 years in 400 arbitrations and trials in various settings, ... the professionalism and the detail and generally the civility of everyone involved has been not just a cause for commentary at the end of these proceedings but between ourselves [the arbitration panel] during the course of them, and ... the detail and the intellectual rigor that went into the documents was fully reflective of the effort that was made in general. I wanted to make that known to everyone and to express my particular respect and admiration.”

About the efforts of Berger Montague shareholders Merrill G. Davidoff and Eric L. Cramer, who achieved a \$1.1 million award for their client, in *Steinman v. LMP Hedge Fund, et al.*, NASD Case No. 98-04152, at Closing Argument, June 13, 2000.

Other

From **Stephen M. Feiler, Ph.D.**, Director of Judicial Education, Supreme Court of Pennsylvania, Administrative Office of Pennsylvania Courts, Mechanicsburg, PA *on behalf of the Common Pleas Court Judges (trial judges) of Pennsylvania*:

“On behalf of the Supreme Court of Pennsylvania and AOPC’s Judicial Education Department, thank you for your extraordinary commitment to the *Dealing with Complexities in Civil Litigation* symposia. We appreciate the considerable time you spent preparing and delivering this important course across the state. It is no surprise to me that the judges rated this among the best programs they have attended in recent years.”

About the efforts of Berger Montague attorneys Merrill G. Davidoff, Peter Nordberg and David F. Sorensen in planning and presenting a CLE Program to trial judges in the Commonwealth of Pennsylvania.

Founding Partner

David Berger - 1912-2007

David Berger was the founder and the Chairman of Berger Montague. He received his A.B. *cum laude* in 1932 and his LL.B. *cum laude* in 1936, both from the University of Pennsylvania. He was a member of The Order of the Coif and was an editor of the *University of Pennsylvania Law Review*. He had a distinguished scholastic career including being Assistant to Professor Francis H. Bohlen and Dr. William Draper Lewis, Director of the American Law Institute, participating in the drafting of the first Restatement of Torts. He also served as a Special Assistant Dean of the University of Pennsylvania Law School. He was a member of the Board of Overseers of the Law School and Associate Trustee of the University of Pennsylvania. In honor of his many contributions, the Law School established the David Berger Chair of Law for the Improvement of the Administration of Justice.

David Berger was a law clerk for the Pennsylvania Supreme Court. He served as a deputy assistant to Director of Enemy Alien Identification Program of the United States Justice Department during World War II.

Thereafter he was appointed Lt.j.g. in the U.S. Naval Reserve and he served in the South Pacific aboard three aircraft carriers during World War II. He was a survivor of the sinking of the U.S.S. Hornet in the Battle of Santa Cruz, October 26, 1942. After the sinking of the Hornet, Admiral Halsey appointed him a member of his personal staff when the Admiral became Commander of the South Pacific. Mr. Berger was ultimately promoted to Commander. He was awarded the Silver Star and Presidential Unit Citation.

After World War II, he was a law clerk in the United States Court of Appeals. The United States Supreme Court appointed David Berger a member of the committee to draft the Federal Rules of Evidence, the basic evidentiary rules employed in federal courts throughout the United States. David Berger was a fellow of the American College of Trial Lawyers, the International Society of Barristers, and the International Academy of Trial Lawyers, of which he was a former Dean. He was a Life Member of the Judicial Conference of the Third Circuit and the American Law Institute.

A former Chancellor (President) of the Philadelphia Bar Association, he served on numerous committees of the American Bar Association and was a lecturer and author on various legal subjects, particularly in the areas of antitrust, securities litigation, and evidence.

David Berger served as a member of President John F. Kennedy's committee which designed high speed rail lines between Washington and Boston. He drafted and activated legislation in the Congress of the United States which resulted in the use of federal funds to assure the continuance of freight and passenger lines throughout the United States. When the merger of the Pennsylvania Railroad and the New York Central Railroad, which created the Penn Central Transportation Company, crashed into Chapter 11, David Berger was counsel for Penn Central and a proponent of its reorganization. Through this work, Mr. Berger ensured the survival of the major railroads in the Northeastern section of the United States including Penn Central, New Jersey Central, and others.

Mr. Berger's private practice included clients in London, Paris, Dusseldorf, as well as in Philadelphia, Washington, New York City, Florida, and other parts of the United States. David Berger instituted the first class action in the antitrust field, and for over 30 years he and the Berger firm were lead counsel and/or co-lead counsel in countless class actions brought to successful conclusions, including antitrust, securities, toxic tort and other cases. He served as one of the chief counsel in the litigation surrounding the demise of Drexel Burnham Lambert, in which over \$2.6 billion was recovered for various violations of the securities

laws during the 1980s. The recoveries benefitted such federal entities as the FDIC and RTC, as well as thousands of victimized investors.

In addition, Mr. Berger was principal counsel in a case regarding the Three Mile Island accident near Harrisburg, Pennsylvania, achieving the first legal recovery of millions of dollars for economic harm caused by the nation's most serious nuclear accident. As part of the award in the case, David Berger established a committee of internationally renowned scientists to determine the effects on human beings of emissions of low level radiation.

In addition, as lead counsel in *In re Asbestos School Litigation*, he brought about settlement of this long and vigorously fought action spanning over 13 years for an amount in excess of \$200 million.

David Berger was active in Democratic politics. President Clinton appointed David Berger a member of the United States Holocaust Memorial Council, in which capacity he served from 1994-2004. In addition to his having served for seven years as the chief legal officer of Philadelphia, he was a candidate for District Attorney of Philadelphia, and was a Carter delegate in the Convention which nominated President Carter.

Over his lengthy career David Berger was prominent in a great many philanthropic and charitable enterprises some of which are as follows: He was the Chairman of the David Berger Foundation and a long time honorary member of the National Commission of the Anti-Defamation League. He was on the Board of the Jewish Federation of Philadelphia and, at his last place of residence, Palm Beach, as Honorary Chairman of the American Heart Association, Trustee of the American Cancer Society, a member of the Board of Directors of the American Red Cross, and active in the Jewish Federation of Palm Beach County.

David Berger's principal hobby was tennis, a sport in which he competed for over 60 years. He was a member of the Board of Directors of the International Tennis Hall of Fame and other related organizations for assisting young people in tennis on a world-wide basis.

Managing Shareholders

H. Laddie Montague, Jr. - Chairman *Emeritus*

H. Laddie Montague, Jr. is a graduate of the University of Pennsylvania (B.A. 1960) and the Dickinson School of Law (L.L.B. 1963) where he was a member of the Board of Editors of the *Dickinson Law Review*. He is currently Chairman of the Board of Governors for Dickinson School of Law of Penn State University. He is a member of the Executive Committee of the firm having joined its predecessor David Berger, P.A. at its inception in 1970. He is Chairman *Emeritus* of the firm and Co-Chairman of the Antitrust Department.

In addition to being one of the courtroom trial counsel for plaintiffs in the mandatory punitive damage class action in the *Exxon Valdez Oil Spill Litigation*, Mr. Montague has served as lead or co-lead counsel in many class actions, including *In re Infant Formula Antitrust Litigation* (1993) and *Bogosian v. Gulf Oil Corp.* (1984), a nationwide class action against thirteen major oil companies. Mr. Montague was co-lead counsel for the State of Connecticut in its litigation against the tobacco industry.

Mr. Montague was one of four co-lead counsel in *In re Brand Name Prescription Drugs Antitrust Litigation*, M.D.L. 997 (N.D. Ill.) and was one of three co-lead counsel in *In Re High Fructose Corn Syrup Antitrust Litigation*, M.D.L. No. 1087 (C.D. Ill.). In addition to the *Exxon Valdez Oil Spill Litigation*, he has tried several complex, protracted cases to jury, including two class actions: *In re Master Key Antitrust Litigation* (1977) and *In re Corrugated Container Antitrust Litigation* (1980). For his work as trial counsel in the *Exxon Valdez Oil Spill Litigation*, Mr. Montague shared the Trial Lawyers for Public Justice 1995 Trial Lawyer of the Year Award.

Mr. Montague has been repeatedly singled out by *Chambers USA: America's Leading Lawyers for Business* as one of the top antitrust attorneys in the City of Philadelphia. He is lauded for his stewardship of the firm's antitrust department, referred to as "the dean of the Bar," stating that his peers in the legal profession hold him in the "highest regard," and explicitly praised for, among other things, his "fair minded[ness]." His is also listed in *Lawdragon 500, An International Who's Who of Competition Lawyers*, and *The Legal 500: United States (Litigation)*.

Mr. Montague has been invited and made presentation at the Organization for Economic Cooperation and Development (Paris, 2006); the European Commission and International Bar Association Seminar (Brussels, 2007); the Canadian Bar Association, Competition Section (Ottawa, 2008); and the 2010 Competition Law & Policy Forum (Ontario).

A frequent lecturer on class action litigation, Mr. Montague has presented for the Practising Law Institute, the Pennsylvania Bar Institute and other groups, including the Antitrust Section of the American Bar Association. He has taught a Complex Litigation course at Temple University's Beasley School of Law and has been a panelist at the Federal Bench-Bar Conference for the Eastern District of Pennsylvania. Mr. Montague was a member of the 1984 faculty of the Columbia Law School Continuing Legal Educational Program entitled "The Trial of an Antitrust Case." Mr. Montague has testified before Congress with respect to antitrust and business fraud legislation, including the Racketeer Influenced and Corrupt Organizations Act ("RICO"). He is currently a member of the Advisory Board of the Antitrust & Trade Regulation Report published by the Bureau of National Affairs.

Daniel Berger – Managing Shareholder

Daniel Berger graduated with honors from Princeton University and Columbia Law School, where he was a Harlan Fiske Stone academic scholar. He is presently a senior member and shareholder of the firm, for which he serves as a Managing Shareholder. Over the last two decades, he has been involved in complicated commercial litigation including class action securities, antitrust, consumer protection and bankruptcy cases. In addition, he has prosecuted several important environmental, mass tort and civil rights cases during this period. He has lead the Firm's practice involving improprieties in the marketing of prescription drugs and the abuse of marketing exclusivities in the pharmaceutical industry including handling several landmark cases involving the suppression of generic competition in the pharmaceutical industry. For this work, he has been recognized by the Law 360 publication as a "titan" of the plaintiffs' Bar ("Titan of the Plaintiffs Bar: Daniel Berger" Law 360, September 23, 2014).

In the civil rights area, he has been counsel in informed consent cases involving biomedical research and human experimentation by federal and state governmental entities. He also leads the firm's representation of states and other public bodies and agencies.

Mr. Berger has frequently represented public institutional investors in securities litigation, including representing the state pension funds of Pennsylvania, Ohio and New Jersey in both individual and class action litigation. He also represents Pennsylvania and New Jersey on important environmental litigation involving contamination of groundwater by gasoline manufacturers and marketers.

Mr. Berger has a background in the study of economics, having done graduate level work in applied micro-economics and macro-economic theory, the business cycle and economic history. He has published law review articles in the Yale Law Journal, the Duke University Journal of Law and Contemporary Problems, the University of San Francisco Law Review and the New York Law School Law Review. Mr. Berger is also an author and journalist who has published in The Nation magazine, reviewed books for The Philadelphia Inquirer and authored a number of political blogs including in The Huffington Post and the Roosevelt Institute's New Deal 2.0. He has also appeared on MSNBC as a political commentator.

Mr. Berger has been active in city government in Philadelphia and was a member of the Mayor's Cultural Advisory Council, advising the Mayor of Philadelphia on arts policy, and the Philadelphia Cultural Fund which was responsible for all City grants to arts organizations. Mr. Berger was also a member of the Pennsylvania Humanities Council, one of the State organizations through which the NEA makes grants. Mr. Berger also serves on the board of the Wilma Theater, Philadelphia's pre-eminent theater for new plays and playwrights.

Harold Berger – Managing Shareholder

Harold Berger is a Senior Partner and Managing Principal of the firm and serves on its Executive Committee.

Harold Berger has participated in many complex litigation matters, including the Exxon Valdez Oil Spill Litigation, C.A. No. A89-095, in which he served on the case management committee and as Co-Chair of the national discovery team. He also participated in the Three Mile Island Litigation, C.A. No. 79-0432 (M.D. Pa.), where he acted as liaison counsel, and in the nationwide school asbestos property damage class action, In re: Asbestos School Litigation, Master File No. 83-0268 (E.D. Pa.), where the firm served as co-lead counsel.

A former Judge of the Court of Common Pleas of Philadelphia, he has long given his service to the legal community and the judiciary. He is also active in law and engineering alumni affairs at the University of Pennsylvania and in other philanthropic endeavors. He serves as a member of Penn's Board of Overseers and as Chair of the Friends of Penn's Biddle Law Library, having graduated from both the engineering and law schools at Penn.

He is past Chair of the Federal Bar Association's National Committee on the Federal and State Judiciary and past President of the Federal Bar Association's Eastern District Chapter. He is the author of numerous law review articles, has lectured extensively before bar associations and at universities, and has served as Chair of the International Conferences on Global Interdependence held at Princeton University. Harold Berger has served as Chair of the Aerospace Law Committees of the American, Federal and Inter-American Bar Associations and, in recognition of the importance and impact of his scholarly work, was elected to the International Academy of Astronautics in Paris. He also served on the Panama Canal Treaty Presidential Committee by appointment of President Carter.

As his biographies in Who's Who in America, Who's Who in American Law, Who's Who in Science and Engineering and Who's Who in the World outline, he is the recipient of numerous awards, including the Special Service Award of the Pennsylvania Conference of State Trial Judges, a Special American Bar Association Presidential Program Award and Medal and a Special Federal Bar Association Award for distinguished service to the Federal and State Judiciary. He has been given the highest rating (AV Preeminent) for legal ability as well as the highest rating for ethical standards by the Martindale-Hubbell American Law Directory.

Harold Berger was also presented with a Lifetime Achievement Award in 2014 by the Legal Intelligencer in recognition of figures who have helped shape the law in Pennsylvania and who had a distinct impact on the legal profession in the Commonwealth.

He is a permanent member of the Judicial Conference of the United States Court of Appeals for the Third Circuit and has served as Chair of both the Judicial Liaison and International Law Committees of the Philadelphia Bar Association. He has also served as National Chair of the FBA's Alternate Dispute Resolution Committee.

Recipient of the Alumnus of the Year Award of the Thomas McKean Law Club of the University of Pennsylvania Law School, he was further honored by the University's School of Engineering and Applied Science by the dedication of the Harold Berger Distinguished Lecture and Award given to a technical innovator who has made a lasting contribution to the quality of our lives. He was also honored by the University by the dedication of an auditorium and lobby bearing his name and by the dedication of a student award in his name for engineering excellence. He serves on the Academic Life Committee of the University's School of Engineering and Applied Science and as a member of the Executive Board of the Center for Ethics and the Rule of Law of the University of Pennsylvania Law School.

Long active in diverse, philanthropic, charitable, community and inter-faith endeavors Judge Berger serves as a Trustee of the Federation of Jewish Charities of Greater Philadelphia, as a Director of the National Museum of Jewish History, as a National Director of the Hebrew Immigrant Aid Society (HIAS) in its endeavors to assist refugees and indigent souls of all faiths, as A Charter Fellow of the Foundation of the Federal Bar Association and as a member of the Hamilton Circle of the Philadelphia Bar Foundation. He serves on the board of the Jewish Learning Venture of the Federation of Jewish Charities and is a director of the Anti-Defamation League Regional Board.

Among other honors and awards, as listed above, Judge Berger was honored by the University of Pennsylvania Law School at its annual Benefactors Dinner and is the recipient of the "Children of the American Dream" award of HIAS for his leadership in the civic, legal, academic and Jewish communities.

Shanon J. Carson – Managing Shareholder

Shanon J. Carson is a Managing Shareholder of the Firm. He Co-Chairs the Firm's Employment & Unpaid Wages and Consumer Protection Departments, and is a member of the Firm's Commercial Litigation, Environment & Public Health, Employee Benefits/ERISA, Insurance & Financial Products & Services, and Predatory Lending and Borrowers' Rights Departments.

Mr. Carson has achieved the highest peer-review rating, "AV," in Martindale-Hubbell, and has received honors and awards from numerous publications. In 2009, Mr. Carson was selected as one of 30 "Lawyers on the Fast Track" in Pennsylvania under the age of 40. In both 2015 and 2016, Mr. Carson was selected as one of the top 100 lawyers in Pennsylvania, as reported by Thomson Reuters.

Mr. Carson is often retained to represent plaintiffs in employment cases, wage and hour cases for minimum wage violations and unpaid overtime, ERISA cases, consumer cases, insurance cases, construction cases, automobile defect cases, defective drug and medical device cases, product liability cases, breach of contract cases, invasion of privacy cases, false advertising cases, excessive fee cases, and cases involving the violation of state and federal statutes. Mr. Carson represents plaintiffs in all types of litigation including class actions, collective actions, multiple plaintiff litigation, and single plaintiff litigation. Mr. Carson is regularly appointed by federal courts to serve as lead counsel and on executive committees in class actions and mass torts.

Mr. Carson is frequently asked to speak at continuing legal education seminars and other engagements, and is active in nonprofit and professional organizations. Mr. Carson currently serves on the Board of Directors of the Philadelphia Trial Lawyers Association (PTLA), and as a Co-Chair of the PTLA Class Action/Mass Tort Committee. Mr. Carson is also a member of the American Association for Justice, the American Bar Foundation, Litigation Counsel of America, the National Trial Lawyers – Top 100, and the Pennsylvania Association for Justice.

While attending the Dickinson School of Law of the Pennsylvania State University, Mr. Carson was senior editor of the Dickinson Law Review and clerked for a U.S. District Court Judge. Mr. Carson currently serves on the Board of Trustees of the Dickinson School of Law of the Pennsylvania State University.

Todd S. Collins – Managing Shareholder

Todd S. Collins is a graduate of the University of Pennsylvania (B.A. 1973) and the University of Pennsylvania Law School (J.D. 1978), where he won the 1978 Henry C. Laughlin Prize for Legal Ethics. He is a member of the Pennsylvania and Delaware Bars. Since joining Berger Montague in 1982, following litigation and corporate experience in Wilmington, Delaware and Philadelphia, he has concentrated on complex class litigation, including cases on behalf of securities purchasers, shareholders, trust beneficiaries, and retirement plan participants and beneficiaries.

Mr. Collins has served as lead counsel or co-lead counsel in numerous cases that have achieved significant benefits on behalf of the Class. These cases include: *In re AMF Bowling Securities Litigation* (S.D.N.Y.) (\$20 million recovery, principally against investment banks, where defendants asserted that Class suffered no damages); *In re Aero Systems, Inc. Securities Litigation* (S.D. Fla.) (settlement equal to 90 percent or more of Class members' estimated damages); *Price v. Wilmington Trust Co.* (Del. Ch.) (in litigation against bank trustee for breach of fiduciary duty, settlement equal to 70% of the losses of the Class of trust beneficiaries); *In re Telematics International, Inc. Securities Litigation* (S.D. Fla.) (settlements achieved, after extensive litigation, following 11th Circuit reversal of dismissal below); *In re Ex-Cell-O Securities Litigation* (E.D. Mich.); *In re Sequoia Systems, Inc.* (D. Mass.); *In re Sapiens International, Inc. Securities Litigation* (S.D.N.Y.); *In re Datastream Securities Litigation* (D.S.C.); *Copland v. Tolson* (Pa. Common Pleas) (on eve of trial, in case against corporate principals for breach of fiduciary duty, settlement reached that represented 65% or more of claimants' losses, with settlement funded entirely from individual defendants' personal funds); and *In re IKON Office Solutions, Inc. Securities Litigation* (E.D. Pa.). In IKON, where Mr. Collins was co-lead counsel as well as chief spokesman for plaintiffs and the Class before the Court, plaintiffs' counsel created a fund of \$111 million for the benefit of the Class.

In addition, Mr. Collins has served as lead or co-lead counsel in several of the leading cases asserting the ERISA rights of 401(k) plan participants. Mr. Collins has served as co-lead counsel in *In re Lucent Technologies, Inc. ERISA Litigation* (D.N.J.); *In re Nortel Networks Corp. ERISA Litigation* (M.D. Tenn.); *In re SPX Corporation ERISA Litigation* (W.D. N.C.); and *King v. Wal-Mart Stores, Inc.* (D. Nev.). In *Lucent*, Mr. Collins and his team achieved a settlement consisting of \$69 million for the benefit of plan participants, as well as substantial injunctive relief with respect to the operation of the 401(k) plans.

Mr. Collins is at the forefront of litigation designed to achieve meaningful corporate governance reform. Recently, he brought to a successful conclusion two landmark cases in which corporate therapeutics are at the core of the relief obtained. In *Oorbeek v. FPL Group, Inc.* (S.D. Fla.), a corporate derivative action brought on behalf of the shareholders of FPL Group, plaintiffs challenged excessive "change of control" payments made to top executives. In settlement, plaintiffs recovered not only a substantial cash amount, but also a range of improvements in FPL's corporate governance structure intended to promote the independence of the outsider directors.

Similarly, in *Ashworth Securities Litigation* (S.D. Cal.), a Section 10(b) fraud case, in which Mr. Collins was co-lead counsel, plaintiffs again have been successful in recovering millions of dollars and also securing important governance changes. In this case, the changes focused on strengthening the accounting function and improving revenue recognition practices.

In corporate acquisition cases, Mr. Collins has served as co-lead counsel in cases such as *In re Portec Rail Products, Inc. Shareholders Litig.* (C.P. Allegheny County, Pennsylvania) (tender offer enjoined), *Silberman v. USANA Health Sciences, Inc., et al.* (D. Utah) (offer enjoined on plaintiffs' motion).

Eric L. Cramer – Managing Shareholder

Mr. Cramer is a managing shareholder of Berger Montague in Philadelphia, where he sits on the management and executive committees. He is a co-chair of the firm's antitrust department. Chambers & Partners has repeatedly selected him as a Band 1/top tier antitrust litigator, observing that he is "really a tremendous advocate in the courtroom, with a very good mind and presence;" in 2017, Chambers deemed him "a very fine antitrust litigator." The Legal 500 ranks Mr. Cramer as one of the country's top lawyers ("Tier 1") in the civil litigation/class actions division. In 2014 and 2018, Philadelphia Magazine selected him as one of the top 100 lawyers in Philadelphia.

He is currently co-lead counsel in multiple significant antitrust class actions across the country, and is responsible for winning numerous significant settlements for his clients and classes totaling well over \$2 billion. He is currently lead counsel in several antitrust matters in a variety of industries and numerous courts across the country.

Mr. Cramer is also a frequent speaker at antitrust and litigation related conferences. He was the only Plaintiffs' lawyer selected to serve on the American Bar Association's Antitrust Section Transition Report Task Force delivered to the incoming Obama Administration in 2012. He is a Senior Fellow and Vice President of the Board of Directors of the American Antitrust Institute; a past President of COSAL (Committee to Support the Antitrust Laws), a leading industry group; a member of the Advisory Board of the Institute of Consumer Antitrust Studies of the Loyola University Chicago School of Law; and a member of the Board of Directors of Public Justice, a national public interest law firm.

He has written widely in the fields of class certification and antitrust law. Among other writings, Mr. Cramer has co-authored *Antitrust, Class Certification, and the Politics of Procedure*, 17 *George Mason Law Review* 4 (2010), which the Third Circuit cited in *Behrend v. Comcast Corp.*, 655 F.3d 182, 200, n.10 (3d Cir. 2011), reversed, 133 S. Ct. 1426 (2013). He has also co-written a number of other pieces, including: *Of Vulnerable Monopolists?: Questionable Innovation in the Standard for Class Certification in Antitrust Cases*, 41 *Rutgers Law Journal* 355 (2009-2010); *A Questionable New Standard for Class Certification in Antitrust Cases*, published in the ABA's *Antitrust Magazine*, Vol. 26, No. 1 (Fall 2011); a Chapter of *American Antitrust Institute's Private International Enforcement Handbook* (2010), entitled "Who May Pursue a Private Claim?"; and, a chapter of the *American Bar Association's Pharmaceutical Industry Handbook* (July 2009), entitled "Assessing Market Power in the Prescription Pharmaceutical Industry."

Mr. Cramer is a *summa cum laude* graduate of Princeton University (1989), where he was elected to Phi Beta Kappa. He graduated cum laude from Harvard Law School with a J.D. in 1993.

Merrill G. Davidoff – Chairman Emeritus

Merrill G. Davidoff is Chairman *Emeritus* and a Managing Shareholder, in addition to his continuing work as Co-Chairman of the Antitrust Department with Mr. Montague and Chairman of the Environmental Group. Mr. Davidoff has litigated and tried a wide range of antitrust, commodities, securities and environmental class actions.

In *In re Currency Conversion Fee Antitrust Litigation*, MDL No. 1409, Mr. Davidoff was co-lead counsel in class actions that resulted in settlements of \$386 million.

In a long-running environmental class action on behalf of property owners whose land was contaminated by plutonium from a neighboring nuclear weapons facility (Rocky Flats near Denver, Colorado), Mr. Davidoff served as lead counsel and lead trial counsel in a 2005-2006 trial that resulted in a \$554 million jury verdict, third largest of 2006. In 2009 the Rocky Flats trial team, led by Mr. Davidoff, received the prestigious Public Justice Award for "Trial Lawyer of the Year." A 2010 decision by the 10th Circuit Court of Appeals reversed the judgment that had been won in the district court, but Berger Montague persevered and sought entry of judgment under alternative state law grounds. After losing this battle in the district court, plaintiffs appealed to the 10th Circuit again, and, after an appeal argued by Mr. Davidoff, the Court of Appeals (by then-judge, now Justice, Neil Gorsuch) reversed and held that plaintiffs could proceed on state law nuisance grounds. Just before competing petitions for certiorari were to be decided by the Supreme Court, a settlement of \$375 million was announced in May, 2016. The settlement received final approval on April 28, 2017.

Mr. Davidoff also concentrates his practice in representation for commodities futures and options traders as well as derivatives matters. He was co-lead counsel for the customer class in *In re MF Global Holdings Limited Investment Litigation*, which settled for well over a billion dollars and resulted in the recovery and return of 100% of lost customer funds after MF Global's October 31, 2011 collapse.

Mr. Davidoff has represented diverse clients, including many companies, sports organizations, trading firms and governmental entities. In the Qwest securities litigation, Mr. Davidoff represented New Jersey, securing a \$45 million "opt-out" settlement, and also represented New Jersey in "opt-out" litigation against the former public accounting firm for Lehman Brothers Inc.

Mr. Davidoff served as co-lead and trial counsel for a plaintiff class in the first mass tort class action trial in federal court which resulted in a precedent-setting settlement for class members, *In re Louisville Explosions Litigation*. In the Canadian Radio-Television and Telecommunications Commission ("CRTC") Decisions (*Challenge Communications, Ltd. v. Bell Canada*), Mr. Davidoff was lead counsel for Applicant (plaintiff) in three evidentiary hearings before the CRTC. The hearings resulted in the first precedent breaking Bell Canada's monopoly over the telecommunications equipment which was connected to its telephone network. He was lead counsel in the Revco Securities Litigation, an innovative "junk bond" class action, which settled for \$36 million. Mr. Davidoff was lead plaintiffs' counsel and lead trial counsel in *In re Melridge Securities Litigation*, tried to jury verdicts for \$88 million (securities fraud) and \$240 million (RICO). He was co-lead counsel for the class in *In re Graphite Electrodes Antitrust Litigation*, an international price-fixing case which yielded settlements ranging from 18% to 32% of the plaintiffs' and class' purchases from the defendants (aggregate settlements totaled \$134 million). He was one of co-lead counsel in the Ikon Securities Litigation, in which a settlement of \$111 million was obtained. He was co-lead counsel and designated lead trial counsel in the *In Re Sunbeam Securities Litigation*, where settlements of \$142 million were reached. One of his areas of concentration is representation in commodities futures and options matters, and expertise in derivatives. He has represented market-makers on the Philadelphia Stock Exchange, where he owned a member firm in the 1990s, as well as broker-dealers and market-makers on other exchanges.

Sherrie R. Savett – Chairwoman of the Firm

Sherrie R. Savett, Chairwoman of the Firm, Chair of the Securities & Investor Protection Department and Whistleblower, *Qui Tam* & False Claims Act Department, and member of the Firm's Management Committee, has practiced in the area of securities litigation and class actions since 1975.

Ms. Savett serves or has served as lead or co-lead counsel or as a member of the executive committee in a large number of important securities and consumer class actions in federal and state courts across the country, including:

In re Alcatel Alsthom Securities Litigation: The firm, as co-lead counsel, obtained a class settlement for investors of \$75 million cash. (MDL Docket No. 1263 (PNB) (E.D. Tex.));

In re CIGNA Corp. Securities Litigation: The firm, as co-lead counsel, obtained a settlement of \$93 million for the benefit of the class. (Master File No. 2:02-cv-8088 (E.D. Pa.));

In re Fleming Companies, Inc. Securities Litigation: The firm, as lead counsel, obtained a class settlement of \$94 million for the benefit of the class. (No. 5-03-MD-1530 (TJW) (E.D. Tex.));

In re KLA Tencor Securities Litigation: The firm, as a member of Plaintiffs' Counsel's Executive Committee, obtained a cash settlement of \$65 million in an action on behalf of investors against KLA-Tencor and certain of its officers and directors. (No. 06-cv-04065 (N.D. Cal.));

Medaphis/Deloitte & Touche (class settlement of \$96.5 million) (No. 1:96-CV-2088-FMH (N.D. GA));
In re Rite Aid Corp. Securities Litigation: The firm, as co-lead counsel, obtained settlements totaling \$334 million against Rite Aid's outside accounting firm and certain of the company's former officers. (No. 99-cv-1349) (E.D. Pa.));

In re Sotheby's Holding, Inc. Securities Litigation: The firm, as lead counsel, obtained a \$70 million settlement, of which \$30 million was contributed, personally, by an individual defendant (No. 00-cv-1041 (DLC) (S.D.N.Y.));

In re Waste Management, Inc. Securities Litigation: In 1999, the firm, as co-lead counsel, obtained a class settlement for investors of \$220 million cash, which included a settlement against Waste Management's outside accountants. (No. 97-cv-7709 (N.D. Ill.)); and

In re Xcel Inc. Securities, Derivative & "ERISA" Litigation: The firm, as co-lead counsel in the securities actions, obtained a cash settlement of \$80 million on behalf of investors against Xcel Energy and certain of its officers and directors. (No. 02-cv-2677 (DSD/FLN) (D. Minn.)).

Ms. Savett has helped establish several significant precedents. Among them is the holding (the first ever in a federal appellate court) that municipalities are subject to the anti-fraud provisions of SEC Rule 10b-5 under § 10(b) of the Securities Exchange Act of 1934, and that municipalities that issue bonds are not acting as an arm of the state and therefore are not entitled to immunity from suit in the federal courts under the Eleventh Amendment. *Sonnenfeld v. City and County of Denver*, 100 F.3d 744 (10th Cir.1996).

In the *U.S. Bioscience* securities class action, a biotechnology case where critical discovery was needed from the federal Food and Drug Administration, the court ruled that the FDA may not automatically assert its administrative privilege to block a subpoena and may be subject to discovery depending on the facts of the case. *In re U.S. Bioscience Secur. Litig.*, 150 F.R.D. 80 (E.D. Pa. 1993).

In the *CIGNA Corp. Securities Litigation*, the Court denied defendants' motion for summary judgment, holding that a plaintiff has a right to recover for losses on shares held at the time of a corrective disclosure and his gains on a stock should not offset his losses in determining legally recoverable damages. *In re CIGNA Corp. Securities Litigation*, 459 F. Supp. 2d 338 (E.D. Pa. 2006).

In the past decade, she has also actively worked in the False Claims Act arena and was a part of the team that litigated and settled the Average Wholesale Price qui tam cases, which collectively settled for more than \$1 billion. She has advanced investor protection by helping to establish several significant legal precedents.

Ms. Savett speaks and writes frequently on securities litigation, consumer class actions and complex litigation, and is acknowledged for her leadership in the business and civic community. Most recently, in 2015 and 2016, she served as a panelist in American Law Institute programs held in New York City called “Securities and Shareholder Litigation: Cutting-Edge Developments, Planning and Strategy.”

In addition to the 2015 and 2016 ALI programs, Ms. Savett spoke at the 2013 ABA Litigation Section Annual Conference in Chicago on two panels. One program on securities litigation was entitled “The Good, The Bad, and The Ugly: Ethical Issues in Class Action Settlements and Opt Outs.” The other program focused on consumer class actions in the real estate area and was entitled “The Foreclosure Crisis Puzzle: Navigating the Changing Landscape of Foreclosure.”

In May 2007, Ms. Savett spoke in Rome, Italy at the conference presented by the Litigation Committee of the Dispute Resolution Section of the International Bar Association and the Section of International Law of the American Bar Association on class certification. Ms. Savett participated in a mock hearing before a United States Court on whether to certify a worldwide class action that includes large numbers of European class members.

She has lectured at the Wharton School of the University of Pennsylvania and at the Stanford Law School on prosecuting shareholder class actions. She is frequently invited to present and serve as panelist in American Bar Association, American Law Institute/American Bar Association and Practising Law Institute (PLI) conferences on securities class action litigation and the use of class actions in consumer litigation. She has been a presenter and panelist at PLI’s Securities Litigation and Enforcement Institute annually from 1995 to 2010. She has also spoken at major institutional investor and insurance industry conferences, and DRI – the Voice of the Defense Bar. In February 2009, she was a member of a six-person panel who presented an analysis of the current state of securities litigation before more than 1,000 underwriters and insurance executives at the PLUS (Professional Liability Underwriting Society) Conference in New York City. She has presented at the Cyber-Risk Conference in 2009, as well as the PLUS Conference in Chicago on November 16, 2009 on the subject of litigation involving security breaches and theft of personal information.

Ms. Savett is widely recognized as a leading litigator and a top female leader in the profession by local and national legal rating organizations.

The Legal Intelligencer and *Pennsylvania Law Weekly* named her one of the “56 Women Leaders in the Profession” in 2004.

In 2003-2005 and 2007-2009, Berger Montague was named to the *National Law Journal*’s “Hot List” of 12-20 law firms nationally “who specialize in plaintiffs’ side litigation and have excelled in their achievements.” Having achieved this designation in 6 out of 7 years, the firm is on the *National Law Journal*’s “Hall of Fame.” Ms. Savett’s achievements were mentioned, among others, in each year.

Ms. Savett was named a “Pennsylvania Top 50 Female Super Lawyer” and a “Pennsylvania Super Lawyer” from 2004 through 2009 by *Philadelphia Magazine* after an extensive nomination and polling process among Pennsylvania lawyers.

In 2006 and 2007, she was named one of the “500 Leading Litigators” and “500 Leading Plaintiffs’ Litigators” in the United States by *Lawdragon*. In 2008, Ms. Savett was named as one of the “500 Leading Lawyers in America.” Also in 2008, she was named one of 25 “Women of the Year” in Pennsylvania by *The Legal Intelligencer* and *Pennsylvania Law Weekly* which stated on May 19, 2008 in the *Women in the Profession* in *The Legal Intelligencer* that she “has been a prominent figure nationally in securities class

actions for years, and some of her recent cases have only raised her stature.”

In June 2008, Ms. Savett was named by *Lawdragon* as one of the “100 Lawyers You Need to Know in Securities Litigation.”

David F. Sorensen – Managing Shareholder

David Sorensen is a managing shareholder and co-chair of Berger Montague’s antitrust department. He graduated from Duke University (A.B. 1983) and Yale Law School (J.D. 1989), and clerked for the Hon. Norma L. Shapiro (E.D. Pa.). He concentrates his practice on antitrust and environmental class actions

Mr. Sorensen co-tried *Cook v. Rockwell Int’l Corp.*, No. 90-181 (D. Colo.) and received, along with the entire trial team, the “Trial Lawyer of the Year” award in 2009 from the Public Justice Foundation for their work on the case, which resulted in a jury verdict of \$554 million in February 2006, after a four-month trial, on behalf of thousands of property owners near the former Rocky Flats nuclear weapons plant located outside Denver, Colorado. The jury verdict was then the largest in Colorado history, and was the first time a jury has awarded damages to property owners living near one of the nation’s nuclear weapons sites. In 2008, after extensive post-trial motions, the District Court entered a \$926 million judgment for the plaintiffs. The jury verdict in the case was vacated on appeal in 2010. In 2015, on a second trip to the Tenth Circuit Court of Appeals, Plaintiffs secured a victory with the case being sent back to the district court. In 2016, the parties reached a \$375 million settlement, which received final approval in 2017.

Mr. Sorensen played a major role in the firm’s representation of the *State of Connecticut in State of Connecticut v. Philip Morris, Inc., et al.*, in which Connecticut recovered approximately \$3.6 billion (excluding interest) from certain manufacturers of tobacco products. And he served as co-lead class counsel in *Johnson v. AzHHA, et al.*, No. 07-1292 (D. Ariz.), representing a class of temporary nursing personnel who had been underpaid because of an alleged conspiracy among Arizona hospitals. The case settled for \$24 million.

Mr. Sorensen also has played a leading role in numerous antitrust cases representing direct purchasers of prescription drugs. Many of these cases have alleged that pharmaceutical manufacturers have wrongfully kept less expensive generic drugs off the market, in violation of the antitrust laws. Many of these cases have resulted in substantial cash settlements, including *King Drug Co. v. Cephalon, Inc.*, (E.D. Pa.) (\$512 million partial settlement - largest ever for a case alleging delayed generic competition); *In re: Aggrenox Antitrust Litigation* (\$146 million settlement); *In re: K-Dur Antitrust Litigation* (\$60.2 million); *In re: Prandin Direct Purchaser Antitrust Litigation* (\$19 million); *In re: Doryx Antitrust Litigation* (\$15 million); *In re: Skelaxin Antitrust Litigation* (\$73 million); *In re: Wellbutrin XL Antitrust Litigation* (\$37.50 million); *In re: Oxycontin Antitrust Litigation* (\$16 million); *In re: DDAVP Direct Purchaser Antitrust Litigation* (\$20.25 million settlement following precedent-setting victory in the Second Circuit, which Mr. Sorensen argued, *see* 585 F.3d 677 (2d Cir. 2009)); *In re: Nifedipine Antitrust Litigation* (\$35 million); *In re: Terazosin Hydrochloride Antitrust Litigation*, MDL 1317 (S.D. Fla.) (\$74.5 million); and *In re: Remeron Antitrust Litigation* (\$75 million). Mr. Sorensen is serving as co-lead counsel or on the executive committee of numerous similar, pending cases.

In 2017, the American Antitrust Institute presented its Antitrust Enforcement Award to Mr. Sorensen and others for their work on the *K-Dur* case.

Shareholders

Glen L. Abramson - Shareholder

Glen L. Abramson is a shareholder in the Consumer Protection, Predatory Lending and Borrowers’ Rights, Securities & Investor Protection, and Insurance Fraud practice groups at Berger Montague. He concentrates his practice on complex consumer protection and financial services litigation. Mr. Abramson represents

consumers in financial services and product defect class actions, as well as public and private institutional investors in securities fraud class actions and commercial litigation.

Mr. Abramson is currently involved in numerous class actions and investigations involving insurance products, including cases against Applied Underwriters, Inc. in connection with the deceptive sale of workers' compensation insurance policies and against Genworth Life Insurance Company involving long-term care insurance. Mr. Abramson also currently is involved in numerous class actions involving product defects, and is Co-Lead Counsel in a nationwide MDL involving defective water supply lines, *In re Fluidmaster, Inc., Water Connector Components Products Liability Litigation*, MDL No. 2575 (N.D. Ill.).

In addition, Mr. Abramson also has served as co-lead counsel in numerous successful consumer protection and securities fraud class actions, including:

Casey v. Citibank, N.A., No. 5:12-cv-00820 (N.D.N.Y.). Co-Lead Counsel. Mr. Abramson obtained a settlement valued at \$110 million in this consolidated class action on behalf of nationwide classes of borrowers whose mortgage loans were serviced by Citibank or CitiMortgage and who were force-placed with hazard, flood or wind insurance by Citi.

In re Oppenheimer Rochester Funds Group Securities Litigation, No. 09-md-02063-JLK-KMT (D. Colo.) – Co-Lead Counsel. Mr. Abramson represented shareholders in Oppenheimer municipal bond funds in connection with losses suffered during the financial crisis of 2008. The case settled in 2014 for \$89.5 million.

In re Tremont, Securities Law, State Law, and Insurance Litig., No. 1:08-cv-11117-TPG – Mr. Abramson represented insurance policyholders who lost money in connection with the Madoff Ponzi scheme. The combined cases were settled for more than \$100 million.

In re Mutual Fund Investment Litig., No. 04-md-15861-CCB – Co-Lead Counsel. Mr. Abramson represented shareholders of various mutual fund families who lost money as the result of market timing in mutual funds. Mr. Abramson was lead counsel for Scudder/Deutsche Bank mutual fund shareholders and helped orchestrate combined settlements of more than \$14 million.

In re Fleming Companies, Inc. Sec. Litig., No. 03-md-1530 (E.D. Tex.) – Co-Lead Counsel. Mr. Abramson represented shareholders of Fleming Companies, Inc. in connection with losses suffered as a result of securities fraud by Fleming and its auditors and underwriters. The case resulted in a \$93.5 million settlement.

Prior to joining Berger Montague, Mr. Abramson practiced at Dechert LLP in Philadelphia, where he handled complex commercial litigation, product liability, intellectual property, and civil rights disputes. While at Dechert, Mr. Abramson co-chaired a civil rights trial in federal court that led to a six-figure verdict. Mr. Abramson also spent three years as a professional equities trader.

Mr. Abramson is a graduate of Cornell University (B.A. *with distinction* 1993) and Harvard Law School (*cum laude* 1996). He is a past member of the Harvard Legal Aid Bureau and is a member of Cornell University's Phi Beta Kappa honors society.

Jonathan D. Berger - Shareholder

Jonathan Berger is a shareholder in the Commercial Litigation and Employment & Unpaid Wages practice groups at Berger Montague. Mr. Berger concentrates his practice on the prosecution of class actions,

collective actions and multiple plaintiff litigation on behalf of employees, consumers, and shareholders across the country.

Mr. Berger serves as counsel for several commercial hydraulic manufacturers and other companies. As counsel, Mr. Berger is engaged in litigation, corporate, commercial, employment, and governmental regulatory compliance matters as well as other business related activities.

Since joining the firm in September 1987, Mr. Berger has been involved in class actions and complex commercial litigation including the *Exxon Valdez Oil Spill Litigation*; *In re Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa.); *In re Domestic Airlines Antitrust Litigation*, 137 F.R.D. 677 (N.D. Ga. 1991); *Ford/Firestone MDL Litigation*; *Unisys ERISA Benefits Litigation*; *Commercial Explosives Antitrust Litigation*; and *Vitamins Antitrust Litigation*. Mr. Berger has also prosecuted complex multi-party litigation involving hydraulic engineered systems.

Mr. Berger has litigated wage & hours cases in federal and state courts including: *Chabrier v. Wilmington Finance, Inc.*, No. 06-4176 (E.D. Pa.). Mr. Berger obtained a settlement of \$2.9 million on behalf of retail loan officers who worked in four offices of Wilmington Finance, Inc. to resolve claims for unpaid overtime wages and related penalties. A significant opinion issued in the case is *Chabrier v. Wilmington Finance, Inc.*, 2008 WL 938872 (E.D. Pa. April 04, 2008) (denying the defendant's motion to decertify the class); *Espinosa v. National Beef California, L.P.*, No. ECU04657 (Cal. Super. Ct.) (\$3.35 million settlement); and *Justison v. McDonalds Corp.*, No. 08-cv-448 (D. Del.) (as co-lead counsel, obtained a \$2.4 million settlement on behalf of hundreds of assistant manager trainees alleging claims for unpaid overtime wages).

Currently, Mr. Berger is also engaged in a variety of military defense, healthcare and other Whistleblower, Qui Tam and False Claim Act cases.

Mr. Berger graduated from the University of Pennsylvania (B.S. Economics, Wharton School, 1980) and the Widener University Delaware Law School (J.D., 1985). During and after law school, Mr. Berger served as a law clerk for the Honorable Charles P. Mirarchi, Jr, Administrative Judge, Civil Division, Court of Common Pleas of Philadelphia County, PA.

Gary E. Cantor - Shareholder

Gary E. Cantor is a shareholder in the Securities and Commodities practice groups at Berger Montague. He concentrates his practice on complex litigation and derivatives valuations.

Mr. Cantor served as co-lead counsel in *Steiner v. Phillips, et al.* (Southmark Securities), Consolidated C.A. No. 3-89-1387-X (N.D. Tex.), (class settlement of \$82.5 million), and *In re Kenbee Limited Partnerships Litigation*, Civil Action No. 91-2174 (GEB), (class settlement involving 119 separate limited partnerships resulting in cash settlement, oversight of partnership governance and debt restructuring (with as much as \$100 million in wrap mortgage reductions)). Mr. Cantor also represented plaintiffs in numerous commodity cases.

In recent years, Mr. Cantor played a leadership role in: *In re: Oppenheimer Rochester Funds Group Securities Litigation* (\$89.5 million settlement on behalf of investors in six tax-exempt bond mutual funds managed by Oppenheimer Funds, Inc.), No. 09-md-02063-JLK (D. Col.); *In re KLA-Tencor Corp. Securities Litigation*, Master File No. C-06-04065-CRB (N.D. Cal.) (\$65 million class settlement); *In re Sepracor Inc. Securities Litigation*, Civil Action no. 02-12235-MEL (D. Mass.) (\$52.5 million settlement); *In re Sotheby's Holding, Inc. Securities Litigation*, No. 00 Civ. 1041 (DLC) (S.D.N.Y.) (\$70 million class settlement). He was also actively involved in the *Merrill Lynch Securities Litigation* (class settlement of \$475 million) and *Waste Management Securities Litigation* (class settlement of \$220 million).

For over 20 years, Mr. Cantor also has concentrated on securities valuations and the preparation of event or damage studies or the supervision of outside damage experts for many of the firm's cases involving stocks, bonds, derivatives, and commodities. Mr. Cantor's work in this regard has focused on statistical analysis of securities trading patterns and pricing for determining materiality, loss causation and damages as well as aggregate trading models to determine class-wide damages.

Mr. Cantor was a member of the Moot Court Board at University of Pennsylvania Law School where he authored a comment on computer-generated evidence in the University of Pennsylvania Law Review. He graduated from Rutgers College with highest distinction in economics and was a member of Phi Beta Kappa.

Joy P. Clairmont - Shareholder

Joy Clairmont is a shareholder in the Whistleblower, *Qui Tam* & False Claims Act Group at Berger Montague, which has recovered more than \$3 billion for federal and state governments, as well as over \$500 million for the firm's whistleblower clients. Ms. Clairmont also has experience practicing in the area of securities fraud litigation.

Ms. Clairmont has been investigating and litigating whistleblower cases for over fifteen years and has successfully represented whistleblower clients in federal and state courts throughout the United States. On behalf of her whistleblower clients, Ms. Clairmont has pursued fraud cases involving a diverse array of companies: behavioral health facilities, a national retail pharmacy chain, a research institution, pharmaceutical manufacturers, skilled nursing facilities, a national dental chain, mortgage lenders, hospitals and medical device manufacturers.

Most notably, Ms. Clairmont has participated in several significant and groundbreaking cases involving fraudulent drug pricing:

- *United States ex rel. Streck v. AstraZeneca, LP, et al.*, C.A. No. 08-5135 (E.D. Pa.): a Medicaid rebate fraud case which settled in 2015 for a total of \$55.5 million against three pharmaceutical manufacturers, AstraZeneca, Cephalon, and Biogen. The case alleged that the defendants did not properly account for millions of dollars of payments to wholesalers for drug distribution and other services. As a result, the defendants underpaid the government in rebates owed under the Medicaid Drug Rebate Program.
- *United States ex rel. Kieff and LaCorte v. Wyeth and Pfizer, Inc.*, Nos. 03-12366 and 06-11724-DPW (D. Mass.): a Medicaid rebate fraud case involving Wyeth's acid-reflux drug, Protonix, which settled for \$784.6 million in April 2016.
- "AWP" Cases: a series of cases in federal and state courts against many of the largest pharmaceutical manufacturers, including Bristol-Myers Squibb, Boehringer Ingelheim, and GlaxoSmithKline, for defrauding the government through false and inflated price reports for their drugs, which resulted in more than \$2 billion in recoveries for the government.

Earlier in her career, Ms. Clairmont gained experience litigating securities fraud class actions including, most notably, *In Re Sunbeam Securities Litigation*, a class action which led to the recovery of over \$142 million for the class of plaintiffs in 2002.

Ms. Clairmont graduated in 1995 with a B.A. *cum laude* from George Washington University and in 1998 with a J.D. from George Washington University Law School.

Caitlin Goldwater Coslett - Shareholder

Caitlin Goldwater Coslett concentrates her practice on complex litigation, including antitrust, consumer protection, employment, Environment & Public Health litigation. Since joining Berger Montague in 2009, she has worked on a variety of matters, including *Cook v. Rockwell International Corp.* (mass tort class action) (\$375 million settlement approved on April 28, 2017), *In re Urethane [Polyether Polyols] Antitrust Litigation* (\$974 million in total settlements), *CRT Antitrust Litigation*, *In re Domestic Drywall Antitrust Litigation*, and *Steel Antitrust Litigation*.

Ms. Coslett has also represented classes of direct purchasers of prescription drugs in a number of actions, including *In re Lidoderm Antitrust Litigation*, *In re Suboxone Antitrust Litigation*, *In re Effexor XR Antitrust Litigation*, *In re Modafinil Antitrust Litigation*, *In re Nexium Antitrust Litigation*, *In re Skelaxin (Metaxalone) Antitrust Litigation*, and *In re Solodyn (Minocycline Hydrochloride) Antitrust Litigation*. These cases allege that pharmaceutical manufacturers wrongfully impeded generic drug competition, in violation of the federal antitrust laws.

Ms. Coslett is a cum laude graduate of New York University School of Law, where she was a Lederman/Milbank Fellow in Law and Economics and an articles selection editor for the NYU Review of Law and Social Change. Ms. Coslett graduated magna cum laude with a B.S. in mathematics and economics from Haverford College. Ms. Coslett was formerly one of the top 75 rated female chess players in the U.S.

Ms. Coslett was selected as a Pennsylvania Super Lawyer - Rising Star in 2014-2017, an honor conferred on only 2.5% of attorneys in Pennsylvania who are 40 or younger.

Andrew C. Curley – Shareholder

Andrew C. Curley is a shareholder in the Antitrust practice group at Berger Montague. He concentrates his practice in the area of complex antitrust litigation.

Mr. Curley served as Co-Lead Class Counsel on behalf of a class of independent truck stops and other retail merchants in *Marchbanks Truck Service, Inc. v. Comdata Network, Inc.*, Case No. 07-1078 (E.D. Pa.). The *Marchbanks* litigation settled in January 2014 for \$130 million and significant prospective relief-in the form of, among other things, meaningful and enforceable commitments by the largest over-the-road trucker fleet card issuer in the United States to modify or not to enforce those portions of its merchant services agreements that plaintiffs challenged as anticompetitive, and that an expert economist has determined to be worth an additional \$260 million to \$491 million (bringing the total value of the settlement to between \$390 and \$621 million). The settlement was preliminary approved on March 17, 2014, and finally approved on July 14, 2014. Mr. Curley, was a finalist for the American Antitrust Institute's award for Outstanding Antitrust Achievement by a Young Lawyer in 2014 for his work on the *Marchbanks* litigation.

Mr. Curley is also involved in a number of antitrust cases representing direct purchasers of prescription drugs. These cases have alleged that pharmaceutical manufacturers have wrongfully kept less expensive generic drugs off the market, in violation of the antitrust laws. Those cases include: *In re Wellbutrin XL Antitrust Litig.*, No. 08-2431 (E.D. Pa.) (\$37.5 million settlement with one of two defendants); *In re Skelaxin (Metaxalone) Antitrust Litig.*, No. 12-MD-2343 (E.D. Tenn.) (\$73 million settlement); *In re Solodyn Antitrust Litig.*, 14 MD 2503 (D. Mass.); *In re Aggrenox Antitrust Litig.*, No. 3:14-md-02516 (D. Conn.); *In re Niaspan Antitrust Litig.*, 2:13-md-02460 (E.D. Pa.); *In re Opana ER Antitrust Litig.*, No. 14-cv-10151 (N.D. Ill.).

From 2010 through 2016, Mr. Curley was named as a Pennsylvania Super Lawyer - Rising Star. The designation of "Rising Star" is an honor conferred upon only the top 2.5% of attorneys in Pennsylvania who are 40 or younger.

Prior to joining Berger Montague, Mr. Curley practiced in the litigation department of a large Philadelphia law firm where he represented clients in a variety of industries in complex commercial litigation in both state and federal court.

Michael C. Dell'Angelo – Shareholder

Michael Dell'Angelo is a shareholder in the Antitrust, Commercial Litigation, Commodities & Financial Instruments, and Securities & Investor Protection practice groups at Berger Montague. He serves as co-lead counsel in a variety of complex antitrust cases, including *Le et al. v. Zuffa, LLC*, No. 15-1045 (D. Nev.) (alleging the Ultimate Fighting Championship (“UFC”) obtained illegal monopoly power of the market for Mixed Martial Arts promotions and suppressed the compensation of MMA fighters).

Mr. Dell'Angelo is responsible for winning numerous significant settlements for his clients and class members. Most recently, as co-lead counsel, Mr. Dell'Angelo recently helped to reach settlements totaling more than \$190 million in the multidistrict litigation *In re Domestic Drywall Antitrust Litig.*, No. 13-md-2437 (E.D. Pa.). There, in granting final approval to the last settlement, the court observed about Mr. Dell'Angelo and his colleagues that “Plaintiffs’ counsel are experienced antitrust lawyers who have been working in this field of law for many years and have brought with them a sophisticated and highly professional approach to gathering persuasive evidence on the topic of price-fixing.” *In re Domestic Drywall Antitrust Litig.*, No. 13-md-2437, 2018 WL 3439454, at *18 (E.D. Pa. July 17, 2018). “[I]t bears repeating,” the court emphasized, “that the result attained is directly attributable to having highly skilled and experienced lawyers represent the class in these cases.” *Id.*

Mr. Dell'Angelo also serves as co-lead counsel or class counsel in numerous cases alleging price-fixing or other wrongdoing affecting a variety of financial instruments, including *In re Commodity Exchange, Inc., Gold Futures and Options Trading Litig.*, 1:14-MD-2548-VEC (S.D.N.Y.); *In re Platinum and Palladium Antitrust Litig.*, No. 14-cv-09391-GHW (S.D.N.Y.); *Contant, et al. v. Bank of America Corp., et al.*, 1:17-cv-03139-LGS (S.D.N.Y.); *In re Libor-Based Financial Instruments Antitrust Litig.*, No. 11-md-2262 (S.D.N.Y.); *Alaska Elec. Pension Fund, et al. v. Bank of Am. Corp., et al.*, No. 14 Civ. 7126-JMF (S.D.N.Y.); *In re Crude Oil Commodity Futures Litig.*, No. 11-cv-3600 (S.D.N.Y.); and *In re London Silver Fixing, Ltd. Antitrust Litig.*, No. 14-md-2573 (S.D.N.Y.).

The National Law Journal recently featured Mr. Dell'Angelo in its profile of Berger Montague for a special annual report entitled “Plaintiffs’ Hot List.” The National Law Journal’s Hot List identifies the top plaintiff practices in the country. The Hot List profile focused on Mr. Dell'Angelo’s role in the MF Global litigation (*In re MF Global Holding Ltd. Inv. Litig.*, No. 12-MD-2338-VM (S.D.N.Y.)). In MF Global, Mr. Dell'Angelo represented former commodity account holders seeking to recover approximately \$1.6 billion of secured customer funds after the highly publicized collapse of MF Global, a major commodities brokerage. At the outset of this high-risk litigation, the odds appeared grim: MF Global had declared bankruptcy, leaving the corporate officers, a bank, and a commodity exchange as the only prospect for the recovery of class’s misappropriated funds. Nonetheless, four years later, a result few would have believed possible was achieved. Through a series of settlements, the former commodity account holders recovered more than 100 percent of their missing funds, totaling over \$1.6 billion.

Mr. Dell'Angelo has been recognized consistently as a Pennsylvania Super Lawyer, a distinction conferred upon him annually since 2007. He is regularly invited to speak at Continuing Legal Education (CLE) and other seminars and conferences, both locally and abroad. In response to his recent CLE, “How to Deal with the Rambo Litigator,” Mr. Dell'Angelo was singled out as “One of the best CLE speakers [attendees] have had the pleasure to see.”

Lawrence Deutsch - Shareholder

Lawrence Deutsch is a graduate of Boston University (B.A. 1973), George Washington University's School of Government and Business Administration (M.S.A. 1979), and Temple University's School of Law (J.D. 1985). He became a member of the Pennsylvania Bar in 1986 and the New Jersey Bar in 1987. He has also been admitted to practice in Eastern District of Pennsylvania, the First Circuit Court of Appeals, the Second Circuit Court of Appeals, the Third Circuit Court of Appeals, the Fourth Circuit Court of Appeals and the U.S. Court of Federal Claims as well as various jurisdictions across the country for specific cases.

At the Berger firm, Mr. Deutsch has been involved in numerous major shareholder class action cases. He served as lead counsel in the Delaware Chancery Court on behalf of Class A shareholders in a corporate governance litigation concerning the rights and valuation of their shareholdings. Defendants in the case were the Philadelphia Stock Exchange, the Exchange's Board of Trustees, and six major Wall Street investment firms. The case settled for \$99 million and also included significant corporate governance provisions. Chancellor Chandler, when approving the settlement allocation and fee awards on July 2, 2008, complimented counsel's effort and results, stating, "Counsel, again, I want to thank you for your extraordinary efforts in obtaining this result for the class." The Chancellor had previously described the intensity of the litigation when he had approved the settlement, "All I can tell you, from someone who has only been doing this for roughly 22 years, is that I have yet to see a more fiercely and intensely litigated case than this case. Never in 22 years have I seen counsel going at it, hammer and tong, like they have gone at it in this case."

Mr. Deutsch was one of trial counsel for plaintiffs in *Fred Potok v. Floorgraphics, Inc., et al.* (Phila. Co. CCP 080200944 and Phila. Co. CCP 090303768) resulting in an \$8 million judgment against the directors and officers of the company for breach of fiduciary duty.

Over the 25 years working in securities litigation, Mr. Deutsch has been a lead attorney on many substantial matters. Mr. Deutsch served as one of lead counsel in the *In Re Sunbeam Securities Litigation* class action concerning "Chainsaw" Al Dunlap (recovery of over \$142 million for the class in 2002). As counsel on behalf of the City of Philadelphia he served on the Executive Committee for the securities litigation regarding *Frank A. Dusek, et al v. Mattel Inc., et al* (recovery of \$122 million for the class in 2006). *Fox et al v. Prime Group Realty Trust et al.* United States District Court Northern District of Illinois (Civil Case No. 1:12-cv-09350) (\$8.25 million settlement); court-appointed lead counsel in *In Re Inergy LP Unitholder Litigation* (Del. Ch. No. 5816-VCP) (\$8 million settlement);

Mr. Deutsch served as lead counsel for a class of investors in Scudder/Deutsche Bank mutual funds in the nationwide Mutual Funds Market Timing cases. Mr. Deutsch served on the Plaintiffs' Omnibus Steering Committee for the consortium of all cases. These cases recovered over \$300 million in 2010 for mutual fund purchasers and holders against various participants in widespread schemes to "market time" and late trade mutual funds, including \$14 million recovered for Scudder/Deutsche Bank mutual fund shareholders.

Mr. Deutsch currently serves as co-lead counsel representing shareholders in *In Re Precision Castparts Corp. Shareholder Litigation*, (Circuit Court of Oregon No 15CV21455).

Mr. Deutsch has been court-appointed Lead or a primary attorney in numerous complex cases concerning consumer products: served on team of lead counsel in *In Re: CertainTeed Fiber Cement Siding Litigation*, E.D.PA. MDL NO. 11-2270 (\$103.9 million settlement); Co-lead counsel in *Tim George v. Uponor, Inc., et al.*, United States District Court, District of Minnesota, Case No. 12-CV-249 (ADM/JJK) (\$21 million settlement); Mr. Deutsch currently serves as counsel in numerous consumer product cases: *Nguyen et al v. Nissan North America, Inc.* United States District Court, Middle District of Tennessee, (Case No. 16-CV-00624); *Meadow et al v. NIBCO, Inc.*, United States District Court Middle District of Tennessee, (Case No.

15-CV-01124); *Snyder, et al v. Tamko Building Products Inc.*, United States District Court, Eastern District of California, (Case No. 15-CV-1892).

Mr. Deutsch has also represented plaintiffs in numerous matters of broker/dealer arbitrations, consumer fraud, individual securities disputes and construction litigation.

In addition to his litigation work, Mr. Deutsch was a member of the firm's Administrative Committee for ten years chairs the firm's Electronic Discovery Committee, and manages the firm's paralegals. He has also currently regularly represented indigent parties through the Philadelphia Bar Association's VIP Program, including the Bar's acclaimed representation of homeowners facing mortgage foreclosure.

E. Michelle Drake - Shareholder

E. Michelle Drake is a Shareholder in Berger Montague's Minneapolis office. Ms. Drake focuses her practice primarily on consumer protection, improper credit reporting and financial services class actions. She has achieved career settlements and verdicts valued at more than \$150 million.

Ms. Drake is one of the nation's leading consumer advocates. She is on the Board of the National Association of Consumer Advocates, is a member of the Partner's Council of the National Consumer Law Center, and co-chairs the Consumer Litigation Section for the Minnesota State Bar Association. Ms. Drake has been named as a Super Lawyer for the last three years. She speaks frequently at national consumer protection and class action conferences and has been invited to speak at the National Consumer Law Center's Consumer Rights Litigation Conference, the Class Action Symposium, the American Bar Association's National Institute on Class Actions, and the Cambridge Forum for plaintiffs' class action attorneys. She will be chairing the Bridgeport 2016 National Class Action Conference. Ms. Drake has been quoted in the New York Times, the National Law Journal, and the Philadelphia Legal Intelligencer and her cases were named as "Lawsuits of the Year" by Minnesota Law & Politics in both 2008 and 2009.

Ms. Drake helped achieve a landmark settlement in a case involving improper mortgage servicing practices associated with force-placed insurance, resulting in a settlement valued at \$110 million for a nationwide class of borrowers who were improperly force-placed with overpriced insurance. Ms. Drake also served as liaison counsel and part of the Plaintiffs' Steering Committee on behalf of consumers harmed in the Target data breach, a case she helped successfully resolve on behalf of over ninety million consumers whose data was affected by the breach. In 2015, Ms. Drake resolved a federal class action on behalf of a group of adult entertainers in New York for \$15 million. Most recently, Ms. Drake has been successful in litigating numerous cases protecting consumers' federal privacy rights under the Fair Credit Reporting Act, including the seminal case on background check disclosures, *Singleton v. Domino's*. Ms. Drake is lead counsel in numerous consumer protection actions across the country.

Ms. Drake is a *magna cum laude* graduate of Harvard College and a *cum laude* graduate of Harvard Law School. She also received an M.Sc. in Sociology from Oxford University in England. For the first seven years she was in practice, Ms. Drake worked as a public defender in Georgia where she defended numerous high-stakes felony cases in Georgia's trial courts, including death penalty cases.

Candice J. Enders - Shareholder

Candice J. Enders is a shareholder in the Antitrust practice group at Berger Montague. She concentrates her practice in complex antitrust litigation.

Ms. Enders has represented plaintiffs in numerous cases involving price-fixing of commodity products. Her significant involvements include *In re Domestic Drywall Antitrust Litigation* (E.D. Pa.) (over \$67 million in finally approved settlements and an additional \$125 million settlement awaiting final approval in a case in which class certification was granted and summary judgment was denied as to four out of five

defendants); *In re Microcrystalline Cellulose Antitrust Litigation* (E.D. Pa.) (\$50 million settlement achieved shortly before trial); *In re Methyl Methacrylate (MMA) Antitrust Litigation* (E.D. Pa.) (\$15.1 million settlement); *In re TFT LCD (Flat Panel) Antitrust Litigation* (N.D. Cal.) (over \$470 million in settlements); and *In re Cathode Ray Tube (CRT) Antitrust Litigation* (N.D. Cal.) (settlements totaling over \$210 million).

Ms. Enders was selected as a Pennsylvania Super Lawyer - Rising Star in 2013-2017, an honor conferred upon only the top 2.5% of attorneys in Pennsylvania who are 40 or younger.

Michael T. Fantini – Shareholder

Michael T. Fantini is a shareholder in the Consumer Protection and Commercial Litigation practice groups with Berger Montague. Mr. Fantini concentrates his practice on consumer class action litigation.

Mr. Fantini has considerable experience in notable consumer cases such as: *In re TJX Companies Retail Security Breach Litigation*, Master Docket No. 07-10162 (D. Mass) (class action brought on behalf of persons whose personal and financial data were compromised in the largest computer theft of personal data in history - settled for various benefits valued at over \$200 million); *In re Educational Testing Service Praxis Principles of Learning and Teaching: Grade 7-12 Litigation*, MDL No. 1643 (E.D. La. 2006) (settlement of \$11.1 million on behalf of persons who were incorrectly scored on a teachers' licensing exam); *Block v. McDonald's Corporation*, No: 01CH9137 (Cir. Ct. Of Cook County, Ill.) (settlement of \$12.5 million where McDonald's failed to disclose beef fat in french fries); *Fitz, Inc. v. Ralph Wilson Plastics Co.*, No. 1-94-CV-06017 (D. N.J.) (claims-made settlement whereby fabricators fully recovered their losses resulting from defective contact adhesives); *Parker v. American Isuzu Motors, Inc.*; No: 3476 (CCP, Philadelphia County) (claims-made settlement whereby class members recovered \$500 each for their economic damages caused by faulty brakes); *Crawford v. Philadelphia Hotel Operating Co.*, No: 04030070 (CCP Phila. Cty. 2005) (claims-made settlement whereby persons with food poisoning recovered \$1,500 each); *Melfi v. The Coca-Cola Company* (settlement reached in case involving alleged misleading advertising of Enviga drink); *Vaughn v. L.A. Fitness International LLC*, No. 10-cv-2326 (E.D. Pa.) (claims made settlement in class action relating to failure to cancel gym memberships and improper billing); *In re Chickie's & Pete's Wage and Hour Litigation*, Master File No. 12-cv-6820 (E.D. Pa.) (settled class action relating to failure to pay proper wage and overtime under FLSA).

Notable security fraud cases in which Mr. Fantini was principally involved include: *In re PSINet Securities Litigation*, No: 00-1850-A (E.D. Va.) (settlement in excess of \$17 million); *Ahearn v. Credit Suisse First Boston, LLC*, No: 03-10956 (D. Mass.) (settlement of \$8 million); and *In re Nesco Securities Litigation*, 4:01-CV-0827 (N.D. Okla.).

Mr. Fantini is currently representing the City of Chicago in an action against certain online travel companies, such as Expedia, Hotels.com, and others, for their failure to pay hotel taxes. He also represented the City of Philadelphia in a similar matter.

Prior to joining Berger Montague, Mr. Fantini was a litigation associate with Dechert LLP. At George Washington University Law School, he was a member of the Moot Court Board.

Ruthanne Gordon - Shareholder

Ms. Gordon is a shareholder in the Antitrust practice group at Berger Montague. In the last several years alone, Ms. Gordon has served as one of the lead lawyers in antitrust class actions resulting in recoveries of hundreds of millions of dollars for the class members she has represented.

Ms. Gordon has played a lead role in litigation involving a wide range of industries, including the credit card industry, chemical products industries, the real estate industry, the computer industry, the public

utilities industry, the environmental services industry, the tobacco industry, the biotechnology industry and the healthcare industry, among others. Examples include: *In re Currency Conversion Fee Antitrust Litigation* (S.D.N.Y.) (after litigation through the close of fact and expert discovery achieved a settlement consisting of \$336 million and injunctive relief for a class of U.S. cardholders of Visa- and MasterCard-branded cards; over 10 million class members filed claims); *Ross v. American Express Company* (\$49.5 million settlement achieved after more than 7 years of litigation and after summary judgment was denied); *In re Domestic Drywall Antitrust Litig.* (E.D. Pa.) (over \$67 million in finally approved settlements and an additional \$125 million settlement awaiting final approval in a case in which class certification was granted and summary judgment was denied as to four out of five defendants); *In re TFT-LCD Antitrust Litigation* (N.D. Cal.) (settled for over \$470 million); *In re CRT Antitrust Litigation* (N.D. Cal.) (settlements totaling over \$210 million); *In re Methyl Methacrylate (MMA) Antitrust Litigation* (E.D. Pa.); *In re Puerto Rico Cabotage Antitrust Litigation* (D.P.R.); *In re Microcrystalline Cellulose Antitrust Litigation* (E.D. Pa.) (settled for \$50 million shortly before trial); *In re Compact Disc Antitrust Litigation* (C.D. Cal.) (settled shortly before trial); *State of Connecticut v. Philip Morris, Inc., et al.*, in which the State of Connecticut recovered approximately \$3.6 billion from certain manufacturers of tobacco products; and *In re Commercial Tissue Antitrust Litigation* (N.D. Fla.) (settlements valued at \$54 million achieved after summary judgment briefing).

Ms. Gordon has argued issues of first impression before the Second Circuit Court of Appeals, in *Ross v. American Express Company* (concerning standing to invoke the interlocutory appeal provision of Section 16 of the Federal Arbitration Act, in a case alleging a horizontal price-fixing conspiracy), and before the New Jersey Supreme Court, in *In re PSE&G Derivative Litigation* (concerning the standard for excusal of demand in a duty of care case).

She was counsel in *In re Louisville Explosion Litigation*, a class action case alleging property damage, which was prosecuted through a six-week trial and settled at the close of plaintiffs' case for more than one hundred percent of actual damages. In addition, she represented a class of Pennsylvania inmates in a federal civil rights class action, resulting in the establishment of a statewide treatment program for Pennsylvania inmates suffering from post-traumatic stress disorder as a result of their service in the Vietnamwar.

As a member of the Antitrust Law Section of the American Bar Association, Ms. Gordon has served as a panelist at the American Bar Association's Antitrust Law Spring Meeting, where she addressed the key issues that arise in the prosecution and defense of an antitrust class action lawsuit.

Ms. Gordon has repeatedly been named as one Pennsylvania's "SuperLawyers" in the Philadelphia Magazine. She has received the highest peer-review rating, "AV® Preeminent™ 5.0 out of 5" in Martindale-Hubbell, and was selected for the inaugural edition of the Martindale-Hubbell Bar Register of Preeminent Women Lawyers™.

Shauna Itri - Shareholder

Shauna Itri concentrates her practice on complex litigation, specifically representing whistleblowers in *qui tam* or False Claims Act law suits in state and federal courts throughout the United States and tax and securities whistleblowers with claims under the IRS and SEC whistleblower programs.

Ms. Itri has worked on a series of False Claims Act cases against large drug companies for fraudulent Medicare and Medicaid drug pricing. This litigation has returned well over \$1 billion to state and federal governments pursuant to the Federal and State False Claims Acts, including a \$150 million settlement with GlaxoSmithKline PLC, a \$190 million settlement with Aventis Pharmaceuticals, Inc., and a \$280 million settlement in *United States of America ex rel Ven-A-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp., et al.* (Civil Action No. 07-10248, D. Mass.). In addition to representing whistleblowers in False Claims Act cases, Ms. Itri has experience representing whistleblowers both in cases involving claims

brought under whistleblower reward programs with the Internal Revenue Service, and the U.S. Securities and Exchange Commission, including Foreign Corrupt Practices Act violations.

Ms. Itri also represents shareholders in securities class action cases, assisting in litigation that recovered millions of dollars in settlements including: *In re: Adams Golf Securities Litigation*, Civ. Action No. 99-371 (D. Del. 1999) (settled for approximately \$17 million); *In re: American Business Financial Services, Inc. Noteholders Litigation*, No. 05-232 (E.D. Pa.) (settled for approximately \$17 million); and *Mazur v. Concord Camera et al.*, Case No. 04-61159 (S.D. Fla. 2004) (settled for approximately \$2 million).

Ms. Itri received a B.A. and an M.A. from Stanford University. While attending Stanford University, Ms. Itri captained the Stanford University Women's Soccer Team, was on the Scholar Athlete and Honor Roll and served on the Women's Soccer Pacific Ten Conference All-Academic Team. Ms. Itri earned her Juris Doctor from the Villanova University School of Law where she was Editor-in-Chief of the Villanova Law School Sports & Entertainment Law Journal.

Ms. Itri is presently an adjunct professor at Widener University School of Law, teaching a white collar crime and corporate deviance course. Shauna speaks on various topics regarding whistleblower laws, including the following national conferences:

- American Bar Association Section of Litigation Annual Conference
- Association of Clinical Research Professionals (ACRP) Global Conference
- SOCRA, Society of Clinical Research Associates Annual Conference

Shauna was named a "2013 Lawyer on the Fast Track" by the Legal Intelligencer and a "Pennsylvania Super Lawyer Rising Star" from 2010-2016 by Philadelphia Magazine after an extensive nomination and polling process among Pennsylvania lawyers. She was placed on Philadelphia's First Judicial District's 2010 and 2011 Roll of Honor for Pro Bono Service for her service in the community, including acting as a volunteer attorney for the Education Law Center, Veterans Pro Bono Consortium, Philadelphia VIP Mortgage Foreclosure Program, the Homeless Advocacy Project, and HIAS.

Shauna Itri is currently a Board Member of the Junior League of Philadelphia (formerly the Director of Development and Chief Operating Officer), an organization consisting of approximately 900 women committed to promoting voluntarism, developing the potential of women, and improving the community through effective action and leadership of trained volunteers.

Ms. Itri is licensed to practice in Pennsylvania and New Jersey and admitted to practice before the U.S. District Court for the Eastern District of Pennsylvania and U.S. District Court for the District of New Jersey.

Peter R. Kahana – Shareholder

Peter R. Kahana is a Phi Beta Kappa graduate of Dickinson College where he received his B.A. in Philosophy, and a J.D. graduate of Villanova University Law School where he was a member of the Law Review. He has participated in many national litigation and class action matters, including antitrust, environmental, insurance and consumer protection cases.

Significant class cases vindicating the rights of insurance policyholders or consumers in which Mr. Kahana was appointed as co-class counsel have included: settlement in 2012 for \$90 million of breach of fiduciary duty and negligence claims (certified for trial in 2009) on behalf of a class of former policyholder-members of Anthem Insurance Companies, Inc. ("Anthem") alleging the class was paid insufficient cash compensation in connection with Anthem's conversion from a mutual insurance company to a publicly-owned stock insurance company (a process known as "demutualization") (*Ormond v. Anthem, Inc., et al.*,

USDC, S.D. Ind., Case No. 1:05-cv-01908 (S.D. Ind. 2012)); settlement in 2010 for \$72.5 million of a nationwide civil RICO and fraud class action (certified for trial in 2009) against The Hartford and its affiliates on behalf of a class of personal injury and workers compensation claimants for the Hartford's alleged deceptive business practices in settling these injury claims for Hartford insureds with the use of structured settlements (*Spencer, et al. v. The Hartford Financial Services Group, Inc., et al.*, 256 F.R.D. 284 (D. Conn. 2009)); settlement in 2009 for \$75 million of breach of contract, Unfair Trade Practices Act and insurance bad faith tort claims on behalf of a class of West Virginia automobile policyholders (certified for trial in 2007) alleging that Nationwide Mutual Insurance Company failed to properly offer and provide them with state-required optional levels of uninsured and underinsured motorist coverage (*Nationwide Mutual Insurance Company v. O'Dell, et al.*, Circuit Court of Roane County, W. Va., Civ. Action No. 00-C-37); and, settlement in 2004 for \$20 million on behalf of a class of cancer victims alleging that their insurer refused to pay for health insurance benefits for chemotherapy and radiation treatment (*Bergonzi v. CSO*, USDC, D.S.D., Case No. C2-4096). For his efforts in regard to the *Bergonzi* matter, Mr. Kahana was named as the recipient of the American Association for Justice's Steven J. Sharp Public Service Award, which is presented annually to those attorneys whose cases tell the story of American civil justice and help educate state and national policy makers and the public about the importance of consumers' rights.

With respect to major antitrust and environmental litigation, Mr. Kahana has played a leading role in cases such as *In re Brand Name Prescription Drugs Antitrust Litigation* (\$723 million settlement), *In re Ashland Oil Spill Litigation* (\$30 million settlement), and *In re Exxon Valdez* (\$287 million compensatory damage award and \$507.5 million punitive damage award). In connection with his work as a member of the trial team that prosecuted *In re The Exxon Valdez*, Mr. Kahana was selected in 1995 to share the Trial Lawyer of the Year Award by the Public Justice Foundation.

Upon graduating law school, Mr. Kahana served as an appellate law clerk for the Superior Court of Pennsylvania (Hon. Gwilym A. Price, Jr.). He has been designated a "Pennsylvania Super Lawyer" by Philadelphia Magazine for many years (2006, 2012-2016), and has achieved the highest peer-review rating, "AV", in Martindale-Hubbell for legal abilities and ethical standards.

Michael J. Kane – Shareholder

Michael J. Kane, shareholder of the firm, is a graduate of Rutgers University and Ohio Northern University School of Law, with distinction, where he was a member of the Law Review. Mr. Kane is admitted to practice in Pennsylvania and various federal courts.

Mr. Kane joined Berger Montague's antitrust practice in 2005. Prior to joining Berger Montague, Mr. Kane was affiliated with Mager, White & Goldstein, LLP where he represented clients in complex commercial litigation involving alleged unlawful business practices including: violations of federal and state antitrust and securities laws, breach of contract and other unfair and deceptive trade practices. Mr. Kane has extensive experience work with experts on economic issues in antitrust cases, including impact and damages. Mr. Kane has served in prominent roles in high profile antitrust, securities, and unfair trade practice cases filed in courts around the country. Mr. Kane has a leading role in the litigation of the *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL No. 1720 (E.D.N.Y.) alleging, inter alia, that certain of Visa and MasterCard rules, including anti-steering restraints and default interchange fees, working in tandem have caused artificially inflated interchange fees paid by Merchants on credit and debit card transactions. Mr. Kane also has a leading role in *Castro v. Sanofi Pasteur, Inc.* No. 2:11-cv-07178-JMV-MAH, a certified class action of over 26,000 physician practices, other healthcare providers, and vaccine distributors direct purchasers, alleging that defendants Sanofi engaged in anticompetitive conduct to maintain its monopoly in the market for MCV4 vaccines resulting in artificially inflated prices for Sanofi's MCV4 vaccine Menactra and the MCV4 vaccine Menveo. Mr. Kane also has a prominent role in several antitrust cases against pharmaceutical companies challenging so-called pay for delay agreements wherein the brand drug company allegedly seeks to delay competition from generic

equivalents to the brand drug through payments by the brand drug company to the generic drug company. Mr. Kane also had a leading role in *Ross v. American Express Company* (S.D.N.Y.) (\$49.5 million settlement achieved after more than 7 years of litigation and after summary judgment was denied) and the five week bench trial in *Ross v. American Express* and the related matter *Ross v. Bank of America* (S.D.N.Y.) involving claims that the defendant banks and American Express unlawfully acted in concert to require cardholders to arbitrate disputes, including debt collections, and to preclude cardholders from participating in any class actions. Mr. Kane served as co-lead counsel in *In re Microsoft Corporation Massachusetts Consumer Protection Litigation* (Mass. Super. Ct., Middlesex Cty.), in which plaintiffs alleged that as a result of Microsoft Corporation's anticompetitive practices, Massachusetts consumers paid more than they should have for Microsoft's operating systems and software. The case was settled for \$34 million. Other cases in which Mr. Kane has had a prominent role include: *In re Currency Conversion Fee Antitrust Litig.* (S.D.N.Y.) (settlement for \$336 million and injunctive relief); *In re Nasdaq Market Makers Antitrust Litig.* (S.D.N.Y.); *In re Compact Disc Antitrust Litig.* (C.D. Cal.); *In re WorldCom, Inc. Securities Litig.* (S.D.N.Y.); *In re Lucent Technologies, Inc. Securities Litig.* (D.N.J.); *City Closets LLC v. Self Storage Assoc., Inc.* (S.D.N.Y.); *Rolite, Inc. v. Wheelabrator Environmental Sys. Inc.*, (E.D. Pa.); and *Amin v. Warren Hospital* (N.J. Super.).

Jon J. Lambiras – Shareholder

Jon J. Lambiras, Esq., CPA, CFE is a shareholder in the Securities and Consumer Protection practice groups at Berger Montague. In the Securities group, he concentrates on class action and opt-out litigation involving accounting fraud and financial misrepresentations. In the Consumer Protection group, he concentrates on unjust business practices and data breach litigation involving the theft of personal information by computer hackers.

Jon's clients are plaintiffs such as individual investors, institutional investors, and consumers.

Jon is an attorney, Certified Public Accountant, and Certified Fraud Examiner. Prior to law school, he practiced accounting for four years as a financial statement auditor, including with a Big-Four accounting firm.

Jon has obtained the highest peer review rating, "AV Preeminent 5.0 out of 5.0," in Martindale-Hubbell for his legal abilities and ethical standards. Also, for several years from 2012 to the present he was selected for inclusion in "Pennsylvania Super Lawyers" or "Rising Stars," an honor conferred on less than 5% of attorneys in Pennsylvania.

Jon has published numerous articles and lectured on various class action topics as summarized below. He has also commented on class action issues for publications including The Washington Post and The Legal Intelligencer, among others. The cases on which he worked have collectively settled for hundreds of millions of dollars.

While in law school, he was a Lead Articles Editor for the Pepperdine Law Review.

Jon's speaking engagements include the following:

- "Securities Fraud Class Actions: A Primer for Certified Fraud Examiners," 2018, presented to the Association of Certified Fraud Examiners
- "Securities Fraud Class Actions: A Bird's Eye View," 2017, presented to the Delaware County Bar Association

- "Securities Fraud Class Actions: A Bird's Eye View for Attorney-CPAs," 2017, presented to the Philadelphia Chapter of the American Association of Attorney-CPAs
- "How the CFO Landed in Prison: The Nuts & Bolts of His Fraud," 2012, presented to the Philadelphia Chapter of the American Association of Attorney-CPAs
- "State of the Cyber Nation Address," 2011, presented at HB Litigation/NetDiligence Cyber Risk & Privacy Forum
- "Data Breach Class Actions Involving Theft of Personal Information," 2009, presented to the Phila. Chap. of the Am. Assoc. of Attorney-CPAs
- "Class Actions Involving Estate Planning, Financial Planning, Trusts, and Income Tax," 2009, presented to the Phila. Chap. of the Am. Assoc. of Attorney-CPAs
- "Securities Fraud Class Actions: Comparing and Contrasting the Plaintiffs' and Defendants' View," 2007, presented to the Phila. Chap. of the Am. Assoc. of Attorney-CPAs
- "Securities Fraud Class Actions: A Primer for the Attorney-CPA," 2006-08, presented to the Phila. Chap. of the Am. Assoc. of Attorney-CPAs

Jon's publications include the following:

- "How a CFO Landed in Prison," FRAUD MAGAZINE (Jan./Feb. 2013)
- "Hacked," a case study published in Computer Fraud Casebook: The Bytes That Byte (Wiley Publishing 2008, ISBN #978-0-470-27814-7)
- "White-Collar Crime: Why the Sentencing Disparity Despite Uniform Guidelines?" 30 PEPP. L. REV. 459 (2003) (named Student Article of the Year by Pepperdine Law Review - *i.e.*, best article among all student articles published in Pepperdine Law Review that year)
- "Inside Job: A Guide to Insider Trading," 17 THE WHITE PAPER 23 (July/Aug. 2003)

Eric Lechtzin - Shareholder

Mr. Lechtzin is a shareholder in the Securities, Lending Practices & Borrowers' Rights, and Consumer Protection Litigation practice groups.

In the area of lender liability litigation, Mr. Lechtzin has successfully represented homeowners in class actions alleging abusive lending and debt collection practices against some of the nation's largest mortgage lenders and servicers. In the consumer protection arena, Mr. Lechtzin has represented consumers in class actions involving claims under state and federal consumer protection statutes, including *Silver v. Fitness Intern., LLC*, No. 10-cv-2326-MMB (E.D. Pa.) (settled class action against a national health club chain alleging failure to timely cancel monthly gym memberships). Mr. Lechtzin has also served as counsel in numerous automotive defect class actions.

Mr. Lechtzin has extensive experience representing individual and institutional shareholders, including public pension funds, in federal securities class actions, including: *In re: Oppenheimer Rochester Funds Group Securities Litigation*, No. 09-md-02063-JLK (D. Col.) (\$89.5 million settlement); *In re Hemispherx Biopharma, Inc. Litigation*, 09-cv-5262-PD (E.D. Pa.) (\$3.6 million settlement); and *In re Fifth Third Securities Litigation*, No. 1:08-cv-00421 (S.D. Ohio) (\$16 million settlement).

For the first ten years of his career Mr. Lechtzin worked for two large Philadelphia law firms where he represented institutional clients in a wide range of complex commercial litigation, including labor and employment, mass torts, and environmental law.

Mr. Lechtzin has achieved the highest peer-review rating, “AV,” in Martindale-Hubbell for legal abilities and ethical standards, and he has achieved a perfect 10.0 rating from Avvo.com. Mr. Lechtzin graduated from the Temple University College of Arts & Sciences Honors Program, B.A. *magna cum laude*, in 1988, and he received his J.D. from Temple University Beasley School of Law, in 1991. Mr. Lechtzin is admitted to the state bars of California, New Jersey and Pennsylvania, as well as numerous federal courts.

Lawrence J. Lederer - Shareholder

Lawrence J. Lederer is a shareholder in the firm’s Securities & Investor Protection and Commercial Litigation practice groups. He has extensive experience representing government entities and other institutional investors in securities litigation. He has led the prosecution of many securities class action cases that have resulted in substantial recoveries for investors.

For example, he was co-lead counsel for lead plaintiff State Teachers Retirement System of Ohio which obtained \$475 million in *In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litigation*, Master File No. 07-cv-9633 (JSR) (DFE) (S.D.N.Y.). This securities class action involved Merrill Lynch’s financial exposures to subprime mortgage assets. It represents one of the largest recoveries ever under the Private Securities Litigation Reform Act. Judge Jed S. Rakoff stated that lead plaintiff had made “very full and well-crafted” and “excellent submissions”; that there was a “very fine job done by plaintiffs’ counsel in this case”; and that the attorney fees requested were “eminently reasonable” and “appropriately modest.” More recently, Mr. Lederer was lead counsel on behalf of a certified class of investors in mortgage-related collateralized debt obligations that obtained \$27.5 million in *Dodona I, LLC v. Goldman, Sachs & Co.*, 10 Civ. 7497 (VM) (S.D.N.Y.).

Mr. Lederer has also led the prosecution of several successful securities “opt out” cases such as *Commonwealth of Pennsylvania Public School Employees’ Ret. Sys. v. Citigroup, Inc.*; *State of New Jersey, Department of Treasury, Division of Investment v. Fuld*; *Commonwealth of Pennsylvania Public School Employees’ Ret. Sys. v. Time Warner Inc.*; *In re Waste Management, Inc. Securities Litigation*; and *Kelly v. McKesson HBOC, Inc.* The investor plaintiffs in each of these cases obtained recoveries significantly larger (on a net basis, after payment of all attorneys’ fees and litigation costs) than what they would have obtained from the related class actions.

Mr. Lederer also advises and represents government entities in commercial and other matters. For example, he was part of a team of outside counsel for one state Attorney General’s office in multi-state civil enforcement proceedings that resulted in landmark mortgage modifications and related relief for hundreds of thousands of borrowers nationwide against Countrywide Financial Corp. (and its parent, Bank of America Corp.) in December 2008 valued at approximately \$8.6 billion. He also has advised public pension funds on a wide array of corporate governance and shareholder rights issues, and has advised state government entities concerning financial practices in the structured finance sector, among other areas.

Earlier in his career, Mr. Lederer played a major role in the historic Drexel/Milken/Boesky complex of cases. *See, e.g., In re Michael R. Milken and Associates Securities Litigation*, MDL Dkt. No. 924, Master File No. M21-62 (MP), 1993 U.S. Dist. LEXIS 14242, 1993 WL 413673 (S.D.N.Y. Oct. 7, 1993) (approving approximately \$1.3 billion overall settlement with some 500 defendants), *aff’d In re Drexel Burnham Lambert Group Inc.*, 995 F.2d 1138 (2d Cir. 1993); *Presidential Life Insurance Co. v. Milken, et al.*, 946 F. Supp. 267 (S.D.N.Y. 1996) (approving \$50 million settlement); *In re Ivan F. Boesky Securities Litigation*, 948 F.2d 1358 (2d Cir. 1991) (affirming approval of \$29 million settlement; subsequent class, derivative and other settlements approved totaling in excess of \$200 million).

Also experienced on the defense side, Mr. Lederer helped obtain a pre-trial dismissal of a securities class action against DRDGold, a gold mining company based in South Africa. *See In re DRDGold Ltd. Securities Litigation*, 05-cv-5542 (VM), 2007 U.S. Dist. LEXIS 7180 (S.D.N.Y. Jan. 31, 2007). He also helped defend an individual charged with “insider trading” in a criminal jury trial in federal court, and in parallel civil enforcement proceedings brought by the SEC. *United States v. Pileggi*, 97-cr-612 (E.D. Pa.). Mr. Lederer has also helped obtain hundreds of millions of dollars for investors in the complex bankruptcy litigation. *See, e.g., In re The Drexel Burnham Lambert Group, Inc.*, 130 B.R. 910 (Bankr. & S.D.N.Y. Aug. 20, 1991), *aff’d*, 960 F.2d 285 (2d Cir. 1992), *cert. denied*, 506 U.S. 1088 (1993); *Sapir v. Delphi Ventures*, No. 99-cv-8086-JORDAN (S.D. Fla.) (\$3.8 million recovery following extensive bankruptcy and related proceedings).

Mr. Lederer has achieved the highest peer-review rating, “AV,” in Martindale-Hubbell for legal abilities and ethical standards; has repeatedly been selected as one of the Pennsylvania’s “Super Lawyers” in the category of securities litigation; has served multiple terms on the editorial advisory board of Securities Law360, a leading securities law publication; and presently serves on the board of Legacy Youth Tennis and Education Center. Mr. Lederer is admitted to practice law in Pennsylvania, the District of Columbia, and several federal courts. Mr. Lederer graduated from Georgetown University Law Center (LL.M. 1988), Western New England College School of Law (J.D. 1987), where he was a member of Western New England Law Review, and the University of Pittsburgh (B.A. 1984), where he was managing editor of The Pitt News, and co-captain (1983) and captain (1984) of the men’s varsity tennis team.

Daniel R. Miller - Shareholder

Daniel R. Miller concentrates his practice on complex federal civil litigation, representing whistleblowers in state and federal False Claim Act cases against companies or providers who have committed fraud against the government. Mr. Miller has a nationwide reputation for successfully pursuing whistleblower cases, and has spoken at scores of whistleblower conferences over the past fifteen years.

Prior to joining Berger Montague, Mr. Miller was a Deputy Attorney General for the Delaware Department of Justice for more than 16 years. He is battle-tested, having tried more than 125 cases to jury verdict. During his time with the government, Mr. Miller served on numerous national litigation and negotiation teams comprised of federal and state prosecutors. Collectively, those cases returned more than \$2.5 billion to state and federal treasuries.

Whistleblower (“*Qui Tam*”) cases are complex matters which often require extensive communication and coordination with the United States Department of Justice, local United States Attorneys’ Offices, all 50 state Attorneys General Offices, the Federal Bureau of Investigation, the Food and Drug Administration, the Securities and Exchange Commission, the Office of Inspector General, the Internal Revenue Service, and numerous other federal and state agencies. Now in private practice, Mr. Miller is able to provide his clients with extensive trial experience, deep insight into the personnel, structure, and function of these government entities, and a thorough understanding of the investigative sequences utilized by the prosecutors who lead these cases.

Mr. Miller is a former President of the National Association of Medicaid Fraud Control Units (“NAMFCU”), an organization whose members were responsible for securing more than 1,300 criminal convictions and returning more than \$1.3 billion to the Medicaid Program during Mr. Miller’s term. As a member of NAMFCU’s Global Case Committee, Mr. Miller routinely worked on large-scale fraud cases. Prior to serving as NAMFCU’s President, Mr. Miller was the co-chair of NAMFCU’s *Qui Tam* Subcommittee where he coordinated communications and litigation positions for all states which have enacted False Claims Acts. Through these various roles, Mr. Miller helped execute a multi-year plan to increase the level of state involvement in national fraud investigations and prosecutions.

From 2003 through early 2010, Mr. Miller also served as the Director of the Medicaid Fraud Control Unit in the Delaware Department of Justice. In that capacity, he often served as team leader in coordinating the investigation and prosecution of health care provider fraud - including cases involving physician groups, pharmaceutical companies, nursing homes, and hospitals - with local, state, and federal authorities. These multi-disciplinary teams of government lawyers, investigators, and data analysts returned hundreds of millions of dollars to state and federal governments.

Prior to serving as Director of the Medicaid Fraud Unit, Mr. Miller was a Deputy Attorney General in the Criminal Division of the Delaware Department of Justice. During that time he managed a large caseload and prosecuted hundreds of violent offenders, including rapists, armed carjackers, and capital murderers.

Before becoming a prosecutor, Mr. Miller served as a judicial clerk for Delaware Superior Court Judge Susan C. Del Pesco.

Mr. Miller graduated with honors from Temple University Law School in 1992. After graduation, he taught trial advocacy to Temple Law Students for over ten years.

Ellen T. Noteware – Shareholder

Ellen T. Noteware is a graduate of Cornell University (B.S. 1989) and the University of Wisconsin-Madison Law School (J.D. cum laude 1993) where she won the Daniel H. Grady Prize for the highest grade point average in her class, served as Managing Editor of the Law Review, and earned Order of the Coif honors. She is currently a member of the Pennsylvania and New York bars.

Since joining Berger Montague, Ms. Noteware has successfully represented investors, retirement plan participants, employees, consumers and direct purchasers of prescription drug products in a variety of class action cases. Ms. Noteware currently concentrates her practice on prosecuting antitrust class actions on behalf of direct purchasers of brand name drugs who are harmed when brand companies block cheaper generic competitors from entering the market. To date, five of her cases have resulted in substantial settlements: *In re Ovcon Antitrust Litigation*, (D.D.C.) \$22 million; *In re Tricor Direct Purchaser Antitrust Litigation*, (D. Del.) \$250 million; *In re Oxycontin Antitrust Litig.*, (S.D.N.Y.) \$16 million; *Meijer, Inc. v. Abbott Laboratories*, (N.D. Cal.) (Norvir) \$52 million; and *In re Metoprolol Succinate Direct Purchaser Antitrust Litigation*, (D. Del.) \$20 million.

Ms. Noteware is also extensively involved in litigation regarding Employee Retirement Income Securities Act (“ERISA”) breach of fiduciary duty class action cases. Her ERISA settlements include: *In re Nortel Networks Corp. ERISA Litigation* (M.D. Tenn.) \$21 million; *In re Lucent Technologies, Inc. ERISA Litigation* (D.N.J.) \$69 million; *In re SPX Corporation ERISA Litigation* (W.D. N.C.) \$3.6 million. Ms. Noteware is currently actively litigating two ERISA cases against financial institutions who operated improper securities lending programs.

As a key member of the trial team that litigated *Cook v. Rockwell Corp.* (D. Colo.), Ms. Noteware helped secure the largest jury verdict in Colorado history and the third largest jury trial verdict nationwide in 2006 -- \$554 million on behalf of thousands of individuals who owned property near the contaminated former Rocky Flats nuclear weapons facility outside Denver, Colorado. Ms. Noteware and the rest of the trial team received the Trial Lawyer of the Year Award from the Public Justice Foundation in recognition of the efforts.

Phyllis Maza Parker - Shareholder

Phyllis Maza Parker is a shareholder at Berger Montague. She concentrates her practice primarily on complex securities litigation, representing both individual and institutional investors such as pension funds in a broad range of class actions alleging violation of the antifraud provisions of the

federal securities laws, including cases alleging market manipulation.

Among her notable achievements on behalf of investors, Ms. Parker served on the team as co-lead counsel for the Class in *In re Xcel Energy, Inc. Securities Litigation* (D. Minn.), which settled for \$80 million. She served as co-lead counsel in *In re Reliance Group Holdings, Inc. Securities Litigation* (\$15 million settlement); *In re The Loewen Group, Inc. Securities Litigation* (\$6 million settlement); as the lead counsel in *In re Veeco Instruments Inc. Securities Litigation* (\$5.5 million settlement reached on the eve of trial); as co-lead counsel in *In re Nuvelo, Inc. Securities Litigation* (\$8.9 million settlement); and as co-lead counsel in *Coady v. Perry, et al. (In re IndyMac Bancorp, Inc.)* (\$6.5 million settlement). In approving the settlement and award of attorney fees at the close of the *Veeco* case in which Berger Montague was sole lead counsel for the Class, the Court remarked: “This was a hard-fought battle. It was a well and at times bitterly litigated case. Plaintiff’s counsel was tenacious.”

Ms. Parker earned a B.A. cum laude from Yeshiva University, an M.A. in French and Romance Philology from Columbia University, and an M.S. in Management from Boston University-Brussels, Belgium. She received her J.D. cum laude from Temple University Beasley School of Law where she was a member of the Temple Law Review. She published a Note on the subject of the Double Jeopardy Clause and the Federal Sentencing Guidelines in the *Temple Law Review*, Vol. 67, No. 4 (1994) which has been cited by one court and a number of legal journals.

After her first year of law school, Ms. Parker interned with the Honorable Dolores K. Sloviter of the Third Circuit Court of Appeals. Following law school, Ms. Parker served as law clerk to the Honorable Murray C. Goldman of the Philadelphia Court of Common Pleas. Among other bar memberships, Ms. Parker is admitted to the Bar of the U.S. Supreme Court. She is fluent in Hebrew and French.

Ms. Parker is active in numerous Jewish education and charitable organizations, and has served on the Board of Torah Academy of Greater Philadelphia.

Russell D. Paul - Shareholder

Russell Paul is a shareholder in the Securities, Consumer Protection, Qui Tam/Whistleblower, Corporate Governance/Shareholder Rights and Commercial Litigation practice groups at Berger Montague. He concentrates his practice on securities class actions and derivative suits, complex securities and commercial litigation matters, False Claims Act suits and consumer class actions.

Mr. Paul has litigated securities class actions against Tyco International Ltd., Baxter Healthcare Corp., ALSTOM S.A., Able Laboratories, Inc., Refco Inc., Toll Brothers and the Federal National Mortgage Association (Fannie Mae). He has also litigated derivative actions in various state courts around the country, including in the Delaware Court of Chancery. He has litigated consumer protection and product defect actions in the pet food, soft drink and HVAC industries. Mr. Paul has also briefed and argued several federal appeals.

In addition to securities litigation, Mr. Paul has broad corporate law experience, including mergers and acquisitions, venture capital financing, proxy contests and general corporate matters. He began his legal career in the New York office of Skadden, Arps, Slate, Meagher & Flom.

Mr. Paul has been designated a “Pennsylvania Super Lawyer” and a “Top Attorney in Pennsylvania.”

Mr. Paul graduated from the Columbia University School of Law (J.D. 1989) where he was a Harlan Fiske Stone Scholar, served on the Moot Court Review Board, was an editor of Pegasus (the law school's catalogue) and interned at the United States Attorneys' Office for the Southern District of New York. He completed his undergraduate studies at the University of Pennsylvania, earning a B.S. in Economics from the Wharton School (1986) and a B.A. in History from the College of Arts and Sciences (1896). He was elected to the Beta Gamma Sigma Honors Society. He is admitted to the Bars of Pennsylvania, New York, New Jersey and Delaware. He has been admitted to practice before federal district and appellate courts across the country.

Barbara A. Podell - Shareholder

Barbara A. Podell, who joined the Berger firm as a shareholder in the Securities Group in early 2002, holds a Bachelor's degree from the University of Pennsylvania (B.A. 1972 *cum laude* with distinction in Art History). She attended the Institute of Fine Arts of New York University, and from 1973 to 1975, was a full-time faculty member at Temple University, Philadelphia, Pennsylvania, in the Department of Art History. In 1978, Ms. Podell received a Juris Doctor degree (*magna cum laude*) from the Temple University School of Law, where she was one of the top nine students in the graduating class and was Editor-in-Chief of the Temple Law Quarterly (Volume 51). Prior to joining the Berger firm, Ms. Podell was a founding member of the firm of Savett Frutkin Podell & Ryan, P.C., and before that, a shareholder at Kohn, Savett, Klein & Graf, both in Philadelphia.

Ms. Podell has served as lead or co-lead counsel in numerous securities cases in which hundreds of millions of dollars were recovered for investors. Since joining the firm in 2002, Ms. Podell has served as one of the firm's senior litigation attorneys in *In re CIGNA Corp. Securities Litigation* (\$93 million settlement); *In re CryoLife Securities Litigation* (\$23.25 million settlement); *In re Fifth Third Bancorp Securities Litigation* (\$16 million settlement, amounting to 100% recovery of recognized loss); *In re ViroPharma Securities Litigation* (\$9 million settlement); *Ginsburg v. Philadelphia Stock Exchange* (\$99 million settlement) and *Municipal Mortgage & Equity* (100% recovery for members of Dividend Reinvestment Plan class).

She is admitted to practice before the Supreme Court of Pennsylvania, the United States Courts of Appeals for the Second and Third Circuits, and the United States District Court for the Eastern District of Pennsylvania. She has achieved an "AV" rating (the highest rating) in Martindale-Hubbell.

Ms. Podell serves as Chair of the Executive Committee of The Philadelphia Museum of Art Weekend Guides for the 2016-2018 term and as a volunteer guide at The Philadelphia Museum of Art, The Rodin Museum and The Barnes Foundation.

Sarah R. Schalman-Bergen – Shareholder

Sarah R. Schalman-Bergen is a shareholder in the Antitrust and Employment & Unpaid Wages practice groups at Berger Montague. Her practice focuses on antitrust class action litigation, and class and collective action employment litigation. Ms. Schalman-Bergen has extensive litigation experience in both state and federal courts, including significant appellate experience.

In the Employment & Unpaid Wages practice group, Ms. Schalman-Bergen's practice focuses on wage and hour class and collective actions, as well as class action discrimination lawsuits under state and federal law. Specifically, Ms. Schalman-Bergen has worked on all aspects of wage and hour overtime lawsuits throughout the country, representing employees whose employers do not pay them properly in different

industries, including oil and gas companies, meat and poultry plants, at fast food restaurants, in white collar jobs and in the government.

In the Antitrust practice group, Ms. Schalman-Bergen has had an active role in prosecuting complex cases, including multidistrict litigation. Ms. Schalman-Bergen was involved in representing the employees of several high tech companies who allege that the companies illegally suppressed employees' wages, and has also worked on cases involving anticompetitive practices in the pharmaceutical industry.

Ms. Schalman-Bergen has also been involved in multiple nationwide consumer class actions with a focus on consumer financial practices, representing homeowners whose mortgage loan servicers have force-placed extraordinarily high-priced insurance on them and allegedly received a kickback from the insurer in exchange.

Ms. Schalman-Bergen maintains an active pro bono practice. She serves as volunteer of counsel to the AIDS Law Project of Pennsylvania. Through her role there, Ms. Schalman-Bergen litigates HIV discrimination cases, as well as other cases impacting the rights of people living with HIV/AIDS.

Prior to joining Berger Montague, Ms. Schalman-Bergen practiced in the litigation department at a large Philadelphia firm where she represented clients in a variety of industries in complex commercial litigation. Ms. Schalman-Bergen is a graduate of Harvard Law School and Tufts University. During law school, Ms. Schalman-Bergen served as an executive editor for the Harvard Civil Rights-Civil Liberties Law Review.

Arthur Stock - Shareholder

Arthur Stock's practice is concentrated in securities and complex financial litigation, consumer class actions and *qui tam* litigation.

Securities and commercial litigation: Mr. Stock was a principal litigator in, among many others, *Merrill Lynch Securities Litigation*, which resulted in a \$475 million recovery, and *Safety-Kleen Corp. Sec. Litig.*, which achieved a \$45 million recovery for common stock investors in a bankrupt corporation from the company's former officers and auditor.

Consumer protection: In *Lee v. Enterprise Leasing Co.*, Mr. Stock won a judgment in favor of car renters who had allegedly been overcharged at Nevada airports. A settlement valued at over \$19 million ultimately permitted class members to recover 80% of the amount of alleged overcharges in a settlement valued at over \$19. In *Vasco v. PHRG*, Mr. Stock secured a \$4.8 million settlement on behalf of consumers who received unwanted telemarketing calls on their cell phones.

Whistleblower representation: Mr. Stock's practice is focused principally on representing whistleblowers in administrative proceedings before the Securities and Exchange Commission and the Internal Revenue Service, and on appeal of IRS rulings before the United States Tax Court.

Arthur Stock is a graduate of Yale University (B.A. with honors in economics in 1984), and Duke University School of Law (J.D. with high honors in 1990), where he was Articles Editor of the *Duke Law Journal*. Before joining Berger Montague, he was a judicial clerk to the Honorable Jackson L. Kiser, United States District Court of the Western District of Virginia (1990-91).

Robin Switzenbaum – Shareholder

Ms. Switzenbaum concentrates her practice on litigating complex civil cases with a particular focus on securities, partnership, corporate governance and voting control disputes. In addition to successfully

resolving major securities class actions in her career, Ms. Switzenbaum has applied her plaintiffs' side expertise to representing business sellers who have encountered difficulties in securing the value of their pay-outs from purchasers of their companies and to representing partners in partnership disagreements involving oil and gas, as well as, real estate assets.

Ms. Switzenbaum is currently serving as lead counsel in *In re Precision Castparts Corp. Shareholder Litig.*, No. 15-cv-21455 (Oregon Cir. Ct., Multnomah Cty.), challenging the process and price paid by Berkshire Hathaway for this new subsidiary. Ms. Switzenbaum served as lead counsel with Lawrence Lederer in *Dodona v. Goldman, Sachs, et al.*, No. 10 Civ. 7497 (S.D.N.Y.), regarding two synthetic collateralized debt obligations, Hudson Mezzanine Funding 2006-1 and Hudson Mezzanine Funding 2006-2 sold by Goldman in 2007 which concluded in a \$27.5 million settlement.

Ms. Switzenbaum also served as lead counsel in *Ginsburg v. Philadelphia Stock Exchange, Inc., et al.*, C.A. No. 2202-CC (Del. Ch.) representing certain shareholders of the Philadelphia Stock Exchange in the Delaware Court of Chancery. The case settled for in excess of \$99 million. In another state court action, Ms. Switzenbaum represented a class of holders of a publicly traded common stock who were denied their preemptive rights, *Korman v. InKine Pharmaceutical*, Case No. 04341 (CCP, Philadelphia County). This case settled for \$9 million. She has also successfully pursued claims on behalf of litigation trusts bringing actions against officers, directors and auditors of insolvent companies including; Sunterra Corporation (recovery against director, officers and accountants); and U.S. Aggregates, Inc. (recovery against officers). Ms. Switzenbaum has also been extensively involved in litigating securities cases against financial institutions such as Merrill Lynch, Lehman Brothers, Citi and Chase Manhattan and against retailers such as Rite Aid, Sunbeam and Revlon.

Prior to joining Berger Montague, Ms. Switzenbaum was an attorney with Saul, Ewing, Remick & Saul, LLP focusing on real estate, bankruptcy and zoning matters. Preceding law school, Ms. Switzenbaum was engaged in the development of commercial and residential real estate in Pennsylvania and New Jersey. During that time, she served on the board of directors of the Home Owners Warranty Council for Southeastern Pennsylvania and the Home Builders Association of Bucks and Montgomery Counties.

Ms. Switzenbaum is a docent at the Philadelphia Museum of Art and is a member of The Women's Committee of the Philadelphia Museum of Art. She currently serves as a member of the Joint Boards of Community Legal Services and Philadelphia Legal Services.

Susan Schneider Thomas – Shareholder

Susan Schneider Thomas is a shareholder in the Consumer Fraud and Whistleblower/*Qui Tam* practice groups at Berger Montague. She concentrates her practice on qui tam litigation.

Ms. Thomas has substantial complex litigation experience. Before joining Berger Montague, she practiced law at two Philadelphia area firms, Schnader, Harrison, Segal & Lewis and Greenfield & Chimicles, where she was actively involved in the litigation of complex securities fraud and derivative actions. In 1986, she joined in establishing Zlotnick & Thomas where she was the partner with primary responsibility for the litigation of several major class actions including *Geist v. New Jersey Turnpike Authority*, C.A. No. 92-2377 (D.N.J.), a bond redemption case that settled for \$2.25 million and *Burstein v. Applied Extrusion Technologies*, C.A. No. 92-12166-PBS (D. Mass.), which settled for \$3.4 million.

At Berger Montague, Ms. Thomas has had major responsibilities in many securities and consumer fraud class actions, including *In re CryoLife Securities Litigation*, C.A. No. 1:02-CV-1868 BBM (N.D.Ga.), which settled in 2005 for \$23.25 million and *In re First Alliance Mortgage Co.*, Civ. No. SACV 00-964 (C.D.Cal.), a deceptive mortgage lending action that settled for over \$80 million in cooperation with the

FTC. That case included a rare payment by an individual defendant in addition to the sum paid by the corporate wrongdoer.

More recently, Ms. Thomas concentrates her practice in the area of *qui tam* litigation. As co-counsel for a team of whistleblowers, she worked extensively with the U.S. Department of Justice and various State Attorney General Offices in the prosecution of False Claims Act cases against pharmaceutical manufacturers that recovered more than \$2 billion for Medicare and Medicaid programs and over \$400 million for the whistleblowers. She recently settled claims against a physician and two hospitals for medically unnecessary cardiac stent and other procedures. Although the government intervened in the case against the individual physician, the claims against the hospitals were pursued separately by the whistleblower. Ms. Thomas has investigated or is litigating False Claims Act cases involving defense contractors, off-label marketing by drug and medical device companies, federal grant fraud, upcoding and other billing issues by healthcare providers, drug pricing issues and fraud in connection with defective medical devices.

In addition to blogging on the Berger Montague website about *qui tam* issues, Ms. Thomas was selected to the Law 360 Aerospace & Defense Editorial Advisory Board in 2015 and 2016. She presented a CLE with a psychiatrist and a rabbi titled “Whistleblowers: Paragons or Pariahs” dealing with some of the emotional and employment issues that clients face and a session about the role of whistleblowers to the Philadelphia chapter of the Association of Clinical Research Professionals. In October 2015, Ms. Thomas spoke on “Using Litigation to Combat Unfair, Deceptive or Fraudulent Drug Pricing Schemes” at a multi-disciplinary seminar entitled Advancing Action on Access & Affordability of Pharmaceuticals & Pharmacists, presented by the University of Minnesota School of Pharmacy.

Ms. Thomas graduated from Brandeis University, B.A., *magna cum laude*, and from Temple University School of Law, J.D., *cum laude*, where she served as Associate Articles Editor of the *Temple Law Journal*. She clerked on the United States Court of Appeals for the Third Circuit for Hon. Dolores K. Sloviter, before starting to practice in the fields of securities fraud, consumer fraud and whistleblower law.

Martin I. Twersky – Shareholder

Martin I. Twersky is a shareholder in the Antitrust Department at Berger Montague. He has considerable experience in litigation involving a wide range of industries including oil and gas, banking, airline, waste hauling, agricultural chemicals and other regulated industries. For more than 35 years, Mr. Twersky has successfully represented numerous plaintiffs and defendants in both individual and class actions pending in state and federal courts.

Mr. Twersky has played a leading role in the following class action cases among others: *In re Linerboard Antitrust Litigation* (E.D. Pa.) (as a member of the Executive Committee, he helped obtain settlements of more than \$200 million dollars and he received specific praise from the court for co-managing the major discovery effort; see 2004 WL 1221350 at *10); *In re Graphite Antitrust Litigation* (E.D. Pa.) (settlements of more than \$120 million dollars); *In re Catfish Antitrust Litigation* (N.D. Miss.) (as a member of the trial team he helped obtain settlements of more than \$27 million dollars); *In re Revco Securities Litigation* (N.D. Ohio) (“Junk Bond” class action where settlements of \$36 million were reached and where he received judicial praise from Senior District Court Judge William K. Thomas for the “specialized, highly competent and effective quality of the legal services.” See 1993 CCH Fed Sec. L. Rep. at Para. 97,809); *Bogosian v. Gulf Oil* (E.D. Pa.) (landmark litigation with settlements and injunctive relief on behalf of a nationwide class of gasoline dealers); Lease Oil Antitrust (S.D. Tex.), where in a significant class action decision, the Fifth Circuit affirmed the granting of an injunction prohibiting settlements in related state court actions (see 200 F.3d 317 (5th Cir. 2000), *cert. denied*, 530 U.S. 1263); and *In Re Pharmacy Benefit Managers Antitrust Litig.* (700 F.3d 109 (3rd Cir. 2012), where the Third Circuit reversed a decision to

compel arbitration. Mr. Twersky was appointed one of the co-lead counsel in *In re Abrasive Grains Antitrust Litig.* (95-cv-7574) (W.D.N.Y.).

Mr. Twersky has also played a key role in various non-class action cases, such as *Kutner Buick v. America Motors*, 848 F.2d 614 (3rd Circuit 1989) (breach of contract) (cited in the Advisory Committee Notes to the 1991 Amendment to Rule 50, Fed. R. Civ. P.), *Florham Park v. Chevron* (D.N.J. 1988) (Petroleum Marketing Act case), and *Frigitemp v. IDT Corp.*, 638 F. Supp. 916 (S.D. N.Y. 1986) and 76 B.R. 275, 1987 LEXIS 6547 (S.D. N.Y. 1987) (RICO case brought by the Trustee of Frigitemp Corp. against General Dynamics and others involving extortion of kickbacks from Frigitemp officers). Mr. Twersky also served prominently in savings-and-loan related securities and fraud litigation in federal and state courts in Florida, where the firm represented the Resolution Trust Corporation and officers of a failed bank in complex litigation involving securities, RICO and breach of fiduciary duty claims. *E.g.*, *Royal Palm v. Rapaport*, Civ. No. 88-8510 (S.D. Fla.) and *Rapaport v. Burgoon*, CL-89-3748 (Palm Beach County).

Daniel J. Walker – Shareholder

Dan Walker is a shareholder of the firm, which he rejoined in July 2017 after serving three years in the Health Care Division at the Federal Trade Commission. Mr. Walker practices in the firm's Washington, D.C. office.

While at the Federal Trade Commission, Mr. Walker investigated and litigated antitrust matters in the health care industry. In addition to leading various nonpublic investigations in the pharmaceutical and health information technology sectors, Mr. Walker litigated *Federal Trade Commission v. AbbVie Inc., et al.*, a case alleging that a brand pharmaceutical manufacturer engaged in sham patent litigation to delay generic competition, and *Federal Trade Commission v. Cephalon Inc.*, a "pay-for-delay" lawsuit over a brand pharmaceutical manufacturer's payment to four generic competitors in return for the generics' agreement to delay entry into the market. The Cephalon case settled shortly before trial for \$1.2 billion—the largest equitable monetary relief ever secured by the Federal Trade Commission—as well as significant injunctive relief.

During his time in private practice, Mr. Walker has litigated cases on behalf of plaintiffs and defendants in many areas of law, including antitrust, financial fraud, breach of contract, bankruptcy, and intellectual property. Mr. Walker has helped recover hundreds of millions of dollars on behalf of plaintiffs, including in *In re: Titanium Dioxide Antitrust Litigation*, No. 10-cv-318 (D. Md.) (with settlements totaling \$163.5 million for purchasers of titanium dioxide), *In re: High Tech Employee Antitrust Litigation*, No. 11-cv-2509 (N.D. Cal.) (with settlements totaling \$435 million for workers in the high tech industry), and *Adriana Castro, M.D., P.A., et al. v. Sanofi Pasteur Inc.*, No. 11-cv-7178 (D.N.J.) (\$61.5 million settlement for purchasers of pediatric vaccines). Mr. Walker was also a member of the team that recovered the funds lost by account holders during MF Global's collapse and a member of the trial team that successfully represented the Washington Mutual stockholders seeking to recover investments lost in the bankruptcy.

In addition, Mr. Walker has spoken frequently on antitrust issues, including on the intersection of antitrust and intellectual property in the health care industry.

Mr. Walker is a *magna cum laude* graduate of Amherst College and Cornell University Law School, where he was an Articles Editor for the *Cornell Law Review*. Before entering private practice, Mr. Walker clerked for the Honorable Richard C. Wesley of the U.S. Court of Appeals for the Second Circuit.

Senior Counsel

David A. Langer – Senior Counsel

David A. Langer concentrates his practice in complex litigation involving antitrust and Commodities & Financial Instruments claims.

Mr. Langer has had a primary role in the prosecution of the following antitrust class actions: *In re Currency Conversion Fee Antitrust Litigation* (S.D.N.Y.) (after 5½ years of litigation, through the close of fact and expert discovery, achieved a settlement consisting of \$336 million and injunctive relief for a class of U.S. Visa and MasterCard cardholders; extraordinary settlement participation from class members drawing more than 10 million claimants in one of the largest consumer antitrust class actions); *Ross and Wachsmuth v. American Express Co., et al.* (S.D.N.Y.) (\$49.5 million settlement achieved after more than 7 years of litigation and after summary judgment was denied); *Ross, et al. v. Bank of America, N.A. (USA), et al.* (S.D.N.Y.) (obtained settlements with four of the nations’ largest card issuers (Bank of America, Capital One, Chase and HSBC) to drop their arbitration clauses for their credit cards for 3.5 years, and a settlement with the non-bank defendant arbitration provider (NAF), who agreed to cease administering arbitration proceedings involving business cards for 3.5 years); and *In re Linerboard Antitrust Litigation* (E.D. Pa.) (helped obtain settlements of more than \$200 million dollars).

Mr. Langer practice also involves Commodities & Financial Instruments claims, including those brought in *In re MF Global Holdings Ltd. Investment Litigation*, where Mr. Langer helped obtain settlements with various parties that enabled MF Global commodities customers to recover over \$1 billion, including, importantly, ensuring that the class of commodities customers recovered the full amount of their loss when the company declared bankruptcy—a result widely deemed impossible at the time of MF Global’s historic collapse. Another settlement in that matter is pending approval that will provide up to \$5 million in additional settlement funds to the class of commodities customers.

Mr. Langer was one of the trial team chairs in the 5-week consolidated bench trial of arbitration antitrust claims in *Ross v. American Express* and *Ross v. Bank of America*, where the Honorable William H. Pauley, III of the United States District Court for the Southern District of New York, commended the “extraordinary talents of Plaintiffs’ counsel.”

Mr. Langer has also had a primary role in appellate proceedings, obtaining relief for his clients in a number of matters, including: *Ross, et al. v. American Express Co., et al.*, 547 F.3d 137 (S.D.N.Y. 2008) (precluding an alleged co-conspirator from relying on the doctrine of equitable estoppel to invoke arbitration clauses imposed by its competitor co-conspirators); *Ross, et al. v. Bank of America, N.A. (USA), et al.*, 524 F.3d 217 (S.D.N.Y. 2008) (holding that antitrust plaintiffs possess Article III standing to challenge the defendants’ collusive imposition of arbitration clauses barring participation in class actions); *In re Pharmacy Benefit Managers Antitrust Litig.*, 700 F.3d 109 (3d Cir. 2012) (finding opposing party waived right to compel arbitration and reversing district court).

While at Vermont Law School, Mr. Langer was Managing Editor and a member of the Vermont Law Review.

Daniel C. Simons – Senior Counsel

Daniel C. Simons is senior counsel in the Antitrust and Consumer Protection unit of Berger Montague. He concentrates a significant percentage of his practice on complex antitrust litigation, with a focus on anticompetitive arrangements in the pharmaceutical industry. Mr. Simons has been at the forefront of the efforts to curb “pay-for-delay” agreements, whereby brand companies compensate generic rivals to forestall the entry of lower priced generic equivalents. His practice has led to appearances in district and appellate courts across the country.

Mr. Simons’ s significant representations have included:

- *King Drug Co. of Florence, Inc. v. Cephalon, Inc.*, No. 06-1797 (E.D. Pa.), in which Mr. Simons represents direct purchasers of the drug Provigil, suing the brand company for fraudulently obtaining its patents on the drug and entering into agreements with its four generic rivals to delay competition. The case has resulted in a record-breaking \$512 million class settlement with certain defendants.
- *In re Androgel Antitrust Litigation (No. II)*, MDL No. 2084 (N.D. Ga.). This private antitrust suit parallels the precedent-setting *FTC v. Actavis* case, which held that pay-for-delay agreements are not immune from the antitrust laws and must be examined under the antitrust “rule of reason.” 133 S. Ct. 2223 (2013). Mr. Simons was heavily involved in all aspects of appellate litigation, including the United States Supreme Court. The order of dismissal was reversed, and litigation is pending before the district court.
- *In re K-Dur Antitrust Litigation*, 686 F.3d 197 (3d Cir. 2012), where the Third Circuit held that pay-for-delay agreements are subject antitrust scrutiny, which helped to trigger the eventual review of the issue by the Supreme Court. The Court of Appeals also made notable holdings concerning class certification in delayed generic entry cases. The case has since settled for \$60.2 million.
- *In re DDAVP Direct Purchaser Antitrust Litigation*, 585 F.3d 677 (2d Cir. 2009), the first appellate decision directly addressing the issue of antitrust standing for claims relating to fraudulently obtained patents. The case later settled on terms favorable to the direct purchaser class.
- *In re Nifedipine Antitrust Litigation*, MDL No. 1515 (D.D.C.), in which Mr. Simons was one of the principal attorneys responsible for winning certification of a class of direct purchasers of generic versions of the antihypertensive drug Adalat CC, and for successfully defending that certification before the United States Court of Appeals. *In re Nifedipine Antitrust Litigation*, 246 F.R.D. 365 (D.D.C. 2007), Rule 23(f) appeal denied, 2009 U.S. App. LEXIS 3643 (D.C. Cir. Feb. 23, 2009). The case was resolved with settlements on behalf of the class worth \$35 million.
- *In re Relafen Antitrust Litigation*, Civ. A. No. 01-12239-WGY (D. Mass.), in which Mr. Simons was a member of the team of attorneys representing a class of direct purchasers of the prescription anti-inflammatory drug Relafen. A \$175 million settlement was obtained on behalf of the class.
- *Congregation Kol Ami v. Abington Township*, Civ. A. No. 01-1919 (E.D. Pa.), in which Mr. Simons represented a non-profit in a civil rights challenge. The case presented several questions of first impression under the Federal and Pennsylvania Constitutions, the Pennsylvania Religious Freedom Restoration Act, and the Religious Land Use and Institutionalized Persons Act.

Lane L. Vines – Senior Counsel

Lane L. Vines is a senior counsel in the Securities, Commercial and Qui Tam Litigation practice groups at Berger Montague. He concentrates his practice in the areas of securities/investor fraud litigation, consumer and insurance litigation and whistleblower litigation. For more than 17 years, he has prosecuted both class action and individual opt-out cases for state government entities, public pension funds, large investors and consumers.

Examples of securities cases in which Mr. Vines was substantially involved include: *Dodona I, LLC v. Goldman, Sachs & Co.*, No. 10-cv-7497 (VM)(DCF) (S.D.N.Y.); *Vasco v. Power Home Remodeling Group LLC*, No. 15-cv-4623-MAK (E.D. Pa.); *In re NetBank, Inc. Securities Litigation*, No. 07-cv-2298-TCB (N.D. Ga.); *Commonwealth of Pennsylvania, Public School Employees' Retirement System, et al. v. Citigroup Inc. et al.*, No. 05028, January Term, 2011 (Pa. Common Pleas Ct.-Phila. Cty.); *In re Aerosonic Corporation Securities Litigation*, No. 8:03-CV-2373-T-24 SCB-TBM (M.D. Fla.); *Commonwealth of Pennsylvania Public School Employees' Retirement System, et al. v. Time Warner Inc., et al.*, No. 002103, July Term, 2003 (Pa. Common Pleas Ct.-Phila. Cty.); *In re Waste Management, Inc. Secs. Litig.*, 194 F. Supp. 2d 590 (S.D. Tex. 2002); *Kelly v. McKesson HBOC, Inc.*, No. 99C-09-265 WCC, 2002 Del. Super. LEXIS 39 (Del. Super. Jan. 17, 2002); *In re Merrill Lynch & Co., Inc. Research Reports Secs. Litig.*, 02 MDL 1484 (JFK), 2007 U.S. Dist. LEXIS 93423 (S.D.N.Y. Dec. 20, 2007). Mr. Vines also participated in the securities class action litigation *In re Merrill Lynch & Co., Inc. Secs., Derivative and ERISA Litig.*, Master File No. 07-cv-9633 (JSR) (DFE) (S.D.N.Y.), where a \$475 million recovery was obtained on behalf of lead plaintiff State Teachers Retirement System of Ohio and other members of a class of similarly situated investors, relating to Merrill Lynch's disclosures and financial exposures concerning asset-backed securities such as collateralized debt obligations and other financial derivative instruments linked to subprime mortgages.

Mr. Vines also has experience in the defense of securities and commercial cases. For example, he was one of the firm's principal attorneys defending a public company which obtained a pre-trial dismissal in full of a proposed securities fraud class action against a gold mining company based in South Africa. See *In re DRDGold Ltd. Secs. Litig.*, No. 05-cv-5542 (VM), 2007 U.S. Dist. LEXIS 7180 (S.D.N.Y. Jan. 31, 2007).

Mr. Vines is a graduate of the University of Wisconsin-Madison (B.B.A.-Accounting, Graduated with Distinction, 1988) and Villanova University School of Law (J.D. 1997). During law school, Mr. Vines was a member of the *Villanova Law Review* and served as a Managing Editor of *Outside Works*. In that role, he selected outside academic articles for publication and oversaw the editorial process through publication.

Before joining Berger Montague in 1999, Mr. Vines was a law clerk for the Honorable James R. Melinson, Chief U.S. Magistrate Judge for the Eastern District of Pennsylvania. He is a member of the Villanova Law J. Willard O'Brien American Inn of Court and has served as a pupillage team captain for the past two years. Mr. Vines has been a guest lecturer at Villanova Law School ("Accounting for Lawyers" course in 2011 and 2012) and acted as a *pro bono* legal consultant on discovery issues for the Farmworker Legal Aid Clinic (2013). He currently serves as the Vice Chairman of the Radnor Township (Pa.) Ethics Board and as a Committee Member and Merit Badge Counselor for Boy Scout Troop Paoli 1 (Wayne, Pa.), one of the oldest troops in the country. He is also a member of the Panorama Toastmasters in Philadelphia. He has served as a member of the Narberth Borough (Pa.) Planning Commission, a Committee Member for Cub Scout Pack 371 in Radnor, Pennsylvania and as an officer or director in numerous other civic organizations. Prior to law school, Mr. Vines worked as an auditor for a Big 4 public accounting firm and a property controller for a commercial real estate development firm, and served as the Legislative Assistant to the Minority Leader of the Philadelphia City Council.

Mr. Vines has achieved the highest peer rating, "AV Preeminent" in Martindale-Hubbell for legal abilities and ethical standards. He has led and participated in numerous Continuing Legal Education (CLE) programs and co-authored a CLE article for the American Law Institute - Securities and Shareholder Litigation 2016: Cutting-Edge Developments, Planning, and Strategy, entitled "*Janus Capital Group, Inc. v. First Derivative Traders: Let the 'Maker' Beware.*"

Mr. Vines is admitted to practice law in Pennsylvania, New Jersey and several federal courts, including the Supreme Court of the United States.

Associates and Staff Attorneys

John G. Albanese - Associate

John Albanese is an associate in the Firm's Minneapolis office. Mr. Albanese concentrates his practice on consumer protection issues with a focus on Fair Credit Reporting Act violations related to criminal background checks. Mr. Albanese has also prosecuted class and collective actions for unfair lending practices, unfair debt collection, wage and hour violations, and violations of ERISA.

Mr. Albanese is a graduate of Columbia Law School and Georgetown University. At Columbia, he was a managing editor of the Columbia Law Review and was elected to speak at graduation by his classmates.

Mr. Albanese clerked for Magistrate Judge Geraldine Brown in the Northern District of Illinois. Prior to joining Berger Montague, Mr. Albanese was an attorney at a firm in Minneapolis representing consumers and employees in consumer protection and wage and hour cases.

Mr. Albanese volunteers with Mid Minnesota Legal Aid's housing expungement clinic representing former tenants seeking to expunge evictions. He also frequently volunteers at Second Chance Saturdays, a monthly criminal expungement clinic.

Christina M. Black – Associate

Christina M. Black is an associate at Berger Montague. Prior to starting work at Berger Montague, Ms. Black clerked for the Honorable Anne E. Thompson on the United States District Court for the District of New Jersey. She also completed a one-year legal fellowship at the National Center for Lesbian Rights, where she supported nationwide impact litigation for LGBT rights. While in law school, Ms. Black was a lead articles editor at the Stanford Law and Policy Review, participated in the Williams Institute Moot Court Competition, and interned at the San Francisco City Attorney's Office.

Zachary D. Caplan - Associate

Zach Caplan is an associate in the Antitrust and Commodities practice groups at Berger Montague.

Mr. Caplan has worked on a variety of matters resulting in substantial settlements. *E.g.*, *Marckbanks Truck Service, Inc. v. Comdata Network, Inc.*, No. 07-cv-1078 (E.D. Pa.) (\$130 million settlement plus significant prospective relief); *In re: Titanium Dioxide Antitrust Litigation*, No. 10-cv-318 (D. Md.) (settlements totaling \$163.5 million); *In re: High Tech Employee Antitrust Litigation*, No. 11-cv-2509 (N.D. Cal.) (settlements totaling \$435 million); *Adriana Castro, M.D., P.A., et al. v. Sanofi Pasteur Inc.*, No. 11-cv-7178 (D.N.J.) (\$61.5 million settlement); *In re: Celebrex Antitrust Litigation*, No. 14-cv-361 (E.D. Va.) (\$94 million settlement).

Mr. Caplan is currently involved in a number of antitrust and commodities class actions alleging manipulation of key financial benchmarks. *E.g.*, *In re: Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, No. 14-md-2548 (S.D.N.Y.); *In re: Libor-Based Financial Instruments Antitrust Litigation*, No. 11-md-2262 (S.D.N.Y.); *In re: Platinum and Palladium Antitrust Litigation*, No. 14-cv-9391 (S.D.N.Y.); *In re: North Sea Brent Crude Oil Futures Litigation*, No. 13-cv-8240 (S.D.N.Y.). He also works on a number of antitrust class actions on behalf of direct purchasers of prescription drugs in which the purchasers allege that pharmaceutical manufacturers have wrongfully kept less expensive generic drugs out of the market. *E.g.*, *In re: Loestrin 24 Fe Antitrust Litigation*, No. 1:13-md-2472 (D.R.I.); *In re: Opana ER Antitrust Litigation*, No. 14-cv-10151 (N.D. Ill.). Additionally, he represents direct purchasers in *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.).

Mr. Caplan is a member of the committee that selects the annual winner of the American Antitrust Institute's Jerry S. Cohen Memorial Writing Award for the best antitrust scholarship. Mr. Caplan is a regular contributor to American Bar Association health care and antitrust publications and has several other published articles including on Philly.com, CNN.com, and Law360.

While in law school at the University of Pennsylvania, Mr. Caplan was a senior editor of the Journal of Business Law, represented clients in various civil matters as part of the Civil Practice Clinic, and interned with the U.S. Department of Justice Antitrust Division.

Jonathan Z. DeSantis – Associate

Jonathan Z. DeSantis is an associate in Berger Montague's Philadelphia office and practices in the firm's Whistleblowers, *Qui Tam* & False Claims Act group, which has collectively recovered more than \$3 billion for federal and state governments, as well as over \$500 million dollars for the firm's whistleblower clients. Mr. DeSantis represents whistleblowers in litigation across the county and also actively assists in investigating and evaluating potential whistleblower claims before a lawsuit is filed.

Mr. DeSantis received a B.A. in Criminal Justice from Temple University. While at Temple, Mr. DeSantis served as Student Body Vice President and as president of his fraternity, in addition to receiving several awards for excellence in leadership. He graduated magna cum laude from Stetson University College of Law. During law school, Mr. DeSantis earned book awards for receiving the top grade in several classes and served as a senior associate on the Stetson Law Review. Mr. DeSantis also interned for the Atlantic Center for Capital Representation, a Philadelphia-based non-profit that provides support to attorneys representing capital defendants.

Prior to joining Berger Montague, Mr. DeSantis clerked for the Honorable Susan C. Bucklew of the United States District Court for the Middle District of Florida and then worked as a commercial litigation associate in a large corporate defense firm.

Mr. DeSantis is admitted to practice in state courts in Pennsylvania and Florida, in addition to the United States District Courts for the Northern District of Florida, Middle District of Florida, and Southern District of Florida.

William H. Ellerbe – Associate

William H. is an associate in Berger Montague's Philadelphia office and practices in the firm's Whistleblowers, *Qui Tam* & False Claims Act practice group, which has collectively recovered more than \$3 billion for federal and state governments, as well as more than \$500 million for the firm's whistleblower clients. Mr. Ellerbe represents whistleblowers in litigation across the country and also actively assists in investigating and evaluating potential whistleblower claims before a lawsuit is filed.

Mr. Ellerbe received an A.B. in English from Princeton University. He graduated *magna cum laude* from the University of Michigan Law School and also received a certificate in Science, Technology, and Public Policy from the Ford School of Public Policy. During law school, Mr. Ellerbe was an Associate Editor of the *Michigan Telecommunications and Technology Law Review* and an active member of both the Environmental Law Society and the Native American Law Students Association.

Prior to joining Berger Montague, Mr. Ellerbe clerked for the Honorable Anne E. Thompson of the United States District Court for the District of New Jersey. He also worked as a white collar and commercial litigation associate at two large corporate defense firms.

Mr. Ellerbe is admitted to practice in the state courts of Pennsylvania, New Jersey, and New York, as well as the Third and Fourth Circuit Courts of Appeals and the United States District Courts for the Eastern District of Pennsylvania, the Middle District of Pennsylvania, the District of New Jersey, the Southern District of New York, and the Eastern District of New York.

Camille Fundora – Associate

Ms. Fundora is an Associate in the Firm’s Employment & Unpaid Wages, Consumer Protection, and Lending Practices & Borrowers’ Rights practice groups. Ms. Fundora primarily focuses on wage and hour class and collective actions arising under the Fair Labor Standards Act and state laws. Ms. Fundora has served in key roles in multiple class and collective employment action settlements.

Prior to joining Berger Montague, Ms. Fundora practiced in the litigation department at a boutique Philadelphia law firm where she represented clients in a variety of personal injury, disability, and employment discrimination matters. Ms. Fundora is a graduate of Columbia University, Barnard College and Widener University School of Law. During law school, Ms. Fundora served as the Vice President, Academic of the Student Bar Association.

Ms. Fundora is an active member of the Pennsylvania, Philadelphia and Hispanic Bar Associations.

Joseph C. Hashmall - Associate

Joe Hashmall is an associate at Berger Montague. He concentrates his practice on consumer class action litigation.

Mr. Hashmall has represented consumers and employees in numerous class actions under the Fair Credit Reporting Act, including actions against consumer reporting agencies for reporting inaccurate or outdated information, and actions against employers for failing to comply with the Act’s requirements. Mr. Hashmall has also represented classes of mortgage and student loan borrowers in actions against banks, insurance companies, and other financial institutions.

Prior to beginning his litigation career, Mr. Hashmall clerked for President Judge Bonnie B. Leadbetter of the Pennsylvania Commonwealth Court and for the Honorable David J. Ten Eyck of the Minnesota District Court. Mr. Hashmall graduated *cum laude* from Cornell Law School, where he was an executive editor with the Cornell Legal Information Institute and an editor of the Cornell International Law Journal.

Patrick F. Madden - Associate

Patrick F. Madden is an associate attorney in the Consumer Protection, Employment & Unpaid Wages, Insurance Products & Financial Services, and Lending Practices & Borrowers’ Rights practice groups at Berger Montague. His practice principally focuses on consumer class actions concerning financial practices, insurance products and construction products.

Mr. Madden has served in key roles in multiple nationwide consumer class actions with a focus on consumer financial practices and construction product defects. For example, he represented homeowners whose mortgage loan servicers have force-placed extraordinarily high-priced insurance on them and allegedly received a kickback from the insurer in exchange. In particular, Mr. Madden played key roles in several cases that have reached favorable resolutions. *E.g.*, *Coonan v. Citibank, N.A.*, Nos. 5:12-820, 1:13-353 (N.D.N.Y.) (settlement of \$122 million); *Clements v. JPMorgan Chase Bank, N.A.*, No. 3:12-cv-2179 (N.D. Cal.) (settlement in excess of \$22 million); *Arnett v. Bank of America, N.A.*, No. 11-cv-1372 (D. Or.) (settlement of \$31 million); *Lyons v. Litton Loan Servicing LP*, No. 13-cv-513 (S.D.N.Y.) (settlements in the New York case collectively exceeding \$8 million and settlement in the related Florida cases making tens of millions of additional dollars available to class members). Collectively, Mr. Madden’s force-placed insurance settlements have made more than \$200 million in recoveries available to class members. He has

also represented putative nationwide classes of building and structure owners on which defective building products have been installed. One such case settled for more than \$103 million. *See CertainTeed Fiber Cement Siding Litigation*.

Prior to attending law school, Mr. Madden worked at the United States Department of Labor, Office of Labor-Management Standards as an investigator during which time he investigated allegations of officer election fraud and financial crimes by union officers and employees.

While at Temple Law School, Mr. Madden was the Executive Editor of Publications for the Temple Journal of Science, Technology & Environmental Law.

Neil Makhija – Associate

Neil Makhija is an associate in the Consumer Protection, Employment & Unpaid Wages, Environment & Public Health, Government Representation, and Predatory Lending and Borrowers' Rights practice groups at Berger Montague. He also serves as a Lecturer in Law at the University of Pennsylvania Law School.

Mr. Makhija earned his J.D. at Harvard Law School on the Horace DeYoung Lentz Scholarship, which was endowed by a 19th century Pennsylvania coal magnate. While at Harvard, he founded the HLS Homelessness Coalition, served as Senior Policy Editor on the Harvard Law & Policy Review, and worked as a fellow at the United States Attorney's Office for the Southern District of New York. Mr. Makhija earned his B.A. from Sarah Lawrence College, where he studied neuroscience and served as co-president of his class and commencement speaker.

Prior to joining Berger Montague, Mr. Makhija was the 2016 Democratic Nominee for the Pennsylvania House of Representatives from the 122nd House District, where he outperformed the national Democratic ticket by 14 points in the general election. He won the Pennsylvania Commonwealth Court case, *In Re: Makhija* (2016), which under the Pennsylvania Constitution protected the rights of students and recent graduates to run for office in their home state.

Mr. Makhija has also served as an aide to Senator Kirsten Gillibrand in the U.S. Senate, the Office of Vice President Joe Biden in The White House, and the Counsel to the Mayor in New York City Hall. As the son of immigrants and a proud native of Pennsylvania, Mr. Makhija is passionate about using the law to enfranchise underserved communities through collective action. He is an active member of the South Asian Bar Association of Philadelphia.

Jeff Osterwise – Senior Associate

Jeff Osterwise concentrates his practice on obtaining relief for injured shareholders and consumers.

As a member of the firm's Securities & Investor Protection practice group, Mr. Osterwise was instrumental in securing compensation for real estate investment trust preferred shareholders injured by alleged breaches of fiduciary duties by the REIT's board and management. *Fox v. Prime Group Realty Trust et al.*, Case No. 1:12-cv-09350 (N.D. Ill.) (\$8.25 million settlement). He has also successfully pursued claims on behalf of investors injured by alleged violations of the federal securities laws. *In re Scudder Mutual Funds Litigation* Case No. 04-md-15861 (D. Md.) (\$14 million settlement); *In re Veeco Instruments Inc. Securities Litigation*, Case No.: 1:05-md-01695 (S.D.N.Y.) (\$5.5 million settlement).

As a member of the firm's Consumer Protection and Defective Products practice groups, Mr. Osterwise has fought for the rights of consumers harmed by corporations' violations of consumer protection statutes and breaches of consumer contracts and warranties. *Vaughn v. L.A. Fitness International LLC*, Case No.: 10-cv-2326 (E.D. Pa.) (settlement on behalf of gym members for alleged improper billing); *Klug, et al. v. Watts Regulator Company*, Case No.: 8:15-cv-00061 (D. Neb.) (\$10 million and \$4 million settlements pending court approval on behalf of consumer classes injured by alleged defective water supply lines).

Mr. Osterwise is also actively involved in the firm's representation of the City of Chicago in an action against certain online travel companies for their alleged failure to pay hotel taxes.

Alexandra Koropey Piazza – Associate

Alexandra Koropey Piazza is a member of the firm's Employment & Unpaid Wages and Consumer Protection practice groups. In the Employment & Unpaid Wages practice group, Ms. Piazza's practice focuses primarily on wage and hour class and collective actions arising under state and federal law. Ms. Piazza has successfully worked on all aspects of wage and hour litigation involving the failure to pay employees' wages, overtime compensation, gratuities, commissions, and improper deductions. Ms. Piazza also brings cases on behalf of workers who allege they were misclassified as independent contractors. Ms. Piazza's work in the Consumer Protection practice group involves consumer class actions concerning privacy breaches and financial practices.

Ms. Piazza currently serves as Vice President of the National Employment Lawyers Association – Eastern Pennsylvania. Ms. Piazza is a graduate of the University of Pennsylvania and Villanova University School of Law. During law school, Ms. Piazza served as a Managing Editor of the Villanova Sports and Entertainment Law Journal and as President of the Labor and Employment Law Society. Ms. Piazza also interned at the United States Attorney's Office and served as a summer law clerk for the Honorable Eduardo C. Robreno of the United States District Court for the Eastern District of Pennsylvania.

Jacob M. Polakoff - Senior Associate

Jacob M. Polakoff is a Senior Associate at Berger Montague. Since joining the Firm in 2006, he has concentrated his practice on the prosecution of class actions and other complex litigation, including the representation of plaintiffs in consumer protection, securities and commercial cases.

Mr. Polakoff currently represents homeowners throughout the country in various product liability actions concerning defective construction products, including roofing, siding and plumbing. He served on the team of co-lead counsel in *George v. Uponor, Inc., et al.*, a class action about Uponor's high zinc yellow brass PEX plumbing fittings (\$21 million settlement).

He represented the shareholders of the Philadelphia Stock Exchange in *Ginsburg v. Philadelphia Stock Exchange, Inc., et al.*, in the Delaware Court of Chancery, which settled for in excess of \$99 million in addition to significant corporate governance provisions. Mr. Polakoff's experience also includes representing entrepreneurs and small businesses in actions against Fortune 500 companies.

Mr. Polakoff was selected as a Pennsylvania Super Lawyer - Rising Star in 2010 and 2013-2016, an honor conferred upon only the top 2.5% of attorneys in Pennsylvania who are 40 or younger.

Mr. Polakoff is a 2006 graduate of the joint J.D./M.B.A. program at the University of Miami, where he was the recipient of the Dean's Certificate of Achievement in Legal Research & Writing, was awarded a Graduate Assistantship, and was honored with the Award for Academic Excellence in Graduate Studies.

He holds a 2002 B.S.B.A. from Boston University's School of Management, where he concentrated in finance.

Mr. Polakoff is the Judge of Election for Philadelphia's 30th Ward, 1st Division. He was also a member of the planning committee and the sponsorship sub-committee for the Justice for All 5K from its inception. The event benefited Community Legal Services of Philadelphia, which provides free legal services, in civil matters, to low-income Philadelphians.

Josh Ripley - Associate

Josh Ripley is an associate attorney in the Antitrust, Insurance Products & Financial Services, and Environment & Public Health practice groups.

Mr. Ripley graduated from Harvard Law School in 2015. While in law school, Mr. Ripley participated in various clinical organizations, including the Tenant Advocacy Project, the Employment Law Clinic, and the Predatory Lending and Consumer Protection Clinic.

Karissa Sauder – Associate

Karissa Sauder is an associate at Berger Montague. Prior to joining the firm, Ms. Sauder clerked for the Honorable Eduardo C. Robreno of the United States District Court for the Eastern District of Pennsylvania.

Ms. Sauder is a 2014 graduate of Harvard Law School, where she served as Managing Editor of the *Harvard Law Review*. In 2010, she graduated *summa cum laude* from Eastern Mennonite University, where she was a Yoder Scholar.

Shoshana Savett - Associate

Shoshana Savett is an associate at Berger Montague. Since joining the Firm, she has concentrated her practice on the prosecution of class actions and other complex litigation, including the representation of plaintiffs in consumer protection, commercial, and securities cases.

Ms. Savett has served as co-lead counsel in consumer class actions including: *Sobel v. Hertz Corporation*, 3:06-cv-00545 (D. Nev.) (judgment of \$53.4 million awarded in action brought on behalf of persons who rented cars from Hertz Corporation and who were overcharged); *Lee v. Enterprise Leasing-Company West*, 3:10-cv-00326 (D. Nev.) (settlement in which Class Members received 80% of their potential damages).

She has also been involved in securities class actions including: *In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litigation*, relating to the Securities Action, 07-cv-9633; *Ginsburg v. Philadelphia Stock Exchange* (settlement valued at over \$99 million in action brought on behalf of a class A shareholders of the Philadelphia Stock Exchange which included breach of fiduciary allegations against the Exchange's Board of Governors in connection with strategic transactions that the Exchange announced in June and August 2005); *In re Sepracor Inc. Securities Litigation*, Civil Action no. 02-12235-MEL (D. Mass.) (\$52.5 million settlement approved September 6, 2007).

Ms. Savett was selected as a Pennsylvania Super Lawyer - Rising Star in 2014-2016, an honor conferred upon only the top 2.5% of attorneys in Pennsylvania who are 40 or younger.

Richard Schwartz – Associate

Richard Schwartz is an associate in the Antitrust practice group at Berger Montague. Mr. Schwartz concentrates his practice in the area of complex antitrust litigation with a focus on representation of direct purchasers of prescription drugs.

Prior to joining Berger Montague, Mr. Schwartz was an attorney in the New York and Philadelphia offices of a firm where he represented plaintiffs in a variety of matters before trial and appellate courts with a focus on antitrust and shareholder class actions.

At Berger Montague, Mr. Schwartz is a member of the teams prosecuting a number of antitrust class actions on behalf of direct purchasers of prescription drugs in which the purchasers allege that generic drugs have been illegally kept off the market. Those cases include *In re Opana ER Antitrust Litigation*, No. 14-cv-10151 (N.D. Ill.); *In re Suboxone*, No. 13-MD-2445 (E.D. Pa.); *In re Solodyn*, No. 14-MD-2503 (D. Mass.) and *In re Celebrex*, No. 14-cv-00361 (E.D. Va.).

Mr. Schwartz is admitted to practice in New York, Pennsylvania and Illinois.

Mark R. Suter – Associate

Mark Suter is an associate in the Antitrust group at Berger Montague, where he concentrates his practice in the area of complex antitrust litigation.

Mr. Suter focuses on antitrust class actions brought on behalf of direct purchasers alleging price-fixing and other anti-competitive conspiracies. E.g., *In re Domestic Drywall Antitrust Litigation*; *In re Capacitors Antitrust Litigation*. In addition, he is presently involved in the representation of a proposed class of elite mixed martial arts fighters in an antitrust lawsuit against the Ultimate Fighting Championship ("UFC"). *Le, et al. v. Zuffa, LLC*.

Mr. Suter graduated *magna cum laude* from Rutgers Law School. While in law school, he served as a senior editor of the *Rutgers University Law Review* and interned for the Honorable C. Darnell Jones, II of the United States District Court for the Eastern District of Pennsylvania.

Eugene R. Tompkins - Senior Associate

Mr. Tompkins is a senior associate in Berger Montague's Commercial Litigation practice group. He concentrates on complex, technically-oriented disputes and business-related matters under antitrust, securities and corporate governance areas of federal and state law. His prior experience in numerous facets of the international transportation and oil and gas industries complements his efforts in many of the areas encountered in increasingly complex litigation.

Y. Michael Twersky - Associate

Y. Michael Twersky concentrates his practice on complex litigation, including primarily insurance, antitrust, and environmental litigation.

Mr. Twersky has worked on a wide variety of insurance matters including an insurance case in which a Federal District Court found on Summary Judgement that a large insurance company had breached its policy when it denied benefits under an accidental death insurance plan. Mr. Twersky has also worked on a number of antitrust class actions alleging that pharmaceutical manufacturers wrongfully kept less expensive generic drugs off the market, in violation of the antitrust laws, including *In re Skelaxin (Metaxalone) Antitrust Litigation, 1:12-md-02343 (E.D. Tenn.) (\$73 million settlement)*.

Currently Mr. Twersky is involved in a number of complex class cases, including *In Re Global Tel*Link Corporation ICS Litigation, 14-cv-5275 (W.D. Ark.)* alleging that pursuant to the Federal Communication Act that providers of inmate phone services have overcharged inmates for inmate calling services; *South Peninsula Hospital et al v. Xerox State Healthcare, LLC, 3:15-cv-00177 (D. Ak.)* brought on behalf of Alaska-enrolled Medicaid healthcare providers against the developers of the Alaska Medicaid Management Information System Company alleging that providers were harmed as a result of the negligent and faulty design and implementation of the MMIS system; and *In re Solodyn (Minocycline Hydrochloride) Antitrust Litigation* alleging that a pharmaceutical manufacturer has wrongfully impeded generic drug competition, in violation of the federal antitrust laws.

Mr. Twersky graduated from Temple University Beasley School of Law in 2011, where he was a member of the Rubin Public Interest Law Honors Society and a Class Senator. In addition Mr. Twersky advised various clients in business matters as part of Temple University's Business Law Clinic.

Nick Urban - Associate

Nick Urban is an associate in the Antitrust practice group at Berger Montague. He concentrates his practice in the area of complex antitrust litigation.

Mr. Urban focuses on antitrust class actions alleging that pharmaceutical manufacturers wrongfully kept less expensive generic drugs off the market, in violation of the antitrust laws. These cases include *In re Modafinil Antitrust Litigation*, 2:06-cv-01797 (E.D. Pa.) (\$512 million settlement with three of five defendants); *In re Skelaxin (Metaxalone) Antitrust Litigation*, 1:12-md-02343 (E.D. Tenn.) (\$73 million settlement); *In re Wellbutrin XL Antitrust Litigation*, 2:08-cv-02431 (E.D. Pa.) (\$37.5 million settlement with one of two defendants); *In re Nexium (Esomeprazole) Antitrust Litigation*, 1:12-md-02409 (D. Mass.); *In re Niaspan Antitrust Litigation*, 2:13-md-02460 (E.D. Pa.); *In re Aggrenox Antitrust Litigation*, 3:13-cv-01776 (D. Conn.); *In re AndroGel Antitrust Litigation*, 3:13-cv-01776 (N.D. Ga.).

He has also devoted significant time to antitrust cases brought against the banking industry. *E.g.*, *Ross and Wachsmuth v. American Express Co., et al.*, 04-CV-5723 (S.D.N.Y.) (\$49.5 million settlement); *Ross, et al. v. Bank of America, N.A. (USA), et al.*, 05-CV-7116 (S.D.N.Y.) (obtained settlements with four of the nations' largest card issuers (Bank of America, Capital One, Chase and HSBC) to drop their arbitration clauses for their credit cards for 3.5 years).

While at the University of Pennsylvania Law School, Mr. Urban served as senior editor for the Journal of Law and Social Change and worked at several organizations dedicated to increasing the availability of quality affordable housing through impact litigation and development. Prior to attending law school, he worked as an anti-hunger advocate in the San Diego region and for the Office of the Secretary of State of California.

Michaela Wallin – Associate

Michaela Wallin is an associate in the Antitrust and Employment & Unpaid Wages practice groups at Berger Montague. Ms. Wallin's work in the Antitrust group involves complex class actions, including those alleging that pharmaceutical manufacturers have wrongfully kept less expensive drugs off the market, in violation of the antitrust laws. In the Employment & Unpaid Wages Group, Ms. Wallin focuses on wage and hour class and collective actions arising under federal and state law.

Prior to joining Berger Montague, Ms. Wallin served as a law clerk for the Honorable James L. Cott of the United States District Court of the Southern District of New York. She also completed an Equal Justice Works Fellowship at the ACLU Women's Rights Project, where she worked to challenge local laws that target domestic violence survivors for eviction and impede tenants' ability to call the police.

Ms. Wallin is a graduate of Columbia Law School, where she was a Harlan Fiske Stone Scholar. Ms. Wallin graduated *magna cum laude* from Bowdoin College, where she was Phi Beta Kappa and a Sarah and James Bowdoin Scholar.

Of Counsel

Tyler E. Wren - Of Counsel

Mr. Wren is a trial lawyer with over **40** years of experience in both the public and private sectors.

Mr. Wren has represented both plaintiffs and defendants in a broad spectrum of litigation matters, including class actions, environmental, civil rights, commercial disputes, personal injury, insurance coverage, election law, zoning and historical preservation matters and other government affairs. Mr. Wren routinely

appears in both state and federal courts, as well as before local administrative agencies. He concentrates his practice at the Firm on environmental litigation.

Following his graduation from law school, Mr. Wren served as staff attorney to the Committee of Seventy, a local civic watchdog group. Mr. Wren then spent a decade in the Philadelphia City Solicitor's Office in various positions in which his litigation and counseling skills were developed: Chief Assistant City Solicitor for Special Litigation and Appeals, Divisional Deputy City Solicitor for the Environment, Counsel to the Philadelphia Board of Ethics and Counsel to the Philadelphia Planning Commission. After leaving government employ and before joining Berger Montague in 2010, Mr. Wren was in private practice, including nine years with the Sprague and Sprague firm, headed by nationally recognized litigator Richard Sprague.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALASKA ELECTRICAL PENSION FUND;
et al.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., et al.

Defendants.

Case Nos.: 14-cv-7126 (JMF)

Hon. Jesse M. Furman

**DECLARATION OF STUART H. MCCLUER
IN SUPPORT OF LEAD COUNSEL'S MOTION
FOR AN AWARD OF ATTORNEYS' FEES AND
REIMBURSEMENT OF LITIGATION EXPENSES
FILED ON BEHALF OF MCCULLEY MCCLUER PLLC**

I, Stuart H. McCluer, declare as follows:

1. I am a member of McCulley McCluer PLLC, one of Plaintiffs' Counsel in the above-captioned action (the "Action"). I submit this declaration in support of Lead Counsel's application for an award of attorneys' fees in connection with services rendered in the Action, as well as for reimbursement of litigation expenses incurred in connection with the prosecution of the Action. I have personal knowledge of the facts set forth herein and, if called upon, could and would testify thereto.

2. The specifics of the work performed by Lead Counsel and Plaintiffs' Counsel – including my firm – are set forth in the concurrently-filed Joint Declaration of Lead Counsel.

3. Attached hereto as Exhibit 1 is a schedule indicating the amount of time spent by attorneys and professional support staff of my firm who were involved in, and billed ten or more hours to, this Action and the lodestar calculation for those individuals based on my firm's current

billing rates. The hourly rates for the attorneys included in Exhibit 1 have been accepted in other complex or class action litigation, subject to subsequent annual increases. For personnel who are no longer employed by my firm, the lodestar calculation is based on the billing rates for such personnel in his or her final year of employment by my firm. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. Time expended on the Action after August 31, 2018 has not been included in this request. Time expended on the application for attorneys' fees and reimbursement of litigation expenses has also been excluded.

4. The total number of hours reflected in Exhibit 1 is 1159.9. The total lodestar reflected in Exhibit 1 is \$807,417.50 consisting of \$807,417.50 for attorneys' time and \$0.00 for professional support staff time.

5. My firm's lodestar figures are based on the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately and such charges are not duplicated in my firm's billing rates.

6. As detailed in Exhibit 2, my firm is seeking reimbursement for a total of \$469.05 in litigation expenses incurred in connection with the prosecution of this Action through and including August 31, 2018.

7. The litigation expenses reflected in Exhibit 2 are the actual incurred expenses or reflect "caps" based on application of the following criteria:

- (a) For out-of-town travel, airfare is at coach rates.
- (b) Hotel charges per night are capped at \$350 for large cities (Chicago, IL; London, United Kingdom; New York, NY; and Washington, D.C.) and \$250 for all other cities.

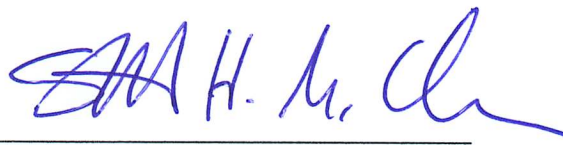
- (c) Meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.
- (d) Internal copying is charged at \$0.10 per page.
- (e) Online research charges reflect only out-of-pocket payments to the vendors for research done in connection with this Action. Online research is billed based on actual time usage at a set charge by the vendor. There are no administrative charges included in these figures.

8. The expenses incurred in this Action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred.

9. My firm has reviewed the time and expense records that form the basis of this declaration to correct any billing errors.

10. Attached hereto as Exhibit 3 are brief biographies of my firm and the attorneys for whose work on this case fees are being sought.

I declare, under penalty of perjury, that the foregoing facts are true and correct. Executed on September 28, 2018.



STUART H. MCCLUER

EXHIBIT 1

MCCULLEY MCCLUER PLLC			
TIME REPORT			
Inception through August 31, 2018		CURRENT	
		HOURLY	
NAME	HOURS	RATE	LODESTAR
R. Bryant McCulley	496.20	\$750.00	\$372,150.00
Stuart H. McCluer	418.70	\$725.00	\$303,557.50
Attorneys			
Frank B. Ulmer	116.20	\$550.00	\$63,910.00
Nina L. Rifkind	68.00	\$550.00	\$37,400.00
Christy DeLuca	60.80	\$500.00	\$30,400.00
TOTALS	1,159.90		\$807,417.50

EXHIBIT 2

Oct-14

<u>CATEGORY</u>	<u>CURRENT MONTH</u>	<u>YEAR TO DATE</u>
COURT FEES		0.00
ONLINE LEGAL RESEARCH		0.00
DOCUMENT MGMT		0.00
TELEPHONES/FAXES		0.00
POSTAGE & EXPRESS MAIL		0.00
LOCAL TRANSPORTATION		0.00
INTERNAL COPYING		0.00
OUTSIDE COPYING		0.00
OUT OF TOWN TRAVEL	112.00	112.00
MEALS		0.00
COURT REPORTERS AND TRANSCRIPTS		0.00
TOTAL	112.00	112.00

Oct-16

<u>CATEGORY</u>	<u>CURRENT MONTH</u>	<u>YEAR TO DATE</u>
COURT FEES		0.00
ONLINE LEGAL RESEARCH	86.24	86.24
DOCUMENT MGMT		0.00
TELEPHONES/FAXES		0.00
POSTAGE & EXPRESS MAIL		0.00
LOCAL TRANSPORTATION		0.00
INTERNAL COPYING		0.00
OUTSIDE COPYING		0.00
OUT OF TOWN TRAVEL		0.00
MEALS		0.00
COURT REPORTERS AND TRANSCRIPTS		0.00
TOTAL	86.24	86.24

Jan-17

<u>CATEGORY</u>	<u>CURRENT MONTH</u>	<u>YEAR TO DATE</u>
COURT FEES		0.00
ONLINE LEGAL RESEARCH	270.81	270.81
DOCUMENT MGMT		0.00
TELEPHONES/FAXES		0.00
POSTAGE & EXPRESS MAIL		0.00
LOCAL TRANSPORTATION		0.00
INTERNAL COPYING		0.00

OUTSIDE COPYING		0.00
OUT OF TOWN TRAVEL		0.00
MEALS		0.00
COURT REPORTERS AND TRANSCRIPTS		0.00
TOTAL	270.81	270.81

TOTAL: \$ 469.05

EXHIBIT 3

MCCULLEY | MCCLUER
A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

MCCULLEY MCCLUER PLLC is a boutique litigation firm focused on representing plaintiffs in complex commercial litigation. With offices in Charleston, South Carolina and Oxford, Mississippi, the Firm has a national practice and primarily litigates significant antitrust, commercial, and healthcare matters in courts throughout the country.

McCulley McCluer has extensive experience prosecuting class actions and other complex litigation. This experience has been recognized by Courts and co-counsel through the Firm's selection to serve in leadership roles in a broad range of matters. The Firm has also been selected to serve as outside counsel by numerous State Attorneys General to pursue complex fraud claims on behalf of their States.

In recent years, McCulley McCluer has recovered over \$250 million for its clients. For example, the Firm served as Plaintiffs' Executive Committee Counsel in an antitrust class action on behalf of independent truck stop owners that settled for \$130 million and significant injunctive relief. *Universal Delaware, Inc., et al. v. Comdata Corp.*, 07-cv-1078 (E.D. Pa.). In addition, the Firm and its co-counsel recovered \$82 million for a nationwide class of self-insured local governmental entities in a complex prescription drug fraud matter. *In re: McKesson AWP Governmental Entity Litigation*, 08-cv-11349 (D. Mass.). The Firm reached this settlement shortly before trial after achieving the rare certification of a nationwide RICO class and defeating a Rule 23(f) petition to the First Circuit Court of Appeals. The Firm also recovered over \$40 million for the Attorneys General of the States of Mississippi, Ohio, Oklahoma, and Utah in numerous healthcare fraud matters.

Additional representative matters for the Firm include:

ANTITRUST

Universal Delaware, Inc., et al. v. Comdata Corp., 07-1078 (E.D. Pa.) (Plaintiffs' Executive Committee in direct purchaser antitrust class action that settled for \$130 million).

In re: Pre-Filled Propane Tank Antitrust Litigation, MDL 2567 (W.D. Mo.) (represent lead plaintiff in antitrust action seeking damages for overcharge damages)

related to the pricing of propane exchange tanks).

In re: Delta/AirTran Baggage Fee Antitrust Litigation, MDL 2089 (N.D. Ga.) (Interim Co-Lead Counsel in direct purchaser antitrust class action).

In re: Aftermarket Filters Antitrust Litigation, MDL 1957 (N.D. Ill.) (Co-Chair of the Class Certification Committee in direct purchaser antitrust class action) (\$8.3 million settlement).

In re: Aftermarket Automotive Lighting Products Antitrust Litigation, MDL 2007 (C.D. Cal.) (direct purchaser antitrust class action) (\$50 million settlement).

FINANCIAL / SECURITIES

MF Global Inc. Customer Cases (Deangelis, et al., v. Corzine, et al., 11-cv-7866) (S.D.N.Y.) (represent lead plaintiff in class action seeking damages resulting from failure of MF Global) (\$100 million partial settlement).

In re LIBOR-Based Financial Instruments Antitrust Litigation, MDL No. 2262 (S.D.N.Y.) (represent lead plaintiff in class action seeking damages for LIBOR-Based Securities holders as a result of the alleged suppression of LIBOR).

HEALTHCARE

In re: McKesson AWP Governmental Entity Litigation, (08-cv-11349, D. Mass.) (member of Plaintiffs' Executive Committee in nationwide class action of public payors of pharmaceuticals that settled for \$82 million) (class representatives included the City of Baltimore, Maryland; Douglas County, Kansas; City of Panama City, Florida; Anoka County, Minnesota; City of Columbia, South Carolina; City of Goldsboro, North Carolina).

State of Ohio v. McKesson Corp., (13-cv-2000 N.D. Cal.) (Co-Lead Counsel for the State of Ohio in pharmaceutical pricing litigation) (\$18.3 million settlement).

Average Wholesale Price Litigation – Mississippi (Special Assistant Attorneys General to the State of Mississippi in pharmaceutical pricing litigation) (favorable settlements).

Average Wholesale Price Litigation – Oklahoma (Co-Lead Counsel for the State of Oklahoma in pharmaceutical pricing litigation against drug manufacturers) (approximately \$20 million recovery).

State of Oklahoma v. McKesson Corp. (08-cv-11349, D. Mass) (Co-Lead Counsel for the State of Oklahoma in pharmaceutical pricing litigation) (recovered funds for both Oklahoma Medicaid and OSEEGIB, Oklahoma's State Health Plan) (favorable settlements).

State of Utah v. McKesson Corp. (10-cv-4743 N.D. Cal.) (Co-Lead Counsel for the State of Utah in pharmaceutical pricing litigation) (favorable settlements).

State of Mississippi v. McKesson Corp. (251-10-862 Hinds County, Miss. Circuit Court) (Co-Lead Counsel for the State of Mississippi in pharmaceutical pricing litigation) (favorable settlement).

ENVIRONMENTAL

In re: Syngenta AG MIR162 Corn Litigation, MDL 2591 (D. Kan.) (represented lead plaintiff non-producer in class action arising from contamination of corn industry).

In re: BP Oil Spill Litigation, MDL 2179 (E.D. La.) (represent hundreds of Business Economic Loss claimants).

In re: Genetically Modified Rice Litigation, MDL 1811 (E.D. Mo.) (represented numerous long-grain rice farmers in multi-district litigation).

COMMERCIAL

Southeast Georgia Reg'l Med. Ctr., Inc., et al. v. Humana Military Healthcare Services, Inc., Case No. 11 193 00446 09 (Co-Lead Counsel in arbitration resulting in \$2.2 million judgment for client).

The City of Jacksonville, et al. v. Hotels.com, et al., (Duval County, Florida Circuit Court) (Co-Lead Counsel for Duval County, Florida in class action involving taxation of internet travel transactions) (favorable settlement for client).

PRINCIPAL ATTORNEYS

R. BRYANT MCCULLEY

Admitted: Florida, Alabama (U.S. District Court for the Northern District of Alabama, U.S. District Court for the Middle District of Florida).

Education: Hampden-Sydney College (B.A., *summa cum laude*, Phi Beta Kappa); University of Strathclyde (Master of Environmental Studies, *with distinction*); Washington & Lee University School of Law (J.D., *magna cum laude*, Order of the Coif). Editor-in-Chief, WASHINGTON AND LEE LAW REVIEW.

Clerkship: Hon. Karon O. Bowdre, U.S. District Court for the Northern District of Alabama.

Publications: *The Proof is in the Policy: The Bush Administration, Nonpoint Source Pollution and EPA's Final TMDL Rule*, 59 WASH. & LEE L. REV. 237 (2002).

Practice: Mr. McCulley has significant experience representing plaintiffs and defendants in complex commercial litigation.

R. Bryant McCulley has been engaged in complex civil litigation since he entered private practice with the national law firm Boies, Schiller & Flexner LLP. While at Boies Schiller, Mr. McCulley prosecuted and defended class action claims seeking hundreds of millions of dollars in damages. Such matters include: *In re Terazosin Hydrochloride Antitrust Litig.*, S.D. Fla. (\$74.5 million settlement); *In re Scrap Metal Antitrust Litig.*, N.D. Ohio (\$10 million partial settlement); *Spartanburg Regional Healthcare Servs. v. Hillenbrand Indus., Inc.*, D.S.C. (defense of manufacturer in action seeking in excess of \$1 billion).

Since co-founding McCulley McCluer PLLC in 2007, Mr. McCulley has continued to focus on the representation of plaintiffs in high-stakes fraud, antitrust, securities and natural resource damage litigation. A large part of Mr. McCulley's practice involves the prosecution of significant claims on behalf of governmental entities. For example, Mr. McCulley recently as outside counsel to the States of Ohio, Mississippi, Oklahoma, and Utah in healthcare fraud litigation and as a member of the Plaintiffs' Executive Committee in *In re McKesson Gov't Entity Average Wholesale Price Litig.*, D. Mass. These matters resulted in over \$120 million in recoveries for Mr. McCulley's clients.

Mr. McCulley has particular experience litigating issues related to class

certification, having represented both plaintiffs and defendants in class actions seeking billions of dollars in damages. Most recently, Mr. McCulley was a member of the litigation team that achieved nationwide certification of a RICO claim against a major pharmaceutical wholesaler. This litigation, *In re McKesson Gov't Entity Average Wholesale Price Litig.*, D. Mass., settled shortly before trial for \$82 million. In addition, among other matters, Mr. McCulley recently secured a \$2.2 million arbitration judgment in favor of a large hospital system in a contract dispute with a health insurance company, a settlement for a medical device company asserting unfair competition and antitrust claims, and settlements for the City of Jacksonville, Florida in litigation against online travel companies for unpaid occupancy taxes.

Mr. McCulley is a summa cum laude graduate of Hampden-Sydney College, where he was elected to Phi Beta Kappa and Omicron Delta Kappa and served as the Chairman of the Student Honor Court. He received a MSc in Environmental Studies, with distinction, from the University of Strathclyde in Glasgow, Scotland, which he attended on a Rotary Ambassadorial Scholarship. He then graduated from the Washington & Lee University School of Law, magna cum laude, where he served as Editor-in-Chief of the *Washington & Lee Law Review*. Following law school, Mr. McCulley served as a law clerk to the Hon. Karon O. Bowdre, United States District Judge for the Northern District of Alabama.

Mr. McCulley is admitted to the Bars of the States of Florida and Alabama and the United States District Courts for the Northern District of Alabama and the Middle District of Florida.

Mr. McCulley has been repeatedly selected as a "Florida Rising Star" by *Super Lawyers*. This honor is awarded to less than 2.5% of the attorneys in the State.

STUART H. MCCLUER

Admitted: Mississippi, Alabama (all State and Federal Courts in both states).

Education: The University of Virginia (B.A.); Washington & Lee University School of Law (J.D.). Executive Officer, MOOT COURT BOARD.

Clerkship: Hon. Callie V.S. Granade, Chief Judge of the U.S. District Court for the Southern District of Alabama.

Publications: *PWORA § 115: The Devastating Impact of a Little-Known Provision*, Shepherd Consortium (2002).

Practice: Mr. McCluer's primary experience has been representing plaintiffs in complex commercial litigation and serving as both compliance and litigation counsel to governmental entities.

Stuart H. McCluer was born in New Haven, Connecticut. He obtained his undergraduate degree in Philosophy from the University of Virginia. After working in the publishing industry in New York City, Mr. McCluer enrolled in law school at the Washington & Lee University School of Law. While in law school Mr. McCluer served as an Executive Officer of the Moot Court Board, assisted federal prisoners through the law school's legal practicum program, and published articles regarding post-incarceration disparate treatment through the school's Shepherd Poverty Program.

After graduation from law school Mr. McCluer served as a law clerk to the Honorable Callie V.S. Granade, Chief United States District Judge for the Southern District of Alabama. Following his clerkship, Mr. McCluer represented both private and governmental entities in litigation matters and served as the City Attorney for the City of Oxford, Mississippi.

In 2007, Mr. McCluer and his colleague Bryant McCulley formed the law firm of McCulley McCluer PLLC with the goal of prosecuting significant claims on behalf of private and governmental entities. Mr. McCluer has served as Special Assistant Attorney General to numerous States in pharmaceutical fraud litigation. Mr. McCluer has also served in leadership positions on behalf of class representatives and plaintiffs in numerous class actions. Currently pending matters include: *In re: Pre-Filled Propane Tank Antitrust Litig.*, MDL No. 2567 (W.D. Mo.) and *In re: Syngenta AG MIR 162 Corn Litig.*, MDL No. 2591 (D. Kan.).

Outside the practice of law, Mr. McCluer is involved in a number of community service organizations. He serves on the Board of Directors of the Mississippi Innocence Project, which assists innocent prisoners seeking exoneration and release from prison on the basis of DNA evidence, and recently concluded a three-year term on the vestry of St. Peter's Episcopal Church in Oxford, Mississippi. Mr. McCluer is past-president of the American Bar Association's local Young Lawyers chapter and has been listed as a "Rising Star" in Mid-South Super Lawyers every year since 2010.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALASKA ELECTRICAL PENSION FUND;
et al.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., et al.

Defendants.

Case Nos.: 14-cv-7126 (JMF)

Hon. Jesse M. Furman

**DECLARATION OF ROBERT G. EISLER IN SUPPORT OF LEAD COUNSEL'S
MOTION FOR AN AWARD OF ATTORNEYS' FEES AND REIMBURSEMENT OF
LITIGATION EXPENSES FILED ON BEHALF OF GRANT & EISENHOFER, P.A.**

I, Robert G. Eisler declare as follows:

1. I am a partner in the firm of Grant & Eisenhofer, one of Plaintiffs' Counsel in the above-captioned action (the "ISDAfix Action"). I submit this declaration in support of Lead Counsel's application for an award of attorneys' fees and reimbursement of certain litigation expenses incurred in connection with the prosecution of the Action.

2. The specifics of the work performed by Grant & Eisenhofer attorneys are set forth in the concurrently-filed Joint Declaration of Co-Lead Counsel.

3. Attached as Exhibit 1 is a schedule indicating the amount of time spent by Grant & Eisenhofer attorneys and professional support staff who were involved in the ISDAfix litigation. We include in the schedule only those attorneys who billed more than ten hours to the ISDAfix Action. We also include the lodestar calculation (hours billed x hourly rates) based on our Firm's current billing rates. These are the same rates we charge to clients in non-contingent fee matters, and these rates have been found reasonable and consistent with the market in other

complex or class action litigation. For personnel who are no longer employed by the Firm, the lodestar calculation is based on their billing rates in the final year of employment with the Firm.

4. The schedule was created from contemporaneous daily time records regularly prepared and maintained by the Firm. Time posted to the matter after August 31, 2018, has not been included in this request. We also excluded time expended on the application for attorneys' fees and reimbursement of litigation expenses.

5. The total number of hours reflected in Exhibit 1 is 1,956.5, resulting in a lodestar of \$1,108,334.50. Of this amount, \$1,091,387.50 is for attorneys' time and \$16,947.00 is for professional support staff time.

6. As detailed in Exhibit 2, we seek reimbursement of \$34,000.24 in litigation expenses through August 31, 2018. All of these expenses were incurred in connection with the prosecution of the ISDAfix Action.

7. In determining which litigation costs to include, we applied certain caps and protocols as follows:

- (a) For out-of-town travel, airfare is included only at coach rates.
- (b) Hotel charges per night are capped at \$450.
- (c) Meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.
- (d) Internal copying is charged at \$0.10 per page.
- (e) Online research charges reflect only out-of-pocket payments to the vendors for research done in connection with the ISDAfix Action. Online research is billed based on actual time usage at a set charge by the vendor. There are no administrative charges included in these figures.

8. These expenses are all reflected on the books and records of Grant & Eisenhofer. These books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred.

9. We reviewed the relevant time and expense records and have corrected any errors or mistakes.

10. Attached as Exhibit 3 are brief biographies of Grant & Eisenhofer and the individual attorneys who worked on the ISDAfix Action.

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

Executed on September 26, 2018.

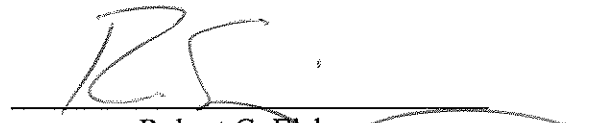

Robert G. Eisler

EXHIBIT 1**GRANT & EISENHOFER, P.A.
TIME REPORT**

Inception through August 31, 2018

NAME	HOURS	HOURLY RATE	LODESTAR
Partners			
Charles Caliendo	100.1	\$725.00	\$72,572.50
Robert G. Eisler	287.0	\$940.00	\$269,780.00
Linda Nussbaum	96.9	\$850.00	\$82,365.00
Senior Counsel			
Deborah Elman	196.3	\$720.00	\$141,336.00
Peter Barile	61.3	\$695.00	\$42,603.50
Susan Schwaiger	45.8	\$635.00	\$29,083.00
Bradley Demuth	17.2	\$650.00	\$11,180.00
Associates			
James Welch	269.9	\$475.00	\$128,202.50
Staff Attorneys			
Sonja Patrick	318.3	\$350.00	\$111,405.00
Shannon Somma	178.1	\$420.00	\$74,802.00
Kevin Nadolny	304.9	\$420.00	\$128,058.00
Paralegals			
Toby Saviano	18.3	\$210.00	\$3,843.00
Trineka Schuster	62.4	\$210.00	\$13,104.00
TOTALS	1,956.5		\$1,108,334.50

EXHIBIT 2**GRANT & EISENHOFER, P.A.
EXPENSE REPORT**

Inception through August 31, 2018

CATEGORY	AMOUNT
Court fees & other filing fees	\$400.00
Online legal & financial research	\$241.02
Document management & litigation support	\$25,905.00
Telephone and facsimile	\$25.45
Postage, overnight delivery & messengers	\$130.00
Internal Copying	\$4,227.85
Travel (meals, lodging & transportation)*	\$1,873.12
Court reporters & transcripts	\$1,197.80
TOTAL EXPENSES:	\$34,000.24

* Out of town travel includes hotels capped at \$450 per night. All meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.

EXHIBIT 3

GRANT & EISENHOFER, P.A.
FIRM RÉSUMÉ AND BIOGRAPHIES

}

**GRANT & EISENHOFER P.A.
FIRM BIOGRAPHY**

Grant & Eisenhofer P.A. (“G&E”) concentrates on federal securities and corporate governance litigation and other complex class litigation. With over 70 attorneys, G&E primarily represents domestic and foreign institutional investors, both public and private, who have been damaged by corporate fraud, greed and mismanagement. The Firm has been named to The National Law Journal’s “Plaintiffs’ Hot List” for more than a decade and is listed as one of America’s Leading Business Law Firms by Chambers & Partners, who reported that G&E “commanded respect for its representation of institutional investors in shareholder and derivative actions, and in federal securities fraud litigation.” Based in Delaware, New York, and Chicago, G&E routinely represents clients in federal and state courts throughout the country. G&E’s clients include the California Public Employees’ Retirement System, New York State Common Retirement Fund, Ohio Public Employees’ Retirement System, State of Wisconsin Investment Board, Teachers’ Retirement System of Louisiana, PIMCO, Trust Company of the West, The Capital Guardian Group and many other public and private U.S. and international institutions.

G&E was founded in 1997 by Jay W. Eisenhofer and Stuart M. Grant, former litigators in the Wilmington office of the nationally prominent firm of Skadden, Arps, Slate, Meagher & Flom LLP. Over the years, the Firm’s directors have gained national reputations in securities and corporate litigation. In fact, G&E was the first law firm in the country to argue the provisions of the Private Securities Litigation Reform Act (“PSLRA”) allowing an institutional investor to be appointed as lead plaintiff in a securities class action. The Firm has gone on to build a national and international reputation as a leader in securities litigation. In both class action and “opt-out” cases, G&E has attracted widespread recognition for protecting investors’ rights and recovering their damages. RiskMetrics Group has twice recognized G&E for securing the highest average investor recovery in securities class actions.

G&E has served as lead counsel in many of the largest securities class action and derivative recoveries, including:

- \$3.2 billion settlement from Tyco International Ltd. and related defendants
- \$922 million from UnitedHealth Group
- \$486 million settlement from Pfizer
- \$450 million Pan-European settlement from Royal Dutch Shell
- \$448 million settlement in Global Crossing Ltd. securities litigation
- \$422 million total class recovery for investors in the stock and bonds of Refco
- \$400 million recovery from Marsh & McLennan
- \$325 million from Delphi Corp.
- \$303 million settlement from General Motors
- \$300 million settlement from DaimlerChrysler Corporation
- \$300 million recovery from Oxford Health Plans
- \$276 million judgment & settlement for Safety-Kleen bond investors

G&E has also achieved landmark results in corporate governance litigation, including:

In re UnitedHealth Group Inc. Shareholder Derivative Litigation: G&E represented the Ohio Public Employees Retirement System, State Teachers Retirement System of Ohio, and Connecticut Retirement Plans and Trust Funds as lead plaintiffs in a derivative and class action suit in which G&E successfully challenged \$1.2 billion in back-dated options granted to William McGuire, then-CEO of health care provider UnitedHealth Group (“UHG”). This was among the first – and most egregious – examples of options backdating. As previously stated, G&E’s case against UHG produced a settlement of \$922 million, the largest settlement in the history of derivative litigation in any jurisdiction.

In re Digex, Inc. Shareholders Litigation – G&E initiated litigation alleging that the directors and majority stockholder of Digex, Inc. breached fiduciary duties to the company and its public shareholders by permitting the majority shareholder to usurp a corporate opportunity that belonged to Digex. G&E’s efforts in this litigation resulted in an unprecedented settlement of \$420 million, the largest settlement in the history of the Delaware Chancery Court.

Caremark / CVS Merger - G&E represented two institutional shareholders in this derivative litigation challenging the conduct of the board of directors of Caremark Rx Inc. in connection with the negotiation and execution of a merger agreement with CVS, Inc., as well as the board’s decision to reject a competing proposal from a different suitor. Through the litigation, Caremark’s board was forced to renegotiate the terms of the merger agreement with CVS. The settlement ensured statutory rights of Caremark shareholders, providing an additional \$3.19 billion in cash consideration.

Teachers’ Retirement System of Louisiana v. Greenberg, et al. and American International Group, Inc.: In what was, at the time, the largest settlement of shareholder derivative litigation in the history of the Delaware Chancery Court, G&E reached a \$115 million settlement in a lawsuit against former executives of AIG for breach of fiduciary duty. The case challenged hundreds of millions of dollars in commissions paid by AIG to C.V. Starr & Co., a privately held affiliate controlled by former AIG Chairman Maurice “Hank” Greenberg and other AIG directors. The suit alleged that AIG could have done the work for which it paid Starr, and that the commissions were simply a mechanism for Greenberg and other Starr directors to line their pockets.

AFSCME v. AIG – This historic federal appeals court ruling in favor of G&E’s client established the right, under the then-existing proxy rules, for shareholders to place the names of director candidates nominated by shareholders on corporate proxy materials – reversing over 20 years of adverse rulings from the SEC’s Division of Corporate Finance and

achieving what had long been considered the “holy grail” for investor activists. Although the SEC took nearly immediate action to reverse the decision, the ruling renewed and intensified the dialogue regarding proxy access before the SEC, ultimately resulting in a new rule currently being considered by the SEC that, if implemented, will make proxy access mandatory for every publicly traded corporation.

Unisuper Ltd. v. News Corp., et al. – G&E forced News Corp. to rescind the extension of its poison pill on the grounds that it was obtained without proper shareholder approval.

Teachers’ Retirement System of Louisiana v. HealthSouth – G&E negotiated a settlement which ousted holdover board members loyal to indicted CEO Richard Scrushy and created mechanisms whereby shareholders would nominate their replacements.

Carmody v. Toll Brothers – This action initiated by G&E resulted in the seminal ruling that “dead-hand” poison pills are illegal.

In addition, the Firm’s lawyers are often called upon to testify on behalf of institutional investors before the SEC and various judicial commissions, and they frequently write and speak on securities and corporate governance issues. G&E managing director Jay Eisenhofer and director Michael Barry are co-authors of the *Shareholder Activism Handbook*, and in 2008, Jay Eisenhofer was named by *Directorship Magazine* as one of the “100 Most Influential People in Corporate Governance and the Boardroom.”

G&E is proud of its success in fighting for institutional investors in courts and other forums across the country and throughout the world.

G&E's ATTORNEYS

Charles T. Caliendo

Charles Caliendo is a director at Grant & Eisenhofer. He has more than twenty years of experience in complex litigation, including class and derivative actions, SEC enforcement proceedings, regulatory and corporate internal investigations, and White Collar criminal matters.

At G&E, Mr. Caliendo represents institutional investors in securities fraud, accounting fraud and other corporate litigation. He was a member of the G&E teams that won a \$3.2 billion recovery for shareholders in the *Tyco* case and a \$486 million recovery in the *Pfizer* action. Prior to joining the firm, Mr. Caliendo was an Assistant Attorney General in the New York Attorney General's Office where he prosecuted cases and led investigations related to mutual fund market timing and late trading. Mr. Caliendo started his career at Thacher Proffitt & Wood where he litigated securities fraud, M&A and corporate governance cases, and other commercial disputes.

Among other matters, Mr. Caliendo's casework includes:

- Represented victims of tax shelter scheme in fraud/accountants' malpractice action against tax shelter promoters and accounting firm in New York Supreme Court.
- Prosecuted/investigated numerous matters involving criminal and civil securities fraud, insider trading, violations of New York's Martin Act, money laundering, tax fraud, perjury, obstruction of justice and other White Collar crimes.
- Defended SEC enforcement proceeding against directors and officers in federal court.
- Represented bank and its board of directors in federal court in defeating motion to enjoin merger in one of the first cases to lift the Private Securities Litigation Reform Act's automatic stay of discovery.
- Represented bank and its board of directors in Delaware Court of Chancery and Delaware Supreme Court in defeating class action alleging breach of fiduciary duty for rejecting above-market merger proposal in favor of pursuing board's strategy of remaining independent.
- Represented bank against insurgent shareholder's motion in Delaware Court of Chancery to sterilize voting rights associated with voting stock issued during proxy contest.
- Represented foreign shipping company in federal court in securities fraud and breach of indenture action involving \$100 million private placement of high-yield notes.

Mr. Caliendo has written, spoken and been interviewed by the financial press on issues relating to regulatory enforcement, corporate internal investigations and/or securities and shareholder litigation. Select examples include:

- Speaker at financial industry seminar sponsored by The Association of the Bar of the City of New York (authored related article "*Thompson Memo Under A Microscope*") (June 2006).
- Speaker before delegation of Chinese mutual fund CEOs during Penn-China Mutual Fund CEO Leadership Program, University of Pennsylvania Graduate School of Education (June 2005).

- Speaker at financial industry seminar sponsored by The Association of the Bar of the City of New York (authored related article “*The Investment Protection Bureau: An Overview of Financial Markets Regulation and Enforcement in New York*”) (Nov. 2004).
- Co-Author, “Who Says the Business Judgment Rule Does Not Apply to Directors of New York Banks?,” 118 *Banking Law Journal* 493 (June 2001).
- Co-Author, “Board of Directors’ ‘Revlon Duties’ Come Into Focus,” *New York Law Journal*, Vol. 222, No. 86, Col. 1 (Nov. 1, 1999).
- “Pilgrim and Baxter to Pay \$160 Million In Trading Scandal,” *The Wall Street Journal*, Nov. 18, 2004.
- “2 Fund Managers to Pay \$80 Million Settlements,” *The New York Times*, Nov. 18, 2004.
- “Fund Founders to Settle, Pay \$160 Million,” *The Washington Post*, Nov. 18, 2004.
- “Millennium Settles in ‘Timing’ Case; Fund and Executives to Pay \$180 Million,” *The Wall Street Journal*, Dec. 2, 2005.

Mr. Caliendo is a member of the New York City Bar Association, and a past member of the Committee on Professional Ethics. He received his B.S. from Cornell University and J.D. from St. John’s University School of Law where he was Articles & Notes editor of the *St. John’s Law Review* and a St. Thomas More Scholar.

Robert G. Eisler

Robert Eisler is a director at Grant & Eisenhofer and leads the firm’s antitrust practice. Mr. Eisler has been involved in many significant antitrust class action cases in recent years. He is experienced in numerous industries, including pharmaceuticals, paper products, construction materials, industrial chemicals, processed foods, municipal securities, and consumer goods.

Mr. Eisler is currently serving as co-lead counsel in several cases, including *Gordon et al. v. Amadeus et al., In re London Silver Fixing, Ltd. Antitrust Litigation* and *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*. He has served as lead or co-lead counsel in many other significant antitrust cases, including *In re Buspirone Antitrust Litigation* (which led to a \$90 million settlement in which presiding Judge Koeltl stated that the plaintiffs’ attorneys had done “a stupendous job”), *In re Ciprofloxacin Hydrochloride Antitrust Litigation*, *In re Flat Glass Antitrust Litigation*, and *In re Municipal Derivatives Antitrust Litigation*.

Mr. Eisler has played major roles in a number of other significant antitrust cases, including *In re Polyurethane Foam Antitrust Litigation*, *In re Blue Cross/Blue Shield Antitrust Litigation*, and *In re Linerboard Antitrust Litigation*. He also has significant experience litigating antitrust matters in the U.K., including cases concerning cartels in a number of industries, such as air cargo services, air passenger services, automotive glass, and pharmaceuticals, among others.

In addition to his antitrust work, Mr. Eisler has extensive experience in securities, derivative, complex commercial and class action litigation at the trial and appellate levels. He has been involved in numerous securities and derivative litigation matters on behalf of public pension funds, municipalities, mutual fund companies and individual investors in state and federal courts.

Mr. Eisler graduated from LaSalle University in 1986, and in 1989, from Villanova University School of Law.

Deborah A. Elman

Deborah Elman is a director at Grant & Eisenhofer, where she represents clients in complex civil litigation in federal and state court, with a particular focus on antitrust, securities, and consumer fraud litigation. She has represented institutional clients, both public and private, and individuals in class actions, opt-out litigation, derivative actions, and arbitrations.

Ms. Elman is currently serving as co-lead counsel in several cases, including *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation*, *In re London Silver Fixing, Ltd. Antitrust Litigation*, and *Fernandez et al. v. UBS AG et al.*

Ms. Elman has litigated numerous cases related to the financial crisis, including more than fifteen actions arising out of wrongdoing involving the issuance of residential mortgage-backed securities (“RMBS”) and other complex financial products, resulting in several substantial settlements. Additionally, Ms. Elman was a member of the litigation teams that successfully represented the lead plaintiff in a case dubbed “The Enron of India,” *In re Satyam Computer Services Ltd. Securities Litigation*, which settled for \$150.5 million, and *In re Kinder Morgan Energy Partners, L.P. Derivative Litigation*, which settled for \$27.5 million. She recently represented institutional investors in *In re Merck and Co., Inc. Securities, Derivative & ERISA Litigation* and *In re Petrobras Securities Litigation*, resulting in substantial investor recoveries.

Prior to joining Grant & Eisenhofer, Ms. Elman represented clients before the SEC and participated in numerous appearances before federal and state courts as an associate at a leading New York law firm.

Ms. Elman served as a law clerk for the Honorable William L. Standish, United States District Judge, in the United States District Court for the Western District of Pennsylvania, participating in all aspects of federal trial court practice.

Ms. Elman graduated *cum laude* in 2001 from the University of Pittsburgh School of Law, where she was Lead Executive Editor of the *Journal of Law and Commerce*. She received a Masters of Public Health degree in 1997 from Columbia University, where she also graduated *cum laude* with a Bachelor of Arts degree in 1995.

G&E also employs the following senior staff attorneys and staff attorneys:

Sonja Patrick
Shannon T. Somma
Kevin Naldony

Selected Institutional Client Representations

G&E has represented or is currently representing a number of institutional investors in major securities fraud actions, shareholder derivative suits, other breach-of-fiduciary-duty cases and related ancillary proceedings around the country. Some of the Firm's cases include:

(A) In Securities Fraud Litigation:

(1) CellStar

In one of the earliest cases filed after the enactment of PSLRA, the State of Wisconsin Investment Board ("SWIB") was designated lead plaintiff and G&E was appointed lead counsel in *Gluck v. CellStar Corp.*, 976 F.Supp. 542 (N.D.Tex. 1997). The cited opinion is widely considered the landmark on standards applicable to the lead plaintiff/lead counsel practice under PSLRA. (See, especially, *In re Cendant Corp. Litig.*, 2001 WL 980469, at *40, *43 (3d Cir. Aug. 28, 2001), citing the CellStar case.) After the CellStar defendants' motion to dismiss failed and a round of discovery was completed, the parties negotiated a \$14.6 million settlement, coupled with undertakings on CellStar's part for significant corporate governance changes as well. With SWIB's active lead in the case, the class recovery, gross before fees and expenses, was approximated to be 56% of the class' actual loss claims, about 4 times the historical 14% average gross recovery in securities fraud litigation. Because of the competitive process that SWIB had undertaken in the selection of counsel, resulting in a contingent fee percentage significantly less than the average 31% seen historically, the net recovery to the class after all claims were submitted came to almost 50% of actual losses, or almost 5 times the average net recovery.

(2) Pfizer

G&E was class counsel in a certified federal securities class action against Pfizer and certain of its former officers and directors. Plaintiffs alleged that Pfizer affirmatively misrepresented the cardiovascular safety of its multi-billion-dollar arthritis drugs, Celebrex and Bextra, and actively concealed adverse safety information concerning the products in order to win market share from Merck's competing Cox-2 drug, Vioxx. In 2004 and 2005, when the truth about the cardiovascular risks of Celebrex and Bextra was finally revealed, Pfizer shareholders collectively lost billions of dollars. Plaintiffs also alleged that certain former officers and directors of Pfizer illegally sold shares of Pfizer stock during the class period while in possession of material, non-public information concerning the drugs.

The case was extensively litigated for nearly 10 years, with millions of pages of documents produced and more than 50 depositions taken. Prior to the beginning of merits discovery, the parties engaged in a Daubert proceeding in which Pfizer argued that there was no scientific basis for a claim that Celebrex and Bextra were associated with adverse cardiovascular effects. Both sides submitted extensive

expert reports and, after a 5 day trial, the Court completely rejected Pfizer's challenges to Plaintiffs' expert testimony. Defendants' motion for summary judgment was denied in most respects, although the Court held that Pfizer could not be held liable for a few statements made by its co-promoters concerning the drugs. In 2014, however, the Court granted Defendants' motion to exclude the testimony of Plaintiffs' expert concerning damages and causation, Professor Daniel Fischel, and thereafter granted summary judgment for Defendants because without Fischel's testimony, Plaintiffs could not prove damages or loss causation. Plaintiffs appealed to the United States Court of Appeals for the Second Circuit, and on April 12, 2016, the Court of Appeals reversed. The Court of Appeals held that the District Court abused its discretion in excluding Fischel's testimony and further held that the District Court's erred in granting summary judgment to Defendants concerning the statements made by Pfizer's co-promoter. Defendants moved in the Court of Appeals for rehearing *en banc*. While that motion was pending, the parties agreed on a settlement of the litigation providing for a cash payment by Pfizer of \$486 million. The parties then jointly moved, and the Court of Appeals agreed, to hold the rehearing petition in abeyance pending the District Court's consideration of the proposed settlement. The District Court held a conference on September 13, 2016 to consider whether to grant preliminary approval to the settlement and authorize the transmission of notice of the settlement to class members. The settlement was preliminarily approved on September 16, 2016, and on December 21, 2016, final approval was obtained.

In re Pfizer Inc. Securities Litigation, SD-NY, No. 04-9866.

(3) **DaimlerChrysler**

Florida State Board of Administration was appointed lead plaintiff and G&E co-lead counsel in the PSLRA class action on behalf of shareholders of the former Chrysler Corporation who exchanged their shares for stock in DaimlerChrysler in Chrysler's 1998 business combination with Daimler-Benz AG which was represented at the time as a "merger of equals." Shortly before trial, the defendants agree to a \$300 million cash settlement, among the largest securities class action settlements since the enactment of the PSLRA. *In re DaimlerChrysler Securities Litigation*, D. Del., C.A. No. 00-0993.

(4) **Oxford Health Plans**

Public Employees' Retirement Association of Colorado ("ColPERA") engaged G&E to represent it to seek the lead plaintiff designation in the numerous securities fraud actions that were consolidated into *In re Oxford Health Plans, Inc., Securities Litig.*, S.D.N.Y., MDL Docket No. 1222 (CLB). The court ordered the appointment of ColPERA as a co-lead plaintiff and G&E as a co-lead counsel. G&E and its co-leads filed the Consolidated Amended Complaint. Memorandum opinions and orders were entered denying defendants' motions to dismiss (see 51 F.Supp. 2d 290 (May 28, 1999) (denying KPMG motion) and 187 F.R.D. 133 (June 8, 1999) (denying motion of Oxford and individual director

defendants)). The case settled for \$300 million, another settlement negotiated by G&E that is among the largest settlements since the enactment of the PSLRA.

(5) **Dollar General**

The U.S. District Court for the Middle District of Tennessee ordered the appointment of Florida State Board of Administration and the Teachers' Retirement System of Louisiana as lead plaintiffs and G&E as co-lead counsel in a PSLRA and Rule 10b-5 case against the defendant company, its accountants, and individual insiders who allegedly issued false and misleading statements over an alleged 3-year Class Period and failed to disclose adverse facts about the company's financial results. Settlements were approved involving a cash payment of \$162 million from the company and the individual defendants, an additional \$10.5 million from Deloitte & Touche, LLP (Dollar General's accountants), and beneficial governance reforms for Dollar General. *In re Dollar General Securities Litigation*, M.D. Tenn., No. 3:01-0388, orders dated July 19, 2001 and September 29, 2003.

(6) **Just For Feet**

G&E represented the State of Wisconsin Investment Board ("SWIB") in a federal securities class action against certain officers and directors of Just For Feet, Inc., and against Just For Feet's auditors, in the Northern District of Alabama. That action arose out of the defendants' manipulation of the company's accounting practices to materially misstate the company's financial results. Having been appointed co-lead plaintiff, SWIB, with G&E as its counsel, took primary responsibility for the case. (*SWIB v. Ruttenberg, et al.*, N.D. Ala., CV 99-BU-3097-S and 99-BU-3129-S, 102 F. Supp. 2d 1280 (N.D. Ala. 2000)). SWIB obtained a policy limits settlement with the individual defendants' D&O carrier and an additional \$7.4 million from Just For Feet's auditor, for a recovery totaling approximately \$32 million.

(7) **Waste Management**

G&E filed a non-class federal securities action against Waste Management, Inc., its former and current directors, and the company's accountants in the Northern District of Florida, on behalf of Lens Investment Management, LLC and Ram Trust Services, Inc. The complaint alleged that Waste Management had, over a five-year period, issued financial statements and other public statements that were materially false and misleading due to the defendants' fraudulent and improper accounting manipulations. G&E also filed non-class actions in Illinois state court, asserting similar claims on behalf of the Florida State Board of Administration ("FSBA") and the Teachers' Retirement System of Louisiana. After G&E successfully defeated the defendants' motions to dismiss FSBA's complaint in state court, FSBA's cause of action was transferred to the Northern District of Florida. At the point where there were competing motions for summary judgment pending, G&E successfully negotiated a settlement pursuant to which each plaintiff received several times what it would have received in the class action.

Florida State Board of Administration, Ram Trust Services, Inc. and Lens Investment Management, LLC v. Waste Management, Inc., et al., N.D.Fla., No. 4:99CV66-WS, amended complaint filed June 21, 1999; and *Teachers' Retirement System of Louisiana v. Waste Management, Inc., et al.*, Circuit Ct., Cook Co. [Ill.], No. 98 L 06034, complaint filed May 18, 1999.

(8) **Total Renal Care**

In June 1999, the Louisiana State Employees' Retirement System and Teachers' Retirement System of Louisiana were appointed as Lead Plaintiffs in a federal securities class action against Total Renal Care ("TRC") and certain of its officers and directors, in the U.S. District Court for the Central District of California. G&E served as Plaintiffs' Lead Counsel. Plaintiffs filed their Corrected Consolidated Amended Complaint against the defendants, alleging, *inter alia*, that the defendants manipulated TRC's financial statements so as to materially overstate TRC's revenues, income and assets and to artificially inflate TRC's stock price. G&E negotiated a settlement requiring TRC's payment of \$25 million into a settlement fund for the class and the company's adoption of certain internal corporate governance policies and procedures designed to promote the future accountability of TRC's management to its stockholders. At the time of the settlement, this amount represented 33% of the value of the Company's shares. *In re Total Renal Care Securities Litigation*, C.D. Cal., Master File No. CV-99-01745 CBM.

(9) **Safety-Kleen**

G&E was sole lead counsel for the plaintiffs in a federal securities class action and a series of related individual actions against former officers, directors, auditors and underwriters of Safety-Kleen Corporation, who are alleged to have made false and misleading statements in connection with the sale and issuance of Safety-Kleen bonds. *In re Safety-Kleen Corp. Bondholders Litig.*, D.S.C., No. 3:00-CV-1145-17, consolidated complaint filed January 23, 2001. In March of 2005, after a jury had been selected for trial, the auditor defendant settled with the class and individual claimants for \$48 million. The trial then proceeded against the director and officer defendants. After seven weeks of trial, the director defendants settled for \$36 million, and the court entered judgment as a matter of law in favor of the class and against the company's CEO and CFO, awarding damages of \$192 million.

(10) **Styling Technology Corporation**

G&E represented funds managed by Conseco Capital Management, Inc., Credit Suisse Asset Management, Pilgrim American Funds and Oppenheimer Funds, Inc. in a securities action brought in May 2001, asserting both federal (1933 Act) and state claims brought in the Superior Court of California. The suit alleged that certain former officers, as well as the independent auditors, of Styling Technology Corporation made false and misleading statements in connection with the sale and issuance of Styling Technology bonds. Styling Technology filed for bankruptcy

protection under Chapter 11 in August 1999. In October 2000, discovery of accounting irregularities and improperly recognized revenue forced the Company to restate its financial statements for the years 1997 and 1998. Plaintiffs, owning \$66.5 million of the total \$100 million in bonds sold in the offering, settled the case for a recovery representing approximately 46% of the losses suffered by the client funds that they manage. *Franklin High Income Trust, et al. v. Richard R. Ross, et al.*, Cal. Super., San Mateo Co. [Calif.], Case No: 415057, complaint filed November 28, 2000.

(11) **Tyco**

G&E served as co-lead counsel representing co-lead plaintiffs Teachers' Retirement System of Louisiana and Louisiana State Employees' Retirement System in a securities class action against Tyco International Ltd. and PricewaterhouseCoopers LLP. The complaint alleged that the defendants, including Tyco International, Dennis Kozlowski, and other former executives and directors of Tyco and PricewaterhouseCoopers, made false and misleading public statements and omitted material information about Tyco's finances in violation of Sections 10(b), 14, 20A and 20(a) of the Securities Exchange Act of 1934. Tyco agreed to fund \$2.975 billion in cash to settle these claims, representing the single largest payment from any corporate defendant in the history of securities class action litigation. PricewaterhouseCoopers also agreed to pay \$225 million to settle these claims, resulting in a total settlement fund in excess of \$3.2 billion.

(12) **Global Crossing**

Ohio Public Employees' Retirement System and the Ohio Teachers' Retirement System were appointed lead plaintiff and G&E was appointed sole lead counsel in a securities class action against Global Crossing, Ltd. and Asia Global Crossing, Ltd. *In re Global Crossing, Ltd. Securities & "ERISA" Litig.*, MDL Docket No. 1472. In November 2004, the Court approved a partial settlement with the Company's former officers and directors, and former outside counsel, valued at approximately \$245 million. In July 2005, the Court approved a \$75 million settlement with the Citigroup-related defendants (Salomon Smith Barney and Jack Grubman). In October 2005, the Court approved a settlement with Arthur Andersen LLP and all Andersen-related defendants for \$25 million. In October 2006, the Court approved a \$99 million settlement with various financial institutions. In total, G&E recovered \$448 million for investors in Global Crossing.

(13) **Telxon Corporation**

G&E filed a federal securities and common law action against Telxon Corporation, its former officers and directors and its accountants in the Northern District of Ohio on behalf of Wyser-Pratte Management Co., Inc., an investment management firm. Following mediation, G&E negotiated a settlement of all claims. *Wyser-Pratte Management Co., Inc. v. Telxon Corp., et al.*, N.D. Ohio, Case No. 5:02CV1105.

(14) **Hayes Lemmerz**

G&E served as lead counsel to plaintiffs and class members who purchased or acquired over \$1 billion in bonds issued by Hayes Lemmerz International, Inc. G&E negotiated a settlement worth \$51 million. *Pacholder High Yield Fund, Inc. et al. v. Ranko Cucoz et al.*, E.D. Mich., C.A. No. 02-71778.

(15) **Asia Pulp and Paper**

On behalf of bondholders of various subsidiaries of Indonesian paper-making giant Asia Pulp and Paper (“APP”), G&E filed an action alleging that the bondholders were defrauded by APP’s financial statements which were inflated by nearly \$1 billion in fictitious sales. Defendants’ motions to dismiss were denied. *Franklin High Income Trust, et al. v. APP Global Ltd., et al.*, N.Y. Sup. Ct., Trial Div., Index No. 02-602567. The matter was resolved through a confidential settlement.

(16) **Alstom**

Louisiana State Employees’ Retirement System was appointed as co-lead plaintiff and G&E was appointed co-lead counsel in a class action against Alstom SA, a French corporation engaged in power generation, transmission and distribution in France. The suit alleges that Alstom and other defendants made false and misleading statements concerning the growth and financial performance of its transportation subsidiary. G&E achieved a settlement in the amount of \$6.95 million. *In re Alstom SA Sec. Litig.*, S.D.N.Y. 03-cv-6595.

(17) **Parmalat**

G&E was co-lead counsel in this securities class action arising out of a multi-billion dollar fraud at Parmalat, which the SEC described as “one of the largest and most brazen corporate financial frauds in history.” Settlements exceeding \$110 million were reached. *In re Parmalat Sec. Litig.*, S.D.N.Y. 04-MDL-1653.

(18) **Marsh & McLennan**

G&E was co-lead counsel for the class of former Marsh & McLennan shareholders in this federal securities class action alleging that the company, its officers, directors, auditors, and underwriters participated in a fraudulent scheme involving, among other things, bid-rigging and secret agreements to steer business to certain insurance companies in exchange for “kick-back” commissions. After five years of litigation, G&E achieved a \$400 million settlement on behalf of the class. *In re Marsh & McLennan Companies, Inc. Sec. Litig.*, S.D.N.Y. 04-cv-8144.

(19) **Hollinger International**

G&E was co-lead counsel in this securities class action arising out of a company scandal at Hollinger International, Inc. which involves payment of millions of dollars to certain executives, including the company's former CEO, Lord Conrad Black, relating to sales of company assets. G&E negotiated a settlement with Hollinger in the amount of \$37.5 million. *In re Hollinger International Inc. Securities Litigation*, N.D. Ill. 04-C-0834.

(20) **General Motors**

G&E served as co-lead counsel in a securities class action against GM, arising from alleged false statements in GM's financial reports. After about two and a half years of litigation, a settlement was reached with GM for \$277 million, with GM's auditor, Deloitte & Touche contributing an additional \$26 million. The combined \$303 million settlement ranked among the largest shareholder recoveries of 2008. *In re General Motors Corp. Sec. Litig.*, E.D. Mich., MDL No. 1749.

(21) **Delphi**

Delphi is an automotive company that was spun off of General Motors. The company failed as a stand-alone entity, but concealed its failure from investors. G&E's client, one of the largest pension funds in the world, served as a lead plaintiff, and G&E served as co-lead counsel in this securities class action, which produced settlements totaling \$325 million from Delphi, its auditor and its director and officers liability insurer. *In re Delphi Corporation Securities Derivative & ERISA Litigation*, E.D. Mich., MDL No. 1725.

(22) **Refco**

A mere two months after going public, Refco admitted that its financials were unreliable because the company had concealed that hundreds of millions of dollars of uncollectible receivables were owed to the company by an off-balance sheet entity owned by the company's CEO. G&E served as a co-lead counsel and G&E's client, PIMCO, was a co-lead plaintiff. The case resulted in recoveries totaling \$422 million for investors in Refco's stock and bonds (including \$140 million from the company's private equity sponsor, over \$50 million from the underwriters, and \$25 million from the auditor). *In re Refco, Inc. Securities Litigation*, S.D.N.Y., No. 05 Civ. 8626.

(23) **Sprint**

G&E represented lead plaintiff institutional investor Carlson Capital, L.P. in this class action suit against Sprint Corporation and its former CEO and directors for breach of fiduciary duty in the consolidation of two separate tracking stocks. In December 2007, a \$57.5 million settlement was approved. *In re Sprint Corporation Shareholder Litigation*, D. Kan., No. 04 CV 01714.

(B) In Derivative and Other Corporate Litigation:**(1) Digex**

This case resulted in a settlement of over \$400 million, the largest reported settlement in the history of Delaware corporate litigation. G&E represented the lead plaintiff, TCW Technology Limited Partnership, in alleging that Digex, Inc.'s directors and majority stockholder (Intermedia, Inc.) breached their fiduciary duties in connection with WorldCom's proposed \$6 billion acquisition of Intermedia. Among other issues, WorldCom was charged with attempting to usurp a corporate opportunity that belonged to Digex and improperly waiving on Digex's behalf the protections of Delaware's business combination statute. Following G&E's argument on a motion to preliminarily enjoin the merger, the Court issued an opinion declining to enjoin the transaction but acknowledging plaintiffs' likelihood of success on the merits. *In re Digex, Inc. Shareholders Litigation*, C.A. No. 18336, 2000 WL 1847679 (Del. Ch. Dec. 13, 2000). The case settled soon thereafter.

(2) UnitedHealth Group

G&E represented the Ohio Public Employees Retirement System, State Teachers Retirement System of Ohio, and Connecticut Retirement Plans and Trust Funds as lead plaintiffs in a derivative and class action suit in which G&E successfully challenged \$1.2 billion in back-dated options granted to William McGuire, then-CEO of health care provider UnitedHealth Group. This was among the first – and most egregious – examples of options backdating. G&E's case produced a settlement of \$922 million, the largest settlement in the history of derivative litigation in any jurisdiction. *In re UnitedHealth Group Inc. Shareholder Derivative Litig.*, C.A. No. 06-cv-1216 (D. Minn.)

(3) AIG

In what was, at the time, the largest settlement of derivative shareholder litigation in the history of the Delaware Chancery Court, G&E reached a \$115 million settlement in a suit against former executives of AIG for breach of fiduciary duty. The case challenged hundreds of millions of dollars in commissions paid by AIG to C.V. Starr & Co., a privately held affiliate controlled by former AIG Chairman Maurice "Hank" Greenberg and other AIG directors. The suit alleged that AIG could have done the work for which it paid Starr, and that the commissions were simply a mechanism for Greenberg and other Starr directors to line their pockets. *Teachers' Retirement System of Louisiana v. Greenberg, et al.*, C. A. No. 20106-VCS (Del. Ch.).

(4) **Genentech**

When Swiss healthcare company Roche offered to buy out biotech leader Genentech Inc. for \$43.7 billion, or \$89 per share, G&E filed a derivative claim on behalf of institutional investors opposed to the buyout. With the pressure of the pending litigation, G&E was able to reach a settlement that provided for Roche to pay \$95 per share, representing an increase of approximately \$3 billion for minority shareholders. *In re Genentech, Inc. Shareholders Litig.*, C.A. No. 3911-VCS (Del. Ch.).

(5) **Willamette**

In January 2002, at the request of Wyser-Pratte Management Co., Inc. and others, G&E filed a shareholder derivative action in Oregon state court claiming that the board of Willamette Industries, Inc. breached its fiduciary duties by attempting to cause Willamette to acquire the asbestos-ridden building products division of Georgia-Pacific Company as part of a scorched-earth effort to defeat a hostile takeover of Willamette by its chief competitor, Weyerhaeuser Company. G&E obtained an expedited hearing on its motion for a preliminary injunction and obtained an agreement from Willamette at the hearing not to consummate any deal with Georgia-Pacific without providing prior notice to G&E. Almost immediately thereafter, and after years of fighting against Weyerhaeuser's takeover attempts, the Willamette board relented and agreed to sell the company to Weyerhaeuser. *Wyser-Pratte Management Co., Inc. & Franklin Mutual Advisors v. Swindells, et al.*, No. 0201-0085 (Ore. Cir. Ct.).

(6) **Medco Research**

In January 2000, G&E filed a shareholder derivative action on behalf of State of Wisconsin Investment Board against the directors of Medco Research, Inc. in Delaware Chancery Court. The suit alleged breach of fiduciary duty in connection with the directors' approval of a proposed merger between Medco and King Pharmaceuticals, Inc. G&E was successful in obtaining a preliminary injunction requiring Medco to make supplemental and corrective disclosures. Because of G&E's efforts, the consideration to Medco's stockholders increased by \$4.08 per share, or \$48,061,755 on a class-wide basis. *State of Wisconsin Investment Board v. Bartlett, et al.*, C.A. No. 17727, 2000 WL 193115 (Del. Ch. Feb. 9, 2000).

(7) **Occidental Petroleum**

G&E represented Teachers' Retirement System of Louisiana and served as co-counsel in a shareholders' derivative suit against the directors of Occidental Petroleum Corporation, challenging as corporate waste the company's excessive compensation arrangements with its top executives. Filed in California state court, the case settled when the company agreed to adopt California Public Employees' Retirement System's model principles of corporate governance and undertook to reconstitute its key committees so as to meet the tests of

independence under those principles. *Teachers' Retirement System of Louisiana v. Irani et al.*, No. BC1850009 (Cal. Super.).

(8) **Staples, Inc.**

On behalf of Teachers' Retirement System of Louisiana, G&E challenged Staples, Inc.'s proposed "recapitalization" plan to unwind a tracking stock, Staples.com, which it created in 1998. G&E obtained a preliminary injunction against the deal and the deal terms were ultimately altered resulting in a \$15-\$20 million gain for shareholders. Additional disclosures were also required so that shareholders voted on the challenged transaction based on a new proxy statement with substantial additional disclosures. *In re Staples, Inc. Shareholders Litigation*, C.A. No. 18784, 2001 WL 640377 (Del. Ch. June 5, 2001).

(9) **SFX/Clear Channel Merger**

G&E filed a class action on behalf of stockholders of SFX, challenging the merger between SFX and Clear Channel. While the SFX charter required that in any acquisition of SFX all classes of common stockholders be treated equally, the merger, as planned, provided for approximately \$68 million more in consideration to the two Class B stockholders (who happened to be the senior executives of SFX) than to the public stockholders. The merger was structured so that stockholders who voted for the merger also had to vote to amend the Charter to remove the non-discrimination provisions as a condition to the merger. G&E negotiated a settlement whereby \$34.5 million more was paid to the public stockholders upon closing of the merger. This was more than half the damages alleged in the Complaint. *Franklin Advisers, Inc., et al. v. Sillerman, et al.*, C.A. No. 17878 (Del. Ch.).

(10) **Lone Star Steakhouse & Saloon**

G&E filed a derivative lawsuit on behalf of California Public Employees' Retirement System ("CALPERS") against Lone Star's former CEO, Jamie Coulter, and six other Lone Star directors. The suit alleged that the defendants violated their fiduciary duties in connection with their approval of the company's acquisition of CEI, one of Lone Star's service providers, from Coulter, as well as their approvals of certain employment and compensation arrangements and option repricing programs. Before filing the suit, G&E had assisted in CALPERS in filing a demand for books and records pursuant to Section 220 of the Delaware General Corporation Law. The company's response to that demand revealed the absence of any documentation that the board ever scrutinized transactions between Lone Star and CEI, that the board negotiated the purchase price for CEI, or that the board analyzed or discussed the repricing programs. In August 2005, the Court approved a settlement negotiated by G&E whereby Lone Star agreed to a repricing of options granted to certain of its officers and directors, payments from certain of the officers and directors related to option grants, and a \$3 million payment from Lone Star's director and officer insurance policy. Lone Star further acknowledged that the lawsuit was one of the significant factors considered in its

adoption of certain corporate governance reforms. *California Public Employees' Retirement System v. Coulter, et al.*, C.A. No. 19191 (Del. Ch.).

(11) **Siebel**

The issue of excessive executive compensation has been of significant concern for investors, yet their concerns have remained largely unaddressed due to the wide discretion afforded corporate boards in establishing management's compensation. G&E effected a sea change in the compensation policies of Siebel Systems, a leading Silicon Valley-based software developer long considered to be an egregious example of executive compensation run amok, and caused Thomas Siebel, the company's founder and CEO, to cancel 26 million options with a potential value of \$54 million. Since the company's founding in 1996, Siebel Systems had paid Mr. Siebel nearly \$1 billion in compensation, largely in the form of lavish stock options that violated the shareholder-approved stock option plan. In addition, the company had paid its directors millions of dollars for their service on the board, also in the form of stock options, at levels exponentially higher than that paid to directors on the boards of similar companies. G&E, on behalf of Teachers' Retirement System of Louisiana, commenced a derivative action challenging the company's compensation practices in September of 2002 even though a prior, similar lawsuit had been dismissed. Following a hard-fought and acrimonious litigation, G&E successfully negotiated a settlement that, in addition to the options cancellation, included numerous corporate governance reforms. The company agreed to, *inter alia*, restructure its compensation committee, disclose more information regarding its compensation policies and decisions, cause its outside auditor to audit its option plans as part of the company's annual audit, and limit the compensation that can be paid to directors. The Siebel Systems settlement generated considerable favorable press in the industry, as investors and compensation experts anticipated that the reforms adopted by Siebel Systems could affect how other companies deal with compensation issues. *Teachers' Retirement System of Louisiana v. Thomas M. Siebel, et al.*, C. A. No. 425796 (Cal. Super.).

(12) **HealthSouth Corporation**

G&E filed a derivative and class action lawsuit on behalf of Teachers' Retirement System of Louisiana against HealthSouth Corporation, its auditors, certain individual defendants, and certain third parties seeking, *inter alia*, an order forcing the HealthSouth board of directors to hold an annual shareholder meeting for the purpose of electing directors, as no such meeting had been held for over thirteen months. Following a trial, G&E negotiated a settlement of part of its claims, pursuant to which five of the defendant directors who were alleged to have engaged in improper self-dealing with the company agreed to resign and be replaced by directors selected by a committee comprised in part by institutional investors of HealthSouth. *Teachers' Retirement System of Louisiana v. Scrushy*, Del. Ch., C.A. No. 20529 (March 2, 2004).

(13) **NYSE/Archipelago**

G&E served as co-lead counsel in a class action in New York state court, brought on behalf of a class of seat holders of the New York Stock Exchange (“NYSE”) challenging the proposed merger between the NYSE and Archipelago Holdings, LLC. The complaint alleged that the terms of the proposed merger were unfair to the NYSE seat holders, and that by approving the proposed merger, the NYSE board of directors had violated their fiduciary duties of care, loyalty and candor, because the transaction was the result of a process that was tainted by conflicts of interest and the directors failed adequately to inform themselves of the relevant facts. The court denied the defendants’ motion to dismiss, and after expedited discovery, including over 30 depositions in a five week period, a preliminary injunction evidentiary hearing was held, in which plaintiffs sought to postpone the vote on the merger until a new, current fairness opinion was obtained from an independent financial advisor. On the second day of the hearing, the defendants agreed to the relief being sought, namely that they would obtain a new, current fairness opinion from an independent financial advisor. *In re New York Stock Exchange/Archipelago Merger Litig.*, No. 601646/05 (Sup. Ct. N.Y. Co.)

(14) **Caremark / CVS**

G&E represented institutional shareholders in this derivative litigation challenging the conduct of the board of directors of Caremark Rx Inc. in connection with the negotiation and execution of a merger agreement with CVS, Inc., as well as that board’s decision to reject a competing proposal from a different suitor. Ultimately, through the litigation, G&E was able to force Caremark’s board not only to provide substantial additional disclosures to the public shareholders, but also to renegotiate the terms of the merger agreement with CVS to provide Caremark shareholders with an additional \$3.19 billion in cash consideration and to ensure Caremark’s shareholders had statutory appraisal rights in the deal. *Louisiana Municipal Police Employees’ Retirement System, et al. v. Crawford, et al.*, C.A. No. 2635-N (Del. Ch.).

(15) **AIG**

G&E achieved a settlement of derivative claims against former American International Group, Inc. (“AIG”) CEO Hank Greenberg and other officers of the insurer in connection with a well-documented bid-rigging scheme used to inflate the company’s income. The scheme — which included an array of wrongful activities, such as sham insurance transactions intended to deceive shareholders and illegal contingent commissions which amounted to kickbacks to obtain business — caused billions of dollars’ worth of damage to AIG, and ultimately led to the restatement of years of financial statements.

In approving a settlement that returned \$90 million to AIG, the Court said the settlement was “an incentive for real litigation” with “a lot of high-quality lawyering.” *In re American International Group, Inc., Consolidated Derivative Litigation*. Delaware Chancery Court, 769-VCS

(16) **Del Monte Foods**

G&E served as lead counsel in shareholder litigation in which the Firm obtained an \$89.4 million settlement against Del Monte Foods Co. and Barclays Capital. On February 14, 2011, the Delaware Chancery Court issued a ground-breaking order enjoining not only the shareholder vote on the merger, but the merger agreement's termination fee and other mechanisms designed to deter competing bids. As a result of plaintiff's efforts, the Board was forced to conduct a further shopping process for the company. Moreover, the opinion issued in connection with the injunction has resulted in a complete change on Wall Street regarding investment banker conflicts of interests and company retention of investment bankers in such circumstances. *In re Del Monte Shareholder Litigation*, C.A. No. 6027-VCL (Del. Ch).

(C) **In Securities Class Action Opt-Out Litigation**

(1) **AOL Time Warner, Inc.**

G&E filed an opt-out action against AOL Time Warner, its officers and directors, auditors, investment bankers and business partners. The case challenged certain transactions entered by the company to improperly boost AOL Time Warner's financials. G&E was able to recover for its clients more than 6 times the amount that they would have received in the class case.

(2) **BankAmerica Corp.**

G&E filed an individual action seeking to recover damages caused by the defendants' failure to disclose material information in connection with the September 30, 1998 merger of NationsBank Corporation and BankAmerica Corporation. G&E was preparing the case for trial when it achieved a settlement whereby the firm's client received more than 5 times what it would have received in the related class action. Those proceeds were also received approximately one year earlier than the proceeds from the class action settlement.

(3) **Bristol-Myers Squibb**

G&E filed an opt-out action against Bristol-Myers Squibb, certain of its officers and directors, its auditor, and Imclone, Inc., alleging that Bristol-Myers had falsified billions of dollars of revenue as part of a scheme of earnings management. While the federal class action was dismissed and eventually settled for only 3 cents on the dollar, G&E's action resulted in a total settlement representing approximately 10 times what the firm's clients likely would have received from the class action.

(4) **Qwest Communications**

G&E filed an individual action against Qwest, its accountant (Arthur Andersen LLP), Solomon Smith Barney, and current and former officers and directors of those companies. The case alleged that Qwest used “swap deals” to book fake revenue and defraud investors. G&E was able to recover for its clients more than 10 times what they would have recovered had they remained members of the class.

(5) **WorldCom**

G&E filed an opt-out action against former senior officers and directors of WorldCom, including former CEO Bernard Ebbers, and Arthur Andersen LLP (WorldCom’s former auditor), among others. The case stemmed from the widely-publicized WorldCom securities fraud scandal that involved false and misleading statements made by the defendants concerning WorldCom’s financials, prospects and business operations. G&E recovered for its clients more than 6 times what they would have received from the class action.



Bradley J. Demuth

Brad Demuth is an associate at Grant & Eisenhofer, in its New York office, where he focuses his practice on antitrust litigation and trial work. Prior to joining G&E, Mr. Demuth worked for several years as an antitrust associate at two of the largest and most well-regarded defense firms in the world.

Mr. Demuth has extensive experience litigating a range of antitrust matters, including in the pharmaceutical, high-tech, luxury goods, finance, commodities, industrial materials, and sports league contexts. His antitrust litigation casework includes contributions in the following matters: *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, *Progressive Casualty Ins. Co. v. Visa, Inc. (re Interchange Fees)*, *In re American Express Anti-Steering Rules Antitrust Litig.*, *In re Crude Oil Commodity Futures Litig.*, *In re Aluminum Warehousing Antitrust Litig.*, *In re Androgel Antitrust Litig.*, *In re Aggrenox Antitrust Litig.*, *In re Lidoderm Antitrust Litig.*, *In re Nexium (Esomeprazole) Antitrust Litig.*, *In re MF Global Holdings Ltd. Invest. Litig.*, *In re Flonase Antitrust Litig.*, *Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Ltd. Co. (re Doryx)*, *Skelaxin (Metaxalone) Antitrust Litig.*, *Castro v. Sanofi Pasteur, Inc. (re Menactra)*, *Madison Square Garden, L.P. v. NHL*, *In re Tricor Antitrust Litig.*, *Sullivan v. De Beers*, *W.B. David v. De Beers*, and *Compuware v. IBM*.

Mr. Demuth received his J.D. degree from American University Washington College of Law in 1999 *cum laude*. Following law school, Mr. Demuth served as a law clerk to the United States Court of Appeals for the Second Circuit.



Associate

Direct Dial:
(646) 722-8530

E-Mail:
bdemuth@gelaw.com

Education:

American University
Washington College of Law,
J.D., *cum laude* (1999)

Boston University, B.A., *cum laude* (1994)

Admissions:

New York State, U.S. Court of Appeals for the 2nd Circuit, U.S. District Court for the Southern District of NY, U.S. District Court for the Eastern District of NY



Grant & Eisenhofer

Linda P. Nussbaum

Linda Nussbaum is a director at Grant & Eisenhofer and leads the antitrust practice. Ms. Nussbaum is nationally recognized for her representation of class and individual plaintiffs in antitrust litigation in pharmaceuticals, commodities, and financial services, among other industries. She has been sole or co-lead counsel in many significant antitrust class actions, which have resulted in substantial recoveries, many in the realm of hundreds of millions of dollars: *In re Microcrystalline Cellulose Antitrust Litigation*; *Oncology & Radiation Associates, P.A. v. Bristol-Myers Squibb Co., et al. (Taxol Antitrust Litigation)*; *North Shore Hematology-Oncology Associates, P.C. v. Bristol-Myers Squibb Co. (Platinol Antitrust Litigation)*; *In re Children's Ibuprofen Oral Suspension Antitrust Litigation*; *In re Relafen Antitrust Litigation*; *In re Plastics Additives Antitrust Litigation*; *In re Remeron Antitrust Litigation*; *Meijer, et al. v. Warner Chilcott Holdings Company, III, Ltd., et al. (Ovcon Antitrust Litigation)*; and *In re Lorazepam & Clorazepate Antitrust Litigation*.

Current cases in which Ms. Nussbaum serves as lead counsel include *In re Aluminum Warehousing Antitrust Litigation*; *In re Zinc Antitrust Litigation*; *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*; *Adriana M. Castro, M.D. v. Sanofi Pasteur Inc. (Menactra)*; and *In re London Silver Fixing Ltd., Antitrust Litigation*. In addition, she serves on the steering and/or executive committees in *In re Lithium-Ion Batteries Antitrust Litigation*; *In re MF Global Holdings LTD Investment Litigation*; *In re Lidoderm Antitrust Litigation*; *In re Aggrenox Antitrust Litigation*; and *In re Pool Product Distribution Market Antitrust Litigation*.

In addition to her work representing plaintiff classes, Ms. Nussbaum represents large public companies in individual antitrust actions, including in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*; and *In re American Express Anti-Steering Rules Antitrust Litigation*.

Recently resolved direct purchaser class cases in which Ms. Nussbaum served as lead counsel include: *In re Puerto Rican Cabotage Antitrust Litigation*; *In re DDAVP Direct Purchaser Antitrust Litigation*; *Meijer Inc. & Meijer Distribution, Inc. v. Abbott Laboratories (Norvir)*; *Meijer, Inc., et al. v. AstraZeneca Pharmaceuticals LP, et al. (Toprol)*, *Rochester Drug Co-Operative, et al. v. Braintree Laboratories, Inc.*, and *Mylan Pharmaceuticals, Inc. v. Warner Chilcott Public Limited Company, et al. (Doryx)*.

Ms. Nussbaum was selected "Litigator of the Week" by the *AmLaw Litigation Daily* on April 2, 2010 for her work as trial counsel in *Kaiser Foundation Health Plan, Inc. and Kaiser Foundation Hospitals v. Pfizer*, in which she obtained a jury

Continued



Director

Direct Dial:
(646) 722-8504

E-Mail: lnussbaum@gelaw.com

Education:

New York University School of Law, LL.M. (1984)

George Washington University, J.D. with honors (1977)

Brooklyn College, B.A. magna cum laude (1974)

Admissions:

District of Columbia, New York, U.S. Supreme Court, U.S. Court of Appeals for the 1st Circuit, U.S. Court of Appeals for the 9th Circuit, NY Court of Appeals 2nd Department, U.S. District Court for the Southern District of NY, U.S. District Court for the Eastern District of NY

verdict for Kaiser under RICO resulting in a damages award for her client of \$142 million after trebling, which was affirmed by the First Circuit. She was named as a finalist for Public Justice Foundation's 2011 Trial Lawyer of the Year award.

Ms. Nussbaum has lectured extensively about various aspects of antitrust law. On December 2, 2014, Ms. Nussbaum was on a panel entitled "Antitrust Implications of the Financial Crisis: Financial Instruments, Derivatives, and Commodities" at the American Antitrust Institute Annual Private Enforcement Conference, concerning financial benchmarking cases such as Gold, Silver, Aluminum, Zinc, LIBOR, Credit Default Swaps, Foreign Exchange, and ISDAfix, among others. She participated in a panel for The American Bar Association on FDA Citizen Petitions and Noerr Immunity. Her recent publications include: "The Fifth Annual Future of Antitrust Enforcement Conference" presented at the American Antitrust Institute's Fifth Annual Symposium on December 7, 2011; "The Evolving Challenges of Class Certification" presented at the American Antitrust Institute's Third Annual Symposium on Private Antitrust Enforcement on December 8, 2009; "Daubert 15 Years Later: How Have Economists Fared?" presented at the ABA Section of Antitrust Law Spring Meeting in March 2009; and "The Hatch-Waxman Act 25 Years Later: Successes, Failures and Prescriptions for the Future," presented at a panel on "Lawyers, Drugs and Money, a Prescription for Antitrust Enforcement in the Pharmaceutical Industry" at the University of San Francisco School of Law Antitrust Symposium on September 25, 2009. Her article "Where do we go now? The Hatch-Waxman Act 25 Years Later: Successes, Failures, and Prescriptions for the Future" was recently published in the *Rutgers Law Journal*.

Ms. Nussbaum's successful prosecution of complex litigation has been recognized and commended by judges in matters in which she has served as lead counsel. Chief Judge Hogan commented about Ms. Nussbaum and her co-lead counsel in *In re Lorazepam & Clorazepate Antitrust Litigation*, No. 99-cv-00276 (D.D.C.), "Obviously, the skill of the attorneys, and I'm not going to spend the time reviewing it, I'm familiar with counsel, and they, as I said, are among the best antitrust litigators in the country." From Judge Faith S. Hochberg of the United States District Court for the District of New Jersey: "[W]e sitting here don't get to see such fine lawyering, and it's really wonderful for me both to have tough issues and smart lawyers. On behalf of the entire federal judiciary I want to thank you for the kind of lawyering we wish everybody would do." In *In re Neurontin Marketing and Sales Practices Litigation*, No. 04-10981 (PBS) (D. Mass), District Judge Patti Saris commented that "[this was] a fabulous trial[,] [i]t's the kind of thing that you become a judge to sit on."

Ms. Nussbaum is a member of the Advisory Board of the American Antitrust Institute, and a member of the American Law Institute.



Grant & Eisenhofer

Susan R. Schwaiger

Susan Schwaiger is an associate at Grant & Eisenhofer. She practices in the area of antitrust, with experience in a wide variety of industries, and other areas of complex civil litigation.

Prior to joining Grant & Eisenhofer, Ms. Schwaiger was of counsel to several leading New York-based antitrust firms representing plaintiffs in class and individual actions. She has authored *The Submission of Written Instructions and Statutory Language to New York Criminal Juries*.

Ms. Schwaiger has played significant roles in a number of major antitrust cases, including *In re Microcrystalline Cellulose Antitrust Litigation*; *In re Plastics Additives Antitrust Litigation*; and *In re Lorazepam & Clorazepate Antitrust Litigation*. Ms. Schwaiger is currently involved in a number of antitrust and commodity trading manipulation class actions involving the financial services industry, including *In re Aluminum Warehousing Antitrust Litigation*; *In re London Silver Fixing, Ltd. Antitrust Litigation*; and *In re Zinc Antitrust Litigation*. In addition, she has represented large corporate entities in individual actions in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*; and *CVS Pharmacy v. American Express Travel Related Services, et al.* Ms. Schwaiger's experience also includes representation of Shannon Faulkner and Nancy Mellette in their successful litigation against The Citadel military academy in Charleston, South Carolina, where Shannon Faulkner became the first female cadet admitted to the all-male academy in August 1995.

Ms. Schwaiger graduated *cum laude* from Brooklyn Law School in 1992 with a J.D. She obtained her M.A. from the University of Kentucky and a B.S. from the University of Tennessee.



Associate

Direct Dial:

(646) 722-8537

E-Mail: sschwaiger@gelaw.com

Education:

Brooklyn Law School, J.D., *cum laude* (1992)

University of Kentucky, M.A., (1973)

University of Tennessee, B.S. (1971)

Admissions:

New York, U.S. District Court for the Southern District of NY, U.S. District Court for the Eastern District of NY, U.S. District Court for the Western District of NY



Grant & Eisenhofer

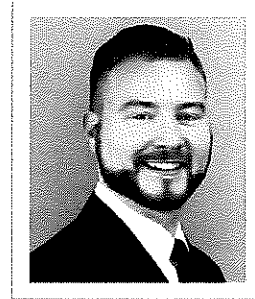
James G. Welch

James Welch is an associate at Grant & Eisenhofer, focusing his practice on antitrust litigation.

Prior to joining Grant & Eisenhofer, Mr. Welch worked as a litigation associate at a large Philadelphia-area law firm, where he gained substantial experience in commercial litigation in state and federal court representing companies and governmental organizations involving contracts, consumer protection laws, and products liability in class actions and multidistrict litigation.

Mr. Welch earned his J.D. from the University of Pennsylvania Law School in 2011 where he was a Senior Editor of the *Journal of Business Law*. He received his B.A., *summa cum laude*, in International Studies from the University of Alabama in 2006, where he was also elected to Phi Beta Kappa.

Mr. Welch is a co-author of "Disclosure of Seed Sets: Required to Cooperate or Protected as Attorney Work Product?" *The Legal Intelligencer*, February 18, 2014. He is a member of the Philadelphia Bar Association and the National LGBT Bar Association, and represents individuals pro bono for the Support Center for Child Advocates in Philadelphia.



Associate

Direct Dial:
(302) 622-7011

E-Mail: jwelch@gelaw.com

Education:

University of Pennsylvania Law School, J.D. (2011)

University of Alabama, B.A.,
summa cum laude (2006)

Admissions:

New Jersey, Pennsylvania



Grant & Eisenhofer

Peter A. Barile III

Pete Barile is senior counsel at Grant & Eisenhofer, resident in the New York office. Mr. Barile litigates federal antitrust and commodity class actions and other complex matters. He has extensive experience representing both plaintiffs and defendants, providing him insight into how the other sides work, benefitting clients he represents, whether plaintiff classes, opt-outs, individual competitors, or defendants. In addition to his work in federal district courts, Mr. Barile has substantial experience before the Judicial Panel on Multidistrict Litigation, federal Circuit Courts of Appeal, and the United States Supreme Court. Prior to joining Grant & Eisenhofer, he practiced both in New York and in Washington D.C., with major law firms renowned for their historically leading antitrust practices.

Mr. Barile currently devotes a substantial amount of his practice to antitrust and commodity class action litigation involving the financial services industry in the Southern District of New York. Mr. Barile is or has been involved in representing investor rights in major cases involving commodities and financial benchmarks, including: Aluminum, Cotton, Crude Oil, Forex, Gold, ISDAfix, LIBOR, Silver, and Zinc.

He also has substantial experience litigating high-tech antitrust cases in the Northern District of California, including: *In re Online DVD Antitrust Litigation*; *In re Lithium Ion Batteries Antitrust Litigation*; and *In re High Tech Employees Antitrust Litigation*.

Mr. Barile's reported cases include: *Leegin Creative Leather Products, Inc. v. PSKS, Inc.*, 551 U.S. 877 (2007) (lead counsel for *amicus curiae* Consumer Federation of America in landmark antitrust case on resale price fixing); *Metallgesellschaft AG v. Sumitomo Corp. of America*, 325 F.3d 836 (7th Cir. 2003) (represented opt-out plaintiffs in a leading antitrust case on international copper commodities trading); *Empagran S.A. v. F. Hoffmann-LaRoche, Ltd.*, 417 F.3d 1267 (D.C. Cir. 2005) (represented *amicus curiae* in appeal concerning the Foreign Trade Antitrust Improvements Act (FTAIA)); *In re Online DVD Rental Antitrust Litigation*, 2010 U.S. Dist. LEXIS 138558 (2010) (obtained certification of 40 million member class of subscribers to Netflix against Netflix and Wal-Mart); *In re Rail Freight Fuel Surcharge Antitrust Litigation*, 593 F. Supp. 2d 29, *aff'd*, 602 F.3d 444, *cert. denied*, 131 S. Ct. 822 (2010) (obtained dismissal, affirmance, and denial of *certiorari* in an indirect purchaser price fixing class action against major national railroads); *In re LTL Shipping Services Antitrust Litigation*, 2009 U.S. Dist. LEXIS 14276 (N.D. Ga. 2009) (obtained dismissal of price fixing class action brought against major trucking companies); *In re Southeastern Milk Antitrust Litigation*, 555 F. Supp. 2d 934 (2008) (defeated

Continued



Senior Counsel

Direct Dial:
(646) 722-8516

E-Mail: pbarile@gelaw.com

Education:

University of Connecticut School of Law, J.D. *magna cum laude* (1999)

University of Connecticut, B.A. (1991)

Admissions:

Connecticut, District of Columbia, New York, U.S. Court of Appeals for the 2nd Circuit, U.S. Court of Appeals for the 4th Circuit, U.S. Court of Appeals for the 6th Circuit, U.S. Court of Appeals for the 7th Circuit, U.S. Court of Appeals for the 9th Circuit, U.S. Court of Appeals for the Federal Circuit, U.S. Court of Appeals for the District of Columbia Circuit, U.S. District Court for the District of CT, U.S. District Court for the District of DC, U.S. District Court for the Northern District of IL, U.S. District Court for the Eastern District of NY, U.S. District Court for the Southern District of NY, U.S. Supreme Court

motion to dismiss price fixing and monopolization claims brought on behalf of classes of dairy farmers); *In re Medical Residents Antitrust Litigation*, 339 F. Supp. 2d 26 (D.D.C. 2004), *aff'd*, 2006 U.S. App. LEXIS 14079 (D.C. Cir. 2006), *cert. denied*, 549 U.S. 1156 (2007) (obtained dismissal of price fixing class action alleging conspiracy in the hiring and compensation of medical residents); *Omnicare, Inc. v. United Health Group, Inc.*, 524 F. Supp. 2d 1031 (N.D. Ill. 2007) (prosecuted precedent-setting private action for pre-merger gun jumping conspiracy under Section 1 of the Sherman Act).

Mr. Barile's *pro bono* work has included: *Giles v. State of California* 554 U.S. 353 (2008), in which he served as lead counsel in the U.S. Supreme Court for *amicus curiae* Battered Women's Justice Project, in a case concerning the scope of the Confrontation Clause of the United States Constitution.

Mr. Barile has published numerous articles and served as a panelist or speaker on antitrust issues. His work has been cited by the Federal Trade Commission and the Antitrust Modernization Commission, as well as leading academics and practitioners. He has authored or co-authored the following: *Milton Handler, Dean of Antitrust*, in Yale Biographical Dictionary of American Law (2010); *Pattern Exception to Sham Litigation*, Antitrust Exemptions & Immunities Update (2009); *Private Right of Action for Pre-Merger Gun Jumping Recognized*, Antitrust Litigator (2008); *Supreme Court Confirms Viability of Predatory Bidding Claims*, Business Law Today (2007); *Antitrust Damages Resulting from Meritorious Patent Litigation*, Antitrust Exemptions & Immunities Update (2007); *Antitrust's New Big Brother*, Business Law Today (2006); *Antitrust in Wartime*, Antitrust (2003); *Health Care Providers and a Market Participation Exception to State Action Immunity*, Antitrust Report (2000); *The Microsoft Case*, Connecticut Law Review (Symposium Editor) (1999). He has contributed to the following books and treatises: *Indirect Purchaser Antitrust Litigation Handbook* (forthcoming, 2014); *Antitrust Law Developments (Seventh)* (2012); *Annual Review(s) of Antitrust Developments (2008-11)*; *Antitrust & Trade Associations* (2009); *Antitrust & International Intellectual Property Licensing* (2008); *Antitrust Law Developments (Sixth)* (2007); *Annual Review(s) of Antitrust Developments (2005-06)*; *Unfair Trade Practices* (2003). His speaking engagements include: Panelist, ABA, *Sham Litigation: Claiming and Defeating Antitrust Immunity* (2011); Panelist, ABA, *Fundamentals of Antitrust Exemptions & Immunities* (2010); Moderator, ABA, *Now the Feds Can Wiretap Suspected Antitrust Offenders* (2006); Introduction, *The Microsoft Case*, Connecticut Law Review Symposium (1999).

Mr. Barile is active in the antitrust bar, having held a number of leadership posts in the ABA and other bar associations. He serves on the Advisory Board of the Loyola Institute for Consumer Antitrust Studies. He is a past member of the Competition Editorial Advisory Board of *Law360*. Mr. Barile graduated from the University of Connecticut in 1991 with a bachelor of arts in English, and received his J.D. from the University of Connecticut School of Law in 1999.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALASKA ELECTRICAL PENSION FUND;
et al.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., et al.

Defendants.

Case Nos.: 14-cv-7126 (JMF)

Hon. Jesse M. Furman

**DECLARATION OF GREGORY S. ASCIOLLA IN SUPPORT
OF LEAD COUNSEL'S MOTION FOR AN AWARD OF
ATTORNEYS' FEES AND LITIGATION EXPENSES
FILED ON BEHALF OF LABATON SUCHAROW LLP**

I, GREGORY S. ASCIOLLA, declare as follows:

1. I am a partner at Labaton Sucharow LLP, one of Plaintiffs' Counsel in the above-captioned action (the "Action"). I submit this declaration in support of Lead Counsel's application for an award of attorneys' fees in connection with services rendered in the Action, as well as for payment of litigation expenses/charges ("expenses") in connection with the prosecution of the Action. I have personal knowledge of the facts set forth herein and, if called upon, could and would testify thereto.

2. The specifics of the work performed by Lead Counsel and Plaintiffs' Counsel – including my firm – are set forth in the concurrently-filed Joint Declaration of Lead Counsel.

3. Attached hereto as Exhibit 1 is a schedule indicating the amount of time spent by attorneys and professional support staff of my firm who were involved in this Action and the lodestar calculation for those individuals based on my firm's current hourly rates. The hourly rates for the attorneys and professional support staff of my firm included in Exhibit 1 have been

accepted by courts in other complex or class action litigation, subject to subsequent annual increases. For personnel who are no longer employed by my firm, the lodestar calculation is based on the hourly rates for such personnel in his or her final year of employment by my firm. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by my firm. Time expended on the application for attorneys' fees and reimbursement of litigation expenses has been excluded.

4. The total number of hours reflected in Exhibit 1 is 26,618.40. The total lodestar reflected in Exhibit 1 is \$12,266,514.00 consisting of \$12,134,071.50 for attorneys' time and \$132,442.50 for professional support staff time.

5. My firm's lodestar figures are based on the firm's hourly rates, which rates do not include charges for expense items. Expense items are recorded separately and such charges are not duplicated in my firm's hourly rates.

6. As detailed in Exhibit 2, my firm is seeking a total of \$2,497,374.97 in litigation expenses incurred in connection with the prosecution of this Action through and including August 31, 2018.

7. The litigation expenses reflected in Exhibit 2 are the actual incurred expenses or reflect "caps" based on application of the following criteria:

- (a) For out-of-town travel, airfare is at coach rates.
- (b) Meals are capped at \$20 per person for breakfast, \$25 per person for lunch, and \$50 per person for dinner.
- (c) Internal copying is charged at \$0.10 per page.
- (d) Online research charges reflect only out-of-pocket payments to the vendors for research done in connection with this Action. Online research

is billed based on actual time usage at a set charge by the vendor. There are no administrative firm charges included in these figures.

8. The expenses incurred in this Action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred.

9. My firm has reviewed the time and expense records that form the basis of this declaration to correct any billing errors.

10. Attached hereto as Exhibit 3 are brief biographies of my firm and the attorneys for whose work on this case fees are being sought.

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

Executed on September 26, 2018.



GREGORY S. ASCIOLLA

EXHIBIT 1**LABATON SUCHAROW LLP
TIME REPORT**

INCEPTION THROUGH AUGUST 31, 2018

PROFESSIONAL	STATUS	HOURLY RATE	TOTAL HOURS TO DATE	TOTAL LODESTAR TO DATE
Himes, J.	P	\$975	335.30	\$326,917.50
Asciolla, G.	P	\$900	809.80	\$728,820.00
Stocker, M.	P	\$900	47.60	\$42,840.00
McDonald, C.	P	\$900	36.10	\$32,490.00
Belfi, E.	P	\$900	28.60	\$25,740.00
Goldsmith, D.	P	\$875	289.80	\$253,575.00
Garvey, K.	OC	\$775	1,174.70	\$910,392.50
Van Der Meulen, R.	OC	\$600	1,016.40	\$609,840.00
Erroll, D.	A	\$675	61.40	\$41,445.00
Perez, M.	A	\$525	1,771.60	\$930,090.00
Richardson, M.	A	\$500	65.00	\$32,500.00
Morrison, B.	A	\$475	60.90	\$28,927.50
Julius, R.	A	\$465	52.00	\$24,180.00
Crevier, J.	A	\$375	61.20	\$22,950.00
Brissett, V.	SA	\$435	1,750.10	\$761,293.50
Ladson, E.	SA	\$435	524.90	\$228,331.50
Peter-Koyi, A.	SA	\$410	2,489.20	\$1,020,572.00
Gandy, C.	SA	\$410	1,998.90	\$819,549.00
Kwon, J.	SA	\$410	1,858.50	\$761,985.00
Angelos, V.	SA	\$410	1,789.50	\$733,695.00
Sharpe, R.	SA	\$410	1,643.70	\$673,917.00
Uwa, I.	SA	\$410	1,179.50	\$483,595.00
Bolano, M.	SA	\$410	657.30	\$269,493.00
Jungman, M.	SA	\$410	655.40	\$268,714.00
Schuster, J.	SA	\$410	567.60	\$232,716.00
Sosler, E.	SA	\$410	294.50	\$120,745.00
Pospischil, D.	SA	\$410	243.80	\$99,958.00
Scopelliti Leo, D.	SA	\$360	1,326.40	\$477,504.00
Gianturco, D.	SA	\$360	468.10	\$168,516.00
Lucato, J.	SA	\$360	424.90	\$152,964.00
Quarcoo, E.	SA	\$360	55.80	\$20,088.00
Bishop, E.	SA	\$335	2,041.60	\$683,936.00
Park, C.	SA	\$335	435.20	\$145,792.00
Ahn, E.	RA	\$325	37.20	\$12,090.00

PROFESSIONAL	STATUS	HOURLY RATE	TOTAL HOURS TO DATE	TOTAL LODESTAR TO DATE
Chan, V.	RA	\$325	12.50	\$4,062.50
Clark, J.	I	\$400	35.60	\$14,240.00
Sutton, M.	LC	\$275	24.70	\$6,792.50
Redman, S.	PL	\$325	263.80	\$85,735.00
Molloy, M.	PL	\$325	29.30	\$9,522.50
TOTAL			26,618.40	\$12,266,514.00

Partner	(P)
Of Counsel	(OC)
Associate	(A)
Staff Attorney	(SA)
Research Analyst	(RA)
Investigator	(I)
Law Clerk	(LC)
Paralegal	(PL)

EXHIBIT 2LABATON SUCHAROW LLP
EXPENSE REPORT

INCEPTION THROUGH AUGUST 31, 2018

CATEGORY	AMOUNT
Court Fees & Other Filing Fees	\$ 400.00
Online Legal & Financial Research	\$ 8,142.70
Document Management & Litigation Support	\$ 7,412.15
Telephone & Facsimile	\$ 867.12
Postage, Overnight Delivery & Messenger	\$ 791.98
Internal Copying	\$ 10,067.20
Travel (Meals, Lodging & Transportation)	\$ 28,546.72
Experts*	\$1,689,327.10
Litigation Fund Contribution	\$ 751,820.00
TOTAL EXPENSES:	\$2,497,374.97

* Includes \$1,668,231.60 paid to Quinn Emanuel for reimbursement of expert expenses.

EXHIBIT 3

LABATON SUCHAROW LLP
FIRM RÉSUMÉ AND BIOGRAPHIES



Firm Resume

Antitrust and Competition Litigation

New York, NY

Washington, D.C.

Wilmington, DE

www.labaton.com

Table of Contents

Firm Overview	1
Antitrust and Competition Litigation	2
Multi-District Litigation Experience	2
Notable Successes	3
Ongoing Litigation	5
Reputation and Leadership in the Antitrust Bar	7
Court Commendations	7
Awards and Accolades	8
Bar Activities and Appointments	9
Thought Leadership	9
Community Involvement	10
Firm Commitments	10
Individual Attorney Commitments	11
Commitment to Diversity	12
Antitrust Team	13

Firm Overview

In 50 years+ of practice, Labaton Sucharow has recovered billions of dollars.

Labaton Sucharow is a highly respected litigation powerhouse, recovering more than \$12 billion for investors, businesses and consumers. The Firm litigates in the areas of antitrust, commodities, securities, corporate governance, and shareholder rights, as well as whistleblower representation. Our team's victories over the last decade are drawn straight from the headlines, including historic settlements in litigation against leading international airlines, dominant dealer banks, major pharmaceuticals, as well as AIG, Bear Stearns, Countrywide, Schering-Plough, and Fannie Mae, among others.

Antitrust and Competition Litigation

Labaton Sucharow has a well-earned reputation for successfully investigating and litigating complex antitrust multi-district litigation class actions. Regularly appointed lead counsel by courts throughout the nation, we have led the charge in some of the most significant private antitrust litigation in recent years challenging national and international price-fixing cartels, including *In re Air Cargo Shipping Services Antitrust Litigation* (\$1.2+ billion in settlements from over 30 global airlines). In particular, we are at the forefront in challenging anticompetitive conduct in the financial and pharmaceutical industries. Whether a case involving complex financial instruments and commodities or branded and generic drugs, Labaton Sucharow has the industry-specific expertise to achieve positive results for the class.

Securities Litigation

As a leader in the securities litigation field, the Firm is a trusted advisor to more than 300 institutional investors with collective assets under management in excess of \$2 trillion. Our practice focuses on portfolio monitoring and domestic and international securities litigation for sophisticated institutional investors. Since the passage of the Private Securities Litigation Reform Act of 1995, we have recovered more than \$9 billion in the aggregate. Our success is driven by the Firm's robust infrastructure, which includes one of the largest in-house investigative teams in the plaintiffs' bar.

Corporate Governance and Shareholder Rights Litigation

Our breadth of experience in shareholder advocacy has also taken us to Delaware, where we press for corporate reform through our Wilmington office. These efforts have already earned us a string of enviable successes, including one of the largest derivative settlements ever achieved in the Court of Chancery, a \$153.75 million settlement on behalf of shareholders in *In re Freeport-McMoRan Copper & Gold Inc. Derivative Litigation*.

Whistleblower Representation

Our Whistleblower Representation Practice leverages the Firm's securities litigation expertise to protect and advocate for individuals who report violations of the federal securities laws. Jordan A. Thomas, former Assistant Director and Assistant Chief Litigation Counsel in the Division of Enforcement at the SEC, leads the practice.

"Labaton Sucharow is 'superb' and 'at the top of its game.' The Firm's team of 'hard-working lawyers... push themselves to thoroughly investigate the facts' and conduct 'very diligent research'."

-The Legal 500

Multi-District Litigation Experience

Due to our record of success, the Firm is regularly appointed lead or co-lead counsel in major multi-district litigation involving complex antitrust claims

Labaton Sucharow's Antitrust and Competition Litigation Practice is highly-regarded for its record of success in challenging global anticompetitive conduct. The Firm regularly litigates large, complex, multi-district litigations involving antitrust claims. Recognizing our expertise in antitrust law, multi-district litigation, and class actions, courts throughout the nation have appointed Labaton Sucharow as lead or co-lead counsel in some of the most significant antitrust cases to date. Notably, the Firm has recovered nearly \$3 billion on behalf of consumers injured by antitrust and commodities law violations, including price-fixing, price manipulation, and monopolization.

The Firm secured its leadership in the plaintiffs' antitrust bar through pioneering work against monopolists in the pharmaceutical industry in the 1990s. More than two decades later, we continue to break new ground by filing novel cases under federal and state antitrust laws involving pharmaceutical products. We continue to challenge anticompetitive conduct by the world's largest pharmaceutical companies, including agreements to delay the entry of lower cost generic drugs (pay-for-delay), price-fixing, monopolization, sham litigation and fraud on the U.S. Patent & Trademark Office.

More recently, we've developed expertise in antitrust cases involving complex financial products. We have led the charge in investigating and filing high-profile price-fixing and manipulation cases involving financial derivative products, including U.S. treasury securities, foreign currencies, interest rate swaps, and precious metals such as gold, platinum, and palladium.

Our ability to investigate markets and unearth anticompetitive conduct is unmatched. Regulators have even followed our lead by conducting subsequent government investigations stemming from our cases. In addition, the Firm has a team of private investigators (led by a former FBI agent) and financial analysts that assist our group in investigating antitrust claims. Indeed, we recently filed a case involving an alleged conspiracy by two major railroad equipment manufacturers not to poach each others' skilled employees that included allegations from several confidential witnesses – former employees of the defendant companies who had direct knowledge of the agreement.

The practice is led by Co-Chairs Gregory Ascioffa and Jay L. Himes, longtime leaders in the antitrust bar with significant government, defense, plaintiff, and trial experience. We have one of the larger antitrust practice groups representing plaintiffs in the country, with over 14 members, the vast majority of which practice antitrust law exclusively. The diverse and specialized backgrounds of our attorneys offer invaluable prosecutorial insight, as demonstrated by the noteworthy settlements we've achieved.

Labaton Sucharow has a distinguished record of success in prosecuting multi-district litigation involving international price-fixing cartels (detailed below). Notably, as co-lead counsel (2006-2013) in *In re Air Cargo Shipping Services Antitrust Litigation*, we secured more than \$1.2 billion in recoveries from nearly 30 global airlines for price-fixing air cargo shipping services worldwide. In *In re Automotive Lighting Products Antitrust Litigation*, our antitrust attorneys demonstrated their willingness to litigate a global price-fixing conspiracy involving automotive lighting products all the way to trial. Our unwavering advocacy secured a settlement of more than \$50 million on the eve of trial.

The antitrust practice group boasts a sophisticated client base that includes pension and labor funds, health and welfare funds, managed care organizations/insurers, municipalities and related quasi-government agencies, small businesses, large corporations, and individual consumers.

Notable Successes

Labaton Sucharow has achieved many outstanding results on behalf of its clients. Key highlights include:

- ***In re Air Cargo Shipping Services Antitrust Litigation, MDL No. 1775 (E.D.N.Y.)***
Served as co-lead counsel (2006-2013) and obtained more than \$1.2 billion in settlements from over 30 international airlines to resolve claims alleging a global conspiracy to fix surcharges for air cargo shipping services.
- ***Alaska Electrical Pension Fund, et al. v. Bank of America, Corp., No. 14-cv-7126 (S.D.N.Y.)***
Serves as class counsel and secured \$504.5 million in settlements from the major dealer banks to resolve claims alleging a conspiracy to manipulate ISDAFIX, a key benchmark for valuing various interest rate derivatives, including swaps and swaptions.
- ***In re Aftermarket Automotive Lighting Products Antitrust Litigation, No. 09-md-02007 (C.D. Cal.)***
Served as co-lead counsel and obtained more than \$50 million in settlements to resolve claims alleging that several manufacturers participated in an international conspiracy to fix the prices of aftermarket automotive lighting products.
- ***In re Foreign Exchange Benchmark Rates Antitrust Litigation, No. 13-cv-07789 (S.D.N.Y.)***
Serves as class counsel and appointed allocation counsel and obtained more than \$2.3 billion in partial settlements to date from the major FX dealer banks to resolve claims alleging a conspiracy to fix the prices of foreign exchange transactions.
- ***In re Lidoderm Antitrust Litigation, No. 14-md-02521 (N.D. Cal.)***
Served as class counsel for end-payors and secured \$104.75 million in settlements to resolve claims alleging that certain brand and generic pharmaceutical manufacturers agreed to delay the launch of a cheaper generic version of the drug Lidoderm.
- ***In re Aggrenox Antitrust Litigation, No. 14-md-02516 (D. Conn.)***
Served as class counsel for end-payors and secured \$54 million in settlements to resolve claims alleging that certain brand and generic pharmaceutical manufacturers agreed to delay the launch of a cheaper generic version of the drug Aggrenox.
- ***In re Natural Gas Commodity Litigation, No. 03-cv-06186 (S.D.N.Y.)***
Served as co-lead counsel and obtained more than \$100 million in settlements to resolve claims alleging that dozens of large energy companies manipulated the price of natural gas futures contracts traded on the New York Mercantile Exchange (NYMEX). The settlement was the second largest class action recovery under the Commodity Exchange Act in its 85-year history.
- ***In re Credit Default Swaps Antitrust Litigation, No. 13-md-2476 (S.D.N.Y.)***
Served as class counsel and secured nearly \$1.9 billion in settlements from the major CDS dealer banks to resolve claims alleging a conspiracy prevent the development of an exchange-based CDS trading platform so that they could maintain artificially high prices for credit default swaps.
- ***In re Puerto Rican Cabotage Antitrust Litigation, No. 08-md-01960 (D.P.R.)***
Served as co-lead counsel and obtained \$52 million in settlements to resolve claims alleging that several major shipping companies participated in a conspiracy to fix the prices of ocean freight services between the continental United States and Puerto Rico.

- ***In re Marine Hose Antitrust Litigation, No. 08-md-1888 (S.D. Fla.)***
Served as co-lead counsel and obtained \$31.7 million in settlements to resolve claims alleging that several marine products manufacturers participated in a conspiracy to fix the prices of and allocate markets for marine hose products.
- ***In re Flat Glass Antitrust Litigation (II), No. 08-mc-00180 (W.D. Pa.)***
Served as co-lead counsel and obtained more than \$22 million in settlements to resolve claims alleging that several major glass manufacturers conspired to fix the prices of construction flat glass.
- ***In re Aftermarket Filters Antitrust Litigation, No. 08-cv-4883. (N.D. Ill.)***
Served as co-lead counsel and obtained nearly \$18 million in settlements to resolve claims alleging that numerous automotive parts manufacturers participated in a conspiracy to fix the prices of aftermarket automotive filters (oil, air, and fuel).
- ***In re Abbott Labs Norvir Antitrust Litigation, No. 04-cv-01511 (N.D. Cal.)***
Served as co-lead counsel and obtained a \$10 million settlement to resolve claims alleging that Abbott Laboratories unlawfully raised the price of Norvir, a critical HIV medication that is used in conjunction with other medications, in an attempt to limit competitors in the HIV drug market.
- ***Ace Marine Rigging & Supply, Inc. v. Virginia Harbor Services, et al., No. 11-cv-00436 (C.D. Cal.) and Board of Trustees of Commissioners of the Port of New Orleans v. Virginia Harbor Services, et al., No. 11-cv-00437 (C.D. Cal.)***
Served as lead counsel and obtained more than \$5 million in settlements in two related class actions to resolve claims alleging that a number of marine product manufacturers conspired to fix the prices of various marine products (foam-filled fenders and buoys and plastic marine pilings).
- ***Sandhaus v. Bayer AG, No. 00-cv-6193 (Dist. Ct. of Kansas, Johnson County)***
Served as co-lead counsel on behalf of a class of Kansas end-payors and obtained a \$9 million settlement to resolve claims that certain brand and generic pharmaceutical manufacturers agreed to delay the launch of a cheaper generic version of the drug Cipro. The settlement is the largest ever for Kansas end-payors in a pay-for-delay litigation.
- ***In re Amaranth Natural Gas Commodities Litigation, No. 07-cv-6377 (S.D.N.Y.)***
Served as class counsel and obtained a \$77.1 million settlement to resolve allegations that several energy trading firms manipulated the prices of NYMEX natural gas futures contracts.
- ***In re Optiver Commodities Litigation, No. 08-cv-06842 (S.D.N.Y.)***
Served as class counsel and obtained a \$16.7 million settlement to resolve claims alleging that Optiver Holding BV manipulated oil and gasoline futures contracts over a 24-day period in 2007.
- ***In re Lorazepam and Clorazepate Antitrust Litigation, No. 99-cv-01082 (D.D.C.)***
Served as co-lead counsel and obtained \$135.4 million in settlements to resolve claims alleging that Mylan Laboratories monopolized the supply of an active ingredient for the anti-anxiety drugs Lorazepam and Clorazepate and implemented anticompetitive price increases for those drugs.
- ***In re Municipal Derivatives Antitrust Litigation, MDL No. 1950, 08-cv-2516 (S.D.N.Y.)***
Served as class counsel and obtained more than \$275 million in settlements to resolve claims alleging that major financial institutions and brokers conspired to rig bids for investment contracts solicited by municipalities across the United States.
- ***In re TriCor Indirect Purchaser Antitrust Litigation, No. 05-cv-00360 (D. Del.)***
Served as co-lead counsel and obtained a \$65.7 million settlement to resolve claims that certain drug manufacturers engaged in anticompetitive sham litigation to avoid competition on its cholesterol lowering drug, TriCor.

- ***In re Warfarin Sodium Antitrust Litigation, Nos. 02-3603, 02-3755, 02-3757, 02-3758 (D. Del.)***
Served as co-lead counsel and obtained a \$44.5 million settlement to resolve claims alleging that DuPont engaged in campaign of falsely disparaging its competitors' cheaper generic products for purposes of restraining competition in the warfarin sodium market. Labaton Sucharow successfully defended the settlement on appeal to the Third Circuit. \
- ***In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation, No. 11-md-02284 (E.D. Pa.)***
Served as co-lead counsel and obtained a settlement calling for significant additional relief in the form of improved appeals process, increased warranty, and improved notice to resolve claims that DuPont misled consumers about the safety and effectiveness of Imprelis, an herbicide.
- ***National Metals, Inc. v. Sumitomo Corporation et al., No. GIC 734001 (Cal. Super. Ct., San Diego County)***
Served as class counsel and obtained more than \$90 million in settlements to resolve claims alleging that Sumitomo Corporation participated in a conspiracy to manipulate copper prices on the London Metals Exchange.
- ***In re Buspirone Antitrust Litigation, No. 01-md-01413 (S.D.N.Y.)***
Served as class counsel and obtained a \$90 million settlement to resolve claims alleging that Bristol-Myers Squibb engaged in monopolistic and other anticompetitive conduct in marketing BuSpar, an anti-anxiety drug.
- ***In re Stock Exchanges Options Trading Antitrust Litigation, No. 99-cv-00962 (S.D.N.Y.)***
Served as class counsel and obtained \$47 million in settlements to resolve claims alleging that five stock exchanges and 28 market makers conspired to restrict listing of equity options on national exchanges.

Ongoing Litigation

- ***In re Treasury Securities Auction Antitrust Litigation, No. 15-md-2673 (S.D.N.Y.)***
Serves as co-lead counsel and represents a class of U.S. Treasuries investors in class action alleging that the major primary dealers of U.S. Treasury securities conspired to fix prices for U.S. Treasuries and Treasuries-linked derivatives. Labaton Sucharow conducted its own independent investigation and filed the first case in the nation.
- ***In re Generic Pharmaceuticals Pricing Antitrust Litigation, No. 16-md-02724 (E.D. Pa.)***
Serves on the Plaintiffs' Steering Committee on behalf of end-payors in a major multi-district litigation class action alleging over 25 pharmaceutical manufacturers conspired to fix the prices of and allocate customers and markets for over 30 generic drugs.
- ***In re Platinum and Palladium Antitrust Litigation, No. 14-cv-9391 (S.D.N.Y.)***
Serves as co-lead counsel in class action alleging that the major platinum and palladium dealers conspired to manipulate the prices of platinum and palladium during the London Platinum and Palladium Fixings. Labaton Sucharow conducted its own independent investigation based on non-public information and filed the first case in the nation.
- ***In re Opana ER Antitrust Litigation, No. 14-cv-10150 (N.D. Ill.)***
Serves as co-lead counsel in class action alleging that certain brand and generic drug manufacturers entered into an anticompetitive pay-for-delay agreement for the pain reliever drug, Opana ER.
- ***In re Exforge End-Payor Antitrust Litigation, 18-cv-05536 (S.D.N.Y.)***
Serves as lead counsel in class action alleging certain brand and generic drug manufacturers entered into an anticompetitive pay-for-delay agreement for the high blood pressure drug, Exforge.

- ***In re Capacitors Antitrust Litigation, No. 14-cv-03264 (N.D. Cal.)***
Serves as class counsel and helped to secure \$99.5 million in partial settlements to resolve claims alleging that the major capacitor manufacturers participated in an international conspiracy to fix the prices of aluminum, tantalum, and film capacitors.
- ***In re Commodity Exchange, Inc. Gold Futures and Options Trading Litigation, No. 14-md-2548 (S.D.N.Y.)***
Serves as class counsel and helped to secure \$60 million in partial settlements in class action alleging that the major gold dealers conspired to manipulate the prices of gold during the London Gold Fixings.

Reputation and Leadership in the Antitrust Bar

Court Commendations

Many judges have remarked favorably on the Firm's experience and results achieved in class action litigation.

- "Each month for the past four years, I have reviewed a detailed report by the Trustee, Jay Himes, who has diligently and effectively monitored the defendant's compliance with the Final Judgment. He has worked through innumerable complex issues with Bazaarvoice and Power Reviews with obvious skill and sensitivity. The best testament to his efforts is that neither the plaintiff, defendant, PowerReviews, nor any other entity has raised a concern to me about anything related to this case since he was appointed. I am grateful and thank him for his service."
 - Judge William H. Orrick
United States of America v. Bazaarvoice, Inc., 3:13-cv-00133 (N.D. Ca.)
- "I do want to just make the point that the advocacy has really been remarkable both on the papers and in the arguments today – I really appreciate it. It's been a pleasure to hear so many good litigators advocate their positions. So thank you."
 - Judge Viktor V. Pohorelsky (remarking on advocacy at hearing on the defendants' motions to dismiss)
In re Air Cargo Shipping Services Antitrust Litigation, MDL 1775 (E.D.N.Y.)
- "I trust you will give yourselves and each other well deserved pats on the back for the high level of professional skills, acumen and collegial relationships displayed throughout this litigation. It was a pleasure to be the presiding judge, and I look forward to future opportunities to work with you."
 - Judge Gene E.K. Pratter
In re Imprelis Herbicide Marketing Sales Practices and Products Liability Litigation, MDL 2284 (E.D. Pa.)
- "I want to thank you all for your professionalism in this . . . very lengthy and complicated matter . . . I appreciate your cooperation and the manner in which all of the attorneys conducted themselves in this litigation . . . It makes our job much easier when we have fine lawyers representing their clients in a professional manner."
 - Judge Donald L. Graham
In re Marine Hose Antitrust Litigation, No. 08-md-01888 (S.D. Fla.)
- "The Labaton firm is very well known to the courts for the excellence of its representation."
 - Judge Jed S. Rakoff (appointing Labaton Sucharow as Lead Counsel)
Middlesex County Retirement System v. Monster Worldwide, Inc., No. 07-cv-2237 (S.D.N.Y.)
- "Let me say that the lawyers in this case have done a stupendous job. They really have."
 - Chief Judge John Koeltl (approving \$90 million settlement with Bristol-Myers Squibb)
In Re Bupirone Antitrust Litigation, MDL No. 1413 (S.D.N.Y.)
- "The class counsel are well-qualified to litigate this type of complex class action, and they showed their effectiveness in the case at bar through the favorable cash settlement they were able to obtain."
 - Chief Judge Sue L. Robinson (approving \$44.5 million cash settlement)
In re Warfarin Sodium Antitrust Litigation, MDL No. 1232 (D. Del.)

Awards and Accolades

Industry publications and peer rankings consistently recognize the Firm as a respected leader in antitrust and securities litigation.

Benchmark Litigation

- Top 10 Plaintiff Firms in United States (2017-2018)
- Recognized in Antitrust Litigation (2012-2016)
- *"Clearly living up to its stated mission 'reputation matters'...consistently earning mention as a respected litigation-focused firm fighting for the rights of institutional investors"*

Chambers & Partners USA

- Top rankings in Antitrust: Plaintiff (2014-2018)
- Jay L. Himes noted as *"an aggressive litigator with a broad knowledge of the law"*
- Gregory Ascioffa defined as an attorney who *"knows how to cut the defense"*

The Legal 500

- Recognized in Antitrust (2010-2018)
- Gregory Ascioffa named a Next Generation Lawyer in Antitrust Civil Litigation/Class Action.
- Jay Himes, Christopher McDonald and Karin Garvey recommended in Antitrust Civil Litigation/Class Action.
- *"Zealous advocate for clients" and "they set the tone of strong advocacy that is balanced with true assessments of the risks that clients face in litigation"*

The National Law Journal

- Hall of Fame Honoree and Top Plaintiffs' Firm (2006-2016)
- Elite Trial Lawyer Winner (2014-2015)
- *"Definitely at the top of their field on the plaintiffs' side"*

Law360

- Class Action Practice Group of the Year (2012, 2014-2017)
- "Most Feared Plaintiffs" Firm (2013-2015)
- Gregory Ascioffa named "Titan" and one of the most admired attorneys of the plaintiffs' bar (2014)
- *"Known for thoroughly investigating claims and conducting due diligence before filing suit, and for fighting defendants tooth and nail in court"*

Global Competition Review

- Gregory Ascioffa and Jay L. Himes recognized as leading competition (U.S. plaintiff) lawyers (2014-2018)

2014 William T. Lifland Award

- Jay L. Himes (presented to antitrust practitioners in recognition of their contributions and accomplishments in the field of antitrust)

Thomson Reuters' Super Lawyers

- Gregory Ascioffa (2013-2018)
- Jay L. Himes (2010-2018)

Bar Activities and Appointments

Along with their active caseload, Co-Chairs Gregory Ascioffa and Jay L. Himes make substantial contributions to the antitrust bar.

Gregory Ascioffa

- Member of the Executive Committee of the Antitrust Law Section of the New York State Bar Association
- Co-Chairman of the Antitrust and Trade Regulation Committee of the New York County Lawyers' Association
- Former Chairman of the Horizontal Restraints Committee of the New York State Bar Association Antitrust Committee
- Member of the *Law360* Competition Editorial Advisory Board from 2013-2015.

Jay L. Himes

- Antitrust Law Section's delegate to the House of Delegates of the New York State Bar Association
- Member of the Executive Committee of the Antitrust Law Section of the New York State Bar Association
- Co-Chair of the Antitrust Committee of the State Bar's Commercial and Federal Litigation Section
- Appointed and currently serving as the monitoring trustee in Bazaarvoice, Inc.'s compliance with its obligations under the proposed final judgment in the Department of Justice's most recent merger victory after trial—*United States of America v. Bazaarvoice, Inc.*, No. 13-cv-00133.

Thought Leadership

Ascioffa and Himes are recognized for their experience and involvement in high-profile cases and frequently sought after by the media, including *The Wall Street Journal*, *Financial Times*, and *Law360* for commentary on global antitrust developments.

They also regularly organize and facilitate panels and lectures discussing the latest developments and trends in antitrust law and frequently publish work in national publications. Recent publications include:

- "An Update on Anti-Poach Enforcement and Class Actions," *Law360*, July 11, 2018
- "FDA Risk-Evaluation Guidance Unlikely to Help Generics," *Law360*, June 12, 2018
- "Arbitration Rule Repeal Will Adversely Affect Consumers," *Law360*, November 2, 2017
- "A Turning of the Tide: Victim Redress Through Private Antitrust Litigation," *CPI Antitrust Chronicle*, July 18, 2016
- "Creating a Partial Solution to Delayed Generic Competition," *Law360*, June 24, 2016
- "Cash or No Cash — That is No Longer the Question!" *ABA Antitrust Health Care Chronicle*, April 22, 2016
- "Shall We Dance?"— Biologic-Biosimilar Competition Under the Biologics Price Competition and Innovation Act," *CPI Antitrust Chronicle*, December 14, 2015

Community Involvement

As a result of our deep commitment to the community, Labaton Sucharow stands out in areas such as pro bono legal work and public and community service.

Firm Commitments

Immigration Justice Campaign

Labaton Sucharow has partnered with the Immigration Justice Campaign to represent immigrants in their asylum proceedings.

Brooklyn Law School Securities Arbitration Clinic

Labaton Sucharow partnered with Brooklyn Law School to establish a securities arbitration clinic. The program served a dual purpose: to assist defrauded individual investors who cannot otherwise afford to pay for legal counsel; and to provide students with real-world experience in securities arbitration and litigation. Partners Mark S. Arisohn and Joel H. Bernstein led the five-year program as adjunct professors.

Change for Kids

Labaton Sucharow supports Change for Kids (CFK) as a Strategic Partner of P.S. 182 in East Harlem. One school at a time, CFK rallies communities to provide a broad range of essential educational opportunities at under-resourced public elementary schools. By creating inspiring learning environments at our partner schools, CFK enables students to discover their unique strengths and develop the confidence to achieve.

The Lawyers' Committee for Civil Rights Under Law

Edward Labaton, Member, Board of Directors

The Firm is a long-time supporter of The Lawyers' Committee for Civil rights Under Law, a nonpartisan, nonprofit organization formed in 1963 at the request of President John F. Kennedy. The Lawyer's Committee involves the private bar in providing legal services to address racial discrimination.

Labaton Sucharow attorneys have contributed on the federal level to United States Supreme Court nominee analyses (analyzing nominees for their views on such topics as ethnic equality, corporate diversity, and gender discrimination) and national voters' rights initiatives.

Sidney Hillman Foundation

Labaton Sucharow supports the Sidney Hillman Foundation. Created in honor of the first President of the Amalgamated Clothing Workers of America, Sidney Hillman, the foundation supports investigative and progressive journalism by its awarding monthly and yearly prizes. Partner Thomas A. Dubbs is frequently invited to present these awards.

Volunteer Lawyers for the Arts (VLA)

Labaton Sucharow supports Volunteer Lawyers for the Arts, working as part of VLA's pro bono team representing low-income artists and nonprofit arts organizations. VLA is the leading provider of educational and legal services, advocacy, and mediation to the arts community.

Individual Attorney Commitments

Labaton Sucharow attorneys give of themselves in many ways, both by volunteering and in leadership positions in charitable organizations. A few of the awards our attorneys have received or organizations they are involved in are:

- Pro bono representation of an LGBT individual and a religious minority in U.S. asylum proceedings.
- Awarded “Champion of Justice” by the Alliance for Justice, a national nonprofit association of over 100 organizations which represent a broad array of groups “committed to progressive values and the creation of an equitable, just, and free society.”
- Pro bono representation of mentally ill tenants facing eviction, appointed as guardian ad litem in several housing court actions.
- Recipient of a Volunteer and Leadership Award from a tenants' advocacy organization for work defending the rights of city residents and preserving their fundamental sense of public safety and home.
- Board Member of the Ovarian Cancer Research Fund—the largest private funding agency of its kind supporting research into a method of early detection and, ultimately, a cure for ovarian cancer.

Our attorneys have also contributed to or continue to volunteer with the following charitable organizations, among others:

- The Adventure Project
- American Heart Association
- Big Brothers/Big Sisters of New York City
- Boys and Girls Club of America
- Carter Burden Center for the Aging
- City Harvest
- City Meals-on-Wheels
- Coalition for the Homeless
- Cycle for Survival
- Cystic Fibrosis Foundation
- Dana Farber Cancer Institute
- Food Bank for New York City
- Fresh Air Fund
- Habitat for Humanity
- Lawyers Committee for Civil Rights
- Legal Aid Society
- Mentoring USA
- National Lung Cancer Partnership
- National MS Society
- National Parkinson Foundation
- New York Cares
- New York Common Pantry
- Peggy Browning Fund
- Sanctuary for Families
- Sandy Hook School Support Fund
- Save the Children
- Special Olympics
- Toys for Tots
- Williams Syndrome Association

Commitment to Diversity

Labaton Sucharow believes that a variety of viewpoints and backgrounds leads to better insight and better lawyers. We strive to improve diversity within the Firm and the legal profession as a whole.

Fifty years ago, the founding partners of Labaton Sucharow established a platform to promote fairness in business enterprise. It worked. Over the last five decades, our Firm has earned global recognition for extraordinary success in securing historic recoveries and reform for investors and consumers. That's justice in action.

But let's face it: a commitment to fairness and equality does not begin with client engagements. It begins with our people.

We firmly believe that there is strength and value in diversity and we actively aim to hire minority, female, and LGBTQ attorneys, professionals, and staff. We have built a work environment where everyone can thrive: an environment where our practices and programs support our values.

Women's Networking and Mentoring Initiative

Recognizing that business does not always offer equal opportunities for advancement and collaboration to women, Labaton Sucharow launched its Women's Networking and Mentoring Initiative in 2007.

Led by Firm partners and co-chairs Serena Hallowell and Carol C. Villegas, the Women's Initiative reflects our commitment to the advancement of women professionals. The goal of the Initiative is to bring professional women together to collectively advance women's influence in business. Each event showcases a successful woman role model as a guest speaker. We actively discuss our respective business initiatives and hear the guest speaker's strategies for success. Labaton Sucharow mentors young women inside and outside of the firm and promotes their professional achievements. The Firm also is a member of the National Association of Women Lawyers (NAWL).

Minority Scholarship and Internship

Further demonstrating our commitment to diversity in the legal profession and within our Firm, in 2006, we established the Labaton Sucharow Minority Scholarship and Internship. The annual award—a grant and a summer associate position—is presented to a first-year minority student who is enrolled at a metropolitan New York law school and who has demonstrated academic excellence, community commitment, and personal integrity.

Labaton Sucharow has also instituted a diversity internship which brings two Hunter College students to work at the Firm each summer. These interns rotate through various departments, shadowing Firm partners and getting a feel for the inner workings of the Firm.

Antitrust Team

The attorneys who are involved in the prosecution of antitrust and commodities litigation include former state and federal government enforcers, former in-house counsels, and former members of the defense bar.

The practice is led by Co-Chairs Gregory Ascioffa and Jay L. Himes. Other attorneys that are members of this practice are partners Lawrence A. Sucharow (Co-Chairman of the Firm), Eric J. Belfi, and Christopher J. McDonald; Of Counsel Karin E. Garvey, Robin A. van der Meulen and Domenico Minerva; and associates Matthew J. Perez, Brian Morrison, and Jonathan S. Crevier.

Detailed biographies of the team's qualifications and accomplishments follow.

Labaton Sucharow



Jay L. Himes

Partner

email: jhimes@labaton.com

address: 140 Broadway

New York, NY 10005

t: 212-907-0834

f: 212-883-7501

Practice Areas

Antitrust and Competition Litigation

Consumer Protection Litigation

Education

University of Wisconsin Law School
J.D., *magna cum laude*, 1972

University of Wisconsin
B.A., 1970

Admissions

1974, New York

1982, U.S. Supreme Court

U.S. Court of Appeals

1975, Second Circuit

2010, Fifth Circuit

2001, Sixth Circuit

1982, Ninth Circuit

2001, D.C. Circuit

U.S. District Court

1972, Eastern District of Wisconsin

1972, Western District of Wisconsin

1975, Southern District of New York

1978, Eastern District of New York

Co-Chair of the Firm's Antitrust and Competition Litigation Practice, Jay Himes is experienced in all facets of antitrust and complex litigation generally. With more than 40 years, Jay focuses on representing plaintiffs in price-fixing class action cases and protects businesses from anticompetitive activities.

Jay was appointed by United States District Judge Orrick to serve as the monitoring trustee under the final judgment in *United States of America v. Bazaarvoice, Inc.* Upon completion of the four-year appointment, the Court thanked him for having "diligently and effectively monitored the defendant's compliance," and for having "worked through innumerable complex issues . . . with obvious skill and sensitivity."

Jay is the 2014 recipient of the William T. Lifland Service Award, presented by the Antitrust Section of the New York State Bar Association for distinguished service. *Chambers USA* reports that sources described him as "a walking encyclopedia of case law...thoughtful, well read and a first-rate lawyer," and *The Legal 500's* sources called him "a very solid and highly experienced antitrust lawyer."

A regular speaker at conferences focusing on such subjects as antitrust, class actions, international litigation and arbitration, trade law and data protection, Jay has authored many conference papers and published articles. He has lectured annually on U.S. cartel and private action enforcement at the Zurich University of Applied Science's international competition and compliance programs offered to foreign competition law officials and practitioners in Geneva and Winterthur, Switzerland. He also has presented at panels in Amsterdam, Dublin, Hanoi, Krakow, Lisbon, Paris, Sao Paolo, Seoul, Vienna, Winterthur, and Zurich, as well as in the United States.

Prior to joining Labaton Sucharow, Jay served for nearly eight years as the Antitrust Bureau Chief in the New York Attorney General's office. In that role, he served as the States' principal representative in the marathon 2001 negotiations that led to settlement of the governments' landmark monopolization case against Microsoft. Thereafter, Jay partnered with US DOJ officials to lead the Microsoft judgment monitoring and enforcement effort, activity that continued throughout his time at the Attorney General's office.

During his tenure as New York's chief antitrust official, Jay also led significant, high-profile antitrust investigations and enforcement actions. These cases included: *In re Buspirone Antitrust Litigation* (\$100 million settlement); *In re Cardizem CD Antitrust Litigation* (\$80 million settlement); and *In re Compact Disc Antitrust Litigation* (\$67 million settlement). Under Jay's leadership, the New York Bureau secured the two largest antitrust civil penalties recoveries ever achieved under the State's antitrust statute.

Prior to serving in the Attorney General's office, Jay practiced complex litigation for 25 years at Paul, Weiss, Rifkind, Wharton & Garrison LLP. There, he represented the 12 Federal Reserve Banks as plaintiffs in a price-fixing case against the nation's leading armored car companies, and defended a Revlon healthcare company in a series of price-fixing cases that spanned nearly a decade. Additionally, Jay handled a wide range of litigation, including securities class actions as well as contract, construction, constitutional, entertainment, environmental, real property, and tax litigation. Active in pro bono matters, Jay worked with the New York Civil Liberties Union, NAACP, and National Coalition for the Homeless, while also representing inmate and immigration asylum clients.

Jay is a member of the U.S. Advisory Board of the Loyola University Chicago School of Law's Institute of Consumer Antitrust Studies, the MLex advisory board, and the editorial advisory group of the *Antitrust Chronicle*.

Jay served a four-year term as the Antitrust Section's delegate to the House of Delegates of the New York State Bar Association (NYSBA), and currently is a representative to NYSBA's sections caucus. He is also the past chair of the Antitrust Section of the NYSBA and currently co-chairs the antitrust committees of both the State Bar's Commercial and Federal Litigation Section and its International Section. Jay also serves as the senior vice-president chapter chair of the NYSBA's International Section. Jay is also a member of antitrust, litigation, and intellectual property groups in the American Bar Association.

Jay graduated from the University of Wisconsin Law School, where he served as the Articles Editor of the *Wisconsin Law Review*. Following law school, he pursued independent study at the University of Oxford in England.

Ongoing Cases

In re Generic Pharmaceuticals Pricing Antitrust Litigation

In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Aftermarket Automotive Lighting Products Antitrust Litigation

In re Air Cargo Shipping Services Antitrust Litigation

In re Flat Glass II Antitrust Litigation

In re Municipal Derivatives Antitrust Litigation

Noteworthy

In the News

Albany Business Review, One Year Later: Attorney General's Case Lingers Against Joe Nicolla (09/06/2017)

Press Release, Labaton Sucharow Earns High Marks in the 2017 Legal 500 Guide (05/31/2017)

Press Release, Labaton Sucharow Remains Prominent Player in the Plaintiffs Bar (05/26/2017)

Policy and Regulatory Report, Banks Claim U.S. *Libor* Decision Supports Dismissal of Gold and Silver Benchmark Cases (06/26/2016)

Policy and Regulatory Report, U.S. Second Circuit Revives Dismissed *Libor* Antitrust Claims for Litigation (05/23/2016)

Law360, DOJ Eyes Labaton Atty to Oversee \$168M Bazaarvoice Merger (06/30/2014)

Pool & Spa News, Manufacturer Settles in Antitrust Case (06/27/2014)

Competition Policy International, Interview Regarding Apple eBook Price-Fixing Verdict (07/10/2013)

CBSsports.com, Talks Resume; Is There Time? (11/23/2011)

Law360, Class Action In Flat Glass Antitrust MDL Can Proceed (02/11/2009)

Digital Library

The Capitol Forum, Antitrust Interview Series (05/01/2015)

Special Mentions

Global Competition Review/Who's Who Legal, Leading Competition Lawyer – U.S. Plaintiff (2016-2018)

Law360, Named Labaton Sucharow Class Action Practice Group of the Year (2012, 2014-2017)

Chambers & Partners USA, Plaintiffs Antitrust Leading Individual (2014-2018)

The Legal 500, Recommended in the Field of Class Action – Antitrust (2010, 2012-2017)

Department of Justice, Labaton Sucharow Partner Jay L. Himes Selected to Oversee Antitrust Action (07/01/2014)

New York State Bar Association (NYSBA) Antitrust Section, 2014 William T. Lifland Award (01/30/2014)

Who's Who Legal, The International Who's Who of Competition Lawyers & Economists 2014 (03/01/2014)

Who's Who Legal, The International Who's Who of Business Lawyers 2014 (03/01/2014)

New York State Bar Association (NYSBA) Antitrust Section, Elected Chair (01/28/2011)

Published & Presented

New York State Bar Association (NYSBA) International Section, Prospect of the Korea-US Free Trade Agreement, Global Trade Wars in Connection with Anti-dumping and Anti-trust Law (Co-Chair) (04/24/2018)

American Antitrust Institute, Session IV: International – Private Antitrust Enforcement Around the Globe (Moderator) (11/07/2017)

New York State Bar Association (NYSBA) International Section, Cross-Border Attorney-Client Challenges: Privilege Concurrent Representation and Confidentiality/Challenges to Implementing Competition Laws in Latin America (Co-Chair) (09/13/2017)

Zurich School of Management and Law/New York State Bar Association (NYSBA) International Section, International Competition Law and Compliance Certificate Program (Lecturer) (07/14/2017)

New York State Bar Association (NYSBA) International Section, Impact of Recent EC Decisions Applying the 'EU State Aid Provisions' to Tax Treatment of European and Multinational Companies (Co-Chair) (04/20/2017)

New York State Bar Association (NYSBA) International Section, Developments in Victim Recovery Litigation (10/20/2016)

New York State Bar Association (NYSBA), International Competition Law and Compliance Certificate Program (Lecturer) (07/08/2016)

New York State Bar Association (NYSBA) Commercial and Federal Litigation Spring Meeting, Commercial and Federal Litigation, On Higher Ground? Baseball's Antitrust Exemption (Moderator) (05/13/2016)

New York State Bar Association (NYSBA) International Section, European Regional Meeting 2016, Current Developments: International Commercial Arbitration (Co-Chair and Speaker) (04/07/2016)

NYLitigator, Whistle While You Work – For a Cartelist: Whistleblower Protection and Antitrust (Fall 2015)

International Law Practicum, I'm Never Too Far Away: Extradition of Non-U.S. Nationals Charged with Price-Fixing (Autumn 2015)

New York State Bar Association (NYSBA) Antitrust Section Horizontal Restraints Committee, Catch as Catch Can: Extradition of Cartel Members (Panelist) (11/04/2015)

New York State Bar Association (NYSBA) International Section, Seasonal Meeting 2015 (Chair and Speaker) (10/14/2015)

Zurich University of Applied Sciences, International Competition Law and Compliance Certificate Program (Lecturer) (07/10/15)

New York State Bar Association (NYSBA) International Section, European Conference 2015 (Co-Chair and Speaker) (03/12-13/2015)

New York State Bar Association (NYSBA) Antitrust Section Annual Meeting, New Wine in Old Wineskins or Old Wine in New Wineskins? 100+ Years of Antitrust (Panel Moderator) (01/29/2015)

NYLitigator, Oil in the Joints or Monkey Wrench in the Gears: Deferred and Non-Prosecution Agreements in Antitrust Cases (Fall 2014)

New York State Bar Association (NYSBA) International Section, Seasonal Meeting 2014, Class Action and Collective Action In Arbitration & Litigation (Panel Co-Chair) (10/15/2014)

Zurich University of Applied Sciences, International Competition Law and Compliance Certificate Program (Lecturer) (07/04/2014)

New York State Bar Association (NYSBA) Antitrust Section, Nowhere to Hide: Perspectives on Global Cartel Enforcement From the Japanese, Korean, and U.S. Antitrust Authorities and Practitioners (Moderator) (06/05/2014)

Bloomberg BNA Daily Report for Executives, What's Located in Washington, Part of the Government and Rolling in Dough? (03/12/2014)

New York University School of Law, American Association of Law Schools – Antitrust, and the Section of Antitrust Law of the ABA, Next Generation of Antitrust Scholarship – Antitrust Limits (Speaker) (01/17/14)

Competition Policy International Antitrust Chronicle, Angels Rush in Where Fools Fear to Tread: State Enforcement Against Patent Trolls (01/01/2014)

NYLitigator, When Blue Turns to Grey: Grand Jury Subpoenas for Foreign Documents Produced in Civil Litigation (01/01/2014)

European Competition Journal, Two Bodies of Law Separated by a Common Mission: Unilateral Conduct by Dominant Firms at the IP/Antitrust Intersection in the EU and the US (December 2013)

New York State Bar Association (NYSBA) Antitrust Section, Antitrust Basics: An Introduction for New Attorneys (Panelist) (11/14/2013)

New York State Bar Association (NYSBA) International Section, Seasonal Meeting 2013, "Antitrust Enforcement Against International Cartels" (Speaker) (10/25/2013)

Concurrent Antitrust Criminal and Civil Proceedings: Identifying Problems and Planning for Success (Co-Editor) (07/24/2013)

Center for Competition and Commercial Law of the ZHAW School of Management, Certificate of Advanced Studies International Competition Law and Compliance Program (Lecturer) (07/03/2013)

New York State Bar Association (NYSBA) Antitrust Section, Antitrust in Hi-Tech Markets - Intervention or Restraint? (Speaker) (12/07/2012)

Bloomberg BNA, An Ounce of Prevention...: The Preservation Subpoena ('Subpoena Conservo') to Non-Parties as a Litigation Tool (11/22/2012)

New York State Bar Association (NYSBA) International Section, Seasonal Conference 2012, Where is the Love...We Can Work It Out. IP/Competition Law/Dominant Firms (Speaker) (10/12/2012)

American Bar Association (ABA), Section on Antitrust Law, State Enforcement, Agriculture and Food, and Exemptions and Immunities Committee, The Copper Volstead Exemptions in an Era of Supply Management and Vertical Integration

(Speaker) (09/25/2012)

The Federal Bar Council and Antitrust Section of the New York State Bar Association, Antitrust Conspiracies, Class Actions, and Refusals to Deal: Parallels, Signals, Plus Factors and Agreements (Speaker) (06/04/2012)

Loyola University Chicago School of Law, Institute of Consumer Antitrust Studies 12th Annual Loyola Antitrust Colloquium (Speaker) (04/27/2012)

Competition Policy International Antitrust Chronicle, New Toys For Old Games: eBooks – iTroubles (06/01/2012)

Antitrust Connect Blog, I Can't Make You Love Me If You Won't: Capper-Volstead Jilted by Sherman One (02/14/2012)

New York City Bar Association (NYSBA), Moot Court Competition Judge (02/01/2012)

New York State Bar Association (NYSBA) Antitrust Section, Annual Meeting Program (Program Chair) (01/26/2012)

New York State Bar Association (NYSBA) Entertainment, Arts, and Sports Law Section, New Models of Publishing: E-Books, Apps, Self-Publishing, and Other Challenges (Speaker) (01/23/2012)

New York University Law School and the ABA Next Generation of Antitrust Scholars Program (Speaker) (01/20/2012)

Bloomberg BNA Antitrust Trade & Regulation Report, No Rest(titution) For The Weary: Crime Victims and Treble Damages in Antitrust Cases (11/18/2011)

State Bar of Michigan, Annual Meeting: Corporate Leniency in an Era of Increased Antitrust Enforcement (Panelist) (09/16/2011)

Competition Policy International Antitrust Chronicle, Duking It Out in Antitrust Price-Fixing: Class Actions After Dukes (08/01/2011)

New York State Bar Association (NYSBA), Annual Meeting (Program Chair), (01/27/2011)

Ohio State Bar Association (OSBA), 2nd Annual Great Lakes Antitrust Institute: Resale Price Maintenance - In Search of Certainty (Panelist) (10/29/2010)

American Bar Association (ABA) and **New York State Bar Association (NYSBA)**, New York's Donnelly Act: Another Tool in the Chest? (Webinar Speaker) (07/22/2010)

Competition Policy International Antitrust Journal, The Duchesses Come Out Swinging in Dukes: Restoring the Balance in Class Certification (August 2010)

Competition Policy International Antitrust Journal, Just What the Doctor Ordered: A Second Opinion for Vertical Price-Fixing (January 2010)

New York State Bar Association (NYSBA), When Worlds Collide: Current Issues Affecting Parallel Public and Private Litigation (01/28/2010)

Global Competition Policy, It Ain't Funny How Time Slips Away: Amnesty Recipient Cooperation in Civil Antitrust Litigation (August 2009)

Bloomberg BNA Antitrust & Trade Regulation, Monopoly Is What Happens While You're Busy Making Speeches: Change We Can Believe In Comes To The Antitrust



Jay L. Himes
Partner

Division (06/12/2009)

Bloomberg BNA Class Action Litigation, The Class Action Fairness Act: A Wolf in Wolves' Clothing (05/08/2009)

NyLitigator, Antitrust Looms Large in the Supreme Court's Past Term (06/01/2008)

The materials appearing on this website are provided for informational purposes only and do not constitute legal advice. You should not take action based upon this information without consulting legal counsel. This site is not intended to create an attorney-client relationship. The hiring of a lawyer is an important decision that should not be based solely upon any single source of information, including advertising on this website. You may ask us to send you further information about us, and we urge you to review other sources of information about us.

Copyright © 2018 Labaton Sucharow LLP. All rights reserved.

Labaton Sucharow



Gregory Ascioffa

Partner

email: gasciolla@labaton.com

address: 140 Broadway

New York, NY 10005

t: 212-907-0827

f: 212-883-7527

Practice Areas

Antitrust and Competition Litigation

Consumer Protection Litigation

Education

Catholic University of America
J.D., 1993

Boston College
A.B., English and Economics, *cum laude*, 1987

Admissions

1994, New York
1996, District of Columbia

U.S. Court of Appeals

2013, Second Circuit
2013, Third Circuit

U.S. District Court

2007, Southern District of New York
2007, Eastern District of New York

Gregory Ascioffa, Co-Chair of the Firm's Antitrust and Competition Litigation Practice, focuses on representing businesses and public pension funds in complex antitrust and commodities class actions. Currently, Greg represents clients in global antitrust matters involving alleged price-fixing, benchmark and commodities manipulation, pay-for-delay, and other anticompetitive practices. Named a Titan of the Plaintiffs Bar by *Law360*, as well as a leading plaintiffs competition lawyer by *Global Competition Review* and *Chambers & Partners USA*, Greg is often recognized for his experience and involvement in high-profile cases. He also was named a Next Generation Lawyer by *The Legal 500* for two consecutive years with sources describing him as "very effective plaintiffs' counsel" and "always act[ing] with a good degree of professionalism."

Prior to joining Labaton Sucharow, Greg practiced antitrust litigation and counseling on behalf of clients worldwide at Morgan Lewis & Bockius LLP and Schulte Roth & Zabel LLP. He began his career as an attorney at the U.S. Department of Justice's Antitrust Division, where he focused on anticompetitive conduct in the healthcare industry.

Greg is frequently sought after by the media, including *The Wall Street Journal*, *The New York Times*, *Financial Times*, and *Global Competition Review*, for commentary on global antitrust developments. Greg also makes substantial contributions to the antitrust bar. In 2016 he was elected to the Executive Committee of the New York State Bar Association (NYSBA) Antitrust Law Section, where he formerly served as the Chairman of the Horizontal Restraints Committee. He currently serves as the Co-Chairman of the Antitrust and Trade Regulation Committee of the New York County Lawyers' Association. Greg regularly organizes and sits on panels and lectures discussing the latest developments and trends in antitrust law and frequently publishes work in national publications such as *The National Law Journal*, *New York Law Journal*, and *Law360*. Additionally, he served on the *Law360* Competition Editorial Advisory Board.

As a law student at Catholic University, he served as a member of the Catholic University Law Review and was the Co-Founder and Executive Editor of the *CommLaw Spectus: Journal of Communications Law & Policy*. He also earned a certificate after successfully completing the law school's Comparative and International Law

Program.

Greg also represents pro bono clients in matters involving the arts and immigration/asylum of LGBT individuals.

Ongoing Cases

In re Aggrenox Antitrust Litigation

In re Capacitors Antitrust Litigation

In re Commodity Exchange Inc. Gold Futures and Options Antitrust Litigation (Markun v. Bank of Nova Scotia)

In re Foreign Exchange Benchmark Rates Antitrust Litigation

In re Generic Pharmaceuticals Pricing Antitrust Litigation

In re Interest Rate Swaps Antitrust Litigation

ISDAFix Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)

In re Lidoderm Antitrust Litigation

In re Opana ER Antitrust Litigation

In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Aftermarket Filters Antitrust Litigation

In re Air Cargo Shipping Services Antitrust Litigation

In re Credit Default Swaps Antitrust Litigation

In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation

In re Marine Hose Antitrust Litigation

Marine Products Antitrust Litigation

In re Natural Gas Commodity Litigation

Sandhaus v. Bayer Corp., et al.

Noteworthy

In the News

Law360, Class Action Group of the Year: Labaton Sucharow (01/22/2018)

Press Release, For the Fifth Year, Firm Proves Legal Prowess, Honored as Law360 Class Action Group of the Year (01/22/2018)

Press Release, Labaton Sucharow Files Antitrust Class Action Against Johnson & Johnson Regarding Biologic Medication (10/27/2017)

Law360, The Biggest Competition Cases of 2017 So Far (07/07/2017)

Law360, Actavis at 4: Pay-for-Delay Lawsuits Receding (06/20/2017)

Press Release, Labaton Sucharow Earns High Marks in the 2017 Legal 500 Guide (05/31/2017)

Press Release, Labaton Sucharow Remains Prominent Player in the Plaintiffs Bar (05/26/2017)

FX Week, Scott Faces Extradition to U.S. (07/22/2016)

FundFire, Mass. Pension Alleges Price Fixing in Latest Bank 'Scandal' (05/20/2016)

Law360, BofA, Others Accused of Fixing Agency Bond Prices (05/19/2016)

Policy and Regulatory Report, Bank of America, Four Other Banks, Five Traders, Named in SSA Bond Antitrust Action (05/19/2016)

Press Release, Labaton Sucharow and Hausfeld File First Nationwide Class Action Alleging Global Conspiracy in \$9 Trillion SSA Bond Market (05/18/2016)

Law360, Second Circuit Aluminum Case Could Help Shape Antitrust Standing (03/18/2016)

Law360, Judge Garland Could Bring Greater Antitrust Focus to High Court (03/17/2016)

Law360, Ruling Signals Non-Cash Deals Won't Evade Actavis (02/23/2016)

Law360, Class Action Practice Group of the Year: Labaton Sucharow (01/08/2016)

FundFire, Pensions Pile into Massive Fixed Income Fraud Suit (12/14/2015)

Financial Times, Investor Lawsuits Pile up Claiming U.S. Treasury Market is Rigged (09/28/2015)

Reuters On the Case with Alison Frankel, For Shareholder Lawyers, Treasury Auction Antitrust Case is Next Big Thing (09/10/2015)

Law360, 1st UK Conviction Gives More Ammunition to Libor Plaintiffs (08/03/2015)

Policy and Regulatory Report, U.S. Investors Step Up Benchmark Manipulation Antitrust Actions (07/29/2015)

New York Post, Big Banks Colluded to Rig Treasury Market Auctions: Suit (07/24/2015)

Law360, 3 Key Issues in the Foreign Antitrust Reach Cert. Fight (03/19/2015)

Law360, Nexium Ruling Offers Road Map For Pay-For-Delay Classes (01/23/2015)

Law360, JPML Sends Opana Pay-for-Delay Suits to Illinois (12/12/2014)

Law360, Nexium Verdict No Final Word on Pay-for-Delay (12/08/2014)

Global Competition Review, Lawsuit Puts Platinum and Palladium Prices Under Antitrust Scrutiny (11/30/2014)

Business Day TV, Banks Under Fire for "FIXING" Platinum Prices (11/26/2014)

The Wall Street Journal, Lawsuit Alleges Palladium, Platinum Prices Manipulated (11/26/2014)

The Financial Times, Lawsuit Alleges Manipulation of Precious Metals Benchmark

(11/26/2014)

Bloomberg, HSBC, Goldman Rigged Metals Prices for Years, Suit Says (11/26/2014)

Law360, Goldman Hit With More Metal-Rigging Claims (11/25/2014)

Law360, Titan of the Plaintiffs Bar: Gregory Ascioffa (11/14/2014)

FX Week, FX Settlements Strengthen Civil Law Suit in U.S. (11/12/2014)

Law360, 3 Key Holdings from DOJ's 9th Circ. AUO Win (07/11/2014)

FX Week, Traders Could Face Extradition to U.S. in Fixing Lawsuit (07/04/2014)

Global Competition Review, Global Competition Review's Plaintiffs' Antitrust Bar Survey (06/30/2014)

Global Competition Review, E-Books Settlement Depends on Apple Appeals (06/17/2014)

Law360, With Goldman, Bain Out, PE Players Pressured to Cut Deals (06/13/2014)

FX Week, FX Benchmark Manipulated More than 25% of the Time, Plaintiffs Say (04/09/2014)

Law360, 7th Circ. FTAIA Ruling Curtails U.S. Antitrust Reach (04/01/2014)

Financial Times, Fears Over Gold Price Rigging Put Investors on Alert (02/24/2014)

Law360, NY Law Gives Antitrust Immunity to State Health Care System (10/25/2013)

Law360, JPML Centralizes Oil Price-Fixing Suits in NY (10/21/2013)

Law360, AUO Appeal to Test Foreign Reach of U.S. Antitrust Laws (10/17/2013)

Law360, Plaintiffs Attys Say EU Antitrust Litigation Plan Falls Short (06/12/2013)

Law360, EU Oil Price-Fixing Probe Could Rival Libor Scandal (05/21/2013)

Law360, Lawyers Weigh In on Supreme Court's Comcast Ruling (03/27/2013)

Law360, AUO Appeals Let 9th Circ. Revisit Antitrust Precedent (02/05/2013)

Global Competition Review, Potash Case Brings FTAIA to the Limelight (01/24/2013)

Law360, Marine Equipment Price-Fixing Suits Wind Down with Deals (05/10/2012)

Law360, Marine Equipment Sellers Pay \$5M in Antitrust Actions (07/27/2011)

Digital Library

Australian Broadcasting Network – Sunday Extra, Banks on Trial (07/31/2016)

Business Day TV, Banks Under Fire for "FIXING" Platinum Prices (11/26/2014)

Special Mentions

Global Competition Review/Who's Who Legal, Leading Competition Lawyer – U.S. Plaintiffs (2016-2018)

Chambers & Partners USA, Ranked in New York for Antitrust Litigation (2017-2018)

The Legal 500, Named a Next Generation Lawyer (2017-2018) and Recommended in

the Field of Class Action – Antitrust (2014-2018)

Law360, Competition Editorial Advisory Board (2010, 2014-2016)

Law360, Named Labaton Sucharow Class Action Practice Group of the Year (2012, 2014-2017)

Law360, Titan of the Plaintiffs Bar (2014)

Former U.S. Department of Justice Attorney Gregory Ascioffa Elected Partner of Labaton Sucharow (02/20/2013)

Published & Presented

Law360, Arbitration Rule Repeal Will Adversely Affect Consumers (11/02/2017)

PF2 Securities, Antitrust Enforcement in the Age of Tweets (Panelist) (10/24/2017)

Center for Competition Policy, Role of Authorized Generics in Enabling Pay for Delay Deals (Panelist) (06/22/2017)

Collyer Bristow, Banking and Financial Disputes Debate (Panelist) (09/19/2016)

Banking Litigation Network, Trends in Class Action Litigation (Speaker) (07/01/2016)

Law360, Creating a Partial Solution to Delayed Generic Competition (06/24/2016)

New York State Bar Association (NYSBA), Watch Out Below! Avoiding Ethical Pitfalls in Class Action Litigation (Moderator) (01/28/2016)

Competition Policy International (CPI) Antitrust Chronicle, Shall We Dance?—Biologic-Biosimilar Competition Under the Biologics Price Competition and Innovation Act (December 2015)

American Bar Association (ABA), The Promise and Pitfalls of Section 2: Recent Developments (Panelist) (10/27/2015)

New York State Bar Association (NYSBA), The Antitrust Implications of Conditional Sales (Moderator) (11/21/2014)

American Bar Association (ABA), Questioning the Integrity of Financial Benchmarks: Legal Tools and Practical Problems (Panelist) (01/23/2014)

NYLitigator, When Blue Turns to Grey: Grand Jury Subpoenas for Foreign Documents Produced in Civil Litigation (01/01/2014) *Awarded Reader's Vote in the 2015 Antitrust Writing Awards Cross Border category

The National Law Journal, Europe Advancing Victims' Rights in Antitrust Actions (08/29/2013)

New York State Bar Association (NYSBA), From Microsoft to Google: What Have We Learned About Antitrust in Technology Platform Markets? (Moderator) (05/30/2013)

New York State Bar Association (NYSBA), The FTAIA After 30 Years: What Does The Recent Potash Decision Mean For The Future? (Moderator) (01/24/2013)

NYSBA State Bar News, Two New Court Rulings Say No Exception In Per Se Rule on International Price-Fixing (12/01/2012)

The National Law Journal, Recent Cases on Antitrust Implications of Petitioning Foreign Governments (11/28/2011)

Insights & Analyses, DOJ and FTC Announce New Statement of Enforcement Policy Regarding Accountable Care Organizations (11/14/2011)

Westlaw Journal, Quantifying Antitrust Damages in Private Enforcement Actions Under Europeans Union Competition Law (May 2010)

BNA Class Action Litigation, How Courts Analyze Guilty Pleas and Government Investigations When Considering the Plausibility of an Antitrust Conspiracy After Twombly (03/06/2010)

Law360, Iqbal and The Twombly Pleading Standard (06/15/2009)

The New York Law Journal, Analyzing Proper Pleading Standard for Commodity Manipulation Claims (02/10/2009)

American Bar Association (ABA) Antitrust Counselor, The Advantages of Not Opting Out of Class Action Litigation (February 2008)

Labaton Sucharow



Michael W. Stocker

Partner

email: mstocker@labaton.com

address: 140 Broadway
New York, NY 10005

t: 212-907-0882

f: 212-883-7082

Practice Areas

Securities Litigation

Corporate Governance and Shareholder Rights Litigation

Mergers & Acquisitions Litigation

Derivative Litigation

Client Monitoring and Case Evaluation

Antitrust and Competition Litigation

Consumer Protection Litigation

Education

University of California, Hastings College of the Law
J.D., 1995

University of Sydney
Master of Criminology degree, Law Department, 2001

University of California, Berkeley
B.A., 1989

Admissions

1995, California
2006, New York

U.S. Court of Appeals

2009, Second Circuit
2008, Eighth Circuit
1998, Ninth Circuit
2017, Tenth Circuit

U.S. District Court

2002, Northern District of California
2005, Central District of California
2007, Southern District of New York
2007, Eastern District of New York
2013, Southern District of California

Representing institutional investors and consumers as co-chair of one of the Firm's litigation teams, Michael W. Stocker prosecutes securities, data privacy, antitrust, and consumer class actions. Recognized by *The Legal 500* in the fields of securities, M&A, and antitrust litigation, Mike was also named a Securities Litigation Star by *Benchmark Litigation*.

Mike played an instrumental part of the team that took on American International Group, Inc. and 21 other defendants. The Firm negotiated a recovery of more than \$1 billion. He was also key in litigating *In re Bear Stearns Companies, Inc. Securities Litigation*, where the Firm secured a \$275 million settlement with Bear Stearns, plus a \$19.9 million settlement with the company's outside auditor, Deloitte & Touche LLP. In a case against one of the world's largest pharmaceutical companies, *In re Abbott Laboratories Norvir Antitrust Litigation*, Mike played a leadership role in litigating a landmark action arising at the intersection of antitrust and intellectual property law.

He currently spearheads several securities class actions, including *In re Eros International Securities Litigation*, a case where we exposed a drama of fraud and nepotism involving a leading Bollywood film production/distribution company; *Murphy v. Precision Castparts Corp.*, a sprawling class action against a major industrial goods company in the aerospace and defense industry; *Shoemaker v. Cardiovascular Systems, Inc.*, a case against a manufacturer of medical devices that recently settled a significant qui tam action arising from the same conduct; and *In re CPI Card Group Inc. Securities Litigation*, a class action against a maker of chip-enabled financial cards that allegedly misled investors by overselling its product prior to a \$172.5 million IPO.

With the rise of cybersecurity risks in corporate America, Mike has leveraged his experience to advise boards and investors on the possible implications of data breaches for corporate fiduciaries. Recently, Mike chaired a Practising Law Institute panel advising regulators and corporate counsel regarding widespread data breaches and the potential exposure of management. He was selected to serve as one of three panelists for Skytop Strategies' Cyber Risk Governance Conference panel which discussed issues related to cybersecurity and securities litigation, and he also served as a panelist in a teleconference that addressed confronting the challenge of cybersecurity from an investor's perspective, hosted by the Council of Institutional Investors. Mike also recently co-authored "Cyber Threats and Securities Litigation: The Emerging Landscape" in *Thomson Reuters Westlaw Journal Securities Litigation & Regulation*.

Labaton Sucharow

Michael W. Stocker
Partner

Earlier in his career, Mike served as a senior staff attorney with the United States Court of Appeals for the Ninth Circuit and completed a legal externship with federal Judge Phyllis J. Hamilton, currently sitting in the U.S. District Court for the Northern District of California. He earned a B.A. from the University of California, Berkeley, a Master of Criminology from the University of Sydney, and a J.D. from University of California's Hastings College of the Law.

He is an active member of the National Association of Public Pension Attorneys (NAPPA), the New York State Bar Association, and the Association of the Bar of the City of New York. Mike served on *Law360's* Securities Editorial Advisory Board for three consecutive years (2013-2016), advising on timely and interesting topics warranting media coverage. Since 2015, the Council of Institutional Investors has appointed Mike to the Markets Advisory Council, which provides input on legal, financial reporting, and investment market trends. In 2016, he was elected as a member of The American Law Institute, the leading independent organization in the United States producing scholarly work to clarify, modernize, and otherwise improve the law. Mike also serves on the Advisory Committee for the John L. Weinberg Center for Corporate Governance of the University of Delaware, one of the longest-standing corporate governance centers in academia.

Ongoing Cases

In re Aaron's, Inc. Securities Litigation

Boston Retirement System v. Alexion Pharmaceuticals Inc.

California State Teachers' Retirement System v. Alvarez (Wal-Mart Derivative Litigation)

City of Warwick Municipal Employees Pension Fund v. Rackspace Hosting, Inc.

In re Commodity Exchange Inc. Gold Futures and Options Antitrust Litigation (Markun v. Bank of Nova Scotia)

In re CPI Card Group Inc. Securities Litigation

In re Eaton Corporation Securities Litigation

In re Eros International Securities Litigation

In re Facebook, Inc., IPO Securities and Derivative Litigation

In re Foreign Exchange Benchmark Rates Antitrust Litigation

Murphy v. Precision Castparts Corp.

Norfolk County Retirement System v. Solazyme, Inc.

In re Takata Airbag Products Liability Litigation

In re Target Corporation Securities Litigation

In re Tempur Sealy International, Inc. Securities Litigation

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Abbott Laboratories Norvir Antitrust Litigation

In re American International Group, Inc. Securities Litigation

Labaton Sucharow

Michael W. Stocker
Partner

In re Bear Stearns Companies, Inc. Securities Litigation

Eastwood Enterprises, LLC v. Farha et al. (WellCare Securities Litigation)

In re Nu Skin Enterprises, Inc., Securities Litigation

Noteworthy

In the News

Press Release, Labaton Sucharow Again Named Top Plaintiffs Firm by Benchmark Litigation; Recommended for Outstanding Litigation on Behalf of Shareholders (10/17/2017)

Law360, Plaintiffs Bar Perspective: Labaton Sucharow's Mike Stocker (07/24/2017)

Press Release, Labaton Sucharow Earns High Marks in the 2017 Legal 500 Guide (05/31/2017)

Forbes, The Disruption Generation – Millennial Entrepreneurs Struggle to Go Public (04/27/2017)

Forbes, Shareholders Sue Companies for Lying About Cyber Security (10/27/2016)

Bloomberg BNA Securities Law Daily, Class Action Opt-Outs Up: More Money, More Problems (10/11/2016)

Bloomberg BNA Corporate Law & Accountability Report, Plaintiffs Firm Success Hinges on Bringing Right Cases (06/09/2016)

Law360, 5 Signs Your Firm Will Pass You Over for Partner (02/29/2016)

Press Release, Labaton Sucharow Partner Michael Stocker Appointed to the Council of Institutional Investors' 2016 Markets Advisory Council (02/05/2016)

Bloomberg Business, Primary Dealers Rigged Treasury Auctions, Investor Lawsuit Says (09/17/2015)

Boston Herald, Boston Pension Fund Leads Suit vs. Banks Over Collusion (07/25/2015)

Reuters, Lawsuit Accuses 22 Banks of Manipulating U.S. Treasury Auctions (07/23/2015)

Law360, The Five Biggest Legal Writing Gaffes and How to Avoid Them (05/20/2015)

Press Release, Labaton Sucharow Partner Michael Stocker Appointed to the Council of Institutional Investors' 2015 Markets Advisory Council (02/09/2015)

Law360, 7 Habits of Highly Effective Partners (10/31/2014)

Pensions & Investments, Pension-Related Cases Being Heard by the Supreme Court (10/13/2014)

Law360, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

Financial Times, "Closet Indexers" Face Legal Action from Investors (05/25/2014)

Los Angeles Times, Investing Along With The Crowd (10/23/2013)

The Globe and Mail, Barrick Slapped With Investor Lawsuit Over Troublesome Project (08/05/2013)

Crain's New York Business, In 'Fab' Case, Wall Street Nemesis Switches Sides (07/09/2013)

Labaton Sucharow

Michael W. Stocker
Partner

Chicago Tribune, Missouri Pension Fund Sues JPMorgan Over 'Whale' Losses (04/15/2013)

Law360, New Citigroup Pay Plan May Not Soothe Shareholder Ire (02/22/2013)

AmLaw Litigation Daily, Susan Beck's Summary Judgement: Is Mary Jo White Tough Enough? There's One Way to Find Out (01/30/2013)

The Wall Street Journal, Warning to Investors: We're an "Emerging" Company (09/03/2012)

Crain's New York Business, If it Walks Like a Little Duck... (08/26/2012)

CFO, A New Risk Factor: The JOBS Act (06/15/2012)

Risk.net, Volcker Compliance-responsibility Aspect Splits Legal Opinion (04/17/2012)

BostInno, Is the JOBS Act a Snake Pit for Investors? (04/11/2012)

Compliance Week, Business Litigation: A Look Into 2012 (01/03/2012)

Pensions & Investments, Shareholders' Hands Tied by News Corp. Structure (07/25/2011)

Law360, Say-On-Pay Forces Cos. To Rethink Exec Perks (06/07/2011)

Digital Library

Australian Broadcasting Network – Sunday Extra, Banks on Trial (07/31/2016)

Fox Business, 22 Wall Street Names Accused of Collusion (07/28/2015)

Law360, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

PBS, NewsHour Weekend (10/27/2013)

Bloomberg TV – Market Makers, JPMorgan White-Washed Firm's Analysis, Stocker Says (02/07/2013)

Vator, Crowdfunding debate – Dave McClure vs. Michael W. Stocker (07/19/2012)

Fox Business, Senate Bill Looks to Help Small Business with Crowd Funding (03/20/2012)

Special Mentions

Benchmark Litigation, Securities Litigation Star (2013-2015, 2018)

John L. Weinberg Center for Corporate Governance of the University of Delaware, Advisory Committee Member (2017)

American Law Institute (ALI), Elected Member (2016)

The Legal 500, Recommended in the Fields of Securities Litigation (2012-2013, 2015); Class Action – Antitrust (2016); M&A Litigation (2016); M&A Litigation – Plaintiff (2017)

Law360, Securities Editorial Advisory Board (2013-2016)

Council of Institutional Investors (CII), Markets Advisory Council (2015-2017)

The National Law Journal, Plaintiffs' Hot List (2011-2012)

The National Law Journal, Plaintiffs' Hot List: Noteworthy Cases (2008)

Published & Presented

American Bar Association Section of Litigation, Roadshow 2.0, Precision Advocacy: Reinventing Motion Practice to Win (Panelist) (04/27/2017)

Skytop Strategies, Legal Tsunami – The Growing Body of Cases and Associated Costs (Speaker) and Avoiding Shareholder Action – How to Integrate All Internal Stakeholders into the Cyber Risk Governance Defense (Moderator) (03/16/2017)

Thomson Reuters Westlaw Journal Securities Litigation & Regulation, Cyber Threats and Securities Litigation: The Emerging Landscape (10/27/2016)

Forbes, Shareholders Sue Companies for Lying About Cyber Security (10/27/2016)

Council of Institutional Investors (CII), Teleconference on Cybersecurity from an Investor's Perspective (Speaker) (10/26/2016)

National Association of Public Pension Plan Attorneys (NAPPA) White Paper, Post-Morrison: The Global Journey Toward Asset Recovery (06/30/2016)

Practising Law Institute (PLI), Cyber Securities Litigation: When Data Breaches Become Fraud Suits (Speaker) (06/09/2016)

Labaton Sucharow, Alternative Investments for Pension Funds: Balancing Return and Transparency in Volatile Markets (Moderator) (05/12/2016)

Institute for Law and Economic Policy (ILEP), 22nd Annual Symposium, Private Suits While the Regulator Slumbers (Moderator) (04/08/2016)

State Financial Officers Foundation, 2015 Fall National Meeting (Panelist) (09/22/2015)

Daily Journal, Securities Act cases are surging in...state courts? (07/28/2015)

Institute for Law and Economic Policy (ILEP), 21st Annual Symposium (Panelist) (04/17/2015)

Council of Institutional Investors (CII), Teleconference: Halliburton Co. v. Erica P. John Fund, Inc. (Panelist) (07/16/2014)

Association of Benefit Administrators (ABA), 2014 Securities Litigation Overview (05/01/2014)

National Association of Public Pension Plan Attorneys (NAPPA), Mandatory Arbitration Agreements: A New Attack on Access to the Courts (04/30/2014)

Pensions & Investments, Accounting Danger Signs: Tools For Investors (07/30/2013)

American Banker, JPMorgan Shareholders Chose Wrong Side of History (06/04/2013)

West LegalEdcenter, Preparing to Clear OTC Derivatives to Ensure June 10th Compliance: The Brave New World of Swaps Clearing under Dodd-Frank (Webinar Speaker) (05/14/2013)

German Bar Association, Litigating Banking Claims in U.S. Courts - An Insight (Panelist) (04/22/2013)

Economia, Autonomy, HP and the FRC: Who Has the Most to Lose? (02/18/2013)

Ethisphere, Flawed Credit Ratings and the Impact on Investment (01/31/2013)

Lawyers Monthly Magazine, Legal Focus - USA: M&A Litigation (01/01/2013)

New York Law Journal, Requiring SEC to Perform Economic Analyses Hinders Financial Reform (12/17/2012)

Labaton Sucharow

Michael W. Stocker
Partner

Pensions & Investments, Rulemaking Chipping Away at Financial Reform (11/12/2012)
Brooklyn Law School, The JOBS Act and the Future of U.S. Capital Formation (11/07/2012)
Accounting Today, Return to Enron? (11/01/2012)
Corporate Counsel, Are Shareholders Happy With Your Company's Political Spending? (09/26/2012)
Business Insider, Startups, That Crowdfunding You're Raising May Scare Off Other Investors (08/21/2012)
Vator, Venture Shift (Speaker) (07/19/2012)
Financial Executive, The JOBS Act Creates Opportunities and Risks (06/01/2012)
National Conference on Public Employee Retirement Systems (NCPERS), Annual Conference (Panelist) (05/07/2012)
New York Law Journal, Financial Institutions Assume the Role of Plaintiffs in Securities Litigation (04/16/2012)
PEHUB, How JOBS Act Masks Pitfalls (04/09/2012)
Bloomberg Law Reports, What is the Most Important Volcker Rule Issue that Regulators Must Address Next Year? (01/03/2012)
Institutional Investor, A Scandal Like Olympus Can Happen in the U.S. (12/17/2011)
Council of Institutional Investors (CII), Dodd-Frank Teleconference Series: Recent Court Decision Overview - Credit Ratings Are Not Always Protected by the First Amendment (Speaker) (12/01/2011)
Pensions & Investments, Proposals to Reform Credit-Rating Firms Falling Short (10/31/2011)
Law360, The Benefits of Investor Protection (10/11/2011)
New York Law Journal, Government Reliance on Private Litigants Diverges with Court Trends (09/09/11)
West Professional Development, Developments in Handling Over-the-Counter Derivatives (Moderator) (08/11/2011)
Executive Counsel, U.S. Changing to Looser Accounting Standards (08/01/2011)
Corporate Counsel, Handle With Care (07/01/2011)
The Deal, Shell Game (06/26/2011)
Institutional Investor, Are Regulators Retreating From Dodd-Frank? (05/24/2011)
Forbes, Shadowy Shares: The Dark Side of Contingent Value Rights (05/09/2011)
Labaton Sucharow Webinar, Credit Rating Agencies and the Financial Crisis of 2007-2008: What Went Wrong – and Will it Happen Again? (Speaker) (04/21/2011)
Pensions & Investments, Resolving the Deadlock Over Credit Ratings (04/04/2011)
The National Law Journal, M&A on the Rise – and Litigation May Well Follow (04/04/2011)
The Deal, Running On Empty (03/13/2011)
Labaton Sucharow Webinar, Securities Class Action Trials After the Financial Crisis (Moderator) (03/08/2011)
Executive Counsel, SEC Contemplating Government Reforms (12/01/2010)

Labaton Sucharow

Michael W. Stocker
Partner

The National Law Journal, SEC Paper Focuses on Proxy Voting Shortcomings – Agency Signals it Has Serious Questions About Whether Current System Needs Structural Overhaul (11/15/2010)

New York Law Journal, Is the Shield Beginning to Crack? (11/15/2010)

Institutional Investor, What Wall Street Can Learn From the BP Spill (11/09/2010)

West Professional Development, The Future of Over-the-Counter Derivatives (Moderator) (11/01/2010)

Forbes, Automated Trading Leaving Retail Investors in the Dust (10/15/2010)

Directorship, Toyota Debacle Spurs Reform Questions (08/09/2010)

Corporate Counsel, Say What? Pay What? (08/05/2010)

West Professional Development, The Derivatives Market After the Financial Overhaul (Moderator) (08/03/2010)

Forbes, SEC Measures To Prevent Flash Crashes Are Sensible, But Are They Enough? (05/20/2010)

Pensions & Investments, A Recall for Toyota's Corporate Governance? (04/05/2010)

Pensions & Investments, Trade Talk: SEC Facing Thorny Issues with Flash Trading, Dark Pools, Naked Access (12/14/2009)

New York Law Journal, Eying Executive Compensation (11/17/2009)

Investment Week, Undermining Accounting Rules (10/19/2009)

New York Law Journal, Role of the Event Study in Loss Causation Analysis (08/20/2009)

The Deal Pipeline, Reality Check (05/27/2009)

The National Law Journal, Japan's Past Recession Provides a Cautionary Tale (04/13/2009)

International Financial Law Review, Don't Repeat UBS's Mistake (April 2009)

The National Law Journal, In Debt Crisis, an Arbitration Alternative – Investors Have a Stronger Claim Under Rules Established by a Financial Industry Regulator (03/16/2009)

Bloomberg BNA Securities Regulation & Law, Balancing the Scales: The Use of Confidential Witnesses in Securities Class Actions (01/19/2009)

Financial Executive, Key to Avoiding Compensation Suits (July-August 2008)

Bloomberg BNA Pharmaceutical Law & Industry, Analysis of Abbott Laboratories Antitrust Litigation (06/20/2008)

Lead Counsel, Supreme Court Decides Stoneridge Case (Spring 2008)

New York Law Journal, 'Tellabs': PSLRA Pleading Test Comparative, Not Absolute (10/03/2007)

The materials appearing on this website are provided for informational purposes only and do not constitute legal advice. You should not take action based upon this information without consulting legal counsel. This site is not intended to create an attorney-client relationship. The hiring of a lawyer is an important decision that should not be based solely upon any single source of information, including advertising on this website. You may ask us to send you further information about us, and we urge you to review other sources of information about us.

Labaton Sucharow



Christopher J. McDonald

Partner

email: cmcdonald@labaton.com

address: 140 Broadway

New York, NY 10005

t: 212-907-0861

f: 212-883-7061

Practice Areas

Securities Litigation

Antitrust and Competition Litigation

Education

Fordham University School of Law
J.D., 1992

Manhattan College
B.A., *cum laude*, 1985

Admissions

1993, New York

2012, U.S. Supreme Court

U.S. Court of Appeals

2006, Second Circuit

2005, Third Circuit

2017, Fourth Circuit

2009, Ninth Circuit

2007, Federal Circuit

U.S. District Court

1994, Southern District of New York

1994, Eastern District of New York

1998, Western District of Michigan

Christopher J. McDonald works with both the Firm's Antitrust & Competition Litigation Practice and its Securities Litigation Practice.

In the antitrust field, Chris is currently litigating *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, in which the Firm has been appointed to the End-Payor Plaintiffs Steering Committee, *In re Treasury Securities Auction Antitrust Litigation*, in which the Firm serves as interim co-lead counsel, and *In re Platinum and Palladium Antitrust Litigation*, in which the Firm serves as co-lead counsel. Chris was also co-lead counsel in *In re TriCor Indirect Purchaser Antitrust Litigation*, obtaining a \$65.7 million settlement on behalf of the plaintiff class. He has been recommended in Antitrust Litigation Class Action by *The Legal 500*.

Chris' securities practice has developed a focus on life sciences industries; his cases often involve claims against pharmaceutical, biotechnology, or medical device companies. Most recently, Chris served as lead counsel in *In re Amgen Inc. Securities Litigation*, a case against global biotechnology company Amgen and certain of its former executives, resulting in a \$95 million settlement. He also served as co-lead counsel in *In re Schering-Plough Corporation / ENHANCE Securities Litigation*, which resulted in a \$473 million settlement, one of the largest securities class action settlements ever against a pharmaceutical company and among the largest recoveries ever in a securities class action that did not involve a financial restatement. He was also an integral part of the team that successfully litigated *In re Bristol-Myers Squibb Securities Litigation*, where Labaton Sucharow secured a \$185 million settlement, as well as significant corporate governance reforms, on behalf of Bristol-Myers Squibb shareholders.

Chris began his legal career at Patterson, Belknap, Webb & Tyler LLP, where he gained extensive trial experience in areas ranging from employment contract disputes to false advertising claims. Later, as a senior attorney with a telecommunications company, Chris advocated before regulatory agencies on a variety of complex legal, economic, and public policy issues.

During his time at Fordham University School of Law, Chris was a member of the Law Review. He is currently a member of the New York State Bar Association, its Antitrust Law Section, and the Section's Cartel and Criminal Practice Committee. He is also a

member of the New York City Bar Association.

Ongoing Cases

In re Generic Pharmaceuticals Pricing Antitrust Litigation

In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation

In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Amgen Inc. Securities Litigation

In re Beckman Coulter, Inc. Securities Litigation

In re Bristol-Myers Squibb Securities Litigation

In re Schering-Plough Corporation / ENHANCE Securities Litigation

In re Stock Exchange Options Trading Antitrust Litigation

In re TriCor Indirect Purchaser Antitrust Litigation

Noteworthy

In the News

Press Release, Labaton Sucharow Recovers \$95 Million in Securities Class Action Against Biotech Titan Amgen Inc. (07/20/2016)

Law360, VIDEO: A Primer on Halliburton v. Erica P. John Fund (05/23/2014)

Forbes, Supreme Court May Hem In, But Not Overrule Securities Class-Action Theory (03/05/2014)

Law360, Top Plaintiffs Firms Say Amgen No License To Print Money (02/28/2013)

Pensions & Investments, Supreme Court Rules on Class Action, Gabelli Cases (02/27/2013)

Pink Sheet DAILY, Securities Fraud Class Action Suits Could Grow After Amgen's Supreme Court Loss (02/27/2013)

The New York Times, Merck Settles Suits Over Cholesterol Drug (02/14/2013)

Reuters, Merck to Pay \$688 Million to Settle Enhance Lawsuits (02/14/2013)

Digital Library

Law360, VIDEO: A Primer on Halliburton v. Erica P. John Fund (05/23/2014)

Special Mentions

Law360, Named Labaton Sucharow Class Action Practice Group of the Year (2012, 2014-2017)

The National Law Journal, Plaintiffs' Hot List: Noteworthy Cases (2009 and 2014)

Published & Presented

Law Seminars International, Class Actions and Alternatives For Resolving Aggregate Claims (Panelist) (06/17/2013)

Labaton Sucharow



Eric J. Belfi

Partner

email: ebelfi@labaton.com

address: 140 Broadway

New York, NY 10005

t: 212-907-0878

f: 212-883-7078

Practice Areas

Securities Litigation

Non-U.S. Securities Litigation

Antitrust and Competition Litigation

Financial Products and Services Litigation

Consumer Protection Litigation

Client Monitoring and Case Evaluation

Education

St. John's University School of Law
J.D., 1995

Georgetown University
B.A., 1992

Admissions

1996, New York

U.S. Court of Appeals

2017, Tenth Circuit

U.S. District Court

1996, Southern District of New York

1996, Eastern District of New York

2002, Eastern District of Michigan

2004, District of Colorado

2006, Eastern District of Wisconsin

2013, District of Nevada

Representing many of the world's leading pension funds and other institutional investors, Eric J. Belfi is an accomplished litigator with experience in a broad range of commercial matters. Eric focuses on domestic and international securities and shareholder litigation, as well as direct actions on behalf of governmental entities. He serves as a member of the Firm's Executive Committee.

As an integral member of the Firm's Case Development Group, Eric has brought numerous high-profile domestic securities cases that resulted from the credit crisis, including the prosecution against Goldman Sachs. In *In re Goldman Sachs Group, Inc. Securities Litigation*, he played a significant role in the investigation and drafting of the operative complaint. Eric was also actively involved in securing a combined settlement of \$18.4 million in *In re Colonial BancGroup, Inc. Securities Litigation*, regarding material misstatements and omissions in SEC filings by Colonial BancGroup and certain underwriters.

Along with his domestic securities litigation practice, Eric leads the Firm's Non-U.S. Securities Litigation Practice, which is dedicated exclusively to analyzing potential claims in non-U.S. jurisdictions and advising on the risk and benefits of litigation in those forums. The practice, one of the first of its kind, also serves as liaison counsel to institutional investors in such cases, where appropriate. Currently, Eric represents nearly 30 institutional investors in over a dozen non-U.S. cases against companies including SNC-Lavalin Group Inc. in Canada, Vivendi Universal, S.A. in France, OZ Minerals Ltd. in Australia, Lloyds Banking Group in the UK, and Olympus Corporation in Japan.

Eric's international experience also includes securing settlements on behalf of non-U.S. clients including the UK-based Mineworkers' Pension Scheme in *In re Satyam Computer Securities Services Ltd. Securities Litigation*, an action related to one of the largest securities fraud in India which resulted in \$150.5 million in collective settlements. Representing two of Europe's leading pension funds, Deka Investment GmbH and Deka International S.A., Luxembourg, in *In re General Motors Corp. Securities Litigation*, Eric was integral in securing a \$303 million settlement in a case regarding multiple accounting manipulations and overstatements by General Motors.

Additionally, Eric oversees the Financial Products and Services Litigation Practice, focusing on individual actions against malfeasant investment bankers, including cases against custodial banks that allegedly committed deceptive practices relating to certain foreign currency transactions. Most recently, he served as lead counsel to Arkansas Teacher Retirement System in a class action against State Street Corporation and certain affiliated entities alleging misleading actions in connection with foreign currency exchange trades, which resulted in a \$300 million recovery. He has also represented the Commonwealth of Virginia in its False Claims Act case against Bank of New York Mellon, Inc.

Eric's M&A and derivative experience includes noteworthy cases such as *In re Medco Health Solutions Inc. Shareholders Litigation*, which he was integrally involved in the negotiation of the settlement that included a significant reduction in the termination fee.

Eric's prior experience included serving as an Assistant Attorney General for the State of New York and as an Assistant District Attorney for the County of Westchester. As a prosecutor, Eric investigated and prosecuted white collar criminal cases, including many securities law violations. He presented hundreds of cases to the grand jury and obtained numerous felony convictions after jury trials.

Eric is a member of the National Association of Public Pension Attorneys (NAPPA) Securities Litigation Working Group. He has spoken on the topics of shareholder litigation and U.S.-style class actions in European countries and has also discussed socially responsible investments for public pension funds.

Ongoing Cases

In re BP p.l.c. Securities Litigation (BP p.l.c.- Deepwater Horizon)

In re Commodity Exchange Inc. Gold Futures and Options Antitrust Litigation (Markun v. Bank of Nova Scotia)

Direct Action Litigation Against Perrigo

Fortis SA/NV (Belgium)

In re Goldman Sachs Group, Inc. Securities Litigation

Lloyds Banking Group PLC (UK)

Local 705 International Brotherhood of Teamsters Pension Fund v. Diamond Resorts International Inc.

Lord Abbett Investment Trust – Lord Abbett Short Duration Income Fund v. Valeant Pharmaceuticals International, Inc.

In re Maximus, Inc. Securities Litigation

Ollila v Babcock & Wilcox Enterprises Inc.

Plumbers and Steamfitters Local 60 Pension Trust v. Nielsen Holdings

Public Employees' Retirement System of Mississippi v. Valeant Pharmaceuticals International, Inc.

Saipem (Italy)

Steamfitters Local 449 Pension Plan v. Molina Healthcare, Inc.

In re Takata Airbag Products Liability Litigation

The Boeing Company Employee Retirement Plans Master Trust v. Valeant Pharmaceuticals International, Inc.

Vivendi Universal (France)

Wayne County Employees' Retirement System v. Mavenir, Inc. F/K/A Xura, Inc.

Settled | Resolved Cases

Arkansas Teacher Retirement System v. State Street Corp.

In re Colonial BancGroup, Inc. Securities Litigation

Construction Laborers Pension Trust of Greater St. Louis v. Autoliv, Inc.

In re General Motors Corp. Securities Litigation

In re Lehman Brothers Equity/Debt Securities Litigation

In re Medco/Express Scripts Merger Litigation

In re Molson Coors Brewing Co. Securities Litigation

Olympus (Japan)

OZ Minerals (Australia)

Royal Imtech (Netherlands)

In re Satyam Computer Services, Ltd. Securities Litigation

The City of Providence v. Aeropostale, Inc. et al.

Treasury Wine Estates (Australia)

Noteworthy

In the News

Press Release, Labaton Sucharow Files Trio of Direct Actions Against AbbVie Alleging Securities Fraud (10/16/2017)

Press Release, Labaton Sucharow Files Direct Action on Behalf of Boeing and Mississippi PERS Against Valeant Alleging Securities Fraud (09/28/2017)

Press Release, Labaton Sucharow Files Direct Action on Behalf of Lord Abbett Against Valeant Alleging Securities Fraud (08/23/2017)

Law360, Rainmaker Q&A (08/15/2016)

Press Release, Labaton Sucharow Recovers \$300 Million from State Street in connection with FX Trades (07/26/2016)

Press Release, Labaton Sucharow Secures \$120 Million Recovery from Weatherford (07/01/2015)

Pensions & Investments, Public Pension Plans Take Shareholder Litigation International

(07/21/2014)

Law360, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

CNBC.com, State Street Pays Full Price in Forex Settlement (02/18/2011)

Pensions Management, SRI Climbs Back Up the Agenda (09/01/2008)

American Lawyer, Plaintiffs Firms Score \$303 Million Class Action Settlement From GM, Deloitte (08/11/2008)

The Associated Press, GM and Deloitte Settle Shareholder Suit (08/08/2008)

Digital Library

Law360, Analysis of the U.S. Supreme Court Ruling in Halliburton v. Erica P. John Fund (06/25/2014)

Special Mentions

National Association of Public Pension Attorneys (NAPPA), Securities Litigation Working Group (2015-2016)

The Legal 500, Recommended in the Field of Securities Litigation (2007, 2009-2011)

The National Law Journal, Plaintiffs' Hot List: Noteworthy Cases (2008)

Published & Presented

Institutional Shareholder Services (ISS), Securities Class Action Services Panel Discussion (Panelist) (10/28/2015)

Euroshareholders, Legal Committee Meeting: Class Actions in the United States (Speaker) (04/08/2007)

The materials appearing on this website are provided for informational purposes only and do not constitute legal advice. You should not take action based upon this information without consulting legal counsel. This site is not intended to create an attorney-client relationship. The hiring of a lawyer is an important decision that should not be based solely upon any single source of information, including advertising on this website. You may ask us to send you further information about us, and we urge you to review other sources of information about us.

Labaton Sucharow



David J. Goldsmith

Partner

email: dgoldsmith@labaton.com

address: 140 Broadway

New York, NY 10005

t: 212-907-0879

f: 212-883-7079

Practice Areas

Securities Litigation

Financial Products and Services Litigation

Education

Benjamin N. Cardozo School of Law, Yeshiva University
J.D., 1996

University of Pennsylvania
M.A., B.A., 1993

Admissions

1996, New Jersey
1997, New York

U.S. Court of Appeals

2004, First Circuit
2007, Second Circuit
2018, Third Circuit
2015, Fourth Circuit
1998, Fifth Circuit
2007, Eighth Circuit
2010, Ninth Circuit

U.S. District Court

1996, District of New Jersey
1999, Southern District of New York
1999, Eastern District of New York
2009, District of Colorado
2010, Western District of Michigan

David J. Goldsmith has nearly 20 years of experience representing public and private institutional investors in a variety of securities and class action litigations. He has twice been recommended by *The Legal 500* as part of the Firm's recognition as a top-tier plaintiffs firm in securities class action litigation.

A principal litigator at the Firm, David is responsible for the Firm's appellate practice, and has briefed and argued multiple appeals in the federal Courts of Appeals. He is presently litigating appeals in the Second, Third, and Ninth Circuits in significant securities class actions brought against Celladon Corp., Cigna Corp., Eros International PLC, Nimble Storage, Inc., StoneMor Partners L.P., and Xerox Corp. In the Supreme Court of the United States, David recently acted as co-counsel for AARP and AARP Foundation as *amici curiae* in *China Agritech, Inc. v. Resh*, 138 S. Ct. 1800 (2018), and as co-counsel for a group of federal jurisdiction and securities law scholars as *amici curiae* in *Cyan, Inc. v. Beaver County Employees Retirement Fund*, 138 S. Ct. 1061 (2018).

As a trial lawyer, David was an integral member of the team representing the Arkansas Teacher Retirement System in a significant action alleging unfair and deceptive practices by State Street Bank in connection with foreign currency exchange trades executed for its custodial clients. The resulting \$300 million settlement is the largest class action settlement ever reached under the Massachusetts consumer protection statute, and one of the largest class action settlements reached in the First Circuit. David also represented the New York State Common Retirement Fund and New York City pension funds as lead plaintiffs in the landmark *In re Countrywide Financial Corp. Securities Litigation*, which settled for \$624 million. He has successfully represented state and county pension funds in class actions in California state court arising from the IPOs of technology companies, and recovered tens of millions of dollars for a large German bank and a major Irish special-purpose vehicle in individual actions alleging fraud in connection with the sale of residential mortgage-backed securities. David's representation of a hedge fund and individual investors as lead plaintiffs in an action concerning the well-publicized collapse of four Regions Morgan Keegan mutual funds led to a \$62 million settlement.

David regularly advises the Genesee County (Michigan) Employees' Retirement Commission with respect to potential securities, shareholder, and antitrust claims, and represents the System in a major action charging a conspiracy by some of the world's

largest banks to manipulate the U.S. Dollar ISDAfix benchmark interest rate. This case was featured in *Law360's* selection of the Firm as a Class Action Group of the Year for 2017.

In 2016, David participated in a panel moderated by Prof. Arthur Miller at the 22nd Annual Symposium of the Institute for Law and Economic Policy, discussing changes in Rule 23 since the 1966 Amendments. David is an active member of several professional organizations, including The National Association of Shareholder & Consumer Attorneys (NASCAT), a membership organization of approximately 100 law firms that practice complex civil litigation including class actions, the American Association for Justice, New York State Bar Association, and the Association of the Bar of the City of New York.

During law school, David was Managing Editor of the *Cardozo Arts & Entertainment Law Journal* and served as a judicial intern to the Honorable Michael B. Mukasey, then a United States District Judge for the Southern District of New York.

For many years, David has been a member of AmorArtis, a renowned choral organization with a diverse repertoire.

Ongoing Cases

Anderson v. StoneMor Partners LP

In re Eros International Securities Litigation

In re Nimble Storage, Inc. Securities Litigation

Oklahoma Firefighters Pension and Retirement System v. Xerox Corporation

Patel v. Cigna Corp.

Wahid Tadros v. Celladon Corp.

Settled | Resolved Cases

In re A10 Networks, Inc. Shareholder Litigation

In re Able Laboratories Securities Litigation

Abrams v. Van Kampen Funds, Inc.

In re American Tower Corporation Securities Litigation

Arkansas Teacher Retirement System v. State Street Corp.

In re Cbeyond, Inc. Securities Litigation

In re Compellent Technologies, Inc. Shareholder Litigation

In re Countrywide Securities Litigation

In re Eaton Vance Corporation Securities Litigation

In re Hewlett-Packard Company Securities Litigation

Hicks v. Morgan Stanley & Co.

In re Massey Energy Co. Securities Litigation
In re Metromedia Fiber Network, Inc.
In re NeuStar, Inc. Securities Litigation
In re Orbital Sciences Corp. Securities Litigation
Plymouth County Retirement System v. Model N, Inc.
In re Regions Morgan Keegan Closed-End Fund Litigation
In re Royal Group Technologies Securities Litigation
In re Spectranetics Corporation Securities Litigation
In re Sterling Foster & Co., Inc. Securities Litigation
In re Transaction Systems Architects Securities Litigation
In re Veritas Software Corporation Securities Litigation
In re Waste Management, Inc. Securities Litigation

Noteworthy

In the News

Law360, Justices Cut Through 'Gibberish' To Uphold Shareholder Suits (03/23/2018)
Law360, \$530M State Street Forex Deal Gets Judge's Sign-Off (11/02/2016)
Press Release, Labaton Sucharow Recovers \$300 Million from State Street in connection with FX Trades (07/26/2016)
Law360, State Street Nears Settlement of Forex Troubles (06/27/2016)
Press Release, Labaton Sucharow Secures Favorable Recovery in Securities Class Action Against Software Company (12/04/2015)

Special Mentions

The Legal 500, Recommended in the Field of Securities Litigation (2012 and 2013)

Published & Presented

Law360, China Agritech's Postive Implications for Plaintiffs (July 3, 2018)
Trial, Scotus Rules American Pipe Tolling Does Not Apply To Class Claims (08/07/2018)
Thomson Reuters' The Journal, Expert Q&A on Class Action Settlements and Developments in Class Action Practice: A Plaintiff-Side Perspective (December 2017/January 2018)



David J. Goldsmith
Partner

Institute for Law and Economic Policy (ILEP), Focusing on Changes in Rule 23 Since 1966 Amendment (Participant) (04/08/2016)

The materials appearing on this website are provided for informational purposes only and do not constitute legal advice. You should not take action based upon this information without consulting legal counsel. This site is not intended to create an attorney-client relationship. The hiring of a lawyer is an important decision that should not be based solely upon any single source of information, including advertising on this website. You may ask us to send you further information about us, and we urge you to review other sources of information about us.

Copyright © 2018 Labaton Sucharow LLP. All rights reserved.

Labaton Sucharow



Karin E. Garvey

Of Counsel

email: kgarvey@labaton.com

address: 140 Broadway

New York, NY 10005

t: 212-907-0844

f: 212-883-7044

Practice Areas

Antitrust and Competition Litigation

Education

Northwestern University School of Law
J.D., *cum laude*, 1997

Harvard University
A.B., *cum laude*, Sociology, 1994

Admissions

1999, New York

U.S. Court of Appeals

2006, Ninth Circuit

U.S. District Courts

2000, Southern District of New York
2001, Eastern District of New York

With nearly two decades of litigation experience, Karin E. Garvey focuses on representing businesses and public pension funds in complex antitrust class actions.

Prior to joining Labaton Sucharow, Karin practiced antitrust and general litigation at Kaye Scholer LLP, representing and counseling clients from a wide spectrum of industries including pharmaceuticals, cosmetics, building materials, film, finance, and private equity.

Recommended by *The Legal 500*, Karin brings significant experience in managing complex, multijurisdictional cases from initial case development through resolution and appeal. In addition to deposing top executives, she has also prepared and defended company executives for deposition, hearing, and trial. Karin also has significant experience working with experts—including economists, toxicologists, materials scientists, valuation experts, foreign law experts, and appraisers, among others—developing reports and testimony, preparing for and defending depositions, as well as taking depositions of opponents' experts. In addition, Karin has engaged in all phases of trial preparation and trial and has briefed and argued appeals. Karin also has significant experience with arbitration and mediation.

Karin obtained her J.D., *cum laude*, from Northwestern University School of Law, where she was a Note and Comment Editor for the *Journal of Criminal Law and Criminology*. She earned her A.B., *cum laude*, in Sociology from Harvard University.

Karin is an Antitrust Section Member of the American Bar Association.

Ongoing Cases

In re Foreign Exchange Benchmark Rates Antitrust Litigation

In re Generic Pharmaceuticals Pricing Antitrust Litigation

ISDAFix Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)

In re Lidoderm Antitrust Litigation

In re Opana ER Antitrust Litigation

In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals Limited)

In re Treasury Securities Auction Antitrust Litigation

Noteworthy

Published & Presented

Competition Policy International, A Turning of the Tide: Victim Redress Through Private Antitrust Litigation (07/18/2016)

Antitrust Health Care Chronicle, Indirect Purchasers Face a High Bar in Certifying Class Actions Involving Claims of Delayed Generic Entry in the Pharmaceutical Industry in the Wake of Recent U.S. Supreme Court Decisions (01/01/2015)

Bloomberg BNA- Antitrust & Trade Regulation Report, Is Any Consideration a 'Payment'? The Continuing Struggle over How to Interpret *FTC v. Actavis* (01/09/2015)

Labaton Sucharow



Robin A. van der Meulen

Of Counsel

email: rvandermeulen@labaton.com

address: 140 Broadway

New York, NY 10005

t: 212-907-0754

f: 212-883-7004

Practice Areas

Antitrust and Competition Litigation

Consumer Protection Litigation

Education

Brooklyn Law School
J.D., 2009

Columbia University
B.A., 2002

Admissions

2010, New York

U.S. Court of Appeals

2011, Second Circuit

U.S. District Court

2010, Southern District of New York
2010, Eastern District of New York

Robin A. van der Meulen focuses on representing businesses and public pension funds in complex antitrust class actions.

Prior to joining Labaton Sucharow, Robin was a litigation associate at Willkie Farr & Gallagher LLP, where she practiced antitrust and commercial litigation. During law school, Robin served as a judicial intern in United States Bankruptcy Court for the Eastern District of New York for the Honorable Elizabeth S. Stong.

Robin obtained her J.D. from Brooklyn Law School where she was an Associate Managing Editor of the *Journal of Law and Policy* and a member of the Moot Court Honor Society. During her time there, she also earned the CALI Award for Excellence in Legal Writing I & II. Robin earned her B.A. from Columbia University.

Robin is a member of the Executive Committee of the Antitrust Law Section of the New York State Bar Association and is a member of NYSBA House of Delegates. Robin is also a Vice Chair of the Antitrust Section's Health Care & Pharmaceutical Committee of the American Bar Association and the Executive Editor of that Committee's *Antitrust Health Care Chronicle*. Since 2012, Robin has been an editor of the *Health Care Antitrust Week-In-Review*, a weekly publication that summarizes antitrust news in the health care industry.

Ongoing Cases

In re Aggrenox Antitrust Litigation

In re Foreign Exchange Benchmark Rates Antitrust Litigation

In re Generic Pharmaceuticals Pricing Antitrust Litigation

ISDAFix Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)

In re Takata Airbag Products Liability Litigation

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Air Cargo Shipping Services Antitrust Litigation

In re Credit Default Swaps Antitrust Litigation

In re Municipal Derivatives Antitrust Litigation

Noteworthy

In the News

Press Release, Four Attorneys Promoted at Labaton Sucharow (12/13/2017)

Press Release, Labaton Sucharow Files Antitrust Class Action Against Johnson & Johnson Regarding Biologic Medication (10/27/2017)

Published & Presented

American Bar Association, Recent Issues in Reverse Payments Litigations (Panelist) (09/14/2017)

Antitrust Health Care Chronicle, Cash or No Cash – That Is No Longer the Question! (04/22/2016)

New York State Bar Association (NYSBA), Why Antitrust? (Panelist) (06/17/2015)

New York State Bar Association (NYSBA), Why Antitrust? (Panelist) (06/26/2014)

Bloomberg BNA Daily Report for Executives, What's Located in Washington, Part of the Government and Rolling in Dough? (03/12/2014)

Labaton Sucharow



David C. Erroll

Associate

email: derroll@labaton.com

address: [140 Broadway](#)
[New York, NY 10005](#)

t: [212-907-0739](tel:212-907-0739)

f: [212-883-7543](tel:212-883-7543)

Practice Areas

Securities Litigation

Education

Law School at the University of Chicago
J.D., 2001

Michigan State University
M.B.A., Finance, 2008
Broad Scholar

Golden Gate University
B.A., Economics, *summa cum laude*, 1997

Admissions

2003, New York

David C. Erroll's focuses on representing institutional investors in complex securities fraud matters, with an emphasis on the identification and analysis of emerging cases.

Prior to joining Labaton Sucharow, David was an associate at Cadwalader, Wickersham & Taft LLP, representing healthcare and nonprofit organizations. He also worked in private practice pursuing meritorious matters on a pro bono basis, including corporate governance matters for charitable and educational institutions, as well as immigration and naturalization appeals for members of the arts community and their family members from nations with oppressive governments.

David received his J.D. from the Law School at the University of Chicago. He also holds an M.B.A. in Finance from Michigan State University, where he was a Broad Scholar, and a B.A. in Economics, *summa cum laude*, from Golden Gate University.

Noteworthy

Published & Presented

Thomson Reuters Westlaw Journal Securities Litigation & Regulation, Cyber Threats and Securities Litigation: The Emerging Landscape (10/27/2016)

Labaton Sucharow



Matthew Perez

Associate

email: mperez@labaton.com

address: 140 Broadway

New York, NY 10005

t: 212-907-0776

f: 212-883-7558

Practice Areas

Antitrust and Competition Litigation

Education

Benjamin N. Cardozo School of Law School
J.D., 2010

Swarthmore College

B.A., Political Science and History, 2006

Admissions

2010, New Jersey

2011, New York

U.S. District

2010, District of New Jersey

2012, Southern District of New York

Matthew Perez focuses on representing businesses and public pension funds in complex antitrust class actions.

Matthew joined Labaton Sucharow from the New York State Attorney General's office, where he served as a Volunteer Assistant Attorney General in the Antitrust Bureau. While there, he received the Louis J. Lefkowitz Memorial Award for his work investigating bid rigging and other illegal conduct in the municipal bond derivatives market, resulting in more than \$260 million in restitution to municipalities and nonprofit entities. He also investigated pay-for-delay matters involving multinational pharmaceutical companies. Prior to that, he served as an intern for the Honorable Richard B. Lowe III at the New York Supreme Court, Commercial Division.

Matthew obtained his B.A. in Political Science and History from Swarthmore College and his J.D. from Benjamin N. Cardozo School of Law School, where he was Executive Editor of the Cardozo Journal of Conflict Resolution and received the Jacob Burns Medal for Outstanding Contribution to the Law School.

Ongoing Cases

In re Aggrenox Antitrust Litigation

In re Capacitors Antitrust Litigation

In re Commodity Exchange Inc. Gold Futures and Options Antitrust Litigation (Markun v. Bank of Nova Scotia)

In re Foreign Exchange Benchmark Rates Antitrust Litigation

In re Generic Pharmaceuticals Pricing Antitrust Litigation

ISDAFix Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)

In re Lidoderm Antitrust Litigation

In re Opana ER Antitrust Litigation

In re Platinum and Palladium Antitrust Litigation (Modern Settings LLC v. BASF Metals

Limited)

In re Treasury Securities Auction Antitrust Litigation

Settled | Resolved Cases

In re Aftermarket Automotive Lighting Products Antitrust Litigation

In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation

Sandhaus v. Bayer Corp., et al.

Noteworthy

Published & Presented

American Bar Association Section of Antitrust Law, Pushing Forward or Staying the Course?: Product Hopping, Exclusionary Conduct, and the Recent Suboxone MTD Ruling (Moderator) (10/16/2017)

Law360, Creating a Partial Solution to Delayed Generic Competition (06/24/2016)

NYLitigator, Whistle While You Work – For a Cartelist: Whistleblower Protection and Antitrust (Fall 2015)

Competition Policy International Antitrust Chronicle, Shall We Dance?— Biologic-Biosimilar Competition Under the Biologics Price Competition and Innovation Act (December 2015)

Competition Policy International Antitrust Chronicle, Angels Rush in Where Fools Fear to Tread: State Enforcement Against Patent Trolls (January 2014)

Labaton Sucharow



Mark D. Richardson

Associate

email: mrichardson@labaton.com

address: 300 Delaware Ave

Wilmington, DE 19801

t: 302-573-6939

f: 302-573-2529

Practice Areas

Corporate Governance and Shareholder Rights
Litigation

Mergers & Acquisitions Litigation

Derivative Litigation

Education

Emory University School of Law
J.D., 2009

Cornell University
B.S., 2006

Admissions

2010, New York
2016, Pennsylvania

U.S. Court of Appeals

2011, Second Circuit

U.S. District Court

2010, Southern District of New York
2010, Eastern District of New York

Mark D. Richardson focuses on representing shareholders in derivative litigation and corporate governance matters.

Prior to joining Labaton Sucharow, Mark was an associate at Schulte Roth & Zabel LLP, where he focused on complex commercial litigation within the financial services industry. He advised and represented clients in class action litigation, expedited bankruptcy proceedings and arbitrations, fraudulent transfer actions, proxy fights, internal investigations, employment disputes, breaches of contract, enforcement of non-competes, data theft, and misappropriation of trade secrets.

Mark has contributed to several publications over the years. In 2016, he was the recipient of the Distinguished Legal Writing award by the *Burton Awards for Legal Achievement* for an article published in the *New York Law Journal*, "Options When a Competitor Raids the Company."

Mark earned his J.D. from Emory University School of Law, where he served as the President of the Student Bar Association. He now teaches as an Adjunct Professor in Emory's Kessler-Eidson Program for Trial Techniques. He received his B.S. from Cornell University.

Noteworthy

Published & Presented

Practising Law Institute (PLI), Big Boy Letters: Insider Trading Law and Compliance Answer Book (2016)

New York Law Journal, Options When a Competitor Raids the Company (05/13/2015)

Law360, New Challenges to Pay Confidentiality Policies (06/23/2014)

The materials appearing on this website are provided for informational purposes only and do not constitute legal advice. You should not take action based upon this information without consulting legal counsel. This site is not intended to create an attorney-client relationship. The hiring of a lawyer is an important decision that should not be based solely upon any single source of information, including advertising on this website. You may ask us to send you further information about us, and we urge you to review other sources of information about us.

Labaton Sucharow



Brian Morrison

Associate

email: bmorrison@labaton.com

address: 140 Broadway

New York, NY 10005

t: 212-907-0868

f: 212-883-7068

Practice Areas

Antitrust and Competition Litigation

Consumer Protection Litigation

Education

Rutgers School of Law, Camden
J.D., *magna cum laude*, 2012

Georgetown University
B.S., 2008

Admissions

2012, New Jersey
2013, New York

U.S. District Court

2012, District of New Jersey
2013, Southern District of New York

Brian Morrison focuses on prosecuting complex antitrust class actions on behalf of public entities and businesses. As part of his practice, he is deeply involved in investigating potential claims brought by state and local governments against large companies in the opioid supply chain in an effort to recover much-needed funds to help fight the widespread epidemic. Brian also represents consumers in nationwide class actions, and is involved in the Takata multidistrict litigation, a class action concerning defective airbags in nearly 70 million vehicles.

Prior to joining Labaton Sucharow, Brian concentrated on complex federal court litigation at Drinker Biddle & Reath LLP and at Day Pitney LLP, where he represented large pharmaceutical and medical device companies in mass tort litigation and class actions. Brian developed a strong working knowledge of consumer and product liability laws across a variety of jurisdictions, and he is well versed in handling class certification issues and the creation and administration of multidistrict litigation. He also served as a judicial law clerk for the Honorable Jaynee LaVecchia of the Supreme Court of New Jersey, where he recommend whether the Court should grant petitions for certification on important issues of civil and criminal law.

Brian earned a J.D., *magna cum laude*, from Rutgers School of Law and a B.A. in Business Administration with a concentration in Finance from Georgetown University. While in law school, he was a Notes and Comments Editor for the *Rutgers Law Journal* and co-founded the Rutgers Business Law Association. He also served as a legal intern for the Honorable Theodore McKee, U.S. Court of Appeals for the Third Circuit, the Honorable Reggie Walton, U.S. District Court for the District of Columbia, the Honorable Jack Sabatino, Superior Court of New Jersey—Appellate Division, and the Honorable Carol Higbee, Superior Court of New Jersey.

Brian is a Founder and Co-Chair of the Young Lawyers Division of the Association of the Federal Bar of New Jersey. Previously, he was appointed to serve on the Supreme Court of New Jersey Ad Hoc Committee on Law Firm Trade Names, and was selected as a founding member of the *New Jersey Law Journal* Young Lawyers Advisory Board. He also has been selected to serve on Hoboken Mayor-Elect Ravi Bhalla's Transition Team, where he will serve on the Affordable Housing Committee. In that capacity, Brian will make recommendations to Mayor-Elect Bhalla's team about relevant legal issues, and he will also provide strategic advice on how the incoming administration

can increase affordable housing opportunities for city residents.

Ongoing Cases

In re Takata Airbag Products Liability Litigation

Volkswagen Consumer Class Action

Noteworthy

Published & Presented

Law360, Arbitration Rule Repeal Will Adversely Affect Consumers (11/02/2017)

Law360, Investor Recovery Strategies Following ANZ Securities (07/12/2017)

Labaton Sucharow



Rudi Julius

Associate

email: rjulius@labaton.com

t: 212-907-0648

f: 212-883-7502

Practice Areas

Antitrust & Competition Litigation

Education

Cornell Law School
J.D., 2013

Boston College
B.A., 2009

Admissions

2014, New York

Rudi Julius concentrates her practice on representing businesses in complex antitrust litigation.

Prior to joining Labaton Sucharow, Rudi was a litigation associate at Winston & Strawn LLP, where she practiced international antitrust, white collar criminal defense, and commercial litigation. She also previously served as a judicial intern for the Honorable Karen Wells Roby in the U.S. District Court in the Eastern District of Louisiana.

Rudi obtained her J.D. from Cornell Law School, where she was the General Editor of the *Cornell Journal of Law and Public Policy*. Rudi earned her B.A. from Boston College.

Labaton Sucharow



Jonathan Crevier

Associate

email: jcrevier@labaton.com

address: 140 Broadway

New York, NY 10005

t: 212-907-0845

f: 212-883-0477

Practice Areas

Antitrust and Competition Litigation

Education

Benjamin N. Cardozo School of Law
J.D., *cum laude*, 2017

New York University
B.A., *magna cum laude*, 2014

Admissions

2018, New York

U.S. District Court

2018, Southern District of New York
2018, Eastern District of New York

Jonathan Crevier prosecutes complex antitrust class actions on behalf of institutional investors, businesses, and consumers. He currently litigates cases against a number of the world's largest companies in antitrust matters involving alleged price-fixing, benchmark and commodities manipulation, pay-for-delay, and other anticompetitive practices.

Jonathan previously served as a Judicial Intern for the Honorable Henry Pitman, U.S.M.J. (Southern District of New York).

He earned a J.D., *cum laude*, from Benjamin N. Cardozo School of Law, where he was the Articles Editor for the *Cardozo Law Review*. Jonathan also received his B.A., *magna cum laude*, from New York University.

Ongoing Cases

In re Foreign Exchange Benchmark Rates Antitrust Litigation

In re Generic Pharmaceuticals Pricing Antitrust Litigation

ISDAFix Price-Fixing Litigation (Alaska Electrical Pension Fund v. Bank of America)

In re Treasury Securities Auction Antitrust Litigation

The materials appearing on this website are provided for informational purposes only and do not constitute legal advice. You should not take action based upon this information without consulting legal counsel. This site is not intended to create an attorney-client relationship. The hiring of a lawyer is an important decision that should not be based solely upon any single source of information, including advertising on this website. You may ask us to send you further information about us, and we urge you to review other sources of information about us.