

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JESSICA FERGUS, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

IMMUNOMEDICS, INC., CYNTHIA L.
SULLIVAN, PETER P. PFREUNDSCHUH
and DAVID GOLDENBERG,

Defendants.

Civil Action No. 2:16-cv-03335-KSH-CLW

(Document Filed Electronically)

CLASS ACTION

**DECLARATION OF REED R. KATHREIN IN SUPPORT OF: (1) MOTION FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT; AND (2) LEAD COUNSEL'S
MOTION FOR AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF
EXPENSES, AND AWARD TO LEAD PLAINTIFF**

I, Reed R. Kathrein, declare under penalty of perjury that the following is true and correct to the best of our knowledge.¹

1. I am a partner at Hagens Berman Sobol Shapiro LLP (“Hagens Berman”), Lead Counsel for Lead Plaintiff Sensung Tsai (“Lead Plaintiff”) and the Settlement Class in the Action. I am admitted *pro hac vice* to this Court for all purposes in representing Lead Plaintiff in the Action. I have personal knowledge of the matters set forth herein and, if called upon, I could and would completely testify thereto.

2. I submit this Declaration in support of: (1) Motion for Final Approval of Class Action Settlement; and (2) Lead Counsel’s Motion for an Award of Attorneys’ Fees, Reimbursement of Expenses, and Award to Lead Plaintiff. The purpose of this Declaration is to set forth the nature of the litigation and negotiations that led to the Settlement with Defendants Immunomedics, Inc. (“Immunomedics”), Peter P. Pfreundschuh, Cynthia Sullivan, and David Goldenberg (collectively, “Defendants”, and with Lead Plaintiff, the “Parties”). This Declaration attempts to demonstrate why the Settlement is fair, reasonable, and adequate and should be approved by the Court, and why Lead Counsel’s requests for attorneys’ fees and expenses and Award to Lead Plaintiff are reasonable and should be approved by the Court.

3. The Settlement provides for a cash payment by or on behalf of Defendants in the amount of \$4 million in exchange for full releases of Lead Plaintiff’s claims, and completely resolves the Action.

4. After Plaintiffs moved for preliminary approval of the Settlement on April 14, 2022, the Court entered an order preliminarily approving the Settlement, preliminarily certifying

¹ Unless otherwise defined, all capitalized terms used herein have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated April 13, 2022 (the “Stipulation”) (ECF No. 113-2).

the Settlement Class for settlement purposes, and approving the form and manner of providing notice to potential Settlement Class Members (the “Preliminary Approval Order”). ECF No. 114.

5. Lead Plaintiff now seeks final approval of the Settlement, as well as an award of attorneys’ fees to Lead Counsel of one-third of the Settlement Amount (or \$1,333,333.33, plus interest earned at the same rate as the Settlement Fund), and reimbursement of counsel’s out-of-pocket litigation expenses incurred in prosecuting this Action in the collective amount of \$100,967.57² and a compensatory award to Lead Plaintiff of \$10,000.

6. Attached hereto as **Exhibit 1** is a true and correct copy of the Declaration of Margery Craig Concerning: (A) Mailing of the Notice and Claim Form; (B) Publication of the Summary Notice; and (C) Report on Requests for Exclusion and Objections (“Craig Decl.”).

7. Attached hereto as **Exhibit 2** is a true and correct copy of the Declaration of Reed R. Kathrein on Behalf of Hagens Berman Sobol Shapiro LLP Concerning Attorneys’ Fees and Expenses (“Hagens Berman Fee Decl.”).

8. Attached hereto as **Exhibit 3** is a true and correct copy of the Declaration of Bruce D. Greenberg on Behalf of Lite DePalma Greenberg & Afanador, LLC Concerning Attorneys’ Fees and Expenses (“Lite DePalma Fee Decl.” or “Liaison Counsel Fee Decl.”).

9. Attached hereto as **Exhibit 4** is a true and correct copy of the firm resume of Hagens Berman Sobol Shapiro LLP (“Hagens Berman Firm Resume”).

10. Attached hereto as **Exhibit 5** is a true and correct copy of the firm resume of Lite DePalma Greenberg & Afanador, LLC (“Lite DePalma Firm Resume”).

² This collective amount includes the collective litigation expenses incurred by Lead Counsel (Hagens Berman Sobol Shapiro LLP - \$100,553.16) and Liaison Counsel (Lite DePalma Greenberg & Afanador, LLC - \$414.14).

11. Attached as **Exhibit 6** is a true and correct copy of peer firm billing rates (“Peer Firms Billing Rates”).

Procedural and Settlement Negotiation History

12. This case (the “Action”) was filed on June 9, 2016. ECF No. 1. Sensung Tsai—pursuant to the Private Securities Litigation Reform Act of 1995 (“PSLRA”)—timely moved for appointment, and was appointed, as Lead Plaintiff. ECF No. 14. The Court also appointed Mr. Tsai’s chosen counsel, Hagens Berman Sobol Shapiro LLP as Lead Counsel and Lite DePalma Greenberg & Afanador, LLC as Liaison Counsel. *Id.*

13. Then, on October 4, 2017, Lead Plaintiff timely filed a Consolidated Complaint (ECF No. 15) (the “Amended Complaint”). Defendants filed a motion to dismiss the Amended Complaint and, on March 31, 2019, the Court granted Defendants’ motion and dismissed the Amended Complaint without prejudice. ECF No. 29.

14. On May 30, 2019, Lead Plaintiff timely filed the operative Second Amended Consolidated Complaint (“Second Amended Complaint” or “SAC”) in this Action. *See* ECF Nos. 33-35 (Second Amended Complaint and subsequent filings on June 3 and 6, 2019 correcting the Second Amended Complaint). Defendants filed a motion to dismiss the Second Amended Complaint and the Court denied Defendants’ motion on June 1, 2020. ECF No. 51. On June 15, 2020, Defendants Immunomedics and Peter Pfreundschuh moved to reconsider.³ While reconsideration was pending, Defendants Cynthia Sullivan and David Goldenberg filed their Answer to the Second Amended Complaint on June 29, 2020. ECF No. 58. Plaintiffs and Defendants then engaged in extensive discovery which involved the review of thousands of

³ On March 29, 2021, the Court also denied Defendants Immunomedics and Peter Pfreundschuh’s motion for reconsideration of the Court’s decision declining to dismiss the Second Amended Complaint. ECF No. 76.

documents produced by Defendants and thousands of documents produced by third parties pursuant to subpoena. The discovery also entailed multiple disputes in front of Magistrate Judge Cathy L. Waldor. On August 10, 2021, Defendants took the deposition of Lead Plaintiff Sensung Tsai, which lasted over seven-hours.

15. On May 4 and 5, 2021, the Settling Parties attended a mediation with Judge Alfred Lechner but were unsuccessful in resolving the Action. On May 17, 2021, Defendants Immunomedics and Peter Pfreunds Schuh filed their Answer to the Second Amended Complaint. ECF No. 81.

16. The Court entered a Supplemental Pretrial Scheduling Order on November 30, 2021 (ECF No. 104), which controls the current deadlines in the Action. Pursuant to the Supplemental Pretrial Scheduling Order, Lead Plaintiff served Defendants with, but did not file, his Motion for Class Certification, Appointment of Class Representative, and Appointment of Class Counsel on November 24, 2021. Lead Plaintiff also concurrently served, but did not file, a report authored by a damages expert related to market efficiency and loss causation with the Motion for Class Certification. Thereafter, Defendants did not serve an Opposition and Lead Plaintiff did not serve a Reply because the Settling Parties were exploring settlement.

17. The Settling Parties attended a full-day mediation with Jed Melnick of JAMS on January 12, 2022, and—after hard-fought negotiations, the exchange of detailed mediation statements, and receipt of a mediator’s proposal—were successful at reaching the \$4 million settlement. As a result, the Settling Parties requested that all case deadlines and proceedings be stayed, and the Court approved the request on January 25, 2022. ECF No. 106.

18. The Parties worked diligently to formalize the Settlement, culminating in a comprehensive Stipulation (ECF No. 113-2).

19. On April 14, 2022, Lead Plaintiff filed his unopposed motion for preliminary approval of the Settlement (ECF No. 113), which the Court granted on October 5, 2022 (Preliminary Approval Order, ECF No. 114).

Nature of the Allegations in the Complaint

20. The Second Amended Complaint alleges that, during the Class Period, Defendants made materially false and misleading statements regarding Defendants' efforts to artificially inflate their stock price by touting upcoming cancer research data presentations at a prestigious oncology conference hosted by the American Society of Clinical Oncology ("ASCO") and the purported presentation of "new data." The Second Amended Complaint alleges that Defendants knew that their ASCO presentation was dependent upon honoring an embargo that prohibited them from disclosing the data to be presented at other conferences during a quiet period. Nevertheless, the Second Amended Complaint alleges, Defendants publicly released their data at various other meetings, yet still promised that at ASCO they would be presenting new, updated data. When ASCO discovered Defendants had presented the embargoed data at a previous conference, Immunomedics's main presentation was kicked out of the ASCO conference and no new material data was forthcoming. As a result, Immunomedics's stock price plummeted—thereby causing damages to Settlement Class Members—and the CEO and CFO were forced to resign.

Risks of Continued Litigation

21. There were a number of aspects to this case that strongly weigh in favor of an early resolution. There was significant risk that Lead Plaintiff and the Settlement Class would be unsuccessful in obtaining a recovery if litigation were to continue given the contentious nature of this case.

22. Lead Plaintiff would have faced substantial hurdles and risk. Upon Lead Plaintiff's filing of his Motion for Class Certification, Defendants would have filed their opposition with the assistance of a well-credentialed expert. Although Lead Plaintiff has already exchanged (but not filed) his class certification motion with Defendants, the likelihood of success is not guaranteed. Even if a class were to be certified, Defendants could move to decertify the class at any time.

23. Depositions and discovery would also have continued—with uncertain results as evidenced by the multiple discovery dispute letters filed with the Court—and Defendants would then have moved for summary judgment, which would then have to be briefed and argued.

24. As litigation progressed towards trial, another supplemental pre-trial order would have to be prepared, expert reports would have to be prepared and exchanged along with the scheduling of expert depositions, proposed jury instructions would have to be submitted, and motions *in limine* would have to be filed and argued. Substantial time and expense would need to be expended in preparing the case for trial, and the trial itself would be expensive and uncertain. Each of these steps are fraught with risks and uncertainties

25. Moreover, even if the jury returned a favorable verdict after trial, it is likely that any verdict would be the subject of numerous post-trial motions and a complex multi-year appellate process—all in addition to the already six-plus-years spent litigating this case to date.

26. Further, Defendants had strong arguments against several elements of Plaintiffs' *prima facie* claims for liability, which were shared with Plaintiffs on a confidential basis during the mediation process. And although Lead Plaintiff has already obtained several damages estimates from an expert, Defendants would surely proffer equally well-credentialed experts to express contrasting views—views that could greatly reduce or even eliminate damages. It is impossible to

predict how a jury would react to a battle of damages experts. Indeed, proving damages in a securities case is always difficult and invariably requires intricate expert testimony.

Complexity, Expense and Likely Duration of the Litigation

27. Without a Settlement, Lead Plaintiff faced protracted and expensive litigation— with unique discovery challenges, specifically relating to damages and market efficiency that could drag the Action on for additional years.

28. Immunomedics had over 94 million shares of common stock outstanding and was listed on the NASDAQ throughout the Class Period, demonstrating the large number of potential Settlement Class Members and potential damages issues that would need to be resolved through costly expert consultation. Experts would be needed to opine on, at minimum, market efficiency, price impact, loss causation, and damages, adding substantially to Plaintiffs' litigation costs.

29. Defendants also produced thousands of pages of document discovery immediately prior to reaching the Settlement. The amount and scientific nature of the produced discovery already made the case complex and expensive to litigate.

30. The parties also retained damages and market efficiency experts for class certification briefing. Although Defendants did not exchange responsive class certification briefing with Lead Plaintiff, their opposition would surely have complicated the case further. Additionally, this case would have undoubtedly become more and more complicated if it were to reach the summary judgment and trial stages.

31. Lastly, Lead Plaintiff's untimely death after preliminary approval, on November 5, 2022, makes it even more uncertain how this litigation would have possibly unfolded had the Settlement not been reached in April 2022.

32. Securities class actions are inherently complex and expensive to litigate, and this one is no exception. Thus, I believe that the Settlement—which confers an immediate and guaranteed recovery and avoids the considerable risks and expenses of continued litigation—is in the best interest of the Settlement Class.

33. Moreover, Lead Plaintiff’s damages expert estimates that if the Court and jury accepted Lead Plaintiff’s damages theory, including proof of loss causation—*i.e.*, Plaintiffs’ best-case scenario—the total maximum damages estimate would be between \$14.4 million and \$41.3 million, depending on assumptions, under which the Settlement represents a recovery of 9.7% to 28%, which I believe is a favorable result compared to other settlements in similar securities cases.

The Settlement Resulted From Arm’s-Length Negotiation Between Experienced Counsel

34. Lead Counsel has extensive experience and a long track record of success representing investors in securities class actions in courts throughout the country, including in the District of New Jersey. *See* Ex. 4, Lead Counsel’s Firm Resume.

35. Defendants were represented by capable and experienced counsel from Faegre DLA Piper LLP (US) and Morris James LLP, prominent law firms with ample resources and expertise.

36. Additionally, the Parties participated in two rounds of mediation with Judge Alfred Lechner (D.N.J. Ret.) and Jed Melnick of JAMS acting as mediators, and the Settlement was the result of a mediator’s proposal by Mr. Melnick, a skilled and respected mediator who has handled numerous complex litigations such as this.

The Plan of Allocation

37. The Notice of Pendency and Proposed Settlement of Class Action (“Long Notice”) describes the Plan of Allocation. Ex. 1, Craig Decl. at Ex. A (Long Notice) at pp. 4-6. Lead Counsel

formulated the Plan of Allocation with the help of a financial consultant and the Claims Administrator to distribute the Settlement Fund fairly and reasonably to Settlement Class Members consistent with the federal securities laws and the principles of loss causation.

38. Under the Plan of Allocation, a “Recognized Loss” amount will be calculated for all relevant transactions of Immunomedics securities during the Settlement Class Period. In general, the Recognized Loss will be the difference between the estimated artificial inflation on the purchase date and the estimated artificial inflation on the sale date, or the difference between the actual price and the sales price, whichever is less. Accordingly, any Immunomedics securities purchased during the Settlement Class Period that were not held over a corrective disclosure date will have no Recognized Loss because the level of alleged artificial inflation is the same on the date of purchase and on the date of sale. The Net Settlement Fund will be allocated to Authorized Claimants on a *pro rata* basis based on the relative size of their total Recognized Loss.

39. In sum, the Plan of Allocation was designed to allocate the proceeds of the Net Settlement Fund fairly and rationally among Settlement Class Members based on the losses they suffered on transactions in Immunomedics securities that were attributable to the conduct alleged in the Second Amended Complaint. No Settlement Class Member receives preferential treatment; the formula for calculating Recognized Loss in the Plan of Allocation is the same for all Settlement Class Members.

The Reaction of the Settlement Class

40. To date, 8,396 potential Settlement Class Members have been sent notices of the Settlement by email or mail. Craig Decl. at ¶7. This includes 6,649 Notices mailed to potential Settlement Class Members and nominees and third-party nominees such as brokerage firms and

banks, and 1,743 potential Settlement Class Members who received a direct link to the Long Notice from their nominees. *Id.* at ¶¶ 5-6.

41. The deadline to object to, or request exclusion from, the Settlement is December 29, 2022. To date, neither the Claims Administrator nor Lead Counsel has received any objections to any aspect of the Settlement, the Plan of Allocation, Lead Counsel's request for fees and reimbursement of expenses, or the requested Award to Lead Plaintiff. *Id.* at ¶¶ 13-14.

42. Should any objections or requests for exclusions be received after the date of this declaration, Lead Plaintiff will address them in Lead Plaintiff's reply in support of the instant motions due on January 12, 2023.

Lead Counsel's Fee and Expense Request is Justified

43. Lead Counsel, along with Liaison Counsel, have worked diligently to achieve the Settlement, expending a collective 2,930 hours to date for a total lodestar value of \$1,815,304.41. *See* Ex. 2 (Hagen Berman Fee Decl.) at ¶¶ 4-5; Ex. 3 (Lite DePalma Fee Decl.) at ¶¶ 4-5.⁴ The lodestar multiplier for the requested fee is 0.73. The rates Lead and Liaison Counsel billed for their attorneys are comparable to peer plaintiff and defense firms litigating matters of similar magnitude. *See* Ex. 6, Peer Firms Billing Rates.

44. Lead and Liaison Counsel spent a total of \$100,967.57 in unreimbursed expenses in connection with the prosecution of this Action,⁵ which is less than the \$180,000 amount described in the Long Notice and the Summary Notice of Pendency and Proposed Class Action

⁴ Comprised of: 2,827.20 hours by Hagens Berman resulting in a lodestar of \$1,737,900.00; and 102.80 hours by Lite DePalma Greenberg & Afanador, LLC resulting in a lodestar of \$77,404.41.

⁵ Comprised of: \$100,553.16 incurred by Hagens Berman; and \$414.41 by Lite DePalma Greenberg & Afanador, LLC.

Settlement. Neither Lead Counsel nor Liaison Counsel has received any compensation from this case during the litigation.

45. From the outset, Lead Counsel understood it was embarking on a complex, expensive, and likely lengthy litigation with no guarantee of ever being compensated for the substantial investment of time and money the case would potentially require. In undertaking that responsibility, Lead Counsel ensured that sufficient resources were dedicated to the action and that funds were available to compensate staff and to cover the expenses the case would require. With an average lag time of several years for a case like this to conclude—and indeed this case took well over six years to settle—the financial burden on Lead Counsel was greater than those for a firm paid on an ongoing basis.

46. Among other things, Lead Counsel reviewed a voluminous quantity of public documents concerning Immunomedics, prepared the Amended Complaint, prepared a Second Amended Complaint, prepared two rounds of motion to dismiss briefing, and prepared (but did not file) a Motion for Class Certification. Lead Counsel also propounded and responded to written discovery; reviewed thousands of documents during discovery; wrote several detailed joint discovery dispute letters to the Court; argued discovery disputes to the Court; and attended two mediation sessions over the course of three full-day sessions. Additionally, Lead Counsel defended Lead Plaintiff during his seven-hour long deposition and attended two mediation sessions over the course of three full-day sessions. Lead Counsel also obtained several damages estimates from an expert and obtained an expert to opine on market efficiency in support of Lead Plaintiff's Motion for Class Certification. Lead Counsel also conferred extensively with Lead Plaintiff after receiving a mediator's proposal from mediator Jed Melnick—ultimately resulting in this \$4 million Settlement—and prepared and negotiated the terms of the Stipulation, along with its exhibits, with

Defendants. Lead Counsel further prepared the preliminary approval application, and preliminary approval was granted by the Court on October 5, 2022.

47. Lead Counsel's work will not end with the filing of the instant motions or the Court's approval of the Settlement. Lead Counsel will spend more time and resources drafting and filing the replies in support of its motions, preparing for and appearing at the Settlement Hearing scheduled for January 19, 2023, assisting Settlement Class Members with their claims, overseeing and supervising the claims process and distribution of the Settlement Fund to Settlement Class Members, and responding to Settlement Class Members' inquiries.

The Requested Award to Plaintiffs is Justified

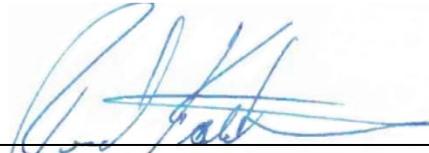
48. Lead Plaintiff has devoted a substantial amount of time leading this Action on behalf of the Settlement Class.

49. Lead Plaintiff was available to Lead Counsel as needed and performed his duties with attentiveness and diligence. Before his untimely death, Mr. Tsai had deep familiarity with the claims in this action through his researching and filing of the Amended and Second Amended Complaint; had successfully opposed the Defendants' motion to dismiss (ECF Nos. 34, 51, and 52); had actively participated in discovery by responding and agreeing to produce documents to Defendants' requests for production and other discovery requests; had reviewed pleadings and motions submitted in this case; and had participated in the drafting of a motion for class certification. Mr. Tsai had vigorously pursued fact discovery, including propounding document requests. Mr. Tsai also participated in three full days of two separate mediation sessions and sat for seven hours for his own deposition. Mr. Tsai also spent time reviewing his deposition transcript and making corrections. Mr. Tsai continued to supervise, monitor, and participate in the ongoing

prosecution of this case—including reviewing and approving the Settlement—and adequately represented the interests of the Class up until his passing.

50. Accordingly, I believe a modest award in the amount of \$10,000—a small percentage (*i.e.* 0.25%) of the Settlement Fund—is reasonable and appropriate to compensate Lead Plaintiff for his time and as an incentive for representative plaintiffs to come forward in similar cases in the future.

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 21, 2022.



Reed R. Kathrein

CERTIFICATE OF SERVICE

I hereby certify that on December 21, 2022, a true and correct copy of the foregoing DECLARATION OF REED R. KATHREIN IN SUPPORT OF: (1) MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT; AND (2) LEAD COUNSEL'S MOTION FOR AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF EXPENSES, AND AWARD TO LEAD PLAINTIFF was filed with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to counsel of record.

/s/ Bruce D. Greenberg

Bruce D. Greenberg

EXHIBIT 1

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JESSICA FERGUS, Individually and On
Behalf of All Others Similarly Situated,
Plaintiff,

Civil Action No. 2:16-cv-03335-KSH-CLW

v.

IMMUNOMEDICS, INC., CYNTHIA L.
SULLIVAN, PETER P. PFREUNDSCHUH
and DAVID GOLDENBERG,
Defendants.

**DECLARATION OF MARGERY CRAIG CONCERNING: (A) MAILING OF THE
NOTICE AND CLAIM FORM; (B) PUBLICATION OF THE SUMMARY NOTICE;
AND (C) REPORT ON REQUESTS FOR EXCLUSION AND OBJECTIONS**

I, Margery Craig, declare as follows:

1. I am a Project Manager of Strategic Claims Services (“SCS”), a nationally recognized class action administration firm. I have over fifteen years of experience specializing in the administration of class action cases. SCS was established in April 1999 and has administered over five hundred and twenty-five (525) class action cases since its inception. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein.

MAILING OF THE NOTICE AND CLAIM FORM

2. Pursuant to the Court’s Order Granting Lead Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, dated October 5, 2022 (the “Preliminary Approval Order”), SCS was appointed and approved as the Claims Administrator in connection with the Settlement¹ of the above-captioned Action.

¹ All terms with initial capitalization not otherwise defined herein shall have the meanings ascribed to them in the Stipulation and Agreement of Settlement, dated as of April 13, 2022 (the “Stipulation”).

3. To provide actual notice to those who purchased publicly traded securities of Immunomedics, Inc. (“Immunomedics”) during the period from May 2, 2016 to June 24, 2016, inclusive (“Settlement Class Period”), SCS, pursuant to the Preliminary Approval Order, printed and mailed the Notice of Pendency and Proposed Settlement of Class Action (“Notice”) and Proof of Claim and Release Form (“Proof of Claim”) (collectively, the “Notice and Proof of Claim”) to potential members of the Settlement Class. A true and correct copy of the Notice and Proof of Claim is attached as **Exhibit A**.

4. As in most class actions of this nature, the large majority of potential Settlement Class Members are expected to be beneficial purchasers whose securities are held in “street name” — *i.e.*, the securities are purchased by brokerage firms, banks, institutions and other third-party nominees in the name of the nominee, on behalf of the beneficial purchasers. The names and addresses of these beneficial purchasers are known only to the nominees. SCS maintains a proprietary master list consisting of 820 banks and brokerage companies (“Nominee Account Holders”), as well as 951 mutual funds, insurance companies, pension funds, and money managers (“Institutional Groups”). On October 14, 2022, SCS caused a letter to be mailed or e-mailed to the 1,771 Nominee Account Holders and Institutional Groups contained in the SCS master mailing list. The letter notified recipients of the Settlement and requested that they, within 10 calendar days from the date of the letter, either mail Notice and Proof of Claim to their customers who may be beneficial purchasers/owners or provide SCS with a list of the email addresses or names and addresses of such beneficial purchasers/owners so that SCS could promptly email or mail the Notice and Proof of Claim directly to them. A copy of the letter sent to the Nominee Account Holders and Institutional Groups is attached as **Exhibit B**.

5. Following this mailing, SCS received 6,485 additional names and addresses of potential Settlement Class Members from individuals or nominees requesting that a Notice and Proof of Claim be mailed by SCS, as well as requests from a nominee for the Notice and Proof of Claim, in bulk, so that the nominees could forward them to their customers directly. SCS has promptly responded to each of these notice requests. Also, SCS was notified by one nominee that they mailed the Notice and Proof of Claims to 164 of their clients. To date, 6,649 Notice and Proof of Claims were mailed to potential Settlement Class Members and nominees.

6. Additionally, on October 14, 2022, SCS emailed the Notice and Proof of Claim to four potential Settlement Class members and on December 2, 2022, SCS was notified by one nominee that they emailed the link to the Notice and Proof of Claim to 1,743 of their customers.

7. In total, as of the date of this declaration, 8,396 copies of the Notice and Proof of Claim have been mailed or emailed to potential Settlement Class Members and nominees.

8. Out of the 6,649 Notice and Proof of Claims mailed, 376 were returned as undeliverable. Of the 376 returned, 18 were returned with a forwarding address provided by United States Postal Service, and SCS immediately remailed another Notice and Proof of Claim. A skip trace address search was run using Experian for the remaining 358 returned Notice and Proof of Claim to obtain updated addresses. SCS obtained 176 updated addresses from the skip trace efforts and mailed out another Notice and Proof of Claim to the updated addresses.

9. On October 14, 2022, SCS also sent the Depository Trust Company (“DTC”) a Notice and Proof of Claim to publish on its Legal Notice System (“LENS”). LENS provides DTC participants the ability to search and download legal notices as well as receive e-mail alerts based on particular notices or particular CUSIPs once a legal notice is posted.

PUBLICATION OF THE SUMMARY NOTICE

10. Pursuant to the Court’s Preliminary Approval Order, the Summary Notice of Pendency and Proposed Class Action Settlement was published in *Investor’s Business Daily* and transmitted over *GlobeNewswire* on October 31, 2022, as shown in the confirmations of publication attached hereto as **Exhibit C**.

TOLL-FREE PHONE LINE

11. SCS maintains a toll-free telephone number (1-866-274-4004) for Settlement Class Members to call and obtain information about the Settlement. SCS has promptly responded to each telephone inquiry received and will continue to address Settlement Class Member inquiries.

SETTLEMENT WEBSITE

12. On October 14, 2022, SCS’s website was updated to include a specific webpage for this Settlement, www.strategicclaims.net/immunomedics/. The webpage contains the current status of the case, important Settlement-related deadlines, online claim filing link, and downloadable copies of the Notice and Proof of Claim, the Nominee letter, the Preliminary Approval Order, and the Stipulation with exhibits.

REPORT ON EXCLUSIONS AND OBJECTIONS RECEIVED TO DATE

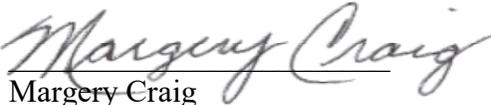
13. The Notice informs potential Settlement Class Members that written requests for exclusion are to be mailed to SCS such that they are received no later than December 29, 2022. SCS has been monitoring all mail received for this case. To date, SCS has not received any exclusion requests.

14. According to the Notice, Settlement Class Members seeking to object to the Settlement, any part of the Settlement, and/or Lead Plaintiff’s Counsel’s motion for attorneys’

fees and expenses and application for an Award to Lead Plaintiff are required to submit their objection in writing such that the objection is received by Counsel for Plaintiffs and Counsel for Defendants, as well as filed with the Clerk of the Court, no later than December 29, 2022. As of the date of this declaration, SCS has not been notified of any objections and has not received any objections.

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

Signed this 21st day of December 2022, in Media, Pennsylvania.


Margery Craig

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JESSICA FERGUS, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

Civil Action No. 2:16-cv-03335-KSH-CLW

v.

IMMUNOMEDICS, INC., CYNTHIA L.
SULLIVAN, PETER P. PFREUNDSCHUH and
DAVID GOLDENBERG,

Defendants.

NOTICE OF PENDENCY AND PROPOSED SETTLEMENT OF CLASS ACTION

If you purchased¹ the publicly traded securities of Immunomedics, Inc. (“Immunomedics”) from May 2, 2016, through June 24, 2016, both dates inclusive (the “Settlement Class Period”), you could get a payment from a proposed class action settlement (the “Settlement”).

Under law, a federal court has authorized this Notice. This is not attorney advertising.

- If approved by the Court, the Settlement will provide four million dollars (\$4,000,000) (the “Settlement Amount”) gross, plus interest as it accrues, minus attorneys’ fees, costs, administrative expenses, and net of any taxes on interest, to pay claims of investors who purchased Immunomedics securities during the Settlement Class Period (“Settlement Class Members”).
- The Settlement represents an estimated average recovery of \$.14 per damaged share for the approximately of 27.7 million damaged shares of Immunomedics common stock during the Settlement Class Period as estimated by Lead Plaintiff’s damages expert. This is not an estimate of the actual recovery per share you should expect. Your actual recovery will depend on the aggregate losses of all Settlement Class Members, the date(s) you purchased and sold Immunomedics common stock, and the total number of claims filed. Attorneys for Lead Plaintiff (“Lead Plaintiff’s Counsel”) will ask the Court to award them fees of up to \$1,333,333.33 (one-third of the Settlement Amount) plus interest, reimbursement of no more than \$180,000 litigation expenses, and an Award to Lead Plaintiff not to exceed \$10,000. If approved by the Court, these amounts (totaling an average of \$.05 per damaged shares of Immunomedics common stock) will be paid from the Settlement Fund.
- The average approximate recovery, after deduction of attorneys’ fees and expenses approved by the Court, is \$.09 per damaged share of Immunomedics common stock. This estimate is based on the assumptions set forth in the preceding paragraphs. Your actual recovery, if any, will depend on the aggregate losses of all Settlement Class Members, the date(s) you purchased and sold Immunomedics common stock, the purchase and sales prices, and the total number and amount of claims filed.
- The Settlement resolves the Action concerning whether Immunomedics and certain of its officers and directors, Peter P. Pfreundschuh, Cynthia Sullivan, and David Goldenberg, (collectively “Defendants”) violated federal securities laws by allegedly making misrepresentations and/or omissions of material fact in various public statements to the investing public. Defendants have denied and continues to deny each, any and all allegations of wrongdoing, fault, liability or damage whatsoever asserted by Lead Plaintiff. Defendants have also denied, *inter alia*, the allegations that Lead Plaintiff or the Settlement Class Members have suffered damages or that Lead Plaintiff or the Settlement Class Members were harmed by the conduct alleged in the Action. Defendants continue to believe the claims asserted against them in the Action are without merit.

¹ The term “purchased” should be construed throughout this document to mean “purchased or otherwise acquired.” Similarly, any reference to “purchase” should be construed throughout this document to mean “purchase or acquisition.”

- Your legal rights will be affected whether you act or do not act. If you do not act, you may permanently forfeit your right to recover on this claim. Therefore, you should read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
Submit a Claim Form	Fill out the attached Proof of Claim and Release Form and submit it no later than December 6, 2022. This is the only way to get a payment.
Exclude Yourself from the Class	Submit a request for exclusion no later than December 29, 2022. This is the only way you can ever be part of any other lawsuit against the Defendants or the other Defendants' Released Parties about the legal claims in this case. If you exclude yourself, you will receive no payment and cannot object or speak at the hearing.
Object	Write to the Court no later than December 29, 2022 about why you do not like the Settlement. You can still submit a claim form. If the Court approves the Settlement, you will be bound by it.
Go To The Hearing	Ask to speak no later than December 29, 2022 in Court about the fairness of the Settlement at the hearing on January 19, 2023. You can still submit a claim form. If the Court approves the Settlement, you will be bound by it.
Do Nothing	Get no payment AND give up your right to bring your own individual action.

INQUIRIES

Please do not contact the Court regarding this Notice. All inquiries concerning this Notice, the Proof of Claim and Release Form, or the Settlement should be directed to:

Immunomedics, Inc. Securities Litigation c/o Strategic Claims Services P.O. Box 230 600 N. Jackson St., Suite 205 Media, PA 19063 Telephone: (866) 274-4004 Fax: (610) 565-7985 info@strategicclaims.net	or	Reed Kathrein HAGENS BERMAN SOBOL SHAPIRO LLP 715 Heart Avenue, Suite 202 Berkeley, CA 94710 Telephone: (510) 725-3000 Fax: (510) 725-3001 reed@hbsslaw.com
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DEFINITIONS

All capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation and Agreement of Settlement, dated April 13, 2022 (the "Settlement Stipulation").

COMMON QUESTIONS AND ANSWERS CONCERNING THE SETTLEMENT

1. Why did I get this Notice?

You or someone in your family may have acquired Immunomedics publicly-traded securities listed on United States stock exchanges between May 2, 2016 through June 24, 2016, both dates inclusive.

2. What is this lawsuit about?

The case is known as *Fergus v. Immunomedics, Inc. et al.*, No. 2:16-cv-3335-KSH-CLW (D. N.J.) (the "Action"). The Court in charge of the case is the United States District Court for the District of New Jersey. The Action involves allegations that Defendants violated certain federal securities laws by making misrepresentations or omissions of data to be presented at the annual American Society of Clinical Oncology (ASCO) conference in 2016 and subject to ASCO's embargo policy. The Second Amended Complaint ("Complaint") alleges that the misstatements or omissions artificially inflated the price of Immunomedics stock, and that the stock price dropped in response to certain subsequent disclosures. Defendants have denied and continue to deny each, any and all allegations of wrongdoing, fault, liability or damage whatsoever asserted in the Action. The Settlement shall in no event be construed as, or deemed to be evidence of, liability,

fault, wrongdoing, injury or damages, or of any wrongful conduct, acts or omissions on the part of any of the Released Parties, or of any infirmity of any defense, or of any damages to the Lead Plaintiff or any other Settlement Class Member. The Settlement resolves all of the claims in the Action, as well as certain other claims or potential claims, whether known or unknown.

3. Why is this a class action?

In a class action, one or more persons and/or entities, called plaintiffs, sue on behalf of all persons and/or entities who have similar claims. All of these persons and/or entities are referred to collectively as a class, and these individual persons and/or entities are known as class members. One court resolves all of the issues for all class members, except for those class members who exclude themselves from the class.

4. Why is there a Settlement?

Lead Plaintiff and Defendants do not agree regarding the merits of Lead Plaintiff's allegations and the Defendants' defenses with respect to liability or the average amount of damages per share, if any, that would be recoverable if Lead Plaintiff were to prevail at trial on each claim. The issues on which Lead Plaintiff and Defendants disagree include, among others: (1) whether the Complaint alleges statements that were materially false or misleading or otherwise actionable under federal securities law; (2) whether the Complaint alleges that the Defendants acted with scienter; (3) whether the alleged disclosures were corrective disclosures; (4) the causes of the loss in the value of Immunomedics' stock and (5) the amount of alleged damages, if any, that could be recovered at trial.

This matter has not gone to trial and the Court has not decided in favor of either Lead Plaintiff or the Defendants. Instead, Lead Plaintiff and Defendants have agreed to settle the case. Lead Plaintiff and Lead Plaintiff's Counsel believe the Settlement is best for all Settlement Class Members because of the risks associated with continued litigation and the nature of the defenses raised by the Defendants. Among the reasons that Lead Plaintiff and Lead Plaintiff's Counsel believe the Settlement is fair is the fact that there is uncertainty about whether they will be able to prove that any challenged statement was false or misleading, that the alleged misstatements and omissions actually caused the Settlement Class any damages, and the amount of damages, if any.

Even if Lead Plaintiff were to win at trial, and also prevail on any on appeal, Lead Plaintiff might not be able to collect some, or all, of any judgment he is awarded. Moreover, while litigation of this type is usually expensive, even if Lead Plaintiff's allegations were found to be true, the total amount of damages to which Settlement Class Members would be entitled could be substantially reduced.

5. How do I know if I am part of the Settlement?

The Settlement Class consists of those persons, other than Defendants, who purchased Immunomedics publicly-traded common stock listed on United States stock exchanges from May 2, 2016, through June 24, 2016, both dates inclusive, and were allegedly damaged thereby.

6. Are there exceptions to being included?

Yes. Excluded from the Settlement Class are Defendants, the officers and directors of Immunomedics, members of the Individual Defendants' immediate families and their legal representatives, heirs, successors or assigns and any entity in which Officer or Director Defendants have or had a controlling interest.

7. I am still not sure whether I am included.

If you are still not sure whether you are included, you can ask for free help. For more information, you can contact the Claims Administrator, Strategic Claims Services, by phone at (866) 274-4004 or by facsimile at (610) 565-7985, visit the website www.strategicclaims.net/Immunomedics/, or fill out and return the Proof of Claim and Release Form described in Question 9, to see if you qualify.

8. What does the Settlement provide?

a. What is the Settlement Fund?

The proposed Settlement provides for Defendant Immunomedics, Inc. to pay Four Million dollars (\$4,000,000) into a settlement fund (the "Settlement Fund"). The Settlement is subject to Court approval. Also, subject to the Court's approval, a portion of the Settlement Fund will be used to pay attorneys' fees with interest and reasonable litigation expenses to Lead Plaintiff's Counsel, and any Award to Lead Plaintiff. A portion of the Settlement Fund also will be used to pay taxes due on interest earned by the Settlement Fund, if necessary, and the costs of the claims administration, including the costs of printing and mailing this Notice and the costs of publishing notice. After the foregoing deductions from the Settlement Fund have been made, the amount remaining (the "Net Settlement Fund") will be distributed to Settlement Class Members who submit timely, valid claims, according to the Plan of Allocation to be approved by the Court.

b. What can you expect to receive under the proposed Settlement?

Your share of the Net Settlement Fund will or may depend on: (i) the number of claims filed by all Settlement Class Members; (ii) the dates you purchased and sold Immunomedics shares; (iii) the prices of your purchases and sales; (iv) the amount of administrative costs, including the costs of notice; and (v) the amount awarded by the Court to Lead Plaintiff's Counsel for attorneys' fees, costs, and expenses and to the Plaintiffs.

The Claims Administrator will determine each Settlement Class Member's *pro rata* share of the Net Settlement Fund based upon each Settlement Class Member's valid "Recognized Loss." The Recognized Loss formula is not intended to be an estimate of the amount that a Settlement Class Member might have been able to recover after a trial; it also is not an estimate of the amount that will be paid to Settlement Class Members pursuant to the Settlement. The Recognized Loss formula is the basis upon which the Net Settlement Fund will be proportionately allocated to the Settlement Class Members with valid claims ("Authorized Claimants").

PROPOSED PLAN OF ALLOCATION OF THE NET SETTLEMENT FUND

The Plan of Allocation is a matter separate and apart from the proposed Settlement, and any decision by the Court concerning the Plan of Allocation does not affect the validity or finality of the proposed Settlement. The Court may approve the Plan of Allocation with or without modifications agreed to among the Parties, or another plan of allocation, without further notice to Settlement Class Members. Any orders regarding a modification of the Plan of Allocation will be posted to the Claims Administrator's website, www.strategicclaims.net/Immunomedics/.

The Claims Administrator shall determine each Authorized Claimant's *pro rata* share of the Net Settlement Fund based upon each Authorized Claimant's Recognized Loss. **Please Note:** The Recognized Loss formula, set forth below, is not intended to be an estimate of the amount of what a Settlement Class Member might have been able to recover after a trial, nor is it an estimate of the amount that will be paid to Authorized Claimants pursuant to the Settlement. The Recognized Loss formula is the basis upon which the Net Settlement Fund will be proportionately allocated to the Authorized Claimants. To the extent there are sufficient funds in the Net Settlement Fund, each Authorized Claimant will receive an amount equal to the Authorized Claimant's Recognized Loss and subject to the provisions in the preceding paragraph. If, however, the amount in the Net Settlement Fund is not sufficient to permit payment of the total Recognized Loss of each Authorized Claimant, then each Authorized Claimant shall be paid the percentage of the Net Settlement Fund that each Authorized Claimant's Recognized Loss bears to the total Recognized Losses of all Authorized Claimants and subject to the provisions in the preceding paragraph (*i.e.*, "*pro rata* share"). Payment in this manner shall be deemed conclusive against all Authorized Claimants. No distribution will be made on a claim where the potential distribution amount is less than ten dollars (\$10.00) in cash.

If any funds remain in the Net Settlement Fund by reason of uncashed checks or otherwise, after the Claims Administrator has made reasonable and diligent efforts to have Authorized Claimants who are entitled to participate in the distribution of the Net Settlement Fund cash their distribution checks, then any balance remaining in the Net Settlement Fund six (6) months after the initial distribution of such funds shall be used: (i) first, to pay any amounts mistakenly omitted from the initial distribution to Authorized Claimants; (ii) second, to pay any additional Administration Costs incurred in administering the Net Settlement Fund; and (iii) finally, to make a second distribution to Authorized Claimants who cashed their checks from the initial distribution and who would receive at least \$10.00 from such second distribution, after payment of the estimated costs or fees to be incurred in administering the Net Settlement Fund and in making this second distribution, if such second distribution is economically feasible. If six (6) months after such second distribution, if undertaken, or if such second distribution is not undertaken, any funds shall remain in the Net Settlement Fund after the Claims Administrator has made reasonable and diligent efforts to have Authorized Claimants who are entitled to participate in this Settlement cash their checks, any funds remaining in the Net Settlement Fund shall be donated to Public Justice, P.C.

THE BASIS FOR CALCULATING YOUR RECOGNIZED LOSS:

(I) Recognized Loss for the Immunomedics, Inc. publicly traded securities purchased during the Settlement Class Period will be calculated as follows:

(A) For shares purchased or acquired during the Settlement Class Period and sold during the Settlement Class Period, the Recognized Loss per share will be the *lesser* of: (1) the inflation per share upon

purchase (as set forth in Inflation Table A below) less the inflation per share upon sale (as set forth in Inflation Table A below); or (2) the purchase price per share minus the sales price per share.

(B) For shares purchased or acquired during the Settlement Class Period and retained as of the close of trading on September 23, 2016, the Recognized Loss will be the *lesser* of (1) the inflation per share upon purchase (as set forth in Inflation Table A below); or (2) the purchase price per share minus \$2.71² per share.

(C) For shares purchased or acquired during the Settlement Class Period and sold during the period June 27, 2016 through September 23, 2016, inclusive, the Recognized Loss will be the *lesser* of: (1) the inflation per share upon purchase (as set forth in Inflation Table A below); or (2) the difference between the purchase price per share and the average closing stock price as of date of sale provided in Table B below.

INFLATION TABLE A	
Common Stock Purchased During the Settlement Class Period	
Period	Inflation
May 2, 2016 to June 2, 2016, inclusive	\$1.30 per share
June 3, 2016 to June 5, 2016, inclusive	\$.51 per share
June 6, 2016 to June 8, 2016, inclusive	\$.18 per share
June 9, 2016 to June 24, 2016, inclusive	\$.05 per share

TABLE B										
<u>Date</u>	<u>Closing Price</u>	<u>Average Closing Price</u>		<u>Date</u>	<u>Closing Price</u>	<u>Average Closing Price</u>		<u>Date</u>	<u>Closing Price</u>	<u>Average Closing Price</u>
6/27/2016	\$2.00	\$2.00		7/27/2016	\$2.65	\$2.36		8/26/2016	\$2.71	\$2.59
6/28/2016	\$2.18	\$2.09		7/28/2016	\$2.61	\$2.37		8/29/2016	\$2.71	\$2.60
6/29/2016	\$2.24	\$2.12		7/29/2016	\$2.66	\$2.38		8/30/2016	\$2.77	\$2.60
6/30/2016	\$2.32	\$2.16		8/1/2016	\$2.80	\$2.39		8/31/2016	\$2.76	\$2.60
7/1/2016	\$2.37	\$2.19		8/2/2016	\$2.69	\$2.41		9/1/2016	\$2.69	\$2.60
7/4/2016	\$2.37	\$2.21		8/3/2016	\$2.80	\$2.42		9/2/2016	\$2.74	\$2.61
7/5/2016	\$2.40	\$2.23		8/4/2016	\$2.84	\$2.43		9/5/2016	\$2.74	\$2.61
7/6/2016	\$2.39	\$2.25		8/5/2016	\$2.98	\$2.44		9/6/2016	\$2.83	\$2.61
7/7/2016	\$2.37	\$2.27		8/8/2016	\$2.97	\$2.46		9/7/2016	\$2.86	\$2.62
7/8/2016	\$2.48	\$2.28		8/9/2016	\$2.94	\$2.48		9/8/2016	\$2.98	\$2.63
7/11/2016	\$2.30	\$2.30		8/10/2016	\$2.76	\$2.49		9/9/2016	\$2.75	\$2.63
7/12/2016	\$2.30	\$2.30		8/11/2016	\$2.83	\$2.50		9/12/2016	\$2.87	\$2.63
7/13/2016	\$2.19	\$2.30		8/12/2016	\$2.92	\$2.51		9/13/2016	\$2.85	\$2.64
7/14/2016	\$2.21	\$2.29		8/15/2016	\$3.06	\$2.53		9/14/2016	\$3.00	\$2.64
7/15/2016	\$2.28	\$2.29		8/16/2016	\$2.80	\$2.54		9/15/2016	\$3.04	\$2.65
7/18/2016	\$2.31	\$2.29		8/17/2016	\$2.88	\$2.54		9/16/2016	\$3.23	\$2.66
7/19/2016	\$2.29	\$2.29		8/18/2016	\$2.90	\$2.55		9/19/2016	\$3.25	\$2.67
7/20/2016	\$2.52	\$2.29		8/19/2016	\$2.89	\$2.56		9/20/2016	\$3.22	\$2.68

² Pursuant to Section 21(D)(e)(1) of the Private Securities Litigation Reform Act of 1995, “in any private action arising under this title in which the plaintiff seeks to establish damages by reference to the market price of a security, the award of damages to the plaintiff shall not exceed the difference between the purchase or sale price paid or received, as appropriate, by the plaintiff for the subject security and mean trading price of that security during the 90-day period beginning on the date on which the information correcting the misstatement or omission that is the basis for the action is disseminated.” \$2.71 per share was the mean (average) daily closing trading price of Immunomedics common stock during the 90-day period beginning on June 27, 2016 and ending on September 23, 2016.

TABLE B										
<u>Date</u>	<u>Closing Price</u>	<u>Average Closing Price</u>		<u>Date</u>	<u>Closing Price</u>	<u>Average Closing Price</u>		<u>Date</u>	<u>Closing Price</u>	<u>Average Closing Price</u>
7/21/2016	\$2.60	\$2.30		8/22/2016	\$2.98	\$2.57		9/21/2016	\$3.31	\$2.69
7/22/2016	\$2.68	\$2.32		8/23/2016	\$2.97	\$2.58		9/22/2016	\$3.30	\$2.70
7/25/2016	\$2.60	\$2.33		8/24/2016	\$2.77	\$2.59		9/23/2016	\$3.28	\$2.71
7/26/2016	\$2.64	\$2.35		8/25/2016	\$2.77	\$2.59				

For purposes of calculating your Recognized Loss, the date of purchase, acquisition or sale is the “contract” or “trade” date and not the “settlement” or “payment” date. The receipt or grant by gift, inheritance or operation of law of Immunomedics shares shall not be deemed a purchase, acquisition or sale of shares for the calculation of an Authorized Claimant’s Recognized Loss. The covering purchase of a short sale is not an eligible purchase.

For purposes of calculating your Recognized Loss, all purchases, acquisitions and sales shall be matched on a First In First Out (“FIFO”) basis in chronological order. Therefore, on the Proof of Claim and Release Form enclosed with this Notice, you must provide all of your purchases, acquisitions, and sales of Immunomedics common stock during the period from May 2, 2016 through and including September 23, 2016.

Payment pursuant to the Plan of Allocation approved by the Court will be conclusive against all Authorized Claimants. No person will have any claim against Defendants, Defendants’ Released Parties, Defendants’ Counsel, Lead Plaintiff, Lead Plaintiff’s Counsel or the Claims Administrator or other agent designated by Lead Plaintiff’s Counsel based on the distributions made substantially in accordance with the Settlement Stipulation and the Settlement contained therein, the Plan of Allocation, or further orders of the Court. Each claimant will be deemed to have submitted to the jurisdiction of the Court with respect to the claimant’s Proof of Claim and Release Form. All persons involved in the review, verification, calculation, tabulation, or any other aspect of the processing of the claims submitted in connection with the Settlement, or otherwise involved in the administration or taxation of the Settlement Fund or the Net Settlement Fund shall be released and discharged from any and all claims arising out of such involvement, and all Settlement Class Members, whether or not they are to receive payment from the Net Settlement Fund, will be barred from making any further claim against the Net Settlement Fund beyond the amount allocated to them as provided in any distribution orders entered by the Court.

9. How can I get a payment?

To qualify for a payment, you should fill out a form online at www.strategicclaims.net/Immunomedics/ entitled “Proof of Claim and Release Form.” If you are unable to fill out a form online, the Proof of Claim and Release Form is attached to this Notice. You may also obtain a Proof of Claim and Release Form at www.strategicclaims.net/Immunomedics/. Read the instructions carefully, fill out the form, sign it in the location indicated, and mail the claim form together with all documentation requested in the form, **postmarked no later than December 6, 2022**, to:

Immunomedics, Inc. Securities Litigation
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson St., Ste. 205
Media, PA 19063
Fax: (610) 565-7985
info@strategicclaims.net

The Claims Administrator will process your claim and determine whether you are an Authorized Claimant.

Please note that if you choose to mail a form, you will need to manually enter each transaction.

Typically, most class members submit electronic claims. Submitting a claim by mail significantly increases the time necessary to process the claim, which both delays payments to all Settlement Class Members and reduces the amount of money that can be distributed to Settlement Class Members.

10. What am I giving up to get a payment or stay in the Class?

Unless you exclude yourself from the Settlement Class by the December 29, 2022 deadline, you will remain a member of the Settlement Class and will be bound by the release of claims against Defendants and other Defendants' Released Parties if the Settlement is approved. That means you and all other Settlement Class Members and each of their respective parent entities, associates, affiliates, subsidiaries, predecessors, successors, assigns, attorneys, immediate family members, heirs, representatives, administrators, executors, devisees, legatees, and estates will release (agreeing never to sue, continue to sue, or be part of any other lawsuit) as against Defendants and other Defendants' Released Parties any and all Plaintiffs' Released Claims including claims which arise out of, are based upon or relate in any way to the purchase or acquisition of Immunomedics securities during the Settlement Class Period. It means that all of the Court's orders will apply to you and legally bind you. That means you will accept a share of the Net Settlement Fund as sole compensation for any losses you suffered in the purchase, acquisitions, sale or ownership of Immunomedics securities during the Settlement Class Period. The specific terms of the release are included in the Settlement Stipulation.

11. How do I get out of the Settlement?

If you do not want to receive a payment from this Settlement, and you want to keep any right you may have to sue or continue to sue Defendants or other Defendants' Released Parties on your own about the claims being released in this Settlement, then you must take steps to exclude yourself from the Settlement. To exclude yourself from the Settlement, you must mail a letter that (A) clearly indicates your name, address, phone number and e-mail contact information (if any) and states that you "request to be excluded from the Settlement Class in *Fergus v. Immunomedics, Inc. et al.*, No. 2:16-cv-3335-KSH-CLW (D. N.J.)", and (B) states the date, number of shares and dollar amount of each Immunomedics securities purchase or acquisition during the Settlement Class Period, and any sale transactions as well as the number of shares of Immunomedics securities held by you as of June 24, 2016. In order to be valid, such request for exclusion must be submitted with documentary proof: (i) of each purchase and, if applicable, sale transaction of Immunomedics securities during the Settlement Class Period; and (ii) demonstrating your status as a beneficial owner of Immunomedics securities. Any such request for exclusion must be signed and submitted by you, as the beneficial owner, under penalty of perjury. You must mail your exclusion request, to be **received no later than December 29, 2022**, to the Claims Administrator at the following address:

Immunomedics, Inc. Securities Litigation
c/o Strategic Claims Services
P.O. Box 230
600 N. Jackson St., Ste. 205
Media, PA 19063

You cannot exclude yourself by telephone or by e-mail.

If you properly exclude yourself, you will not receive a payment from the Net Settlement Fund, you cannot object to the Settlement, and you will not be legally bound by the judgment in this case.

12. If I do not exclude myself, can I sue Settling Defendants or the other Released Parties for the same thing later?

No. Unless you followed the procedure outlined in the Notice to exclude yourself, you give up any right to sue Defendants or other Defendants' Released Parties for the claims being released in this Settlement. If you have a pending lawsuit related to any Released Claims, speak to your lawyer in that case immediately, since you must exclude yourself from this Settlement Class to continue your own lawsuit.

13. Do I have a lawyer in this case?

The Court appointed Hagens Berman Sobol Shapiro LLP, as Lead Counsel, and Lite DePalma Greenberg & Afanador, LLC, as Liaison Counsel, to the Class (collectively "Lead Plaintiff's Counsel"), to represent you and the other Settlement Class Members. If you want to be represented by your own lawyer, you may hire one at your own expense. Contact information for Lead Plaintiff's Counsel is provided below.

14. How will the lawyers be paid?

Lead Plaintiff's Counsel has spent considerable time litigating this Action on a contingent fee basis and have paid for the expenses of the case themselves. They have not been paid attorneys' fees or reimbursed for their expenses in advance of this Settlement. Lead Plaintiff's Counsel have done so with the expectation that, if they are successful in recovering money for the Settlement Class, they will receive attorneys' fees and be reimbursed for their litigation expenses from the Settlement Fund, as is customary in this type of litigation. Lead Plaintiff's Counsel will not receive attorneys' fees or be reimbursed for their litigation expenses except from the Settlement Fund. Therefore, Lead Plaintiff's Counsel will file a

motion asking the Court at the Settlement Hearing to make an award of attorneys’ fees in an amount not to exceed one-third plus interest of the Settlement Amount (\$1,333,333.33), reimbursement of litigation expenses of no more than \$180,000 and an Award to Lead Plaintiff not to exceed \$10,000. The Court may award less than these amounts. Any amounts awarded by the Court will come out of the Settlement Fund.

15. How do I tell the Court that I do not like the Settlement?

You can tell the Court you do not agree with the Settlement, any part of the Settlement, and/or to Lead Plaintiff’s Counsel’s motion for attorneys’ fees and expenses and application for an Award to Lead Plaintiff, or that you think the Court should not approve the Settlement, by mailing a letter stating that you object to the Settlement in the matter of *Fergus v. Immunomedics, Inc. et al.*, No. 2:16-cv-3335-KSH-CLW (D. N.J.). Be sure to include: (1) your name, address, and telephone number; (2) a list of all purchases and sales of Immunomedics securities during the Settlement Class Period in order to show membership in the Settlement Class; (3) all grounds for the objection, including any legal support known to you or your counsel; (4) the name, address and telephone number of all counsel, if any, who represent you, including your former or current counsel who may be entitled to compensation in connection with the objection; and (5) the number of times you and/or your counsel has filed an objection to a class action settlement in the last five years, the nature of each such objection in each case, the jurisdiction in each case, and the name of the issuer of the security or seller of the product or service at issue in each case. Attendance at the Settlement Hearing is not necessary. Objectors wishing to be heard orally at the Settlement Hearing are required to indicate in their written objection (or in a separate writing that is submitted in accordance with the deadline and after instruction pertinent to the submission of a written objection) that they intend to appear at the Settlement Hearing and identify any witnesses they may call to testify or exhibits they intend to introduce into evidence at the Settlement Hearing. Be sure to serve copies of any objections, papers and briefs to **each** of the addresses listed below, to be **received no later than December 29, 2022**:

Clerk of the Court United States District Court District of New Jersey 50 Walnut Street Newark, NJ 07102	<i>Counsel for Plaintiffs:</i> HAGENS BERMAN SOBOL SHAPIRO LLP Reed Kathrein Wesley Wong 715 Heart Avenue, Suite 202 Berkeley, CA 94710 Lite DePalma Greenberg & Afanador, LLC Bruce D. Greenberg 570 Broad Street, Suite 1201 Newark, NJ 07102
<i>Counsel for Defendant Immunomedics:</i> DLA PIPER Caryn G. Schechtman 1251 Avenue of the Americas New York, NY 10020 Kristin A. Pacio 51 John F. Kennedy Parkway, Suite 120 Short Hills, NJ 07078	<i>Counsel for Defendants David Goldenberg and Cynthia Sullivan:</i> MORRIS JAMES LLP Albert H. Manwaring, IV 500 Delaware Avenue, Suite 1500 Wilmington, DE 19801

16. What is the difference between objecting and requesting exclusion?

Objecting is simply telling the Court you do not like something about the Settlement or some portion thereof. You can object only if you stay in the Settlement Class. Requesting exclusion is telling the Court you do not want to be part of the Settlement Class and Settlement. If you exclude yourself, you cannot object to the Settlement because it no longer concerns you. If you stay in the Settlement Class and object, but your objection is overruled, you will not be allowed a second opportunity to exclude yourself.

17. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Settlement Hearing on **January 19, 2023 at 11:00 a.m.**, at the United States District Court, District of New Jersey, United States Courthouse, Room 4015, 50 Walnut Street, Newark, NJ 07102. The Court has reserved the right to hold the Settlement Hearing telephonically or by videoconference. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate and whether to approve the Settlement. If there are objections,

the Court will consider them, and the Court will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Lead Plaintiff's Counsel for attorneys' fees and expenses and how much to award Lead Plaintiff.

18. Do I have to come to the hearing?

No. Lead Plaintiff's Counsel will answer any questions the Court may have. However, you are welcome to attend at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mail your written objection on time, the Court will consider it.

19. What happens if I do nothing at all?

If you do nothing, you will not receive a payment from the Settlement. However, unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants or the Defendants' Released Parties about the Plaintiffs' Released Claims (as defined in the Settlement Stipulation) ever again.

SPECIAL NOTICE TO SECURITIES BROKERS AND OTHER NOMINEES

If, between May 2, 2016, and June 24, 2016, inclusive, you purchased, otherwise acquired, or sold Immunomedics securities for the beneficial interest of a person or organization other than yourself, the Court has directed that, WITHIN TEN (10) DAYS OF YOUR RECEIPT OF NOTICE, you either (a) provide to the Claims Administrator the name, last known address, and email address (to the extent known) of each person or organization for whom or which you purchased such Immunomedics securities during such time period or (b) request additional copies of this Notice and the Proof of Claim and Release Form, which will be provided to you free of charge, and within ten (10) days mail the Notice and Proof of Claim and Release Form directly to the beneficial owners of the Immunomedics securities. If you choose to follow alternative procedure (b), the Court has directed that, upon such mailing, you send a statement to the Claims Administrator confirming that the mailing was made as directed. You are entitled to reimbursement from the Settlement Fund of your reasonable out-of-pocket expenses actually incurred in connection with the foregoing, up to a maximum of \$0.05 per Notice and Proof of Claim and Release Form plus postage for the current pre-sort rate used by the Claims Administrator if you decide to notify the beneficial owners directly; or \$0.05 per name, mailing address, and email address (to the extent available) provided to the Claims Administrator. Those expenses will be paid upon request and submission of appropriate supporting documentation. All communications regarding the foregoing should be addressed to the Claims Administrator at the address listed on page 2 above.

DATED: OCTOBER 5, 2022

BY ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

PROOF OF CLAIM AND RELEASE FORM

Deadline for Submission: December 6, 2022

IF YOU PURCHASED OR OTHERWISE ACQUIRED IMMUNOMEDICS, INC. (“IMMUNOMEDICS” OR THE “COMPANY”) PUBLICLY-TRADED SECURITIES LISTED ON UNITED STATES STOCK EXCHANGES DURING THE PERIOD FROM MAY 2, 2016 THROUGH JUNE 24, 2016, BOTH DATES INCLUSIVE (THE “SETTLEMENT CLASS PERIOD”), YOU ARE A “SETTLEMENT CLASS MEMBER” AND YOU MAY BE ENTITLED TO SHARE IN THE SETTLEMENT PROCEEDS. (EXCLUDED FROM THE CLASS ARE DEFENDANTS AND THEIR IMMEDIATE FAMILIES, MEMBERS OF THE INDIVIDUAL DEFENDANTS’ IMMEDIATE FAMILIES AND THEIR LEGAL REPRESENTATIVES, HEIRS, SUCCESSORS OR ASSIGNS AND ANY ENTITY IN WHICH OFFICER OR DIRECTOR DEFENDANTS HAVE OR HAD A CONTROLLING INTEREST.)

IF YOU ARE A SETTLEMENT CLASS MEMBER, YOU MUST COMPLETE AND SUBMIT THIS FORM IN ORDER TO BE ELIGIBLE FOR ANY SETTLEMENT BENEFITS.

MOST CLAIMANTS SUBMIT THEIR PROOF OF CLAIM AND RELEASE FORM ELECTRONICALLY. TO FILE YOUR CLAIM ELECTRONICALLY, YOU MUST COMPLETE AND SUBMIT THE FORM ONLINE AT WWW.STRATEGICCLAIMS.NET/IMMUNOMEDICS/ NO LATER THAN DECEMBER 6, 2022. HOWEVER, YOU MAY ALSO SIGN THIS PROOF OF CLAIM AND RELEASE FORM AND MAIL IT BY FIRST CLASS MAIL, POSTMARKED NO LATER THAN DECEMBER 6, 2022, TO STRATEGIC CLAIMS SERVICES, THE CLAIMS ADMINISTRATOR, AT THE FOLLOWING ADDRESS:

Immunomedics, Inc. Securities Litigation
c/o Strategic Claims Services
600 N. Jackson St., Ste. 205
P.O. Box 230
Media, PA 19063
Telephone: (866) 274-4004
Fax: (610) 565-7985
info@strategicclaims.net

YOUR FAILURE TO SUBMIT YOUR CLAIM BY DECEMBER 6, 2022 WILL SUBJECT YOUR CLAIM TO REJECTION AND PRECLUDE YOU FROM RECEIVING ANY MONEY IN CONNECTION WITH THE SETTLEMENT OF THIS ACTION. DO NOT MAIL OR DELIVER YOUR CLAIM TO THE COURT OR TO ANY OF THE PARTIES OR THEIR COUNSEL AS ANY SUCH CLAIM WILL BE DEEMED NOT TO HAVE BEEN SUBMITTED. SUBMIT YOUR CLAIM ONLY TO THE CLAIMS ADMINISTRATOR. IF YOU ARE A SETTLEMENT CLASS MEMBER AND DO NOT SUBMIT A PROPER PROOF OF CLAIM AND RELEASE FORM, YOU WILL NOT SHARE IN THE SETTLEMENT BUT YOU NEVERTHELESS WILL BE BOUND BY THE ORDER AND FINAL JUDGMENT OF THE COURT UNLESS YOU EXCLUDE YOURSELF.

SUBMISSION OF A PROOF OF CLAIM AND RELEASE FORM DOES NOT ASSURE THAT YOU WILL SHARE IN THE PROCEEDS OF THE SETTLEMENT.

CLAIMANT'S STATEMENT

1. I (we) purchased or otherwise acquired Immunomedics, Inc. ("Immunomedics") securities during the Settlement Class Period. (Do not submit this Proof of Claim and Release Form if you did not purchase or acquire Immunomedics securities during the Settlement Class Period.)
2. By submitting this Proof of Claim and Release Form, I (we) state that I (we) believe in good faith that I am (we are) a Settlement Class Member(s) as defined above and in the Notice of Pendency and Proposed Settlement of Class Action (the "Notice"), or am (are) acting for such person(s); that I am (we are) not a Defendant in the Action or anyone excluded from the Settlement Class; that I (we) have read and understand the Notice; that I (we) believe that I am (we are) entitled to receive a share of the Net Settlement Fund, as defined in the Notice; that I (we) elect to participate in the proposed Settlement described in the Notice; and that I (we) have not filed a request for exclusion. (If you are acting in a representative capacity on behalf of a Settlement Class Member [e.g., as an executor, administrator, trustee, or other representative], you must submit evidence of your current authority to act on behalf of that Settlement Class Member. Such evidence would include, for example, letters testamentary, letters of administration, or a copy of the trust documents.)
3. I (we) consent to the jurisdiction of the Court with respect to all questions concerning the validity of this Proof of Claim and Release Form. I (we) understand and agree that my (our) claim may be subject to investigation and discovery under the Federal Rules of Civil Procedure, provided that such investigation and discovery shall be limited to my (our) status as a Settlement Class Member(s) and the validity and amount of my (our) claim. No discovery shall be allowed on the merits of the Action or Settlement in connection with processing of the Proof of Claim and Release Form.
4. I (we) have set forth where requested below all relevant information with respect to each purchase or acquisition of Immunomedics securities, and each sale, if any, of such securities. I (we) agree to furnish additional information to the Claims Administrator to support this claim if requested to do so.
5. I (we) have enclosed photocopies of the stockbroker's confirmation slips, stockbroker's statements, or other documents evidencing each purchase and sale of Immunomedics securities listed below in support of my (our) claim. (IF ANY SUCH DOCUMENTS ARE NOT IN YOUR POSSESSION, PLEASE OBTAIN A COPY OR EQUIVALENT DOCUMENTS FROM YOUR BROKER OR TAX ADVISOR BECAUSE THESE DOCUMENTS ARE NECESSARY TO PROVE AND PROCESS YOUR CLAIM.)
6. I (we) understand that the information contained in this Proof of Claim and Release Form is subject to such verification as the Claims Administrator may request or as the Court may direct, and I (we) agree to cooperate in any such verification. (The information requested herein is designed to provide the minimum amount of information necessary to process most simple claims. The Claims Administrator may request additional information as required to efficiently and reliably calculate your recognized claim. In some cases, the Claims Administrator may condition acceptance of the claim based upon the production of additional information, including, where applicable, information concerning transactions in any derivatives securities such as options.)
7. Upon the occurrence of the Court's approval of the Settlement, as detailed in the Notice, I (we) agree and acknowledge that my (our) signature(s) hereto shall effect and constitute a full and complete release, remise and discharge by me (us) and my (our) heirs, joint tenants, tenants in common, beneficiaries, executors, administrators, predecessors, successors, attorneys, insurers and assigns (or, if I am (we are) submitting this Proof of Claim and Release Form on behalf of a corporation, a partnership, estate or one or more other persons, by it, him, her or them, and by its, his, her or their heirs, executors, administrators, predecessors, successors, and assigns) of each of the "Released Parties" of all "Released Claims," as those terms are defined in the Settlement Stipulation.

8. Upon the occurrence of the Court's approval of the Settlement, as detailed in the Notice, I (we) agree and acknowledge that my (our) signature(s) hereto shall effect and constitute a covenant by me (us) and my (our) heirs, joint tenants, tenants in common, beneficiaries, executors, administrators, predecessors, successors, attorneys, insurers and assigns (or, if I am (we are) submitting this Proof of Claim and Release Form on behalf of a corporation, a partnership, estate or one or more other persons, by it, him, her or them, and by its, his, her or their heirs, executors, administrators, predecessors, successors, and assigns) to permanently refrain from prosecuting or attempting to prosecute any Released Plaintiffs' Claims against any of the Defendants' Released Parties.
9. "Defendants' Released Parties" has the meaning laid out in the Settlement Stipulation.
10. "Released Plaintiffs' Claims" has the meaning laid out in the Settlement Stipulation.
11. "Unknown Claims" has the meaning laid out in the Settlement Stipulation.
12. (We) acknowledge that the inclusion of "Unknown Claims" in the definition of claims released pursuant to the Settlement Stipulation was separately bargained for and is a material element of the Settlement of which this release is a part.
13. **NOTICE REGARDING INSTITUTIONAL FILERS:** Representatives with the authority to file on behalf of (a) accounts of multiple Persons and/or (b) institutional accounts with large numbers of transactions ("Representative Filers") must submit information regarding their clients' transactions in the approved electronic spreadsheet format, which is available by request to the Claims Administrator at efile@strategicclaims.net or by visiting the website www.strategicclaims.net/institutional-filers/. One spreadsheet may contain the information for multiple Persons and institutional accounts who constitute distinct legal entities ("Legal Entities"), but all Representative Filers MUST also submit a manually signed Proof of Claim and Release Form, as well as proof of authority to file (see Item 2 of the Claimant's Statement) along with the electronic spreadsheet. The transactions and holdings in Immunomedics securities should be reported in the electronic file so that each resulting Claim corresponds to a single Legal Entity, regardless of the number of individually managed accounts the Legal Entity has, as only one Claim will be processed per Legal Entity (e.g. a Representative Filer reporting the transactions for a fund with multiple sub-accounts should report one total holding at the start of the Settlement Class Period, one total holding at the end of the Settlement Class Period, and a single set of transactions that includes all transactions made by the Legal Entity across their sub-accounts; this would constitute and be processed a single Claim). The Claims Administrator reserves the right to combine a Legal Entity's accounts into a single Claim prior to processing in the event that a Legal Entity's accounts are divided across multiple Claims when submitted by a Representative Filer. The Claims Administrator also reserves the right to request additional documentary proof regarding a Legal Entity's transactions and holdings in Immunomedics securities to prove and accurately process the Proof of Claim and Release Form.
14. **NOTICE REGARDING ONLINE FILING:** Claimants who are not Representative Filers may submit their claims online using the electronic version of the Proof of Claim and Release Form hosted at www.strategicclaims.net/Immunomedics/. If you are not acting as a Representative Filer, you do not need to contact the Claims Administrator prior to filing; you will receive an automated e-mail confirming receipt once your Proof of Claim and Release Form has been submitted. If you are unsure if you should submit your claim as a Representative Filer, please contact the Claims Administrator at info@strategicclaims.net or (866) 274-4004. If you are not a Representative Filer, but your claim contains a large number of transactions, the Claims Administrator may request that you also submit an electronic spreadsheet showing your transactions to accompany your Proof of Claim and Release Form.

IMMUNOMEDICS

I. CLAIMANT INFORMATION

Beneficial Owner's Name		
Address		
City	State	Zip
Foreign Province	Foreign Country	
Day Phone	Evening Phone	
Email		
Account Number		
Social Security Number (for individuals):	OR	Taxpayer Identification Number (for estates, trusts, corporations, etc.):

II. SCHEDULE OF TRANSACTIONS IN IMMUNOMEDICS, INC. SECURITIES

Beginning Holdings:

A. State the total number of shares of Immunomedics securities held at the close of trading on May 1, 2016 (*must be documented*). If none, write "zero" or "0."

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Purchases/Acquisitions:

B. Separately list each and every purchase or acquisition of Immunomedics securities between May 2, 2016 through September 23, 2016 both dates inclusive, and provide the following information (*must be documented*):

Trade Date (List Chronologically) (Month/Day/Year)	Number of Shares Purchased/Acquired	Price per Share	Total Cost (Excluding Commissions, Taxes, and Fees)

IMMUNOMEDICS

Sales:

C. Separately list each and every sale of Immunomedics securities between May 2, 2016 through September 23, 2016, both dates inclusive, and provide the following information (*must be documented*):

Trade Date (List Chronologically) (Month/Day/Year)	Number of Shares Sold	Price per Share	Amount Received (Excluding Commissions, Taxes, and Fees)

Ending Holdings:

D. State the total number of shares of Immunomedics securities held at the close of trading on September 23, 2016 (*must be documented*).

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If additional space is needed, attach separate, numbered sheets, giving all required information, substantially in the same format, and print your name and Social Security or Taxpayer Identification number at the top of each sheet.

III. SUBSTITUTE FORM W-9

Request for Taxpayer Identification Number:

Enter taxpayer identification number below for the Beneficial Owner(s). For most individuals, this is your Social Security Number. The Internal Revenue Service (“I.R.S.”) requires such taxpayer identification number. If you fail to provide this information, your claim may be rejected.

Social Security Number (for individuals)	or	Taxpayer Identification Number (for estates, trusts, corporations, etc.)

IV. CERTIFICATION

I (We) submit this Proof of Claim and Release Form under the terms of the Stipulation of Settlement described in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the District of New Jersey, with respect to my (our) claim as a Settlement Class Member and for purposes of enforcing the release and covenant not to sue set forth herein. I (We) further acknowledge that I am (we are) bound by and subject to the terms of any judgment that may be entered in this Action. I (We) have not submitted any other claim covering the same purchases, acquisitions or sales of Immunomedics securities and know of no other Person having done so on my (our) behalf.

I (We) certify that I am (we are) NOT subject to backup withholding under the provisions of Section 3406 (a)(1)(c) of the Internal Revenue Code because: (a) I am (We are) exempt from backup withholding; or (b) I (We) have not been notified by the I.R.S. that I am (we are) subject to backup withholding as a result of a failure to report all interest or dividends; or (c) the I.R.S. has notified me (us) that I am (we are) no longer subject to backup withholding.

IMMUNOMEDICS

NOTE: If you have been notified by the I.R.S. that you are subject to backup withholding, please strike out the language that you are not subject to backup withholding in the certification above.

UNDER THE PENALTIES OF PERJURY UNDER THE LAWS OF THE UNITED STATES, I (WE) CERTIFY THAT ALL OF THE INFORMATION I (WE) PROVIDED ON THIS PROOF OF CLAIM AND RELEASE FORM IS TRUE, CORRECT AND COMPLETE.

Signature of Claimant (If this claim is being made on behalf of Joint Claimants, then each must sign):

(Signature)

(Signature)

(Capacity of person(s) signing, e.g. beneficial purchaser(s), executor, administrator, trustee, etc.):

Check here if proof of authority to file is enclosed: _____
(See Item 2 under Claimant’s Statement)

Date: _____

THIS PROOF OF CLAIM AND RELEASE FORM MUST BE POSTMARKED NO LATER THAN DECEMBER 6, 2022 AND MUST BE MAILED TO:

Immunomedics, Inc. Securities Litigation
c/o Strategic Claims Services
600 N. Jackson St., Ste. 205
P.O. Box 230
Media, PA 19063
Telephone: (866) 274-4004
Fax: (610) 565-7985
info@strategicclaims.net

A Proof of Claim and Release Form received by the Claims Administrator shall be deemed to have been submitted when posted, if mailed by December 6, 2022 and if a postmark is indicated on the envelope and it is mailed first class and addressed in accordance with the above instructions. In all other cases, a Proof of Claim and Release Form shall be deemed to have been submitted when actually received by the Claims Administrator.

You should be aware that it will take a significant amount of time to process fully all of the Proof of Claim and Release Forms and to administer the Settlement. This work will be completed as promptly as time permits, given the need to investigate and tabulate each Proof of Claim and Release Form. Please notify the Claims Administrator of any change of address.

Immunomedics, Inc. Securities Litigation
c/o Strategic Claims Services
600 N. Jackson Street, Suite 205
Media, PA 19063

IMPORTANT LEGAL NOTICE – PLEASE FORWARD

REMINDER CHECKLIST

Please be sure to sign this Proof of Claim and Release Form on page 15. If this Proof of Claim and Release Form is submitted on behalf of joint claimants, then each claimant must sign.

Please remember to attach supporting documents. Do NOT send any stock certificates. Keep copies of everything you submit.

Do NOT use highlighter on the Proof of Claim and Release Form or any supporting documents. If you move or change your address, telephone number or email address, please submit the new information to the Claims Administrator, as well as any other information that will assist us in contacting you. NOTE: Failure to submit updated information to the Claims Administrator may result in the Claims Administrator's inability to contact you regarding issues with your claim or deliver payment to you.

REQUEST FOR NAMES, EMAILS AND ADDRESSES OF CLASS MEMBERS

STRATEGIC CLAIMS SERVICES
600 N. JACKSON STREET, SUITE 205
MEDIA, PA 19063

PHONE: (610) 565-9202 EMAIL: info@strategicclaims.net FAX: (610) 565-7985

October 14, 2022

This letter is being sent to all entities whose names have been made available to us, or which we believe may know of potential class members.

We request that you assist us in identifying any individuals who fit the following description:

ALL PERSONS OR ENTITIES WHO PURCHASED OR OTHERWISE ACQUIRE THE PUBLICLY TRADED SECURITIES OF IMMUNOMEDICS, INC. ("IMMUNOMEDICS") FROM MAY 2, 2016, THROUGH JUNE 24, 2016, BOTH DATES INCLUSIVE.

Excluded from the Settlement Class are Defendants, the officers and directors of Immunomedics, members of the Individual Defendants' immediate families and their legal representatives, heirs, successors or assigns and any entity in which Officer or Director Defendants have or had a controlling interest.

The information below may assist you in finding the above requested information.

<u>Immunomedics, Inc. Securities Litigation</u> Civil Action No. 2:16-cv-03335-KSH-CLW Claim Filing Deadline: December 6, 2022 Exclusion Deadline: December 29, 2022 Objection Deadline: December 29, 2022 Settlement Hearing: January 19, 2023	Cusip Number: 452907108
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PER COURT ORDER, PLEASE RESPOND WITHIN 10 CALENDAR DAYS FROM THE DATE OF THIS NOTICE

Please comply in one of the following ways:

1. If you have no beneficial purchasers/owners, please so advise us in writing; or
2. **Supply us with email addresses**, if email addresses are not available, provide us with names and last known addresses of your beneficial purchasers/owners and we will do the emailing and/or mailing of the Notice and Proof of Claim and Release Form. Please provide us this information electronically. If you are not able to do this, labels will be accepted, but it is important that a hardcopy list also be submitted of your clients; or
3. Advise us of how many beneficial purchasers/owners you have, and we will supply you with sufficient Notice and Proof of Claim and Release Forms to do the mailing. After the receipt of the forms, you have ten (10) calendar days to mail them.

You can bill us for any reasonable expenses actually incurred and **not to exceed**:

- **\$0.05 per name, mailing address, and email address** if you are providing us the records OR
- **\$0.05 per name and address, including materials, plus postage at the current pre-sort rate used by the Claims Administrator** if you are requesting the Notice and Proof of Claim and Release Form and performing the mailing.

All invoices must be received within 30 days of this letter.

You are on record as having been notified of this legal matter. A copy of the Notice of Pendency and Proposed Settlement of Class Action and Notice and Proof of Claim and Release Form and important documents are available on our website www.strategicclaims.net/Immunomedics/. You can also request a copy via email at info@strategicclaims.net.

Thank you for your prompt response.

Sincerely,
Claims Administrator
Immunomedics, Inc. Securities Litigation

INVESTOR'S BUSINESS DAILY®

Affidavit of Publication

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

Name of Publication: IBD Weekly
 Address: 5900 Wilshire Blvd.
 City, State, Zip: Los Angeles, CA 90036
 Phone #: 323.936.0314
 State of: California
 County of: Los Angeles

I, Shaun Shen for the publisher of IBD Weekly, published in the city of Los Angeles, state of California, county of Los Angeles hereby certify that the attached notice(s) for IMMUNOMEDICS, INC. was printed in said publication on the following date(s):

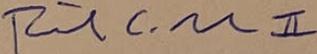
OCTOBER 31, 2022

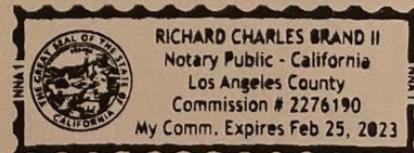
State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 31st day of October, 2022, by

, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature  (Seal)

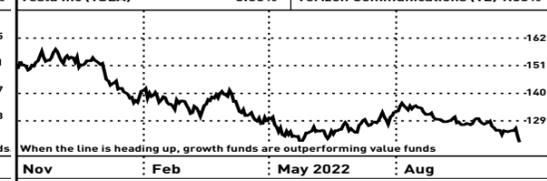
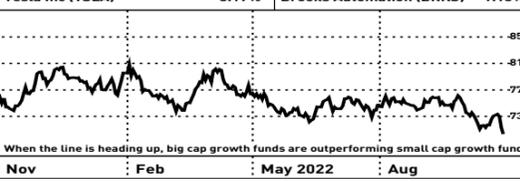


BIG CAP GROWTH ETF (SPYG) VS SMALL CAP GROWTH ETF (SLYG)

Apple Inc (AAPL)	12.63%	NeoGenomics Inc (NEO)	1.35%
Microsoft Corp (MSFT)	10.92%	Cleveland-Cliffs Inc (CLF)	1.31%
Amazon.com Inc (AMZN)	8.27%	Yeti Holdings Inc (YETI)	1.16%
Facebook Inc Cl A (FB)	3.91%	Omniceut Inc (OMCL)	1.14%
Tesla Inc (TSLA)	3.19%	Brooks Automation (BRKS)	1.13%

GROWTH ETF (IUSG) VS VALUE ETF (IUUV)

Apple Inc (AAPL)	11.88%	Berkshire Hathaway (BRKB)	2.84%
Microsoft Corp (MSFT)	9.42%	J P Morgan Chase (JPM)	2.43%
Amazon.com Inc (AMZN)	7.78%	Walt Disney Company (DIS)	2.06%
Facebook Inc Cl A (FB)	3.48%	Johnson & Johnson (JNJ)	1.56%
Tesla Inc (TSLA)	3.00%	Verizon Communications (VZ)	1.53%



Top Growth Funds
Last 3 months (all total returns)

Mutual Fund	% Change Last 3 Mo	Rating	\$ Net Assets
Kinetics:Paradigm	+11	A+	416.20 mil
Hennessy:Crnst MdCp	+9	A+	208.80 mil
Kinetics:SC Oppty	+9	A+	232.70 mil
Third Avenue:Value	+7	A+	561.90 mil
SouthernSun SC	+5	A+	282.60 mil
Lord Abbett McCp Gro	+5	A+	146.10 mil
BlackRock:Crst Opp	+4	B-	743.50 mil
Hennessy:Crnt Gro	+3	A	144.30 mil
Nuveen SC Val Opp	+3	A-	152.90 mil
Hotchkis:Sm Cap Val	+2	A+	566.40 mil
Eaton Vance GI M AR	+2	C+	1,508 bil
Vanguard Indus Idx	+1	A-	225.10 mil
First Trust Mgr Arbrtr	+1	B	1,984 bil
Third Avenue:SC Val	+1	A-	155.00 mil
TIAA-CREF:Qnt SCE	+1	A	1,512 bil
Fidelity Adv Inds	+1	B	207.20 mil
Invesco Discovery	+1	A+	1,531 bil
PACE Alt Str Inv	+1	B	384.70 mil
KEELEYS:Sm Cap Div Val	+1	A-	182.00 mil
Am Beacon:SC Val	+1	A	2,214 bil
SS Inst:SmCp Equity	+1	A	1,039 bil
AMG RR Sm Cap Val	+1	A-	803.60 mil
WM Blair:Sm Cap Gro	0	A	308.50 mil
Nuveen Sm Cap Gr Opp	0	A+	136.70 mil
AQR:Sm Cap Mom Style	0	A-	168.20 mil

Top Growth Funds
Last 3 years (all total returns)

Mutual Fund	% Change YTD	Rating	\$ Net Assets
Baron Partners Fund	-29	A+	3.214 bil
Baron Focused Gro	-22	A+	305.80 mil
Kinetics:SC Oppty	+27	A+	232.70 mil
Kinetics:Paradigm	+25	A+	416.20 mil
Hennessy:Crnst MdCp	+5	A+	208.80 mil
Lord Abbett McCp Gro	-27	A+	146.10 mil
Hennessy:Crnt Gro	-5	A	144.30 mil
SouthernSun SC	+1	A+	282.60 mil
Congress SmCp Gro	-23	A+	290.00 mil
Columbia:Sel GI Tch	-33	A+	1,002 bil
Third Avenue:Value	+7	A+	561.90 mil
Hotchkis:Sm Cap Val	+3	A+	566.40 mil
Hodges Small Cap	-11	A+	144.50 mil
Cantor:Gro Eqty	-26	A+	325.00 mil
Royce Fd:SC Oppty	-19	A+	1,006 bil
Buffalo:Small Cap	-25	A+	629.00 mil
Rydex:NASDAQ 2x	-58	A+	431.30 mil
Baron Opportunity	-39	A+	506.00 mil
Fidelity Adv Eq Gro	-25	A+	1,462 bil
Optimum:S-M Cap Gro	-26	A+	650.70 mil
Wasatch:Micro Cp V	-27	A+	285.90 mil
Undsc Mgr:Beh Val	-3	A+	2,445 bil
Fidelity Adv Val	-11	A+	172.30 mil
ProFunds:UltraNASDAQ	-58	A+	570.70 mil
Federated Hrms MDT AC	-17	A+	281.00 mil

U.S. Stock Fund Cash Position

High (11/00)	6.2%	Low (12/21)	1.5%
21-Apr	1.7%	21-Oct	1.7%
21-May	1.7%	21-Nov	1.7%
21-Jun	1.6%	21-Dec	1.5%
21-Jul	1.7%	22-Jan	1.8%
21-Aug	1.7%	22-Feb	1.9%
21-Sep	1.6%	22-Mar	2.0%

36 Mo Performance Rating	YTD 12Wk 5Yr Net	36 Mo Performance Rating	YTD 12Wk 5Yr Net
A- LC FocusVal	-8 -4 +3	16.78 -0.09	
B- MC Gro	-38 -13 +8	29.62 -0.11	
A+ Md Cp Val	-8 -4 +6	20.10 -0.07	
C- Mit-A-Inc	-14 -5 0	9.37 0.03	
D- Nat Muni	-16 -8 0	9.40 0.00	
D- St Muni 0	-16 -8 0	9.88 0.01	
C- Str Inc Opp	-7 -3 +1	9.22 0.03	
A Tech Oppt	-11 -14 +12	36.65 -0.55	
D Tot Rtn	-4 -6 -1.0	9.68 0.05	

36 Mo Performance Rating	YTD 12Wk 5Yr Net	36 Mo Performance Rating	YTD 12Wk 5Yr Net
A- LC FocusVal	-8 -4 +3	16.78 -0.09	
B- MC Gro	-38 -13 +8	29.62 -0.11	
A+ Md Cp Val	-8 -4 +6	20.10 -0.07	
C- Mit-A-Inc	-14 -5 0	9.37 0.03	
D- Nat Muni	-16 -8 0	9.40 0.00	
D- St Muni 0	-16 -8 0	9.88 0.01	
C- Str Inc Opp	-7 -3 +1	9.22 0.03	
A Tech Oppt	-11 -14 +12	36.65 -0.55	
D Tot Rtn	-4 -6 -1.0	9.68 0.05	

36 Mo Performance Rating	YTD 12Wk 5Yr Net	36 Mo Performance Rating	YTD 12Wk 5Yr Net
\$ 2.2 bil 800-368-2745		\$ 3.6 bil 800-345-6611	
A+ USLCCResbx	-22 -7 +9	33.25 -0.15	
Calvert US LCG Rsp Ix			
\$ 324 mil 800-368-2745			
A+ USLCCResbx	-26 -9 +12	40.21 -0.32	
Calvert US LCV Rsp Ix			
\$ 1.6 bil 800-368-2745			
A- USLCCResbx	-14 -2 +5	27.31 0.06	
Calvert US MCC Rsp Ix			
\$ 306 mil 800-368-2745			
A USMCCRspbx	-21 -5 +6	32.31 0.01	
Carillon ClarVest Funds I			
\$ 219 mil 800-421-4184			
A+ CIVs Cp App	-27 -9 +8	48.79 -0.41	
Carillon Eagle Funds I			
\$ 575 mil 800-421-4184			
A- Egl Gr&Inc	-14 -5 +6	21.52 0.03	
Carillon Eagle Funds R6			
\$ 3.3 bil 800-421-4184			
A- Egl MC Gro	-25 -7 +8	73.97 -0.06	
Carillon Scout Funds I			
\$ 3.9 bil 800-421-4184			
A- Cat Mid Cap	-18 -6 +5	19.98 -0.02	
Catalyst/Millburn HS			
\$ 3.7 bil 866-447-4228			
A+ HS	+0 +7	39.67 -0.06	
Caueway:mtl Val			
\$ 5.0 bil 866-947-7000			
A- Strt Inc	-14 -7 0	20.05 0.06	
Columbia Class B			
\$ 13.4 bil 800-345-6611			
A+ SmCp Val II	-14 -4 +3	16.77 0.06	
Columbia Funds I			
\$ 3.7 bil 800-345-6611			
A- M-Mgr Str	-29 -8 +7	12.95 -0.10	
B+ Focus Fund	-6 -3 -6.0	41.15n 0.21	
A Mutual Fund	-5 +0 +1	27.19n 0.01	
Champlain Mid Cap			
\$ 5.2 bil 866-773-3238			
A- Mid Cap	-27 -7 +8	20.88 0.05	
CIBC Atlas			
\$ 2.0 bil 855-328-3863			
A- AtlasAllCpG	-28 -6 +8	28.38 0.00	
A AtlasDiscEq	-20 -7 +9	24.85 -0.07	
A AtlasEqlyIn	-15 -6 +9	47.57 0.06	
CityNatRochdale			
\$ 3.4 bil 888-889-0799			
D FxdInOppy	-14 -3 -2.0	18.63 0.03	
A USCoreEqty	-22 -7 +8	21.76 -0.10	
Clarkston Partners			
\$ 907 mil 844-680-6562			
A+ Partners	-1 -3 +6	15.75 0.07	
Clearbridge			
\$ 37.8 bil 877-721-1926			
C- AggressiveEq	-25 -5 -2.0	112.11n -2.4	
A Appreciat	-15 -4 +6	28.45 -0.10	
A- Div Strt	-12 -5 +5	26.42 -0.02	
B LargeCapGr	-33 -10 +7	50.21 -0.69	
A LargeCapVal	-10 -0 +5	35.38 0.14	
A+ Select	-34 -7 +13	36.63 0.21	
A- SmallCapGro	-28 -3 +7	37.50 0.16	
A+ Value Trust	-10 -0 +5	89.59 -0.82	
Cohen & Steers			
\$ 28.7 bil 800-437-9912			
D- Pref SBI	-15 -6 +1	11.59 0.02	
C- RE SEC	-29 -18 +4	15.12 -0.04	
C- Rity Shs	-27 -17 +4	58.86n -0.10	
Coho Rtlv V E			
\$ 935 mil 866-264-6234			
A+ Rtlv V E	-6 -1 +7	16.18n 0.00	
Columbia Adapt Risk			
A Healthcare	-6 +0 +6	26.42 -0.20	

36 Mo Performance Rating	YTD 12Wk 5Yr Net	36 Mo Performance Rating	YTD 12Wk 5Yr Net
A- SmCp Cr	-16 -4 +4	26.18 -0.04	
A- SmCp Val	-13 -3 +2	70.81 0.42	
Delaware Invest A			
\$ 8.4 bil 800-523-1918			
A Eq Inc	-1 +4 0	6.85 0.03	
A G&J	-1 +4 0	13.69 0.06	
A+ Gr Eq	-26 -5 +7	10.41 0.02	
A- Oppty	-11 -2 0	31.25 0.04	
Destinations LC Eq			
\$ 4.1 bil 877-771-7979			
A- LC Eq	-21 -4 +6	12.60 -0.06	
Destinations SMC Eq			
\$ 1.0 bil 877-771-7979			
A+ SMC Eq	-20 -1 +7	11.74 0.06	
Diamond Hill Funds			
\$ 14.2 bil 888-226-5595			
A- Hill AC Sel	-17 -6 +7	18.00 -0.17	
A- Hill Lg Cap	-15 -3 +5	30.18 0.01	
Diamond Hill S/Md Cp			
\$ 939 mil 888-226-5595			
A- HillS/MDcp	-13 -3 +3	24.61 0.04	
Dimensional Fds			
\$ 361 bil 888-576-1167			
C- 1-YearFixed	-2 -1 0	10.04 0.01	
C- 2-YearFixed	-3 -1 0	9.57 0.01	
D- 5-YearGFIx	-7 -2 -1.0	9.92 0.03	
D+ EmgMktsCore-24-12-1.0		18.35 0.05	
C+ EmgMktsSmCa-23-9 0		18.94 0.13	
C- EmgMktsValu-18-9 1.0		24.48 0.07	
D Emg Mkts	-25 -12 -2.0	23.01 0.02	
A- EnhancedUSL-23 -8 +5		10.21 -0.04	
B- GblAI60/4	-15 -5 +3	18.60 -0.02	
A- Gbl Eqty	-18 -6 +4	26.11 -0.11	
C- IntlProtSe	-13 -8 +1	10.84 0.08	
D- Intermediat	-14 -7 -1.0	10.77 0.06	
C- IntlCoreEq	-22 -8 -2.0	12.26 -0.10	
E IntlRealEst	-28 -15 -4.0	3.40 0.01	
C- IntlSmCapVa-20 -7 -4.0		16.93 -0.11	
C- Intl Sm Co	-25 -9 -3.0	16.03 -0.13	
C- Intl Value	-13 -4 +2	16.22 -0.06	
C- IntlVectoEq	-21 -8 -2.0	10.72 -0.08	
C- LargeCapInt	-21 -8 -1.0	21.09 -0.17	
D+ Real Estate	-27 -16 +3	37.54 0.07	
A- SellHdgGblt-16 -5 +4		17.91 0.05	
D- Sh-TrmExtDw	-6 -3 0	10.11 0.03	
A+ USCoreEq1	-16 -4 +8	30.17 -0.12	
A+ USCoreEq2	-16 -4 +7	27.50 -0.11	
A+ USHRelPrf	-15 -4 +10	16.96 -0.04	
A+ US Large Ca	-19 -6 +8	27.09 -0.17	
A- USLgCapVal	-8 +0 +3	41.59 -0.05	
A- USLg Cap Eq	-19 -5 +8	22.74 -0.11	
A+ US Lg Cp Eq	-18 -5 +10	26.31 -0.05	
A+ USMicroCap	-12 -2 +4	23.94 0.02	
A US Sm Cp Gr	-18 -4 +5	21.76 -0.02	
A+ USSmallCapV	+4 +1 +4	41.17 0.11	
A+ US SmallCap	-14 -3 +4	40.18 0.05	
A+ USSocCoreEq	-19 -5 +6	19.59 -0.08	
A+ USSustainCo	-19 -5 +8	29.74 -0.13	
A+ USTargetedV	+6 +0 +4	28.20 0.07	
A+ USVectoEq	-11 -2 +5	21.85 -0.01	
C- WldwUSCRF	-22 -9 -1.0	10.42 -0.04	
Dirxion:MND BI 1.75			
\$ 274 mil 800-851-0511			
A- MND BI 1.75	-55 -21 +18	35.48n -1.2	
Dodge & Cox			
\$ 202 bil 800-621-3979			
B+ C&CxBalnce	-11 -4 +3	95.41n -0.11	
B+ C&CxBalSto	-12 -7 +2	12.68n -0.11	
D+ C&CxBalnce	-14 -7 0	11.90n 0.05	

36 Mo Performance Rating	YTD 12Wk 5Yr Net	36 Mo Performance Rating	YTD 12Wk 5Yr Net
A+ Real Estate	-30 -10 +7	28.14 0.01	
A- SmallCapFUn	-31 -8 +5	28.09 -0.08	
BBH:Ltd Duration			
\$ 8.4 bil 800-575-1265			
C LtdDuration	-2 +0 +1	9.91 0.01	
Bernstein Fds			
\$ 13.5 bil 800-221-5672			
D- IntermDurat	-16 -7 -1.0	11.01n 0.05	
D- Div Muni	-9 -4 +1	13.28n 0.00	
BlackRock			
\$ 9.8 bil 800-441-7762			
A- IS S&P500	-19 -6	446.80 -2.7	
BlackRock Funds			
\$ 34.3 bil 800-441-7762			

36 Mo Performance Rating	YTD 12Wk 5Yr Net	36 Mo Performance Rating	YTD 12Wk 5Yr Net
A- LC FocusVal	-8 -4 +3	16.78 -0.09	
B- MC Gro	-38 -13 +8	29.62 -0.11	
A+ Md Cp Val	-8 -4 +6	20.10 -0.07	
C- Mit-A-Inc	-14 -5 0	9.37 0.03	
D- Nat Muni	-16 -8 0	9.40 0.00	
D- St Muni 0	-16 -8 0	9.88 0.01	
C- Str Inc Opp	-7 -3 +1	9.22 0.03	
A Tech Oppt	-11 -14 +12	36.65 -0.55	
D Tot Rtn	-4 -6 -1.0	9.68 0.05	

36 Mo Performance Rating	YTD 12Wk 5Yr Net	36 Mo Performance Rating	YTD 12Wk 5Yr Net
A+ Flex Inc	+0 +1 +5	18.29n -0.07	
A+ Small Cap	-25 -2 +7	14.32n -0.06	
Calamos Funds			
\$ 22.9 bil 800-582-6959			
A Convertible	-2 -3 +7	15.80 -0.01	
A Gro&Inc	-19 -5 +6	37.78 -0.21	
C- MktkNeutic	-1 +1	13.64 -0.01	
Calamos Timpani SCR			
\$ 309 mil 800-582-6959			
A TimpaniSCR	-33 -2 +7	26.63 -0.12	
Calamos:Phineus Lng/Sh			
\$ 683 mil 800-582-6959			
A- PhineusLng/	-3 -2	14.69 0.01	
Calvert Soc Inv:Eqty			
\$ 3.1 bil 800-368-2745			
A+ Eqty	-18 -12 +12	7	

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EXHIBIT 2

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JESSICA FERGUS, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

IMMUNOMEDICS, INC., CYNTHIA L.
SULLIVAN, PETER P. PFREUNDSCHUH
and DAVID GOLDENBERG,

Defendants.

Civil Action No. 2:16-cv-03335-KSH-CLW

(Document Filed Electronically)

CLASS ACTION

**DECLARATION OF REED R. KATHREIN ON BEHALF OF HAGENS BERMAN
SOBOL SHAPIRO LLP CONCERNING ATTORNEYS' FEES AND EXPENSES**

I, Reed R. Kathrein, declare and state, under penalty of perjury, that the following is true and correct to the best of my knowledge, information and belief:

1. I am a partner at Hagens Berman Sobol Shapiro LLP, Lead Counsel for Lead Plaintiff Sensung Tsai (“Lead Plaintiff”) and the Settlement Class in the Action.¹ I am admitted *pro hac vice* to this Court for all purposes in representing Lead Plaintiff in the Action. I have personal knowledge of the matters set forth herein and, if called upon, I could and would completely testify thereto.

2. My firm rendered the following services in connection with the prosecution of this Action: (a) investigated and analyzed the initial complaint; (b) prepared the motion for appointment of lead plaintiff; (c) conducted an extensive investigation, including a comprehensive review of Immunomedics’s public filings, announcements, press releases, and earnings call transcripts; (d) searched and analyzed relevant analyst reports and news concerning the alleged misconducts; (e) drafted the Consolidated Complaint; (f) researched potential arguments and counter-arguments concerning Defendants’ motion to dismiss the Consolidated Complaint; (g) drafted briefing for Defendants’ motion to dismiss the Consolidated Complaint; (h) drafted the Second Amended Complaint; (i) researched potential arguments and counter-arguments concerning Defendants’ motion to dismiss the Second Amended Complaint; (j) reviewed thousands of documents during discovery; (k) engaged in several joint letter discovery disputes and argued those disputes to the Court; (l) retained and consulted with economic damages and market efficiency experts; (m) researched and prepared a motion for class certification, which was served but not filed; (n) defended Lead Plaintiff at his seven-hour long deposition; (o) participated

¹ Unless otherwise defined, all capitalized terms used herein have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated April 13, 2022 (the “Stipulation”) (ECF No. 113-2).

in three-full days of two separate mediation sessions with Judge Alfred Lechner (D.N.J. Ret.) and Jed Melnick of JAMS, which included the preparation and exchanging of detailed mediation statements and hard-fought negotiations, culminating in a mediator's proposal by Mr. Melnick that the parties accepted, resulting in the \$4 million Settlement; (p) prepared and negotiated the Stipulation and accompanying exhibits with Defendants; (q) drafted papers in support of preliminary approval of the Settlement, which the Court approved and granted preliminary approval on October 5, 2022; and (r) supervised the claims administrator on the claims administration process.

3. My firm's work will not end with the filing of the instant motions for final approval and for attorneys' fees, reimbursement of expenses, and Award to Lead Plaintiff; or the Court's approval of the Settlement. My firm will spend more time and resources drafting and filing the replies in support of the final approval motions, preparing for and appearing at the Settlement Fairness Hearing scheduled for January 19, 2023, assisting Settlement Class Members with submitting their claim forms, overseeing and supervising the claims process and distribution of the Settlement Fund to Settlement Class Members, and responding to Settlement Class Members' inquiries.

4. The chart below is a summary of time expended by the attorneys and professional staff of Hagens Berman Sobol Shapiro LLP on this Action, and the lodestar calculation based on their current billing rate. The chart was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm. Time spent in preparing the final approval motions and this declaration in support of my firm's application for fees and reimbursement of expenses, and any other time related to billing or periodic time reporting, have only been included in this chart up until December 15, 2022:

Professional	Law School Graduation Year	Current Hourly Rate	Total Hours Worked on Case	Total Lodestar
Reed Kathrein (P)	1977	\$950.00	674.50	\$640,775.00
Lucas Gilmore (P)	2007	\$800.00	34.00	\$27,200.00
Christopher O'Hara (P)	1993	\$700.00	56.50	\$39,550.00
Peter Borkon (P)	1996	\$550.00	134.30	\$73,865.00
Robert Jigarjian (A)	1993	\$550.00	45.10	\$24,805.00
Danielle Smith (A)	2012	\$525.00	824.60	\$432,915.00
Wesley Wong (A)	2016	\$500.00	887.30	\$443,650.00
Lisa Napoleon (PL)	N/A	\$300.00	14.70	\$4,410.00
Lisa Lin (PL)	N/A	\$300.00	70.70	\$21,210.00
Brian Miller (PL)	N/A	\$375.00	10.90	\$4,087.50
Carrie Flexer (PL)	N/A	\$375.00	23.50	\$8,812.50
Dianne Grant (PL)	N/A	\$375.00	17.20	\$6,450.00
Radha Kerzan (PL)	N/A	\$300.00	17.90	\$5,370.00
Kevin Naughton (I)	N/A	\$300.00	16.00	\$4,800.00
TOTALS:			2827.20	\$1,737,900.00

* Partner (P), Associate (A), Paralegal (PL), Investigator (I)

5. Since the beginning of this Action, my firm has performed a total of 2,827.20 professional work hours in the prosecution of this Action. The total lodestar amount for my firm is \$1,737,900.00.

6. Hagens Berman Sobol Shapiro LLP has expended a total of \$100,553.16 in unreimbursed expenses in connection with the prosecution of this Action broken down as follows:

Expense Category	Amount
Mediation Fees	\$33,834.00
Court Reporters/Transcripts	\$1,331.00
Experts and Investigators	\$59,360.00
Court Fees/Filing Fees	\$800.00
Online Services/Legal Research	\$4,497.00
Messenger/Process Service	\$635.00
Internal Prints/Copies (\$0.25 per page)	\$33.25

Overnight Shipping (FedEx/UPS)	\$62.91
TOTAL EXPENSES:	\$100,553.16

7. The expenses set forth above are reflected in my firm's books and records. These books and records are prepared from expense vouchers, check records, and financial statements prepared in the normal course of business for my firm and are an accurate record of the expenses incurred in the prosecution of this Action.

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

Executed December 21, 2022.

/s/ Reed R. Kathrein
Reed R. Kathrein

EXHIBIT 3

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JESSICA FERGUS, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

IMMUNOMEDICS, INC., CYNTHIA L.
SULLIVAN, PETER P. PFREUNDSCHUH
and DAVID GOLDENBERG,

Defendants.

Civil Action No. 2:16-cv-03335-KSH-CLW

(Document Filed Electronically)

CLASS ACTION

**DECLARATION OF BRUCE D.
GREENBERG CONCERNING
ATTORNEYS' FEES AND EXPENSES**

I, Bruce D. Greenberg, declare and state, under penalty of perjury, that the following is true and correct to the best of my knowledge, information and belief:

1. I am a member of the law firm of Lite DePalma Greenberg & Afanador, LLC (“LDGA”), Liaison Counsel for Lead Plaintiff Sensung Tsai (“Lead Plaintiff”) and the Settlement Class in the Action.¹ I have personal knowledge of the matters set forth herein and, if called upon, I could and would completely testify thereto.

2. My firm rendered the following services in connection with the prosecution of this Action: (a) participated in preparing the initial Complaint; (b) participated in preparing papers for the pro hac vice admission of Lead Counsel; (c) participated in preparing the motion for appointment of lead plaintiff; (d) participated in drafting the Consolidated Complaint and Second Amended Complaint; (e) participated in drafting briefing in opposition to Defendants’ motions to

¹ Unless otherwise defined, all capitalized terms used herein have the meanings ascribed to them in the Stipulation and Agreement of Settlement dated April 13, 2022 (the “Stipulation”) (ECF No. 113-2).

dismiss the Consolidated Complaint and Second Amended Complaint, and Defendants' motion for reconsideration of denial of motion to dismiss Second Amended Complaint; (f) participated in preparing a motion for class certification, which was served but not filed; (g) participated in three full days of two separate mediation sessions with Judge Alfred Lechner (D.N.J. Ret.) and Jed Melnick of JAMS, which included the preparation and exchanging of detailed mediation statements and hard-fought negotiations, culminating in a mediator's proposal by Mr. Melnick that the parties accepted, resulting in the \$4 million Settlement; and (h) participated in the drafting of papers in support of preliminary approval of the Settlement, which the Court approved and granted preliminary approval on October 5, 2022.

3. My firm's work will not end with the filing of the instant motions for final approval and for attorneys' fees, reimbursement of expenses, and Award to Lead Plaintiff; or the Court's approval of the Settlement. My firm will spend more time and resources participating in the drafting and filing of the replies in support of the final approval motions, and preparing for and appearing at the Settlement Fairness Hearing scheduled for January 19, 2023.

4. The chart below is a summary of time expended by the attorneys and professional staff of LDGA on this Action, and the lodestar calculation based on their current billing rate. The chart was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm. Time spent in preparing the final approval motions and this declaration in support of my firm's application for fees and reimbursement of expenses, and any other time related to billing or periodic time reporting, have only been included in this chart up until December 15, 2022:

Professional	Law School Graduation Year	Current Hourly Rate	Total Hours Worked on Case	Total Lodestar
Bruce D. Greenberg (P)	1982	\$800.00	85.60	\$68,480.00
Joseph J. DePalma (P)	1982	\$800.00	1.60	\$1,280.00
Katrina Carroll (P)	2000	\$800.00	1.70	\$1,360.00
Heather Sertial (A)	2012	\$525.00	6.10	\$3,202.50
Francis Kenny (A)	2015	\$425.00	4.10	\$1,742.50
Elvira Palomino (PL)	N/A	\$250.00	3.70	\$925.00
TOTALS:			102.80	\$77,404.41

* Partner (P), Associate (A), Paralegal (PL)

5. Since the beginning of this Action, my firm has performed a total of 102.80 professional work hours in the prosecution of this Action. The total lodestar amount for my firm is \$77,404.41.

6. LDGA has expended a total of \$414.41 in un-reimbursed expenses in connection with the prosecution of this Action, broken down as follows:

Expense Category	Amount
Filing Fee	\$400.00
Overnight Shipping (FedEx/UPS)	\$14.41
TOTAL EXPENSES:	\$414.41

7. The expenses set forth above are reflected in my firm's books and records. These books and records are prepared from expense vouchers, check records, and financial statements prepared in the normal course of business for my firm and are an accurate record of the expenses incurred in the prosecution of this Action.

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

Executed December 21, 2022.

/s/ Bruce D. Greenberg
Bruce D. Greenberg

EXHIBIT 4



HAGENS BERMAN

Auto Cases 1-888-381-2889 Email Tip Line

CASES ATTORNEYS NEWS & INSIGHT ABOUT PRACTICES SUCCESS BLOG

Trailblazer

Managing Partner, Steve Berman,
 Recipient of the ABA's Trailblazer Award

... states that 14.7 million people have been





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

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INTRODUCTION

The Firm

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

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

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

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

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

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

INTRODUCTION

Locations

SEATTLE

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

BERKELEY

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(510) 725-3001 fax

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

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

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

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

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

– Associated Press

Elite Trial Lawyers

The National Law Journal

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

The National Law Journal

Most Feared Plaintiffs Firms

Law360

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

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

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

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

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

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

VISA-MASTERCARD ANTITRUST LITIGATION

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

VOLKSWAGEN FRANCHISE DEALERS LITIGATION

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

VOLKSWAGEN EMISSIONS LITIGATION

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

TOYOTA UNINTENDED ACCELERATION LITIGATION

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

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

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

E-BOOKS ANTITRUST LITIGATION

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

LCD ANTITRUST LITIGATION

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

MCKESSON DRUG LITIGATION

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

DAVITA HEALTHCARE PERSONAL INJURY LITIGATION

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

DRAM ANTITRUST LITIGATION

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

AVERAGE WHOLESAL PRICE DRUG LITIGATION

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

ENRON ERISA LITIGATION

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

CHARLES SCHWAB SECURITIES LITIGATION

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

Practice Areas

PRACTICE AREAS

Anti-Terrorism

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

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

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

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

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

> Chiquita Bananas

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

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

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

PRACTICE AREAS

Antitrust

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

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

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

> **Visa/MasterCard**

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

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

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

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

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

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

> **Apple E-books**

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

RESULT: \$560 million total settlements.

PRACTICE AREAS

Antitrust

> Animation Workers Antitrust

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

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

> TFT LCDs

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

RESULT: \$470 million in total settlements.

> DRAM

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

RESULT: \$375 million settlement.

> Optical Disk Drives

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

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

> Lithium Ion Batteries

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

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

> AC Nielsen

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

RESULT: \$55 million settlement.

> Dairy Products

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

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

> Toys "R" Us Baby Products

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

RESULT: \$35.5 million settlement.

PRACTICE AREAS

Antitrust

> EA Madden

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

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

> Resistors Antitrust Litigation

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

> Nespresso

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

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

PRACTICE AREAS

Automotive - Non-Emissions Cases

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

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

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

> General Motors Ignition Switch Litigation

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

> Toyota Sudden, Unintended Acceleration Litigation

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

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

> MyFord Touch

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

> Nissan Quest Accelerator Litigation

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

> Hyundai Kia MPG

Hagens Berman sued Hyundai and Kia on behalf of owners after the car manufacturers overstated the MPG fuel economy ratings on 900,000 of its cars. The suit seeks to give owners the ability to recover a lump-sum award for the lifetime extra fuel costs, rather than applying every year for that year's losses.
RESULT: \$255 million settlement. Lump-sum payment plan worth \$400 million on a cash basis, and worth even more if owners opt for store credit (150 percent of cash award) or new car discount (200 percent of cash award) options.

PRACTICE AREAS

Automotive - Non-Emissions Cases

> **BMW i3 REx**

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

> **Fiat Chrysler Gear Shifter Rollaway Defect**

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

> **Ford Shelby GT350 Mustang Overheating**

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

> **Tesla AP2 Defect**

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

PRACTICE AREAS

Automotive - Emissions Litigation

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

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

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

> Volkswagen Diesel Emissions Litigation

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

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

> Volkswagen Dealers Litigation

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

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

> Mercedes BlueTEC Emissions Litigation

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

PRACTICE AREAS

Automotive - Emissions Litigation

› **Chevy Cruze Diesel Emissions Litigation**

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

› **Audi Emissions Litigation**

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

› **Fiat Chrysler EcoDiesel Emissions Litigation**

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

› **Dodge RAM 2500/3500 Diesel Emissions Litigation**

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

› **General Motors Duramax Emissions Litigation**

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

PRACTICE AREAS

Civil and Human Rights

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

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

› **World Trade Organization Protests**

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

› **Hungarian Gold Train**

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

› **Dole Bananas**

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

PRACTICE AREAS

Consumer Protection - General Class Litigation

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

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

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

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

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

A few case examples are:

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

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

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

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

› **Stericycle**

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

RESULT: \$295 million settlement

› **Tenet Healthcare**

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

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

PRACTICE AREAS

Consumer Protection - General Class Litigation

> Wells Fargo Force-Placed Insurance

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

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

> Consumer Insurance Litigation

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

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

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

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

RECENT ANTITRUST RESOLUTIONS

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

> Flonase Antitrust Litigation

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

RESULT: \$150 million class settlement.

> Prograf Antitrust Litigation

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

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

> Relafen Antitrust Litigation

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

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

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

> Skelaxin Antitrust Litigation

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

RESULT: \$73 million class settlement.

> Tricor Antitrust

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

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

FRAUDULENT DRUG PRICING RESOLUTIONS

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

> McKesson and First DataBank Drug Litigation

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

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

> Average Wholesale Price Drug Litigation

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

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

FRAUDULENT MARKETING RESOLUTIONS

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

> Neurontin Third Party Payor Litigation

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

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

> Lupron

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

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

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

> Celebrex/Bextra

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

RESULT: \$89 million settlement.

> Vioxx Third Party Payor Marketing and Sales Practices Litigation

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

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

RESULT: \$80 million settlement.

> Serono Drug Litigation

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

RESULT: \$24 million settlement.

> Bayer Combination Aspirin/Supplement Litigation

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

RESULT: \$15 million settlement.

OTHER LANDMARK CASES

> New England Compounding Center Meningitis Outbreak

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

RESULT: \$100 million settlement.

PRACTICE AREAS

Employment Litigation

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

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

> CB Richard Ellis Sexual Harassment Litigation

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

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

> Costco Wholesale Corporation Wage & Hour Litigation

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

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

> Washington State Ferry Workers Wage Litigation

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

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

> SunDance Rehabilitation Corporation

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

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

> Schneider National Carriers - Regional Drivers

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

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

> Schneider National Carriers - Mechanics

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

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

PRACTICE AREAS

Employment Litigation

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

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

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

PRACTICE AREAS

Environmental Litigation

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

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

SCIENCE AND THE LAW

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

ENVIRONMENTAL EXPERTS

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

REAL IMPACTS

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

Hagens Berman's significant environmental cases include:

> Exxon Valdez Oil Spill Litigation

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

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

> Chinook Ferry Litigation

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

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

> Grand Canyon Litigation

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

RESULT: The trial court enjoined the project.

> Kerr-McGee Radiation Case

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

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

> Skagit Valley Flood Litigation

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

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

PRACTICE AREAS

Environmental Litigation

› Idaho Grass Burning Case

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

RESULT: The lawsuit settled in 2006 under confidential terms.

› Dole Bananas Case

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

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

› Diesel Emissions Litigation

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

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

› San Francisco and Oakland Climate Change Litigation

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

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

› Florida Sugarcane Burning

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

› Kivalina Global Warming Litigation

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

› Cane Run Power Plant Coal Ash Case

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

PRACTICE AREAS

Governmental Representation

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

Hagens Berman has assisted governments in recovering billions of dollars in damages and penalties from corporate wrongdoers and, in the process, helped reform how some industries do business. In serving government, we are often able to leverage the firm's expertise and success in related private class-action litigation. Successes on behalf of government clients include:

> **Big Tobacco**

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

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

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

> **McKesson Average Wholesale Price Litigation**

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

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

> **McKesson Government Litigation**

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

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

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

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

RESULT: \$25 million settlement.

> **General Motors Ignition Switch Litigation**

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

PRACTICE AREAS

Governmental Representation

> State Opioid Litigation

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

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

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

> Municipal Lending

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

PRACTICE AREAS

Intellectual Property

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

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

Our current and recent engagements include the following:

> **Bombardier Inc.**

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

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

> **Angry Birds**

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

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

> **Samsung, LG, Apple**

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

RESULT: The case settled.

> **Oracle**

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

> **Salesforce**

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

> **Nintendo**

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

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

PRACTICE AREAS

Intellectual Property

> **Electronic Arts**

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

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

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

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

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

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

> Charles Schwab Securities Litigation

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

RESULT: \$235 million class settlement for investors.

> Oppenheimer

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

RESULT: \$100 million for the classes.

> Tremont

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

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

> Boeing

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

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

> J.P. Morgan – Madoff

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

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

> Morrison Knudsen

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

RESULT: More than \$63 million for investors.

> Raytheon/Washington Group

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

RESULT: \$39 million settlement.

> U.S. West

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

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

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Our current casework includes:

> **Theranos Investor Litigation**

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

> **Aequitas Investor Litigation**

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

> **China MediaExpress**

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

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

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

> **Altisource Asset Management Corporation**

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

WHISTLEBLOWERS

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

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

PRACTICE AREAS

Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services

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

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

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

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

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

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

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

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

PRACTICE AREAS

Personal Injury and Abuse

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

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

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

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

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

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

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

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

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

PRACTICE AREAS

Sexual Abuse and Harassment

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

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

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

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

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

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

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

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

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

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

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

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

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

PRACTICE AREAS

Sexual Abuse and Harassment

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

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

RESULT: \$215 million settlement

› **Harvey Weinstein Sexual Harassment**

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

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

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

RESULT: Settlement reached

› **Fairfax Behavioral Health**

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

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

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

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

› **CB Richard Ellis Sexual Harassment Litigation**

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

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

PRACTICE AREAS

Sexual Abuse and Harassment

› King County Child Sex Abuse

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

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

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

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

› State of Washington Sexual Assault, DSHS

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

RESULT: \$2.5 million settlement

› Workplace Sexual Harassment & Other Investigations

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

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

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

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

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

PRACTICE AREAS

Sports Litigation

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

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

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

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

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

› **NCAA: Concussions**

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

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

› **Player Name, Image & Likeness Rights in Videogames**

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

PRACTICE AREAS

Sports Litigation

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

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

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

› Continued NIL Litigation

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

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

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

› FIFA/U.S. Soccer: Concussions

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

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

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

› NCAA: Transfer Antitrust

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

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

PRACTICE AREAS

Sports Litigation

> Pop Warner

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

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

> MLB Foul Ball Injuries

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

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

> Other Cases

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

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

PRACTICE AREAS

Whistleblower Litigation

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

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

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

FALSE CLAIMS ACT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRACTICE AREAS

Whistleblower Litigation

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

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

> Medtronic

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

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

SECURITIES AND EXCHANGE COMMISSION / COMMODITY FUTURES TRADING COMMISSION

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

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

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

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

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

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

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

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

> EDGA Exchange Inc. and EDGX Exchange Inc.

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

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

PRACTICE AREAS

Whistleblower Litigation

> Nav Sarao Futures Limited PLC

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

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

INTERNAL REVENUE SERVICE

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

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

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

Appellate Victories

APPELLATE VICTORIES

Strengthening Consumer Law

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

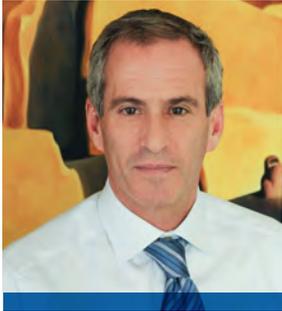
- › **In Matter of Motors Liquidation Co.**, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
- › **George v. Urban Settlement Servs.**, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage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

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

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

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

Legal Team



MANAGING PARTNER

Steve W. Berman

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

CONTACT

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 steve@hbssl.com

YEARS OF EXPERIENCE

> 41

PRACTICE AREAS

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

BAR ADMISSIONS

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

COURT ADMISSIONS

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

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

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

CURRENT ROLE

- > Managing Partner, Hagens Berman Sobol Shapiro LLP

RECENT CASES

> **Emissions Litigation**

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

> **General Motors Ignition Switch Defect Litigation**

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

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

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

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

EDUCATION

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

MANAGING PARTNER

Steve W. Berman

- › **Opioids** - Orange and Santa Clara County, Seattle
Steve has been retained by various municipalities, including the states of Ohio, Mississippi and Arkansas, Orange County, as well as the city of Seattle to serve as trial counsel in a recently filed state suit against five manufacturers of opioids seeking to recover public costs resulting from the opioid manufacturer's deceptive marketing.
- › **Antitrust Litigation**
Corporate fraud has many faces, and Steve has taken on some of the largest perpetrators through antitrust law. Steve serves as co-lead counsel in Visa MasterCard ATM, Batteries, Optical Disc Drives and is in the leadership of a class-action lawsuit against Qualcomm for orchestrating a monopoly that led to purchasers paying significantly more for mobile devices. He serves as interim class counsel in a case against Tyson, Purdue and other chicken producers for conspiring to stabilize prices by reducing chicken production. Steve also filed a proposed class-action lawsuit against the world's largest manufacturers of Dynamic Random Access Memory (DRAM) for cornering the market and driving up DRAM prices. Most recently, Steve's antitrust case against the NCAA involving rights of college athletes to receive grant-in-aid scholarships saw a unanimous Supreme Court victory, in what media called a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), and leaves the NCAA "more vulnerable than ever" (AP).
- › **Consumer Protection**
Steve is a leader in protecting millions of consumers in large-scale cases that challenge unfair, deceptive and fraudulent practices. He leads a class action on behalf of owners of Ford vehicles equipped with MyFord Touch, an in-car entertainment system, who claim the system is flawed, putting drivers at risk of an accident while causing economic hardship. Steve recently filed a class-action lawsuit against Facebook for allowing personal data to be harvested for psychographic profiling.

RECENT SUCCESS

- › **Volkswagen Franchise Dealerships** - \$1.6 billion
Lead counsel for VW franchise dealers suit, in which a settlement of \$1.6 billion has received final approval, and represents a substantial recovery for the class.
- › **Stericycle Sterisafe Contract Litigation** - \$295 million
Hagens Berman's team, led by Steve Berman, filed a class-action lawsuit against Stericycle, a massive medical waste disposal company and achieved a sizable settlement for hundreds of thousands of its small business customers.
- › **NCAA Grant-in-Aid Scholarships** - \$208 million
Served as co-lead counsel in the Alston case that successfully challenged the NCAA's limitations on the benefits college athletes can receive as part of a scholarship, culminating in a \$208 million settlement and injunction upheld by the Supreme Court. The recovery amounts to 100 percent of single damages in an exceptional result in an antitrust case. Steve also co-led the 2018 trial on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes.

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

MANAGING PARTNER**Steve W. Berman**

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

> Dairy Price-Fixing – \$52 million

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

CAREER HIGHLIGHTS**> State Tobacco Litigation – \$260 billion**

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

> Visa MasterCard ATM Antitrust Litigation – \$27 billion

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

> Toyota Sudden, Unintended Acceleration – \$1.6 billion

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

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

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

> E-books Antitrust Litigation – \$560 million settlement

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

MANAGING PARTNER

Steve W. Berman

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

RECOGNITION

- › 2023 Best Lawyers in America in Litigation - Securities and Product Liability Litigation - Plaintiffs
- › 2018, 2020, 2022 Titan of the Plaintiffs Bar, Law360
- › 2022 Hall of Fame, Lawdragon
- › 1999-2022 Washington Super Lawyers
- › 2021 Sports & Entertainment Law Trailblazer, The National Law Journal

MANAGING PARTNER

Steve W. Berman

- › 2021, 2019, 2018 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute
- › 2016-2020 Class Action MVP of the Year, Law360
- › 2014-2016, 2018-2019 Elite Trial Lawyers, The National Law Journal
- › 2019-2020 Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers
- › 2014-2019 Lawdragon 500 Leading Lawyers in America
- › 2018 State Executive Committee member, The National Trial Lawyers
- › 2018 Top Attorney of the Year, International Association of Top Professionals
- › 2017 Plaintiffs' Trailblazer, The National Law Journal
- › 2017 Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts
- › 2014 Finalist for Trial Lawyer of the Year, Public Justice
- › 2013 One of the 100 most influential attorneys in America, The National Law Journal
- › 2000 Most powerful lawyer in the state of Washington, The National Law Journal
- › One of the top 10 plaintiffs' firms in the country, The National Law Journal

ACTIVITIES

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

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

OTHER NOTABLE CASES

- › **VW Emissions Litigation - \$14.7 billion settlement**
Steve served as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.
- › **McKesson Drug Class Litigation - \$350 million settlement**
Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and relief for third-party payers and insurers. His discovery of the McKesson scheme led to follow up lawsuits by governmental entities and recovery in total of over \$600 million.
- › **Average Wholesale Price Litigation - \$338 million settlement**
Steve served as lead trial counsel, securing trial verdicts against three drug companies that paved the way for settlement.
- › **DRAM Memory Antitrust - \$345 million settlement**

MANAGING PARTNER

Steve W. Berman

› **Lumber Liquidators Flooring**

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

PRESENTATIONS

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

PERSONAL INSIGHT

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



PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

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

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tom@hbsslaw.com

YEARS OF EXPERIENCE

> 39

PRACTICE AREAS

- > Pharmaceutical Fraud
- > Consumer Protection
- > Antitrust Litigation

BAR ADMISSIONS

- > Massachusetts
- > Rhode Island

COURT ADMISSIONS

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

EDUCATION

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

CURRENT ROLE

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

CAREER HIGHLIGHTS

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

RECENT SUCCESS

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

PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

EXPERIENCE

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

PRO BONO

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

PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

RECOGNITION

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



PARTNER, EXECUTIVE COMMITTEE MEMBER

Robert B. Carey

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

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YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

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

BAR ADMISSIONS

- > Arizona
- > Colorado

COURT ADMISSIONS

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

EDUCATION

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

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

CURRENT ROLE

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

RECENT SUCCESS

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

PARTNER, EXECUTIVE COMMITTEE MEMBER

Robert B. Carey

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

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

RECOGNITION

- › Best Lawyers in America 2023 in Litigation - Insurance and Personal Injury Litigation - Plaintiffs
- › One of 500 Leading Lawyers in America selected (again) by Lawdragon, and the only Arizona or Colorado attorney to make the list.
- › Listed since 2008 as a Top 100 Trial Lawyer by Arizona's Finest Lawyers and National Trial Lawyers
- › Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system.
- › Member of Hagens Berman's Toyota team selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year
- › Selected as a Leading Plaintiff Financial Lawyer in America and a Leading Plaintiff Consumers Lawyer in America
- › U.S. Department of Justice, recognized for victims' rights efforts

EXPERIENCE

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

PARTNER, EXECUTIVE COMMITTEE MEMBER

Robert B. Carey

various states.

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

LEGAL ACTIVITIES

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

PUBLICATIONS

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

NOTABLE CASES

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



PARTNER

Lauren Guth Barnes

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

CONTACT

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YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

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

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

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

EDUCATION

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

CURRENT ROLE

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

EXPERIENCE

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

PARTNER

Lauren Guth Barnes

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

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

LEGAL ACTIVITIES

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

RECOGNITION

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

PARTNER

Lauren Guth Barnes

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

NOTABLE CASES

› \$72.5 Million Recovery in Solodyn Antitrust Action

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

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

› \$73 Million Recovery for Direct Purchasers of Skelaxin

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

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

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

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

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

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

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

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

PUBLICATIONS

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

PERSONAL INSIGHT

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



PARTNER

Kristen A. Johnson

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

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YEARS OF EXPERIENCE

> 14

PRACTICE AREAS

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

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

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

EDUCATION

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

CURRENT ROLE

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

RECENT SUCCESS

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

LEGAL ACTIVITIES

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

RECOGNITION

- > The National Trial Lawyers: Top 100, 2022
- > In 2014 and 2015, the National Law Journal honored Ms. Johnson as one of Boston's Rising Stars, one

PARTNER

Kristen A. Johnson

of 40 outstanding lawyers under 40.

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

NOTABLE CASES

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

PERSONAL INSIGHT

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



PARTNER

Sean R. Matt

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

CONTACT

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YEARS OF EXPERIENCE

> 29

PRACTICE AREAS

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

INDUSTRY EXPERIENCE

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

COURT ADMISSIONS

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

EDUCATION

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

CURRENT ROLE

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

RECOGNITION

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

PUBLICATIONS

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

NOTABLE CASES

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

PARTNER

Sean R. Matt

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

PERSONAL INSIGHT

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



PARTNER

Shana E. Scarlett

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

CONTACT

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YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Protection
- > Securities Litigation

INDUSTRY EXPERIENCE

- > Technology Companies
- > Internet Companies
- > Agricultural Companies

BAR ADMISSIONS

- > California

COURT ADMISSIONS

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

EDUCATION

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

CURRENT ROLE

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

RECENT SUCCESS

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

RECOGNITION

- > Who's Who Legal, Thought Leaders - Global Elite, 2022
- > The Daily Journal, Top Plaintiff Lawyers, 2022
- > Lawdragon 500 Leading Plaintiff Consumer Lawyers, 2022
- > Lawdragon Leading Lawyers in America, Plaintiff Consumer Litigation, 2022
- > Top Antitrust Attorney, Daily Journal of California, 2021-2022
- > Top 100 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers, 2021
- > Lawdragon 500 Leading Plaintiff Financial Lawyers, 2020-2022
- > Lawdragon Leading Plaintiff Lawyer, 2020 - 2021
- > Band 2 Ranking by Chambers and Partners, 2020; Band 1 Ranking, 2021
- > Northern California Super Lawyer, 2013 - 2021
- > Top 50 Women Northern California Super Lawyers, 2020-2021
- > Rising Star Award for Northern California, Super Lawyers, 2009 - 2011

EXPERIENCE

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

PARTNER

Shana E. Scarlett

LEGAL ACTIVITIES

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

NOTABLE CASES

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

PERSONAL INSIGHT

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



PARTNER

Leonard W. Aragon

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

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Commercial Litigation
- > Mass Tort
- > Appellate Advocacy
- > Personal Injury

COURT ADMISSIONS

- > U.S. District Court, District of Arizona
- > U.S. District Court, District of Colorado

EDUCATION

- > Stanford Law School, J.D., 2001
- > Arizona State University, B.A., History and Political Science, summa **cum laude**, 1998

INDUSTRY EXPERIENCE

- > Consumer Fraud
- > Software
- > Sports Law
- > Health Care
- > Pharmaceuticals
- > Election Law
- > Gambling
- > Administrative Procedures Act

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide class actions and other complex litigation
- > Currently counsel for plaintiffs in the highly publicized cases **Keller v. Electronic Arts** and **In re NCAA Student-Athlete Name and Likeness Licensing Litigation** which alleges that video game manufacturer Electronic Arts, the National Collegiate Athletic Association, and the Collegiate Licensing Company used the names, images and likenesses of student-athletes in violation of state right of publicity laws and the NCAA's contractual agreements with the student-athletes. The plaintiffs reached a settlement with EA and the CLC in May for \$40 million and reached a settlement in June with the NCAA for \$20 million. The parties are in the process of seeking approval from the Court for the two settlements.

RECENT SUCCESS

- > Multimillion-dollar jury verdict believed to be the largest in Columbiana County, Ohio history
- > Multimillion-dollar class-action settlement on behalf of a nationwide class of student-athletes whose images were used on a website affiliated with CBS Interactive without their permission or compensation
- > Obtained two jury verdicts in favor of the original developer of the Madden Football video game franchise in phased trial over unpaid royalties

RECOGNITION

- > Super Lawyers, Rising Star: Class Action/Mass Tort

LEGAL ACTIVITIES

- > Adjunct Professor, Sandra Day O'Connor College of Law, Arizona State University
- > State Bar of Arizona Bar Leadership Institute Class I
- > Pro bono work in insurance, immigration, family and contract law

NOTABLE CASES

- > **In re NCAA Student-Athlete Name and Likeness Licensing Litigation**
- > **Keller v. Electronic Arts Inc.**
- > **Antonick v. Electronic Arts Inc.**
- > **In re Swift Transportation Co., Inc.**
- > **Hunter v. Hyundai Motor America**
- > **Jim Brown v. NCAA; Liebich v. Maricopa County Community College District**
- > **Liebich v. Maricopa County Community College District**

PERSONAL INSIGHT

Before entering the practice of law, Mr. Aragon was a scout for the 2/68 Armored Tank Battalion, communications director for a successful congressional campaign, and waited on season tickets holders at America West Arena so that he could secretly watch the Phoenix Suns.



PARTNER

Gregory T. Arnold

Greg devotes his practice to pursuing remedies for those injured by antitrust violations, particularly within the pharmaceutical industry.

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YEARS OF EXPERIENCE

> 25

PRACTICE AREAS

> Antitrust Litigation
> Personal Injury Litigation

BAR ADMISSIONS

> Massachusetts
> U.S. District Court, District of
Massachusetts
> Court of Appeals, 2nd Circuit

EDUCATION

> Fairfield University, B.S.,
Marketing, 1991
> Villanova University School
of Law, J.D., 1996 (served on
Law Review)

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on prosecution of large-scale, nationwide class actions, primarily against the pharmaceutical industry
- > Works on behalf of large health care providers, seeking recoveries from tortfeasors associated with payments the providers make as a result of the harm they have caused
- > Directs Hagens Berman's work on numerous pending direct purchaser class-action cases, including In re Ranbaxy Generic Drug Application Antitrust Litigation, In re Actos Direct Purchaser Antitrust Litigation, In re Lipitor Antitrust Litigation, and In re Effexor XR Antitrust Litigation, as well as multiple actions brought on behalf of end payors, including Louisiana Health Service & Indemnity Comp., et al. v. Janssen Biotech, Inc., et al., and Staley, et al. v. Gilead Sciences, Inc. et al.,

RECENT SUCCESS

- > Part of a team that secured substantial recoveries on behalf of a class of direct purchasers in connection with wrongfully delayed entry of generic versions of various pharmaceutical drugs
- > Defeated motion to dismiss in case alleging misconduct on the part of a large Indian generic pharmaceutical manufacturer which caused delays in generic competition on multiple drugs with billions of dollars of annual sales

EXPERIENCE

- > Income Partner, Litigation Department for a large Boston-based law firm

NOTABLE CASES

- > **Bankruptcy-related litigation**
 - Lead efforts on behalf of three law firms protecting the interests of more than 25,000 claimants suffering from asbestos-related diseases to block a proposed plan of reorganization. During more than five years of litigation, Mr. Arnold succeeded in forcing numerous changes to the proposed plan, including the voting methodology, amount of contribution and distributions. He pursued several interlocutory appeals throughout the case and oversaw and managed all aspects of this complex litigation, culminating in a successful 20-day bench trial conducted in the bankruptcy court for the Southern District of New York, after which the court rejected the proposed bankruptcy plan, thereby securing a substantial benefit for the clients.
 - One of a team of lawyers representing the interests of the Ad Hoc Committee of Trade Creditors in the In re WorldCom matter, resulting in increasing our clients' recoveries by nearly 50 percent.

PARTNER

Gregory Arnold

› **Mass Torts/Class Actions**

- Played pivotal role in representing the Commonwealth of Massachusetts in landmark litigation against the Tobacco Industry, including establishing personal jurisdiction in Massachusetts over the United Kingdom-based parent company to Brown & Williamson. This work product, as well as the resulting court decision, was relied upon by Attorneys General throughout the country in their cases against the tobacco Industry.
- Following the Commonwealth of Massachusetts' action, lead efforts in pursuing a nationwide class action on behalf of all persons injured as a result of the tobacco industry's misconduct.
- Successfully defended a class-action case brought against a major credit card issuer, obtaining a denial of class certification and dismissal of individual's claims.

› **Complex Financial Litigation**

- Successfully represented a group of more than 65 investors in offshore hedge funds, pursuing recoveries for more than \$600 million of invested capital lost due to fraudulent practices of hedge fund manager.

› **General Commercial Litigation**

- Represented former attorney whose malpractice insurer had refused defense and indemnity after an office worker embezzled millions of dollars in client funds. Following a five-week Superior Court trial, secured a verdict in favor of the client, holding the insurance company responsible for more than \$2 million in liability to the insured's former client. Successfully defended insurer's appeal of the trial court decision in the Appeals Court. Subsequently brought a case against the insurance company under Chapter 93a, resulting in a multimillion-dollar recovery for the client.
- Obtained a substantial recovery for a client whose intellectual property was wrongfully assigned to a third party. Achieved a pre-trial settlement with the assigning party while pursuing a bench trial in Middlesex Superior Court against the party using the software.
- Served as "first chair" in a complex, multi-week bench trial in federal court over breach of multimillion-dollar commercial contract concerning sale of radiology equipment, including prevailing on counterclaim seeking to impose multimillion-dollar liability.

› **Patent Litigation**

- Represented national and international clients on a full range of patent litigation issues, including trials.
- Successful litigator before the United States International Trade Commission, including obtaining favorable outcome for a client protecting their intellectual property rights against an infringer based in Sweden.

› **Labor and Employment Litigation**

- Defended client interests in a variety of matters, including those involving non-competition agreements, wrongful terminations, and harassment claims.
- Successfully represented companies enforcing non-compete agreements against former employees, as well as new employers/former employees in avoiding the terms of non-compete agreements.

PARTNER

Gregory Arnold

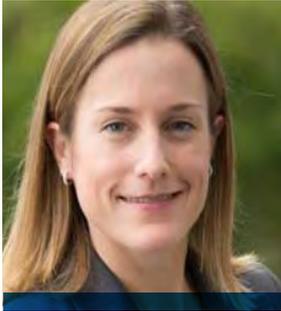
- Handled trials before administrative bodies, including the U.S. Department of Labor, including defending a client against claims made under the Surface Transportation Assistance Act following the termination of an employee/truck driver.

› **Other Litigation**

- Represented client in an eminent domain trial, resulting in a jury award more than 10 times the Commonwealth's pro tanto offer.

PERSONAL INSIGHT

Greg is married with three children and lives in Mansfield, Mass. He played varsity ice hockey in college.



PARTNER

Elaine T. Byszewski

Litigated Milk Antitrust from complaint filing to settlement of \$52 million

CONTACT

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elaine@hbsslaw.com

YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Consumer Protection
- > Qui Tam
- > Antitrust Litigation
- > Appellate

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Court for the Central District of California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. District Court for the Eastern District of California
- > U.S. Court of Appeals for the First Circuit
- > U.S. Court of Appeals for the Seventh Circuit
- > U.S. Court of Appeals for the Ninth Circuit

EDUCATION

- > Harvard Law School, J.D., cum laude, 2002
- > University of Southern California, B.S., Public Policy, summa cum laude, 1999

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Ms. Byszewski has litigated a number of complex class actions on behalf of consumers, employees and whistleblowers resulting in multimillion-dollar settlements, including cases against Toyota, Ford, AstraZeneca Pharmaceuticals, Berkeley Premium Nutraceuticals, Solvay Pharmaceuticals, Costco, Apple and KB Homes.
- > She also litigated a multi-state antitrust action against major dairy cooperatives for colluding in the premature slaughter of a half a million cows to drive up the price of milk, which the defendants described in their attempted petition for review to the United States Supreme Court as “one of the most expansive classes in history.”
- > Currently, Ms. Byszewski focuses her practice on brief writing for a wide variety of firm cases, including:
 - Auto defect cases and other product defect cases on behalf of consumers;
 - College refund cases seeking return of tuition paid for promised in-person and on campus education; and
 - Antitrust cases, including collusion in the agriculture.

RECENT SUCCESS

- > Drafted petition for en banc review in **Hyundai/Kia Fuel Economy Litig.**, which was granted and resulted in affirmance of the nationwide class action settlement in 2019.
- > Litigated **Milk Antitrust** from complaint filing to settlement of \$52 million and received the American Antitrust Institute’s 2018 award for Outstanding Antitrust Litigation Achievement in Private Law Practice
- > Member of litigation team that settled **Toyota Unintended Acceleration Litigation** for \$1.6 billion and was a finalist for Public Justice’s 2014 Trial Lawyer of the Year award

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Byszewski focused her practice on labor and employment litigation and counseling. During law school she worked in the trial division of the office of the Attorney General of Massachusetts.

RECOGNITION

- > Lawdragon 500 Leading Plaintiff Financial Lawyers, 2020, 2022

PARTNER

Elaine T. Byszewski

NOTABLE CASES

- > Dairy Cooperatives Antitrust Litigation
- > Toyota Unintended Acceleration
- > Hyundai/Kia
- > Ford Spark Plugs
- > AstraZeneca Pharmaceuticals (Nexium) Litigation
- > Merck (Vioxx) Litigation
- > Berkeley Nutraceuticals (Enzyte) Litigation
- > Solvay Pharmaceuticals (Estratest) Litigation
- > Apple iPod Litigation
- > Costco Wage and Hour Litigation

PUBLICATIONS

- > “Valuing Companion Animals in Wrongful Death Cases: A Survey of Current Court and Legislative Action and A Suggestion for Valuing Loss of Companionship,” *Animal Law Review*, 2003, Winner of the *Animal Law Review’s* 5th Annual Student Writing Competition
- > “What’s in the Wine? A History of FDA’s Role,” *Food and Drug Law Journal*, 2002
- > “ERISA and RICO: New Tools for HMO Litigators,” *Journal of Law, Medicine & Ethics*, 2000

PERSONAL INSIGHT

Ms. Byszewski enjoys spending time outdoors with her husband and their two sons, whether swimming, hiking or scootering around the neighborhood.



PARTNER

John DeStefano

Mr. DeStefano takes special pride in protecting the public against broad-based frauds and swindles and the corruption of honest enterprise.

CONTACT

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PRACTICE AREAS

- › Appellate Advocacy
- › Class Action
- › Commercial Litigation
- › Consumer Rights
- › Insurance Law

BAR ADMISSIONS

- › U.S. Supreme Court
- › U.S. Court of Appeals, Seventh Circuit
- › U.S. Court of Appeals, Eighth Circuit
- › U.S. Court of Appeals, Ninth Circuit
- › U.S. Court of Appeals, Tenth Circuit
- › U.S. District Court, District of Arizona
- › U.S. District Court, District of Colorado
- › Supreme Court of Arizona

EDUCATION

- › University of Arizona Law School, J.D., Senior Managing Editor, Arizona Law Review
- › Harvard University, B.A., Classics

CURRENT ROLE

- › Partner, Hagens Berman Sobol Shapiro LLP
- › Practice focuses on consumer, insurance, and antitrust class actions as well as appellate representation

RECENT SUCCESS

- › When Continental Casualty Co. decided to seek and impose massive premium hikes on its long-term-care insurance customers, Hagens Berman filed suit to stop them and correct the abuse. The federal court initially granted Continental's motion to dismiss, but Mr. DeStefano obtained a published reversal of that ruling from the U.S. Court of Appeals for the Seventh Circuit in 2020. After the case was remanded, he defeated three additional motions to dismiss in similar cases against Continental Casualty and discovery is ongoing.
- › Mr. DeStefano has also been active in litigation challenging insurers' deliberate underpayments of total loss auto claims—unfair practices that short consumers after serious car accidents when they are often injured and at their most vulnerable. In early 2022, the U.S. District Court for the District of New Jersey granted Mr. DeStefano's motion to certify a class of New Jersey consumers challenging GEICO's use of improper adjustments to lower payments and its failure to pay substantial taxes and fees owed.
- › Mr. DeStefano also helped represent NFL legend Jim Brown in the appeal of his right-of-publicity suit against Electronic Arts for the unauthorized use of his likeness in Madden NFL video games. Shortly after briefing, Electronic Arts agreed to a \$600,000 judgment in favor of Brown.
- › Mr. DeStefano was part of the Hagens Berman team that obtained court approval of \$400 million settlement to compensate Hyundai and Kia owners for misstatement of EPA fuel economy ratings and successfully defended the settlement before the U.S. Court of Appeals for the Ninth Circuit, sitting en banc. Settlement payments averaged \$353 for Hyundai owners and \$667 for Kia owners.

EXPERIENCE

- › Snell & Wilmer LLP 2009-2013
- › American Inns of Court Pegasus Scholar 2012: study of commercial, media, and privacy law with barristers and judges in the U.K.
- › U.S. District Court for the District of Arizona, Law Clerk to the Hon. Neil V. Wake 2008-2009
- › U.S. Court of Appeals for the Ninth Circuit, Law Clerk to the Hon. William C. Canby, Jr. 2007-2008

LEGAL ACTIVITIES

- › Trustee and past Treasurer, American Inns of Court
- › Membership Chair, Lorna Lockwood American Inn of Court
- › American Association for Justice

PARTNER

John DeStefano

RECOGNITION

- › Super Lawyers, Rising Star: Class Action/Mass Tort 2015 - 2017
- › Arizona Foundation for Legal Services & Education, Top Pro Bono Attorneys in Arizona Award 2013

NOTABLE CASES

- › Gunn v. Continental Casualty Co.
- › Sieving v. Continental Casualty Co.
- › Cheslow v. Continental Casualty Co.
- › Brown v. Continental Casualty Co.
- › Kronenberg v. Allstate Insurance Co.
- › Lewis v. GEICO
- › In re Hyundai & Kia Fuel Economy Litigation
- › Jim Brown v. Electronic Arts Inc.

PUBLICATIONS

- › Co-author of the Arizona and Colorado chapters of the ABA's "A Practitioner's Guide to Class Actions" (2d ed.)

PERSONAL INSIGHT

When John's great-grandfather came from Italy to Boston, he lost his life savings to a man he met named Charles Ponzi. A century later, John takes special pride in protecting the public against broad-based frauds and swindles and the corruption of honest enterprise.



PARTNER

Catherine Y.N. Gannon

Super Lawyers magazine has recognized Ms. Gannon as a "Rising Star" in Washington state from 2016 to 2022.

CONTACT

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YEARS OF EXPERIENCE

> 13

PRACTICE AREAS

> Securities and Antitrust
> Consumer Protection

BAR ADMISSIONS

> Washington
> New York
> Ontario (Canada)

EDUCATION

> York University, Osgoode Hall Law School, Senior Editor, Osgoode Hall Law Journal J.D., 2008
> Carleton University, Bachelor of Public Affairs and Policy Management, **summa cum laude**, 2005

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on securities and antitrust matters, as well as nationwide consumer protection cases involving large corporations
- > Extensive experience working with expert witnesses, often in economic and other highly technical areas

NOTABLE CASES

- > Volkswagen/Audi/Porsche Diesel Emissions Scandal
- > Aequitas Capital Management Securities Litigation
- > Insulin Overpricing
- > In re MyFord Touch Consumer Litigation
- > NCAA Grant-In-Aid Cap Antitrust Litigation
- > Ford Shelby GT350 Mustang Overheating

EXPERIENCE

- > Litigation Associate at Am Law 10 Law Firm, New York, New York
- > Articling Student at "Seven Sister" Law Firm, Toronto, Canada

LEGAL ACTIVITIES

- > President, Board of Directors, Eastside Legal Assistance Program (ELAP)

RECOGNITION

- > Rising Star, Washington Super Lawyers, 2016-2022
- > National Trial Lawyers Top 40 Under 40 in Washington State – Civil Plaintiff, 2022

PUBLICATIONS

- > Co-author of the American Bar Association's "A Practitioner's Guide to Class Actions – Vermont Chapter," 2017
- > "Designing a New Playbook for the New Paradigm: Global Securities Litigation and Regulation," 2011 Harvard Law School Forum on Corporate Governance and Financial Regulation
- > "Legal Vulnerability of Bioethicists in Canada: Is a New Era Upon Us?" 30 Health Law in Canada 132, 2010
- > "The Threat of the Oppression Remedy to Reorganizing Insolvent Corporations," Annual Review of Insolvency Law 429 (with Stephanie Ben-Ishai), 2009

PARTNER

Catherine Y.N. Gannon

PERSONAL INSIGHT

Ms. Gannon previously worked at leading law firms in both New York City and Toronto prior to joining Hagens Berman in Seattle. Outside of work, Ms. Gannon serves on the board of directors for the Eastside Legal Assistance Program, which provides pro bono civil legal services in the greater Seattle area. She has also volunteered with organizations such as Legal Voice, Disability Rights Washington, Advocates for Children of New York and The Innocence Project. A seasoned backpacker, Ms. Gannon once spent six months traveling to more than a dozen countries across five continents. She is fluent in French and can still pack a suitcase in less than 5 minutes.



PARTNER

Lucas E. Gilmore

Dedicated plaintiff attorney with more than a decade of experience prosecuting securities fraud, shareholder derivative, antitrust, and consumer class actions.

CONTACT

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YEARS OF EXPERIENCE

> 11

PRACTICE AREAS

> Securities

BAR ADMISSIONS

> California

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Northern District of California (Bankruptcy Court)
- > U.S. District Court for the Central District of California
- > U.S. District Court for the Southern District of California
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Second Circuit

EDUCATION

- > University of California Hastings College of the Law, JD, 2007
- > Vanderbilt University, BA, **cum laude**, 2002

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Advises institutional, government and individual investors on issues related to corporate governance, shareholder rights and securities litigation
- > Key member of the firm's investor fraud team in which he, along with a group of attorneys, financial analysts, and investigators, counsels the firm's investor clients on their legal claims and prosecutes financial fraud cases

EXPERIENCE

- > Litigated dozens of securities class actions against the largest companies and banks, including BNY Mellon, BP, Citibank, Deutsche Bank, HSBC, Quality Systems, Symantec, U.S. Bank and Wells Fargo
- > Prosecuted a number of cases related to the financial crisis, including several actions arising out of the issuance of residential mortgage-backed securities and other complex financial products
- > Represented litigants in all phases of litigation, at both the trial court and appellate levels

LEGAL ACTIVITIES

- > Member, National Association of Public Pension Attorneys (NAPPA)
- > Member, State Association of County Retirement Systems (SACRS)

RECOGNITION

- > Super Lawyers, Rising Star: Securities 2014 - 2017

PUBLICATIONS

- > "The Fraud-on-the-Market Presumption Is Alive and Well," Association of Business Trial Lawyer, San Diego, ABTL Report, Fall 2014

PERSONAL INSIGHT

Outside of the office, Mr. Gilmore enjoys boxing and serving as Defensive Coordinator of his sons' flag football teams.



PARTNER

Ben Harrington

Ben focuses on challenging fraudulent business practices and enforcing antitrust laws, drawing from his extensive experience representing both plaintiffs and defendants at all stages of litigation.

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YEARS OF EXPERIENCE

> 14

INDUSTRY EXPERIENCE

- > Antitrust Litigation
- > Consumer Rights
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > California
- > New York

COURT ADMISSIONS

- > U.S. District Court for the Southern District of New York
- > U.S. District Court for the Eastern District of New York

CLERKSHIPS

- > Honorable Nina Gershon, U.S. District Court for the Eastern District of New York, 2014-2016
- > Honorable Harris Hartz, U.S. Court of Appeals, Tenth Circuit, 2008-2009

EDUCATION

- > University of California, Hastings College of the Law, J.D., **summa cum laude**, 2008
- > The Evergreen State College, B.A., 2001

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Ben worked as a litigation associate in the New York office of Quinn Emanuel Urquhart & Sullivan LLP

PERSONAL INSIGHT

If Ben is not working you will probably find him chasing after his young daughter, noodling on a guitar or tending to his ever-growing stable of bicycles.



PARTNER

Anne F. Johnson

Ms. Johnson specializes in high-stakes, complex litigation challenging Big Pharma's schemes to block consumer access to less expensive generic drugs, as well as mass actions fighting corporate indifference and greed.

CONTACT

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YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Personal Injury
- > Antitrust
- > Consumer Protection

INDUSTRY EXPERIENCE

- > Pharmaceuticals
- > Automotive

BAR ADMISSIONS

- > New York
- > Texas

COURT ADMISSIONS

- > U.S. District Courts for the Southern and Eastern Districts of New York

EDUCATION

- > Brooklyn Law School, cum laude
- > James Madison University, magna cum laude

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

- > Ms. Johnson was instrumental in achieving a \$200+ million aggregate settlement for her clients in General Motors LLC Ignition Switch Litigation.

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Johnson was a partner at a Texas litigation firm and an associate at two New York City plaintiffs' class-action firms.
- > Led the discovery, briefing and trial preparation teams on behalf of court-appointed co-lead counsel for the wrongful death and personal injury plaintiffs in **General Motors LLC Ignition Switch Litigation**, one of the largest product liability litigations in U.S. history.
- > Member of the trial team in the first pay-for-delay pharmaceutical antitrust case to go to trial after the U.S. Supreme Court's watershed decision in **FTC v. Actavis**.
- > Developed and filed multiple pharmaceutical antitrust cases challenging drug companies' schemes to prevent less expensive generic versions of brand name drugs from entering the market, including by using sham litigation, sham citizen petitions, pay-for-delay settlements and "product hopping."

ACTIVITIES

- > Fundraising volunteer for Annie's List, which helps to elect progressive women to office in Texas
- > Organized the American Constitution Society's Constitution in the Classroom program for New York City schools

RECOGNITION

- > Brooklyn Law Review

NOTABLE CASES

- > General Motors LLC Ignition Switch Litigation
- > Solodyn Antitrust Litigation
- > Suboxone Antitrust Litigation
- > Nexium Antitrust Litigation
- > Provigil Antitrust Litigation
- > Tricor Antitrust Litigation

PERSONAL INSIGHT

When she's not working, Anne is on her porch listening to records – rhythm and blues, country or rock 'n' roll – with her family and dogs.



PARTNER

Reed R. Kathrein

Mr. Kathrein represents institutional, government and individual investors in securities fraud, and corporate governance cases.

CONTACT

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YEARS OF EXPERIENCE

> 45

PRACTICE AREAS

> Securities Litigation

BAR ADMISSIONS

> State of California
> State of Illinois
> State of Florida

COURT ADMISSIONS

> Supreme Court of California
> Supreme Court of Florida
> Supreme Court of Illinois
> U.S. District Court for the Northern District of California
> U.S. District Court for the Northern District of Illinois
> U.S. District Court of Colorado
> U.S. Court of Appeals, Ninth Circuit

EDUCATION

> University of Miami, J.D., 1977
> University of Miami, B.A., 1974

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Regular public speaker on securities, class action and consumer law issues

RECOGNITION

> Super Lawyer, Super Lawyers Magazine, 2007 - 2019

EXPERIENCE

> Litigated over 100 securities fraud class actions
> Worked behind the scenes in shaping the Private Securities Litigation Reform Act, the Securities Litigation Uniform Standards Act and the Sarbanes-Oxley Act
> Lawyer Representative, Ninth Circuit Court of Appeals
> Lawyer Representative, U.S. District Court for the Northern District of California, 2008-2011
> Chaired the Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008
> Co-chaired the Securities Rules Advisory Committee, U.S. District Court, Northern District of California, 2004-2006

LEGAL ACTIVITIES

> Member, National Association of Public Pension Attorneys (NAPPA)
> Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)
> Member, Council of Institutional Investors (CII)
> Member, State Association of County Retirement Systems (SACRS)
> Member, National Council on Teacher Retirement (NCTR)
> Member, California Association of Public Retirement Systems (CALAPRS)
> Member, Michigan Association of Public Employee Retirement Systems (MAPERS)
> Member, Illinois Public Pension Fund (IPPPA)
> Member, Standing Committee on Professional Conduct, U.S. District Court, Northern District of California (Term expires 2017)
> Expedited Trial Rules Committee, U.S. District Court, Northern District of California, 2010-2012
> Lawyer Representative to the Ninth Circuit Court of Appeals, U.S. District Court, Northern District of California, 2008-2011
> Chair/ Member, Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008

PARTNER

Reed R. Kathrein

PUBLICATIONS

- › “A Look at Recent Demographics and Other Statistics in Securities Fraud Class Actions,” The NAPPA Report, October 2016
- › “Post-Morrison: The Global Journey Towards Asset Recovery,” Reed R. Kathrein, Peter E. Borkon, Nick S. Singer, contributing members, NAPPA Morrison Working Group, June 2016
- › “Interview with Bernie Madoff,” Hagens Berman, HBSS Securities News, Fall 2015
- › “Is Your Fund Prepared for Halliburton?,” March 2014
- › “O Securities Fraud, Where Art Thou?, Enter Robocop,” Hagens Berman, HBSS Securities News, November 2013
- › “Professor Coffee to SEC: Hire Plaintiffs Bar!,” Hagens Berman, HBSS Securities News, May 2013
- › “Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud,” Reed R. Kathrein, Peter E. Borkon, contributing members, NAPPA Morrison Working Group, 2012
- › “SEC Action Necessary, But Not Sufficient to Protect Investors,” Hagens Berman, HBSS Securities News, November 2012
- › “Are You Watching Your Private Equity Valuations?” Hagens Berman, HBSS Securities News, May 2012
- › “What Do Trustees Need to Know When Investing In Foreign Equities?,” Hagens Berman, HBSS Securities News, November 2011

PRESENTATIONS

- › “Incoming! How the New Administration’s Approach to Securities Laws and Regulations Affect Investors and Markets,” MAPERS, Spring Conference, May 2017
- › “Occupy Wall Street through Reform of the Securities Law,” NCPERS, Legislative Conference, February 2012
- › “Legal Issues Facing Public Pensions,” Opal, Public Funds Summit, January 2012
- › “Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors,” NCPERS, Annual Conference, May 2011” “The Immediate Need for Congress to Act on Investor Friendly Legislation,” NCPERS, Annual Conference, May 2010
- › “Investor Friendly Legislation in Congress,” NCPERS, Legislative Conference, February 2010

NOTABLE CASES

- › Litigated over 100 securities fraud class actions including cases against 3Com, Adaptive Broadband, Abbott Laboratories, Bank of America, Capital Consultants, CBT, Ceridian, Commtouch, Covad, CVXT, ESS, Harmonics, Intel, Leasing Solutions, Nash Finch, Northpoint, Oppenheimer, Oracle, Pemstar, Retek, Schwab Yield Plus Fund, Secure Computing, Sun Microsystems, Tremont (Bernard Madoff), Titan, Verifone, Whitehall, and Xoma
- › Litigated many consumer, employment and privacy law cases including AT&T Wiretapping Litigation, Costco Employment, Solvay Consumer, Google/Yahoo Internet Gambling, Vonage Spam, Apple Nano

PARTNER

Reed R. Kathrein

Consumer, Ebay Consumer, LA Cellular Consumer, AOL Consumer, Tenet Consumer and Napster Consumer

PERSONAL INSIGHT

Reed is a recovering rock-and-roll drummer and banjo ukulele player. His rock band, the Stowaways, was voted 4th best in the State of Illinois out of 300 bands in the Jaycees Battle of the Bands. Reed's mother made his band costume of blue jean bell bottoms, sailor shirts and hats. The next year everyone wore blue jean bell bottoms to Woodstock. His prized possession is a 30lb Jeff Ocheltree snare drum made by Led Zeppelin John Bonham's drum technician. The rest of his kit is patterned after Dave Matthews Band's drummer, Carter Beauford. In his spare time, Reed works on playing Stairway to Heaven (drums) in his garage or Somewhere Over the Rainbow (banjo ukulele) in the High Sierra mountains.



PARTNER

Daniel J. Kurowski

2020 "Rising Star" in Illinois, Super Lawyers

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YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

- > Consumer Rights Litigation
- > Sports Litigation
- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Hon. Paul E. Plunkett, Northern District of Illinois
- > Hon. Maria Valdez, Northern District of Illinois

BAR ADMISSIONS

- > Illinois

COURT ADMISSIONS

- > U.S. Court of Appeals, Seventh Circuit
- > U.S. Court of Appeals, Second Circuit
- > U.S. District Court, Northern District of Illinois
- > U.S. District Court, Central District of Illinois
- > U.S. District Court, Southern District of Illinois

EDUCATION

- > John Marshall Law School, J.D., **cum laude**, 2005
- > Loyola University Chicago, B.B.A., with Honors, 2002

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Daniel J. Kurowski is a partner at Hagens Berman Sobol Shapiro LLP. Since 2006, Mr. Kurowski has focused his practice on protecting the interests of individuals and small companies prejudiced by large corporations and organizations, often in consolidated multi-district litigation proceedings. Based in Chicago, with cases located throughout the country, his current work with the firm covers a diverse variety of complex cases including:
 - Representing student-athletes in individual personal injury and class-action litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities, including in **In Re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation** (N.D. Ill.), **Mayall v. USA Water Polo, Inc.** (C.D. Cal.) and **In Re NFL Players' Concussion Injury Litig.** (E.D. Pa.).
 - Representing consumers of electricity in action alleging claims against nearly two dozen defendants for perpetuating an extensive fuel oil fraud, resulting in users of electricity in Puerto Rico being overcharged by more than \$1 billion dollars for electricity since 2002.
 - Representing purchasers with antitrust, consumer fraud and/or unjust enrichment claims against sellers and manufacturers of retail products.

RECENT SUCCESS

- > **In re Pre-Filled Propane Sales & Marketing Practices Litigation** (W.D. Mo.) (\$35 million in settlements involving multiple defendants)
- > **In re Bayer Combination Aspirin Sales & Marketing Practices Litigation** (E.D.N.Y.) (\$15 million settlement)
- > **In re Aurora Dairy Organic Milk Marketing & Sales Practices Litigation** (E.D. Mo.) (\$7.5 million settlement)
- > **Silk v. Bowling Green State University** (Ohio Court of Claims) (\$712,500 individual settlement for student-athlete injured as a result of alleged failures to properly manage athlete's concussions)
- > **In re NFL Players' Concussion Injury Litigation** (E.D. Pa.) (over \$3.3 million in approved claims for former NFL players)

RECOGNITION

- > Illinois Rising Star, Super Lawyers Magazine, 2015 - 2020

EXPERIENCE

- > Federal judicial law clerk, Hon. Paul E. Plunkett and Hon. Maria Valdez
- > Intern, U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity, the U.S. Attorney's Office for the Northern District of Illinois and with Hon. Ronald A. Guzman and his staff
- > During law school, Mr. Kurowski received multiple academic scholarships, served as a staff member and Lead Articles Editor for The John Marshall Law Review, and received an award for an appellate brief submitted in a national moot court competition

PARTNER

Daniel J. Kurowski

LEGAL ACTIVITIES

- › Seventh Circuit Council on eDiscovery and Digital Information
- › Member of American Association for Justice, Illinois State Bar Association, Chicago Bar Association
- › Investigator, Chicago Bar Association, Judicial Evaluation Committee

NOTABLE CASES

- › Aurora Dairy Corporation Organic Milk Marketing & Sales Practices Litigation (E.D. Mo.)
- › Bayer Corp. Combination Aspirin Product Marketing & Sales Practices Litigation (E.D.N.Y.)
- › Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation (W.D. Mo.)
- › Pre-Filled Propane Tank Marketing & Sales Practices Litigation (W.D. Mo.)
- › RC2 Corp. Toy Lead Paint Products Liability Litigation (N.D. Ill.)

PERSONAL INSIGHT

Dan enjoys staying active by competing in cyclocross races and equally intense races chasing after his two children. Dan is also a board member for the DuPage Cycling Foundation, a 501(c)(3) non-profit corporation that raises fund for community non-profits through the hosting and promotion of cycling events.



PARTNER

Thomas E. Loeser

Mr. Loeser obtained judgments in cases that have returned billions of dollars to millions of consumers and more than \$100 million to the government.

CONTACT

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YEARS OF EXPERIENCE

> 22

PRACTICE AREAS

- > Consumer Rights
- > False Claims Act/**Qui Tam**
- > Government Fraud
- > Corporate Fraud
- > Data Breach/Identity Theft and Privacy

INDUSTRY EXPERIENCE

- > Automotive
- > Consumer Fraud
- > Cyber and Intellectual Property Crimes
- > Racketeering
- > False Claims
- > Government Fraud
- > Technology
- > Software
- > Recreation
- > Athletic Apparel

BAR ADMISSIONS

- > California
- > Illinois
- > District of Columbia

COURT ADMISSIONS

- > District of Columbia
- > U.S. District Court for the District of Columbia

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions, False Claims Act and other whistleblower cases, consumer protection and data breach/identity-theft/privacy cases
- > Successfully litigated class-action lawsuits against mortgage lenders, appraisal management companies, automotive manufacturers, national banks, home builders, hospitals, title insurers, technology companies and data processors
- > Currently prosecuting consumer protection class-action cases against banks, automobile manufacturers, lenders, loan servicing companies, technology companies, national retailers, payment processors and False Claims Act whistleblower suits now under seal
- > Obtained judgments in cases that have returned billions of dollars to millions of consumers and more than \$100 million to the government

RECOGNITION

- > Martindale-Hubbell® AV Preeminent rating, 2016 - 2022
- > Washington Super Lawyers, 2016 - 2022
- > Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers, 2020 - 2022
- > Leading Plaintiff Consumer Lawyer, Lawdragon, 2020
- > The National Trial Lawyers: Top 100, 2019 -2020
- > Leading Plaintiff Consumer Lawyers, Lawdragon, 2019
- > Lawdragon 500, Lawdragon, 2019
- > Top Attorneys in Washington, Seattle Met Magazine, 2016 - 2019

EXPERIENCE

- > Experience trying cases in federal and state courts in San Francisco, Los Angeles and Seattle
- > Served as lead or co-lead counsel in 12 federal jury trials and has presented more than a dozen cases to the Ninth Circuit Court of Appeals
- > As a federal prosecutor in Los Angeles, Mr. Loeser was a member of the Cyber and Intellectual Property Crimes Section and regularly appeared in the Central District trial courts and the Ninth Circuit Court of Appeals
- > Assistant U.S. Attorney, U.S. Department of Justice
- > Wilson Sonsini Goodrich & Rosati

PARTNER

Thomas E. Loeser

- > U.S. District Court for the Eastern District of California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. District Court for the Central District of California
- > Supreme Court of California
- > U.S. District Court for the Eastern District of Michigan
- > U.S. District Court for the Western District of Washington
- > Supreme Court of Washington
- > Ninth Circuit Court of Appeals

EDUCATION

- > Duke University School of Law, J.D., **magna cum Laude**, Order of the Coif, Articles Editor Law and Contemporary Problems, 1999
- > University of Washington, M.B.A., **cum laude**, Beta Gamma Sigma, 1994
- > Middlebury College, B.A., Physics with Minor in Italian, 1988

NOTABLE CASES

- > Volkswagen Emissions Defect Litigation
- > Shea Homes Construction Defect Litigation
- > Meracord/Noteworld Debt Settlement Litigation
- > Defective RV Refrigerators Litigation
- > New Jersey Medicare Outlier Litigation
- > Center for Diagnostic Imaging Qui Tam Litigation
- > Countrywide FHA Fraud Qui Tam Litigation
- > Chicago Title Insurance Co. Litigation
- > KB Homes Captive Escrow Litigation
- > Aurora Loan Modification Litigation
- > Wells Fargo HAMP Modification Litigation
- > JPMorgan Chase Force-Placed Flood Insurance Litigation
- > Wells Fargo Force-Placed Insurance Litigation
- > Target Data Breach Litigation
- > Cornerstone Advisors Derivative Litigation
- > Honda Civic Hybrid Litigation
- > Hyundai MPG Litigation

LANGUAGES

- > French
- > Italian



PARTNER

Robert F. Lopez

Mr. Lopez continues practice on qui tam matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments.

CONTACT

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PRACTICE AREAS

- › Complex Commercial Litigation
- › Health Care & Pharmaceuticals Litigation
- › Intellectual Property Litigation
- › Privacy Litigation
- › Antitrust Litigation
- › Securities Litigation
- › **Qui Tam** Litigation

BAR ADMISSIONS

- › Washington

COURT ADMISSIONS

- › Western District of Washington
- › Eastern District of Washington
- › U.S. Court of Appeals for the Ninth Circuit

EDUCATION

- › Gonzaga University, B.A., English Literature; Arnold Scholar
- › University of Washington School of Law, J.D.

CURRENT ROLE

- › Partner, Hagens Berman Sobol Shapiro LLP
- › Offers a broad range of legal experience in the fields of:
 - Complex commercial litigation
 - Health care and pharmaceuticals litigation
 - Product defect litigation
 - False Claims Act litigation
 - Intellectual property litigation
 - Privacy litigation
 - Securities litigation
 - Antitrust litigation
 - Creditor-debtor litigation
- › Member of firm's **In re Carrier IQ, Inc. Consumer Privacy Litigation** team
- › Member of the firm's team representing the plaintiffs and proposed class in *Free Range Content Inc. v. Google Inc.*, an class-action case based on allegations that Google unlawfully denies payments to thousands of website owners and operators who place ads on their sites sold through Google AdWords
- › Continues practice on **qui tam** matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments

EXPERIENCE

- › Experienced in prosecuting and defending appeals in the federal and state courts of appeal; representing institutions and consumers in nationwide class-action lawsuits, including in the federal multidistrict litigation setting; advising clients in non-litigation settings with respect to trademark, trade-name, copyright and Internet-communications law
- › Member of firm's team representing one of the relators in the 2012 settlement with Amgen Inc., in which the company agreed to pay \$612 million to the U.S. and various state governments in order to resolve claims that it caused false claims to be submitted to Medicare, Medicaid and other government insurance programs
- › Member of the firm's team that prosecuted **In re Charles Schwab Corp. Securities Litigation**
- › Experienced in class-action litigation against DaimlerChrysler Corporation relating to product defects in its Neon automobiles, nationwide class-action cases against Trex Company, Inc. and Fiber Composites, Inc.
- › Founding Member and Partner, Socius Law Group PLLC
- › Partner, Betts, Patterson & Mines, P.S.

PARTNER

Robert F. Lopez

NOTABLE CASES

- > In re Pharmaceutical Industry Average Wholesale Price Litigation
- > Amgen Inc. Qui Tam Litigation
- > In re Metropolitan Securities Litigation
- > In re Charles Schwab Corp. Securities Litigation
- > In re Carrier IQ, Inc. Consumer Privacy Litigation



PARTNER

Jessica R. MacAuley

Ms. MacAuley was a fundamental part of the In re: Celebrex Antitrust Litigation trial team, which resulted in a \$94 million settlement.

CONTACT

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YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Massachusetts
- > District Court of Massachusetts
- > Second Circuit Court of Appeals

EDUCATION

- > Northeastern University, B.A., **cum laude**, 2005
- > The Pennsylvania State University, Dickinson School of Law, J.D., 2012

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide antitrust class actions and consumer fraud
- > Member of the HBSS team of attorneys litigating on behalf of direct purchasers in In re: Restasis Antitrust Litigation. Ms. MacAuley directed day-to-day efforts for HBSS and was the leader of a team of attorneys investigating allegations related to the defendant's (Allergan) filing of sham citizen petition. Ms. MacAuley successfully argued the motion for final approval of the \$51.25 million settlement for the direct purchaser class.
- > Led a team of attorneys investigating privilege claims made by defendants in the In re Glumetza Antitrust Litigation and is now part of the team preparing for trial.
- > Integral part of a trial team for class of direct purchasers in the In re: Celebrex Antitrust Litigation, which settled before trial for \$94 million.
- > Counsel in the In re: Suboxone Antitrust Litigation and the In re: Niaspan Antitrust Litigation. Tasked with overseeing the litigation for the HBSS office.
- > Instrumental in reaching a \$98 million settlement for direct purchasers of the immunosuppressant, Prograf.
- > Oversaw discovery efforts, including managing meet and confers with defendants and directing factual issues for depositions, on behalf of direct purchasers In re: Solodyn Antitrust Litigation, a multi-district litigation challenging anticompetitive conduct by pharmaceutical drug makers that settled pre-trial with four defendants totaling over \$76 million.

EXPERIENCE

- > During law school Ms. MacAuley was a certified legal intern for the Rural Economic Development Clinic, advising clients on Marcellus shale exploration land rights, FDA regulations for artisanal cheese makers and formation of corporate entities for dairy farmers.

RECOGNITION

- > "Rising Star," Massachusetts Super Lawyers Magazine, 2015 - 2019

NOTABLE CASES

- > In re Glumetza Antitrust Litigation
- > In re Prograf Antitrust Litigation
- > In re Solodyn Antitrust Litigation
- > In re Celebrex Antitrust Litigation
- > In re Restasis Antitrust Litigation

PERSONAL INSIGHT

Jessica has long been active in social justice movements, starting in kindergarten when she led an unsuccessful boycott of Columbus Day.



PARTNER

Barbara Mahoney

Ms. Mahoney received her doctorate in philosophy from the Universität Freiburg (Germany), where she graduated magna cum laude.

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Civil RICO
- > Consumer Rights
- > Environmental Litigation
- > Intellectual Property
- > State False Claims

INDUSTRY EXPERIENCE

- > Pharmaceutical Industry
- > Class Action Litigation

BAR ADMISSIONS

- > Washington

COURT ADMISSIONS

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

EDUCATION

- > University of Washington, J.D., 2001
- > Universität Freiburg, PhD, philosophy, **magna cum laude**, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Focuses primarily on national class actions and pharmaceutical litigation
- > Currently part of the firm's legal team representing 2014-16 BMW i3 REx owners in a class action regarding a defect in the range extender that causes the cars to suddenly reduce speed and power without warning when transitioning from pure battery mode to the range extender.
- > Represents consumers in a nationwide class action against Dometic Corporation seeking compensation for RV and boat owners who experienced extensive loss of property due to fires and explosions caused by defective refrigerators sold by Dometic.
- > Extensively involved in several suits against McKesson relating to allegations the company engaged in a scheme that raised prices of 400+ brand-name prescription drugs. Resulted in two national class-action settlements for \$350 million and \$82 million. In related litigation, Ms. Mahoney represented Virginia, Connecticut, Arizona, Oregon, Utah and Montana in individual cases against McKesson.
- > Extensively involved in **In re: Generic Pharmaceuticals Pricing Antitrust Litigation** on behalf of putative class of direct purchasers in MDL alleging generic drug manufacturers engaged in price fixing.
- > Represents Kentucky homeowners in a putative class action against Louisville Gas & Electricity to recover the cost of removing coal ash and dust from their homes.
- > Previously, she was involved in pioneering litigation against oil and energy companies for the village and tribe of Kivalina to recover the cost of extensive damage to the village caused by global warming.

RECOGNITION

- > Rising Star, Washington Law & Politics, 2005

EXPERIENCE

- > Worked in several areas of commercial litigation, including unlawful competition, antitrust, securities, trademark, CERCLA, RICO, FLSA as well as federal aviation and maritime law
- > Associate, Calfo Harrigan Leyh & Eakes LLP (formerly Danielson Harrigan Leyh & Tollefson)
- > Law Clerk, Justice Sanders, Washington Supreme Court
- > Law Clerk, Judge Sandra Brown Armstrong, U.S. District Court, N.D. California

LEGAL ACTIVITIES

- > Downtown Neighborhood Legal Clinic
- > Q Law
- > Cooperating Attorney with American Civil Liberties Union of Washington

PARTNER

Barbara Mahoney

NOTABLE CASES

- › New England Carpenters v. First DataBank (\$350 million class-action settlement)
- › Douglas County v. McKesson (\$82 million class-action settlement)

LANGUAGES

- › Fluent in German
- › Reads Swedish and French

PERSONAL INSIGHT

Ms. Mahoney lives in West Seattle with her partner and is very active in local athletic organizations. She is a former board member of Rain City Soccer, where she also organized a summer-long program on basic skills. She is also active in Seattle Frontrunners, a masters track club. She enjoys reading, running, soccer and studying foreign languages.



PARTNER

Martin D. McLean

Mr. McLean is a true trial attorney having tried 30 cases to verdict in various state and federal courts.

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YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Personal Injury
- > Civil Rights
- > Insurance Bad Faith
- > Public Records Act

BAR ADMISSIONS

- > U.S. District Court for the Western District of Washington
- > U.S. District Court for the Eastern District of Washington
- > Ninth Circuit Court of Appeals
- > Supreme Court of Washington

EDUCATION

- > Seattle University School of Law, J.D., **cum laude**, 2002

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Represents individuals who have suffered catastrophic personal injury or loss
- > Clientele includes a wide range of individuals, including children who have suffered harm while in state care, elderly adults who have experienced abuse or neglect in nursing homes and individuals harmed by medical negligence.
- > Mr. McLean has been at the forefront of litigation involving the Washington Public Records Act.

RECENT SUCCESS

- > During his tenure with Hagens Berman's personal injury team, Mr. McLean has contributed to numerous lawsuits resulting in multimillion-dollar recoveries on behalf of the firm's clients.

EXPERIENCE

- > Mr. McLean is a seasoned trial attorney, with extensive experience in all phases of litigation.

NOTABLE CASES

- > Marx v. DSHS, \$3 million judgment on behalf of developmentally-disabled patient sexually abused at state-run hospital
- > Tamas v. State of Washington, \$525,000 judgment on behalf of three children seeking publicrecords from state agency
- > Wright v. DSHS, \$2,850,000 judgment against the state of Washington for negligent child abuse investigation
- > Rudolph v. DSHS, \$900,000 judgement on behalf of family of a vulnerable adult severely neglected in state-licensed adult family home

PERSONAL INSIGHT

Mr. McLean spent a year living in Italy studying art, history, Italian and wine-drinking. When not practicing law, Mr. McLean enjoys his new favorite hobby: raising his young son and daughter with his wife.



PARTNER

Christopher A. O'Hara

Plays key role in working with notice and claims administrators on all the firm's class settlements and class notice programs

CONTACT

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YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Tax Law
- > Securities Litigation
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Washington
- > Arizona

COURT ADMISSIONS

- > U.S. Court of Appeals, Ninth Circuit

EDUCATION

- > University of Washington, B.A., Political Science, French Language and Literature, 1987
- > Seattle University School of Law, J.D., **cum laude**, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer, tax and securities class actions
- > Serves as plaintiffs' counsel in Hotel Occupancy Tax litigation against major online travel companies in various jurisdictions across the country
- > Active member of firm's Microsoft defense team negotiating claims administration policy and processing rules in twenty consumer and antitrust class-action state settlements around the country
- > Key role in working with claims administrators on all class settlements and class notice programs

RECENT SUCCESS

- > Worked on related litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million. Mr. O'Hara also played a leading role for the firm on the \$235 million settlement of **In re Charles Schwab Securities Litigation** and the \$1.6 billion settlement of **In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation**.
- > Mr. O'Hara deposed more than a dozen of Big Tobacco's expert witnesses, research scientists and marketing executives for the tobacco litigation, focusing predominantly on the state of Arizona case. Coordinated Arizona's national and local expert witnesses, while contributing to all aspects of discovery and motion practice. Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against claims brought by several Arizona counties in the aftermath of the state's tobacco litigation.

RECOGNITION

- > Rising Star, Washington Law and Politics, 2003

EXPERIENCE

- > Crowell & Moring, Paralegal, 1988-1990
- > Cozen & O'Connor, Associate, 1993-1997

NOTABLE CASES

- > **Tobacco Litigation** (\$260 billion multi-state settlement)
- > **Expedia Litigation** (\$134 million settlement)
- > **Charles Schwab Yieldplus Funds Litigation** (\$235 million settlement)
- > **Toyota Unintended Acceleration Litigation** (\$1.6 billion settlement)
- > **Microsoft Antitrust Litigation**

LANGUAGES

- > French



PARTNER

Jerrod C. Patterson

Served as federal prosecutor for over nine years, prosecuting tax cases, fraud, and other financial crimes. Extensive experience trying complex cases to verdict.

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Antitrust Litigation
- > Racketeering
- > Automotive Litigation

BAR ADMISSIONS

- > Washington
- > New York
- > District of Columbia

CLERKSHIPS:

- > The Hon. Louis F. Oberdorfer,
U.S. District Court for D.C.
- > U.S. Senate Judiciary
Committee (Sen. Leahy)
Washington, D.C.

EDUCATION

- > University of California,
Berkeley School of Law (Boalt
Hall), J.D., May 2002; top 15%
of graduating class
- > Johns Hopkins University,
School of Advanced
International Studies
(SAIS) M.A. in International
Economics and International
Relations, December 1997,
Graduated with distinction
(top 10%)
- > Brown University A.B. in
International Relations, May
1995, magna cum laude

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust and other fraud and RICO cases, including Generic Pharmaceuticals Pricing Antitrust, Dodge RAM 2500 and 3500 Emissions, and Ford/GM/FCA CP4 Injection Pump Defect
- > Extensive experience in handling complex multidistrict cases.
- > Mr. Patterson brings to the firm extensive trial experience and a history of prosecuting complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering and prescription fraud.

RECOGNITION

- > Organized Crime and Drug Enforcement Task Force “Best Financial Investigation in the Nation” – 2012
- > U.S. Attorney General “Outstanding Performance as a Special Assistant U.S. Attorney” – 2010
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2009
- > Assistant Attorney General “Outstanding Tax Division Attorney” – 2008

NOTABLE CASES

- > **In re Animation Workers Antitrust Litig.**, 14-cv-4062 LHK (N.D. Cal.): Class-action antitrust case against major animation studios for conspiring to fix wages of their animators. The parties settled the case for \$169M.
- > **In re Generic Pharmaceuticals Pricing Antitrust Litig.** (E.D. Pa.): Class-action antitrust case against over two dozen generic pharmaceutical manufacturers for conspiring to fix the price of generic drugs.
- > **In re Lithium Ion Batteries Antitrust Litig.**, 12-cv-5129 YGR (N.D. Cal.): Class-action antitrust case against large battery producers for conspiring to fix prices. The parties settled the case for a total of \$113 million.
- > As a federal prosecutor, led or co-chaired 11 federal jury trials, and 22 bench trials

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Patterson served as an Assistant United States Attorney at the U.S. Attorney’s Office in Seattle, WA.
 - Prosecuted complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering, and prescription fraud
 - Served as Project Safe Childhood Coordinator; led efforts to investigate and prosecute child pornography and child exploitation cases
 - Led prosecution of large-scale drug trafficking organizations, including cartels and street gangs, to interdict drug smuggling and investigate money laundering

PARTNER

Jerrod C. Patterson

- › Trial Attorney, U.S. Department of Justice Washington, D.C., Tax Division, Northern Criminal Enforcement Section
 - Co-chaired prosecution of two defendants, in separate trials, for scheme to defraud the Cleveland Catholic Diocese
- › Special Assistant U.S. Attorney, U.S. Attorney's Office for D.C. Nov. 2006 - May 2007
 - Prosecuted 22 bench trials in Sex Offense/Domestic Violence Section
- › Associate, Wilmer Cutler Pickering (WilmerHale)

PERSONAL INSIGHT

Although not a Washington state native, Mr. Patterson has quickly adopted Seattle as his hometown. In his spare time, he and his family enjoy the local wineries, lakes and hiking trails.



PARTNER

Rio Pierce

Rio focuses his practice on enforcing antitrust laws and ensuring fair and free markets for the benefit of consumers.

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YEARS OF EXPERIENCE

> 8

PRACTICE AREAS

- > Consumer Protection
- > Intellectual Property

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Court for the Central District of California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California

CLERKSHIPS:

- > Honorable Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit, 2013 - 2014

EDUCATION

- > Harvard Law School, **magna cum laude**, 2013
- > Duke University, **magna cum laude**, 2005

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

- > In re Broiler Chicken Antitrust Litig., No. 16-CV-08637 (N.D. Ill.) (part of team at Hagens Berman for indirect purchaser class; recovery to date of \$106 million)
- > In re Pork Antitrust Litig., No. 18-CV-01776 (D. Minn.) (part of team at Hagens Berman serving as co-lead counsel for indirect purchaser class; recovery to date of \$20 million)
- > Qualcomm Antitrust Litigation., No. 5:17-md-02773 (N.D. Cal.) (part of team at Hagens Berman acting as counsel for indirect purchaser class that resulted in certified class of hundreds of millions of consumers)
- > In re Optical Disk Drive Antitrust Litig., No. 10-md-02143 (N.D. Cal.) (team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million)

RECOGNITION

- > 2021 Top 40 Under 40 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers
- > Chayes Fellow, National Prosecuting Authority in Cape Town, South Africa
- > Teaching Fellow, Copyright EdX

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Pierce worked as an associate for two years at Munger, Tolles & Olson, where he gained significant experience in class action and complex commercial litigation. Mr. Pierce also did extensive pro bono work on immigration matters.
- > Law Clerk, U.S. Court of Appeals for the Ninth Circuit, Judge Jerome Farris, 2013-2014
- > Associate, Munger Tolles & Olson, 2014-2016

LEGAL ACTIVITIES

- > American Association for Justice

PUBLICATIONS

- > "A Heavy Hand or A Light Touch: What Force Will California's Anti-SLAPP Statute Have After Baral v. Schnitt?" California Litigation Review, 2015

PERSONAL INSIGHT

A proud California native, Rio loves exploring the whole state, especially Big Sur. Prior to law school, Rio worked at Miramax for several years and still loves a good indie film. In his free time, Rio enjoys making pies.



PARTNER

Christopher R. Pitou

Christopher R. Pitou has focused on consumer litigation since graduating from law school and has gained broad experience representing individuals, municipalities and small businesses in all forms of complex litigation.

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YEARS OF EXPERIENCE

> 11

PRACTICE AREAS

- > Consumer Protection
- > Intellectual Property

BAR ADMISSIONS

- > California
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Southern District of California
- > U.S. District Court, Eastern District of California
- > U.S. Court of Appeals for the Ninth Circuit

EDUCATION

- > Loyola Law School, Los Angeles, J.D. 2011, Note and Comment Editor, Loyola of Los Angeles Entertainment Law Review
- > University of Chicago, M.A. 2005
- > University of Michigan, B.A., with High Honors, 2004
- > London School of Economics, General Course, 2003

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and other complex litigation

EXPERIENCE

- > Prior to joining Hagens Berman, Chris worked as an associate at a large plaintiff's firm gaining extensive experience representing plaintiffs in business litigation involving copyright and trademark disputes, breach of contract claims and breach of fiduciary duty claims. He also worked on a number of nationwide class actions involving products liability matters in the pharmaceutical and construction industries.
- > Office of the Attorney General of California, Business and Tax Division, Winter 2010

RECENT SUCCESS

- > *BofA Countrywide Appraisal RICO*, No. 2:16-cv-04166 (C.D. Cal.) (part of team that secured \$250,000,000 settlement on behalf of nationwide class of borrowers against appraiser)
- > *Sake House Restaurants Racial Discrimination Litigation*, Case No. BC7087544 (Cal.Super.) (certified for settlement purposes first of its kind hostile work environment class of Hispanic/Latino restaurant workers against employer)
- > *USC, Dr. Tyndall Sexual Harassment*, No. 2:18-cv-04258-SWW-GJS (C.D. Cal.) (part of team that secured \$215,000,000 settlement on behalf of class of sexual assault survivors against university and OB-GYN)

NOTABLE CASES

- > *CVS Generic Drug RICO Litigation*
- > *Fiat Chrysler Low Oil Pressure Shut Off*
- > *Fiat Chrysler Gear Shifter Rollaway*
- > *Ford F-150 & Ranger Fuel Economy and Sales Practices Litigation*
- > *Gilead HIV TDF Tenofovir Mass Tort*
- > *Mattel/Fisher Price Rock 'N Play Wrongful Death Cases*

PRESENTATIONS

- > Panelist, "Conscious Consumerism and the Government's Role in Regulating Companies' Ethical Promises," ABA Webinar. March 2022

LANGUAGES

- > French

PERSONAL INSIGHT

Prior to attending law school, Chris taught English and French to high school students in China. Chris later decided to become a lawyer while marketing the film "Michael Clayton." In his spare time, Chris works as a volunteer for the American Friends of the Israel Museum, a non-profit which helps raise funds for the Israel Museum in Jerusalem.



PARTNER

Craig R. Spiegel

After helping obtain recent substantial settlements in cases against drug companies for deceptive marketing, Mr. Spiegel now helps in the firm's litigation efforts against auto manufacturers and others for illegal emissions of pollutants.

CONTACT

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YEARS OF EXPERIENCE

> 42

PRACTICE AREAS

> Consumer Rights

BAR ADMISSIONS

- > California State Bar Association
- > Illinois State Bar Association
- > Washington State Bar Association

EDUCATION

- > Harvard Law School, J.D., **cum laude**, 1979
- > St. Olaf College, B.A., **summa cum laude**, 1975

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice primarily focuses on class actions concerning unfair pricing of pharmaceutical drugs. Recent cases include actions against AstraZeneca and Merck.

NOTABLE CASES

- > Involved in the firm's antitrust class-action lawsuit against the NCAA accusing the sports-governing body of engaging in anti-competitive practices in regards to its scholarships or Grants in Aid (GIAs) program. In March of 2017, U.S. District Judge Claudia Wilken approved a sweeping \$209 million settlement for student-athletes, and in March of 2019, a trial on the injunctive aspect of the case resulted in a change of NCAA rules limiting the financial treatment of athletes.
- > Helped obtain a substantial settlement for the state of New York and New York City in their litigation against Merck for losses suffered from deceptive marketing of the prescription drug Vioxx
- > Instrumental in obtaining a settlement for a class of Massachusetts consumers and third-party payors in their litigation against AstraZeneca, in which the class claimed that AstraZeneca deceptively marketed the prescription drug Nexium as superior to Prilosec
- > Deeply involved in the firm's lawsuits on behalf of thalidomide victims, who suffered severe personal injuries when their mothers ingested thalidomide during their pregnancies in the late 1950s and early 1960s, without knowing that thalidomide had not been approved by the FDA

RECOGNITION

- > 2021, 2019 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute



PARTNER

Shayne C. Stevenson

Since fighting against sweatshops and the exploitation of undocumented workers with the workers' rights organization he founded at the Yale Law School, Shayne has focused his legal career on prosecuting cases against individuals and businesses who victimize others by violence, deception and fraud.

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YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Appellate Litigation
- > Civil & Human Rights
- > Class Action
- > Securities
- > Whistleblower (Head of Practice)
 - Anti-Money Laundering Act
 - CFTC
 - False Claims Act
 - IRS
 - SEC

BAR ADMISSIONS

- > Washington

CLERKSHIPS

- > Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-2002
- > Honorable Charles S. Haight, Jr., Southern District of New York, 2000-2001

EDUCATION

- > Yale Law School, J.D. (2000)
- > Gonzaga University, B.A., Philosophy and Political Science (double major),

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads the firm's whistleblower practice and litigates select class-action cases
- > Litigates and argues both False Claims Act and a variety of class action cases in federal district courts and on appeal at the courts of appeal nationwide on behalf of whistleblowers, veterans, consumers, workers and investors
- > Experienced in successfully handling False Claims Act, SEC, CFTC, and IRS whistleblower cases for whistleblowers worldwide against the world's largest financial companies, securities exchanges, accounting firms, medical device and pharmaceutical companies, medical providers, mortgage companies and other Fortune 500 corporations
- > One of the nation's leading Dodd-Frank Whistleblower attorneys since the programs were adopted in 2010, representing several successful, record-breaking whistleblowers under the whistleblower programs of the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC)—including the two most notable whistleblowers under these programs
- > Litigates select human rights and other public interest matters, including previous litigation against the Rio Tinto mining conglomerate for war crimes against the indigenous population of Bougainville in Papua New Guinea, a case that reached the U.S. Supreme Court
- > Previously a felony prosecutor who successfully tried several multi-week jury trials and argued several cases in trial and appellate courts

EXPERIENCE

- > King County Prosecuting Attorney's Office, Felony Prosecutor
- > Law Clerk, Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- > Law Clerk, Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01
- > U.S. Attorney's Office, District of Connecticut, Intern

NOTABLE CASES

- > CFTC v. Nav Sarao Futures Ltd. and U.S. v. Sarao (Northern District of Illinois) (CFTC whistleblower) Successfully represented the highly-publicized anonymous Dodd-Frank CFTC whistleblower who single-handedly identified an international market manipulator, who was extradited and convicted. The case is the subject of the best-selling book "Flash Crash" by Bloomberg reporter Liam Vaughn.
- > In the Matter of EDGA Exchange, Inc., et al. (SEC whistleblower) Successfully represented another high-profile Dodd-Frank SEC whistleblower, the algorithmic trader and market structure expert Haim Bodek, who single-handedly identified securities law violations by a major U.S. securities exchange. Mr. Bodek was twice featured on the front page of the Wall Street Journal for his efforts, which led to the largest SEC fine in history against a financial exchange.

graduated summa cum laude
(first-in-class); Truman
Scholar; Jesuit Honor Society
(1996)

PARTNER

Shayne C. Stevenson

- > U.S. ex rel. Lagow v. Countrywide Financial Corp., et al. and U.S. ex rel. Mackler v. Bank of America, et al. (Eastern District of New York) Successfully handled both False Claims Act whistleblower cases representing relators in two separate lawsuits against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage origination and servicing fraud.
- > In the Matter of New York Stock Exchange LLC, et al. (SEC whistleblower) Successfully represented Mr. Bodek in a second record-tying SEC whistleblower action against the NYSE, and affiliated national securities exchanges, for unlawful and undisclosed use of order types.
- > In the Matter of Grant Thornton, LLP (SEC whistleblower) Successfully represented the Dodd-Frank SEC Whistleblower who brought the allegations of auditing fraud by this top-10 U.S. accounting and audit firm.
- > Childress v. Bank of America Corp., et al. (Eastern District of North Carolina.) Successfully represented and settled this class action case on behalf of over 126,000 military servicemembers challenging Bank of America's violations of the Servicemember Civil Relief Act, resulting in tens of millions of dollars paid to veterans and their families.
- > In the Matter of Cargill, Inc. (CFTC whistleblower) Successfully represented CFTC whistleblower in action against the largest private company in the United States.
- > U.S. ex rel. Doe v. US WorldMeds LLC (Western District of Washington) Successfully represented False Claims Act relator who challenged off-label marketing and Anti-Kickback Statute violations
- > Securities and Exchange Commission v. Moddha Interactive, et al. (District of Hawaii) (SEC whistleblower) Successfully represented SEC whistleblower who investigated and reported on fraudulent investment scheme shut down by the SEC.
- > U.S. ex rel. Nowak v. Medtronic, Inc., (District of Massachusetts) Successfully represented False Claims Act relator in declined and settled FCA litigation challenging off-label promotion of medical devices.
- > U.S. ex rel. Kite v. Besler Consulting, et al. (District of New Jersey) Successfully represented False Claims Act relator in several declined and settled FCA cases against area hospitals for Medicare fraud.
- > Sarei v. Rio Tinto Plc (Central District of California) Litigated international human rights class action case under Alien Tort Statute to the Supreme Court.
- > Hutchinson v. British Airways PLC, (Eastern District of New York) Successfully represented a class of consumers under Montreal Convention.

CLERKSHIPS

- > Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-2002
- > Honorable Charles S. Haight, Jr., Southern District of New York, 2000-2001

MEDIA INTERVIEWS AND COMMENTARY

- > "CFTC Makes History With \$200M Whistleblower Award," Law360, Oct. 21, 2021
- > "FCA Overhaul Bill May Miss Mark on Reining in Fraudsters," Law360, July 28, 2021
- > "Escobar Five Years Later: How FCA Earthquake is Reverberating," Law360, June 17, 2021
- > "Lastest CFTC Bounty Stirs Calls for More Whistleblower Funds," Law360, Apr. 23, 2021
- > "SEC Redefines Blockbuster with \$114M Whistleblower Award," Law360, Oct. 22, 2020
- > "CFTC Takes Extra Care to Cover Whistleblower Tracks," Law360, Sept. 10, 2020
- > "Robbins Geller, Hagens Berman to Lead Pot Investors' Row," Law360, July 24, 2020
- > "CFTC Awards Whistleblower \$6m, Slams 'Baseless' Objection," Law360, June 9, 2020

PARTNER

Shayne C. Stevenson

- > "SEC Ramps Up Whistleblower Awards," Wall St. Journal, May 4, 2020
- > "CFTC Calls for Whistleblower Tips as Enforcement Evolves," Law360, Sept. 19, 2019.
- > "Pharma Co. Inks \$17.5m Deal to End FCA Kickback Suit," Law360, April 30, 2019.
- > "Attorneys Reflect on Escobar's FCA Impact 2 Years Later," Law360, June 15, 2018.
- > "SeaWorld Visitors Ask 9th Cir. to Flip Whale Abuse Suit," Law360, Mar. 12, 2018.
- > "Dodd-Frank Whistleblowers Help Clean Up Our Markets," (Guest Column) ValueWalk, Feb. 6, 2018.
- > "Attorneys React to DOJ's New Memo on FCA Dismissals," Law360, Jan. 26, 2018.
- > "Limiting Whistleblower Rewards Weakens Program," Bloomberg Law, Nov. 2, 2017.
- > "BofA's \$42m Military Member Fee Settlement Wins Initial OK," Law360, Sept. 13, 2017
- > "Saroo Flash Crash Manipulation Case Benchmarks Point in History," ValueWalk, Nov. 15, 2016
- > "What SEC Whistleblowers Should Know About Insider Trading," (Guest Column) ValueWalk, Oct. 20, 2016
- > "SeaWorld Patrons Ask 9th Cir. to Restore Orca Abuse Suit," Law360, Sept. 20, 2016
- > "SEC cracks down on severance agreements that deter whistleblowing," Reuters, Aug. 16, 2016
- > "Tax Court Interprets 'Collected Proceeds' Expansively for Whistleblowers," Standard Fed. Tax Reports, Aug. 11, 2016
- > "Whistleblower Persuades Tax Court to Grant Discovery Motion," Standard Fed. Tax Reports, Aug. 4, 2016
- > "Health Fraud Defense Attys Riding High As Wins Pile Up," Law360, Apr. 8, 2016
- > "CFTC Whistleblower Office Comes of Age with Record Bounty," Law360, Apr. 4, 2016
- > "Why Wash.'s Medicaid False Claims Act Must be Renewed," Law360, Mar. 24, 2016
- > "Renew Tool That Fights Fraud," (Guest Column), The Daily Herald, Feb. 21, 2016
- > "CFTC Can't Give Whistleblower Money Away," Wall St. Journal, Feb. 8, 2016
- > "9th Circuit's FCA Ruling to Spark More Whistleblower Fights," Law360, July 9, 2015
- > "Flash Crash' Case Gets Scrutinized," Automated Trader, May 4, 2015
- > "Flash Crash Whistleblower May Get Millions of Dollars," Reuters, Apr. 23, 2015
- > "'Flash Crash' Arrest Shakes Investors' Confidence," USA Today, Apr. 23, 2015
- > "Alleged 'Flash Crash' Trader Told UK Watchdog to Ban HFT," Law360, Apr. 23, 2015
- > "UK Trader Arrested Over 2010 Flash Crash," Financial Times, Apr. 22, 2015
- > "Flash Crash Whistleblower May See Multi-Million Dollar Pay Day," Reuters, Apr. 22, 2015
- > "'Flash Crash' Charges Filed," The Wall Street Journal (front-page), Apr. 21, 2015
- > "UK Speed Trader Arrested," Reuters, Apr. 21, 2015
- > "How a Mystery Trader May Have Caused the Flash Crash," Bloomberg, Apr. 21, 2015
- > "CFTC, Feds Accuse UK HFT Trader of Role in Flash Crash," Law360, Apr. 21, 2015
- > "BATS to Pay \$14 Million to Settle Direct Edge Order-Type Case: A Record Amount," The Wall Street Journal, Jan. 12, 2015.
- > "BATS Exchange to Pay Record \$14 Million SEC Fine," Reuters, Jan. 12, 2015
- > "BATS to Pay \$14m SEC Fine in Wake of Order-Type Scandal," Automated Trader, Jan. 12, 2015
- > "SEC Issues Largest Fine Ever to Exchange Over High-Frequency Trading Infractions," ValueWalk, Jan. 12, 2015.
- > "IRS Releases Comprehensive Whistleblower Final Regs.," Standard Fed. Tax Reports, Aug. 14, 2014
- > "Bank of America Whistleblower's Payday Lead to Calls for Reform," Law360, Aug. 6, 2014
- > "UBS Whistleblower Ruling Reignites Arbitration Debate," Law360, Jan. 30, 2014

PARTNER

Shayne C. Stevenson

- > "With \$2B J&J Deal, FCA Proves It's Still The Anti-Fraud King," Law360, Nov. 4, 2013
- > "Bank of America Fraud Trial Spotlights Whistleblower Awards," Reuters, Sept. 27, 2013
- > "FCPA Whistleblower Bounty May Turn Tide For SEC Program," Law360, Aug. 20, 2013
- > "Whistleblower Attorneys Eye DOJ Fraud Theory for New Bounties," Law360, Aug. 7, 2013
- > "SEC's Second Whistleblower Award is Tip of the Iceberg," Law360, June 14, 2013
- > "UBS Ruling Allays Fear Factor for SEC Whistleblowers," Law360, May 22, 2013
- > "Five Tips for Building Bridges with Whistleblowers," Law360, Mar. 20, 2013
- > "Analysis: Complaints Rise Over Complex U.S. Stock Orders," Reuters, Oct. 19, 2012
- > "For Superfast Stock Traders, a Way to Jump Ahead in Line," Wall St. Journal (front-page) Sept. 19, 2012
- > "UBS Whistleblower Nets \$104 Million Award," CNN Money, Sept. 12, 2012"
- > "Bank of America/Countrywide Whistleblower Kept 3-Year Secret," ABCNews, July 14, 2012
- > "Whistleblowers Win \$46.5m in Foreclosure Settlement," CNN, July 2, 2012
- > "Whistleblowers Beware: Most Claims End in Disappointment," Huffington Post, June 4, 2012
- > "Whistleblower Takes Home \$14.5M in BoA Mortgage Deal," Law360, May 29, 2012
- > "Bank of Amer. Whistleblower Receives \$14.5m in Mortgage Case," Reuters, May 29, 2012
- > "BoA Denied Homeowners Access to HAMP: Whistleblower," Law360, Mar. 7, 2012
- > "Countrywide Inflated Home Values: Whistleblower Suit," Law360, Feb. 24, 2012
- > "Killers of Somali Cabbie Get Longest Sentences Allowed," Seattle P-I, Mar. 24, 2006

PRESENTATIONS

- > Speaker: "Whistleblowers & Financial Fraud," National Whistleblower Conference. San Francisco, CA. Jan. 22-23, 2018
- > Speaker: "Financial Fraud," National Qui Tam Conference. Los Angeles, CA. Nov. 3-4, 2016
- > Speaker: "Representing Dodd-Frank Whistleblowers," Taxpayers Against Fraud Education Fund, Annual Conference. Washington, D.C. Nov. 16, 2015.
- > Speaker: "Secrets from the Plaintiff's Bar," Hospital and Health Care Law Conference: University of Washington. Seattle, WA. Apr. 24, 2015.
- > Speaker: "False Claims in the Financial Sector," False Claims and Qui Tam Enforcement Conference. New York, New York. Jan. 21-22, 2015.
- > Lecture: "Access to Civil Remedy," Business, Social Responsibility, & Human Rights, University of Washington School of Law. Seattle, Washington. Nov. 4, 2014
- > Speaker: "Enforcement of Financial Fraud," False Claims Act: National Qui Tam Conference. San Francisco, California. Oct. 27-28, 2014.
- > Lecture: "Human Rights Law After Kiobel," University of Washington School of Law. Seattle, Washington. Nov. 12, 2013.
- > Speaker: "Financial Fraud Enforcement," False Claims Act: All Points of View, National Conference. San Francisco, California. Apr. 18-19, 2013.
- > Lecture: "Strategy after Kiobel and Bauman," International Human Rights Seminar, University of Washington School of Law. Seattle, Washington. Apr. 17, 2013.
- > Lecture: "Alien Tort Statute and Human Rights Litigation," University of Washington School of Law. Seattle, Washington. Nov. 13, 2012.
- > Speaker: "Protecting Whistleblowers, Protecting the Public," Whistleblowing: Law, Compliance, and the Public Interest. Government Accountability Project. Seattle University School of Law. Seattle, Washington. Mar. 23, 2012.



PARTNER

Andrew M. Volk

Worked extensively on consumer claims against Expedia resulting in the largest summary judgment award in Washington state history

CONTACT

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YEARS OF EXPERIENCE

> 30

PRACTICE AREAS

- > Patent Litigation
- > Intellectual Property
- > ERISA Litigation
- > Hotel Tax Litigation

BAR ADMISSIONS

- > New York
- > Oregon
- > Washington

EDUCATION

- > Cornell Law School, J.D.,
cum laude, Articles Editor for
Cornell International Law
Review, 1991
- > Columbia University, B.A.,
English, 1986

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on multi-state and nationwide consumer litigation, including diesel emissions and automobile defect claims.

EXPERIENCE

- > Headed up litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive “taxes and fees” charges. That case resulted in summary judgment in plaintiffs’ favor and an eventual settlement for cash and credits totaling \$134 million.
- > Extensively involved in ERISA cases for breach of fiduciary duties, including cases leading to settlements of claims on behalf of employees of Enron, Washington Mutual Bank, General Motors, the Montana Power Company and Sterling Savings Bank.
- > Worked extensively on hotel tax collection cases against the major online travel companies (OTCs). The firm achieved settlements on behalf of Brevard County, Florida, the village of Rosemont, Illinois, and Denver, Colorado.
- > Extensively involved in the State Attorneys General tobacco litigation in the late 1990s.
- > Legal Writing and Research, University of Oregon School of Law, Instructor
- > Attorney, Legal Aid Society, New York City

NOTABLE CASES

- > **Mercedes Emissions** (\$763 million settlement)
- > **Expedia Litigation** (\$134 million settlement)
- > **Tobacco Litigation** on behalf of States (resolved in \$260 billion settlement)
- > **Enron ERISA Litigation** (\$265 million settlement)
- > **Washington Mutual Bank ERISA Litigation** (\$49 million settlement)
- > **General Motors ERISA Litigation** (\$37.5 million settlement)



PARTNER

Garth Wojtanowicz

Named a "Rising Star" by Super Lawyers Magazine in 2006, 2007, 2010

CONTACT

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YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Consumer Protection
- > Securities Litigation
- > Unfair Competition

BAR ADMISSIONS

- > Washington
- > California

EDUCATION

- > University of Washington
School of Law, J.D., 2000
- > University of Washington, B.A.,
English, 1997

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer protection cases
- > Currently working on cases against Fresenius Medical Care, N.A. and DaVita, Inc., the first and second largest dialysis companies in the United States, relating to those companies' use of GranuFlo.> Also working on a nationwide class action against medical waste disposal company Stericycle, Inc., challenging that company's pricing practices which resulted in hundreds of millions of dollars in over-charges to doctors' offices, dentist offices, hospitals and similar businesses

RECOGNITION

- > "Rising Star" by Super Lawyers Magazine in 2006, 2007 and 2010

EXPERIENCE

- > Member, Cornerstone Law Group, PLLC
- > Associate, Danielson Harrigan Leyh & Tollefson, LLP
- > Assistant City Attorney, Seattle City Attorney's Office, Civil Division

NOTABLE CASES

- > Toyota Sudden, Unintended Acceleration (SUA) class-action lawsuit on behalf of Toyota owners and lessees, which resulted in an historic settlement recovery valued at \$1.6 billion

PERSONAL INSIGHT

Mr. Wojtanowicz volunteers his time as a non-profit director for Girls Giving Back and the Blossoming Hill Montessori School and has worked as a volunteer attorney for the Northwest Immigrant Rights Project.



SENIOR COUNSEL
Kevin K. Green

Mr. Green is a career appellate lawyer. He has argued in multiple federal circuits, 10 different states and seven state supreme courts. He also works on critical motions and issues likely to go on appeal.

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keving@hbsslw.com

YEARS OF EXPERIENCE

> 26

PRACTICE AREAS

- > Appellate
- > Consumer Rights
- > Securities
- > Investor Fraud
- > Employment Litigation

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. Supreme Court
- > United States Courts of Appeals for the Second, Third, Seventh, Eighth, Ninth, Tenth, Federal and District of Columbia Circuits
- > U.S. District Courts for the Northern, Central, Eastern and Southern Districts of California

CLERKSHIPS

- > Supreme Court of Indiana (Hon. Theodore R. Boehm, Associate Justice)
- > U.S. District Court for the Southern District of California (Hon. Barry T. Moskowitz, Chief Judge 2012-19)

EDUCATION

- > Notre Dame Law School, J.D., 1995
- > University of California, Berkeley, B.A., with honors and distinction, 1989

CURRENT ROLE

- > Senior Counsel, Hagens Berman Sobol Shapiro LLP
- > Concentrates on appeals as well as consumer rights, securities and employment litigation
- > Certified Appellate Specialist, State Bar of California Board of Legal Specialization (since 2006)

LEGAL ACTIVITIES

- > Appellate Advisory Committee, Judicial Council of California (since 2013)
- > Co-Chair, CAOC Amicus Curiae Committee (since 2011)
- > California Lawyers Association, Committee on Appellate Courts (since 2019)
- > Magistrate Judge Merit Selection Panel, Southern District of California (2013-17)
- > Working Group, Access to Appellate Justice Program, San Diego County Bar Association (launched 2019)
- > Working Group, San Diego Appellate Inn of Court (launched 2016)
- > Working Group, Civil Appellate Self-Help Workshop (launched 2014)
- > California Lawyers Association, Committee on Administration of Justice (2016-19) (during State Bar transition)
- > Chair, Appellate Court Committee, San Diego County Bar Association (2010)
- > State Bar of California, Committee on Appellate Courts (2006-09)

RECOGNITION

- > Top 100 California Appellate Lawyers, American Society of Legal Advocates (since 2015)
- > Super Lawyer (since 2008)
- > Legal Aid Society of San Diego, Outstanding Service Award (2015)
- > Consumer Attorneys of California, Presidential Award of Merit (2013 & 2016)

NOTABLE DECISIONS

- > **Colbert v. Rio Tinto PLC**, 824 F. App'x 5 (2d Cir. 2020) (vacating dismissal of securities fraud complaint)
- > **Mayall v. USA Water Polo**, 909 F.3d 1055 (9th Cir. 2018) (viable claims alleged concerning duty to implement concussion and return-to-play protocols)
- > **Hernandez v. Restoration Hardware**, 4 Cal. 5th 260 (2018) (agreeing with CAOC as amicus curiae that unnamed class members must intervene for standing to appeal)
- > **Friedman v. AARP, Inc.**, 855 F.3d 1047 (9th Cir. 2017) (UCL claim stated that AARP unlawfully transacted insurance without license)

SENIOR COUNSEL

Kevin K. Green

- › **George v. Urban Settlement Serv.**, 833 F.3d 1242 (10th Cir. 2016) (reinstating RICO class complaint against Bank of America)
- › **Duran v. U.S. Bank**, 59 Cal. 4th 1 (2014) (CAOC amicus curiae addressing representative evidence in class actions)
- › **Wong v. Accretive Health**, 773 F.3d 859 (7th Cir. 2014) (upholding \$14 million securities settlement)
- › **Harris v. Superior Court**, 207 Cal. App. 4th 1225 (2012) (\$65 million resolution for employee class after reversal)
- › **Lynch v. Rawls**, 429 F. App'x 641 (9th Cir. 2011) (\$15 million derivative settlement after first Ninth Circuit reversal on presuit demand requirement)
- › **Kwikset Corp. v. Superior Court**, 51 Cal. 4th 310 (2011) (rejecting stringent interpretation of UCL standing prerequisites)
- › **Luther v. Countrywide Fin. Corp.**, 195 Cal. App. 4th 789 (2011) (Securities Act class actions permitted in state court, leading to \$500 million settlement)
- › **In re F5 Networks, Inc. Derivative Litig.**, 207 P.3d 433 (Wash. 2009) (Washington follows demand futility standard, not universal demand rule)
- › **Troyk v. Farmers Group**, 171 Cal. App. 4th 1305 (2009) (auto insurance policy violated disclosure statute; settled on appeal for \$100 million monetary relief)
- › **Smith v. Am. Family Mut. Ins. Co.**, 289 S.W.3d 675 (Mo. Ct. App. 2009) (reinstating \$17 million jury verdict for plaintiff class)
- › **Alaska Elec. Pension Fund v. Brown**, 941 A.2d 1011 (Del. 2007) (en banc) (intervening shareholders who show corporate benefit may seek attorney fees)
- › **Ritt v. Billy Blanks Enters.**, 870 N.E.2d 212 (Ohio Ct. App. 2007) (reversing on class certification, leading to \$40 million settlement)
- › **McKell v. Washington Mutual**, 142 Cal. App. 4th 1457 (2006) (reversing and holding federal lending regulations did not foreclose UCL claims)
- › **Lebrilla v. Farmers Group**, 119 Cal. App. 4th 1070 (2004) (reversing and ordering certification of California class; settled at trial for substantial class-wide relief)
- › **Lavie v. Procter & Gamble Co.**, 105 Cal. App. 4th 496 (2003) (seminal precedent on California's reasonable consumer standard)

PUBLICATIONS

- › **Amicus Curiae Update**, Forum (regular column for CAOC's periodical) (since 2012)
- › **Distinguishing Mayor McCheese from Hexadecimal Assembly Code for Madden Football: The Need to Correct the 9th Circuit's 'Nutty' Rule barring Expert Testimony in Software Copyright Cases** (Oct. 2017) (with David Nimmer and Peter S. Menell) (available at SSRN)
- › **Forfeiture at the Pleading Stage: Ask Permission First, Don't Apologize Later**, California Litigation (Vol. 28, No. 1, 2015) (with Rupa G. Singh) (Journal of State Bar Litigation Section)
- › **Closing the Appellate Justice Gap**, Los Angeles Daily Journal (Feb. 10, 2015)
- › **Appellate Review in California Class Actions**, California Litigation (Vol. 24, No. 2, 2011) (Journal of State Bar Litigation Section)
- › **A Tool for Mischief: Preemptive Defense Motions Under BCBG Overtime Cases to Reject Class Certification**, Forum (Vol. 39, No. 1, Jan./Feb. 2009) (with Kimberly A. Kralowec)

SENIOR COUNSEL

Kevin K. Green

- › **The Unfair Competition Law After Proposition 64: The California Supreme Court Speaks**, Competition (Vol. 15, No. 2, Fall/Winter 2006) (Journal of State Bar Antitrust & Unfair Competition Law Section)

PRESENTATIONS

- › Judicial Council CJER Webinar (Expanding Access to Justice in Appellate Courts, June 2020)
- › Bridgeport Class Action Conference (Appellate Review of Issues in Class Actions, Jan. 2020)
- › CAOC Webinar (Evidence at Class Certification: The Evolving Appellate Landscape, June 2019)
- › San Diego County Bar Association (New Mandatory Disclosures Before Mediation, Jan. 2019)
- › Bridgeport Class Action Conference (Expert Evidence at Class Certification, Jan. 2019)
- › California Lawyers Association Webinar (New Mandatory Disclosures Before Mediation, Dec. 2018)
- › Bridgeport Class Action Conference (Consumer Protection Cases Predicated on Omissions, Jan. 2018)
- › State Bar Webinar (Material Omission Claims Under California's UCL, FAL and CLRA, Sept. 2017)
- › Bridgeport Consumer Litigation Conference (Material Omissions, Jan. 2017)
- › CAOC Webinar (Ninth Circuit Practice: Everything but the Brief, Nov. 2016)
- › Bridgeport Class Action Litigation Conference (Objectors, Sept. 2016)
- › CAOC Annual Convention (Class Action Update, Nov. 2014)
- › San Diego County Bar Association (Moderator, Pleasing the Court: Making Your Oral Argument Count, Oct. 2014)
- › State Bar of California Annual Meeting (Forfeiture: A Four-Letter Word in the Court of Appeal, Sept. 2014)
- › Consumer Attorneys of San Diego, Class Action Symposium (Appellate Perspective on Class Actions, May 2014)
- › State Bar of California Golden State Institute (California Supreme Court Panel, Oct. 2012)
- › State Bar of California Annual Meeting (Moderator, Preparing an Appellate Record, Sept. 2009)
- › CAOC Annual Convention (Employment Litigation Panel, Nov. 2008)

PERSONAL INSIGHT

Concerned a legal career meant taking life too seriously, Kevin spent several years after college blending work and travel. He taught English in Switzerland, toiled as a luggage porter in Australia and scaled a live volcano in Guatemala. He ran with the bulls at Pamplona before easing into a monastic life of appellate practice.



SENIOR COUNSEL

David P. Moody

Mr. Moody has successfully secured many multimillion-dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited.

CONTACT

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YEARS OF EXPERIENCE

> 28

PRACTICE AREAS

> Personal Injury Litigation
> Civil Rights

INDUSTRY EXPERIENCE

> Children, Elderly and
Incapacitated Citizens who are
Victims of Neglect or Abuse

BAR ADMISSIONS

> Washington

COURT ADMISSIONS

> U.S. Supreme Court
> U.S. Court of Appeals, Ninth
Circuit

EDUCATION

> George Washington University
School of Law, J.D., 1993
> University of Washington, B.A.,
1990

CURRENT ROLE

> Senior Counsel, Hagens Berman Sobol Shapiro LLP
> A trial attorney with a passion for representing children, the disabled, elderly and incapacitated citizens

NOTABLE CASES

- > Mr. Moody has secured many multimillion-dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited, including:
- Largest jury verdict ever upheld against the State of Washington, DSHS (\$17.8 million)
 - Largest single-plaintiff settlement against the State of Washington, DSHS (\$8.8 million)
 - Largest recovery on behalf of three foster children (\$7.3 million)
 - Largest single-plaintiff settlement on behalf of a child in Snohomish County, Washington (\$5 million)
 - Largest judgment on behalf of an incapacitated child in Spokane County, Washington (\$4 million)
 - Judgment for a disabled woman in Santa Clara County, California (\$4 million)
 - Largest judgment ever obtained against Eastern State Hospital (\$3 million)
 - Largest judgment ever obtained against the State of Washington, Child Study and Treatment Center (\$3 million)
 - Judgment for a boy neglected and abused in Snohomish County, Washington (\$2.85 million)
 - Judgment for a girl neglected and abused in Pierce County, Washington (\$2.85 million)
 - Settlement on behalf of brain-injured infant abused in day care setting (\$2.84 million)
 - Largest single-plaintiff jury verdict on behalf of an incapacitated adult in Kitsap County, Washington (\$2.6 million)
 - Judgment in the amount of \$2.5 million for a client abused at Eastern State Hospital
 - Largest single-plaintiff settlement on behalf of a developmentally disabled male in eastern Washington (\$2.25 million)
 - Several additional settlements in excess of \$1 million

PERSONAL INSIGHT

David is proud to be a native Washingtonian and enjoys strong ties to the eastern side of the state. David's grandfather Jack Edward Moody was born and raised in Dayton, Washington, and David's great-grandfather Edward Maple Moody was the Sheriff of Columbia County, Washington. David's maternal grandmother, Eva Armstrong, was one of the first female graduates of Whitman College in Walla Walla, Washington.

OF COUNSEL

Karl Barth

Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data.

CONTACT

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karlb@hbsslw.com

YEARS OF EXPERIENCE

> 26

PRACTICE AREAS

> Securities Litigation
> Investor Rights

BAR ADMISSIONS

> Washington

EDUCATION

> Georgetown University Law Center, J.D.
> University of Virginia, B.S. Accounting, Certified Public Accountant

CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro LLP
> Previously with the firm from 1994 through 2004 before he rejoined in 2010
> Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Identix, Midcom Communications, MidiSoft, Oppenheimer Delta Partners, Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data
> Represents investors seeking to protect assets and recover investment losses from companies engaged in securities and accounting wrongdoing

EXPERIENCE

> Certified Public Accountant
> Certified Fraud Examiner
> Certified in Financial Forensics
> Consultant at a national financial consulting firm specializing in expert witness testimony on accounting and financial issues
> Graduated from Georgetown University Law Center, and from the University of Virginia with a B.S. in Accounting



OF COUNSEL

Erin C. Burns

Ms. Burns devotes her practice to serving those who have been injured by antitrust violations in a variety of industries.

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Antitrust
- > Class Actions

BAR ADMISSIONS

- > Pennsylvania
- > United States Courts of Appeals for the District of Columbia and the Third Circuits
- > U.S. District Court for the Eastern District of Pennsylvania
- > U.S. District Court for the Eastern District of Michigan

EDUCATION

- > Villanova University School of Law, J.D., 2002
- > University of Delaware, B.A. Psychology, 1999

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Burns founded ECB Law LLC, and previously worked as an associate attorney at NastLaw LLC and RodaNast P.C.
- > Erin was a member of the Law & Briefing Committee for In re Zoloft (Sertraline Hydrochloride) Products Liability Litigation, MDL No. 2342 (E.D. Pa.) and also served as a member of the deposition team for Shane Group, Inc., et al. v. Blue Cross/Blue Shield of Michigan, Case No. 2:10-cv-14360-DPH-MKM (E.D. Mich.). She was also mediation counsel for In re Skelaxin (Metaxalone) Antitrust Litigation, MDL No. 2343 (E.D. Tenn.).

RECENT CASES

- > In re Zetia (Ezetimibe) Antitrust Litigation, MDL No. 2836 (E.D. Va.).
- > In re Avandia Marketing, Sales Practices and Products Liability Litigation, MDL No. 1871 (E.D. Pa.).
- > In re Ranbaxy Generic Drug Application Antitrust Litigation, MDL No. 2878 (D. Mass.).

NOTABLE CASES

- > In re Zoloft (Sertraline Hydrochloride) Products Liability Litigation, MDL No. 2342 (E.D. Pa.).
- > Shane Group, Inc., et al. v. Blue Cross/Blue Shield of Michigan, Case No. 2:10-cv-14360-DPH-MKM (E.D. Mich.).
- > In re Skelaxin (Metaxalone) Antitrust Litigation, MDL No. 2343 (E.D. Tenn.).

LEGAL ACTIVITIES

- > Member of the American Bar Association and Pennsylvania Bar Association
- > Featured panelist for the Legal Intelligencer's first annual Litigation Summit, speaking about taxation of costs under 28 U.S.C. §1920 for e-discovery expenses (2012)
- > Chairperson of the Young Lawyers' Division and member of the Board of Directors of the Lancaster Bar Association (2005)
- > Vice-Chairperson of the Young Lawyers' Division (2004)
- > Leader for the Law Explorers Post (2004 – 2006). Erin taught monthly class for high school-aged children interested in careers in law. Her work included mock trial activities, sample law school and bar exam questions and guest speakers.

OF COUNSEL

Erin C. Burns

PERSONAL INSIGHT

When not practicing law, Erin spends as much time as possible with her husband and four children. She has spent nearly as much time patching up scraped knees and elbows as she has writing briefs. She and her husband have also served as foster parents. Erin also enjoys using their smoker to try to make various kinds of barbeque, with varying degrees of success.



OF COUNSEL

Mark S. Carlson

Mr. Carlson is an active member of the legal community frequently making presentations to legal forums and industry groups on intellectual property law.

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YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

- > Patent Infringement
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation
- > Complex Litigation

BAR ADMISSIONS

- > Washington
- > U.S. District Court, Western District of Washington
- > U.S. Court of Appeals, Federal Circuit
- > Numerous other jurisdictions pro hac vice

EDUCATION

- > University of Puget Sound School of Law, J.D., **cum laude**, 1987
- > University of Washington, B.A., History, 1984

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Working in intellectual property since 1987, handling a full range of intellectual property litigation focused primarily on patent infringement disputes
- > Currently representing FlatWorld Interactives in patent infringement litigation against Apple, Samsung and LG involving touch screen gesture recognition technology in the iOS and Android operating systems, Thought Inc. against Oracle involving software application data persistence technology, and the University of Utah in patent infringement litigation regarding RNA interference therapies for genetic diseases
- > Active member of the legal community making presentations in legal forums and industry groups on intellectual property law
- > Active participant in the Seattle Intellectual Property Inn of Court and Washington State Patent Law Association

RECENT CASES

- > Twice litigated against AT&T on wireless handset, network and telematics patents
- > Twice litigated on behalf of The Nautilus Group in patent, trademark, false advertising and unfair competition cases involving the BowFlex exercise machine and other exercise equipment
- > Represented the owner of traddress rights to the Stanley Classic vacuum bottle in trade dress litigation against Thermos
- > Represented a software patent licensor in litigation against Microsoft over the scope of a license for relational database technology

EXPERIENCE

- > Dorsey & Whitney, Patent Litigation Group
- > Bogle & Gates, Intellectual Property Litigation Group

PUBLICATIONS/PRESENTATIONS

- > "The European Privacy Directive for Personal Data," American Electronics Association Newsline for the Washington State Council
- > "Recovery of Pure Economic Loss in Product Liability Actions: An Economic Comparison of Three Legal Rules," University of Puget Sound Law Review
- > "Patent Litigation and the Non-Practicing Entity," ITRI IP Executives Conference, University of Washington Foster School of Business, 2012

OF COUNSEL

Mark S. Carlson

- › “Vernor v. Autodesk, the Future, or Demise, of the First Sale and Essential Step Defenses in Copyright,” Seattle Intellectual Property Inn of Court, 2011
- › “What Are My Odds? A Disciplined Approach to Assessing Case Value and Litigation Risk,” Seattle Intellectual Property Inn of Court, 2010
- › “Medimmune v. Genentech: Consequences for Patent Licenses, Litigation and Settlements,” 2009
- › “E-Discovery and the New Federal Rules,” 2008
- › “Recent Developments in Pharmaceutical Patents,” 2008

LEGAL ACTIVITIES

- › Seattle Intellectual Property Inn of Court
- › Washington State Patent Law Association
- › American Intellectual Property Law Association

NOTABLE CASES

- › Thought v. Oracle
- › FlatWorld v. Apple; v. Samsung; v. LG
- › University of Utah v. Max Planck Institute, et al.
- › Airbiquity v. AT&T, et al.
- › Timeline v. Microsoft; v. Oracle; v. Sagent
- › The Nautilus Group v. Icon Health and Fitness



OF COUNSEL

Jeannie Evans

Successfully litigates multimillion- and multibillion-dollar antitrust and other complex fraud cases.

CONTACT

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YEARS OF EXPERIENCE

> 25

PRACTICE AREAS

- > Antitrust Litigation
- > Investor Fraud
- > Securities

BAR ADMISSIONS

- > Illinois
- > California

CLERKSHIPS:

- > Hon. Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit, summer 1997. Hon. Susan Illston, U.S. District Court for the Northern District of California, summer 2003

EDUCATION

- > Harvard Law School, J.D. **cum laude**, 1997
Executive Editor, Harvard Journal of Law and Public Policy; Federalist Society; Asia Law Society
- > Brigham Young University, B.A., Political Science, **summa cum laude**, Ezra Taft Benson Scholar; University Honors, 1994
Editor-in-Chief, Journal of International and Area Studies

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Represents plaintiffs in complex litigation, focusing on antitrust and financial fraud claims

EXPERIENCE

- > Jeannie has successfully represented both plaintiffs and defendants in multimillion- and multibillion-dollar disputes in state and federal courts across the country
- > Co-Founder and Managing Partner of Agrawal Evans LLP, a trial and appellate boutique firm based in Chicago
- > Kirkland & Ellis LLP (Chicago)
- > Wilson Sonsini Goodrich & Rosati (Palo Alto)

AWARDS & RECOGNITION

- > President, Harvard Law Society of Illinois, 2016-2017
- > Chicago Chapter Chair, J. Reuben Clark Law Society, 2016-2017
- > BYU Law School Board of Advisors, 2017
- > Best Lawyers, Women of Influence Nominee, 2017
- > Illinois Super Lawyer, 2016 - 2018

PRESENTATIONS

- > Basics of Accounting for Lawyers 2015, Practising Law Institute (PLI)
- > Basics of Accounting for Lawyers 2014, Practising Law Institute (PLI)
- > Preparing the Expert Witness for Deposition 2013, Pincus Professional Education

LANGUAGES

- > Cantonese (Chinese)
- > Mandarin (Chinese)

PERSONAL INSIGHT

Jeannie loves the outdoors — body surfing in the ocean, hiking in the mountains, running, or playing tennis with her husband and four children.



OF COUNSEL

Rachel E. Fitzpatrick

Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son.

CONTACT

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YEARS OF EXPERIENCE

> 10

PRACTICE AREAS

- > Complex Civil Litigation
- > Consumer Fraud
- > Mass Tort

BAR ADMISSIONS

- > Arizona

EDUCATION

- > Arizona State University, B.S., **magna cum laude**, 2007
- > Arizona State University Sandra Day O'Connor College of Law, J.D., 2011

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex civil litigation and nationwide class actions, including consumer fraud and mass tort
- > Ms. Fitzpatrick is a member of the firm's Auto Group, working on behalf of consumers in class actions against auto manufacturers involving vehicle defects. Her current auto cases involve dangerous defects that result in vehicle or engine fires in certain Hyundai, Kia, and Ford vehicles

RECENT SUCCESS

- > Ms. Fitzpatrick worked on behalf of Hyundai and Kia vehicles owners to secure a nationwide class settlement in litigation where Plaintiffs alleged a defect in nearly 4 million class vehicles equipped with Theta II GDI engines posed a risk of catastrophic engine failure and fire. The settlement secured various categories of reimbursement and compensation for costly engine repairs and engine fires, as well as a lifetime transferable warranty against the engine defect. The Court granted final approval of the settlement in May 2021.
- > Ms. Fitzpatrick was among the team litigating against General Motors for concealing from consumers the notorious and deadly ignition switch defect, as well as other defects, across 12 million GM vehicles. After years of complicated and protracted litigation, the case settled for \$120 million, and the Court granted final approval of the settlement in December 2020.
- > Ms. Fitzpatrick worked on behalf of student-athlete plaintiffs in the highly publicized cases Keller v. Electronic Arts and In re NCAA Student-Athlete Name and Likeness Licensing Litigation. The cases alleged that video game manufacturer Electronic Arts, the National Collegiate Athletic Association, and the Collegiate Licensing Company violated state right of publicity laws and the NCAA's contractual agreements with student-athletes by using the names, images, and likenesses of the student athletes in EA's NCAA-themed football and basketball video games.
- > In March 2012, Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son from his burning home. The verdict is believed to be the largest in Columbiana County, Ohio history.

NOTABLE CASES

- > In re: Kia Engine Litigation ("Engine I"), U.S. District Court, CD Cal, Case No. 8:17-cv-00838-JLS-JDE
- > In re: Hyundai and Kia Engine Litigation II ("Engine II"), U.S. District Court, CD Cal, Case No. 8:18-cv-02223-JLS

OF COUNSEL

Rachel E. Fitzpatrick

- > In re: General Motors LLC Ignition Switch Litigation, U.S. District Court, SD NY, Case No. 14-MD-2543 (JMF)
- > Keller v. Electronic Arts Inc., U.S. Court of Appeals, Ninth Circuit, Case No. 10-15387
- > In Re NCAA Student-Athlete Name and Likeness Licensing Litigation, U.S. District Court, ND Cal., Case No. 3:09-CV-01967-CW
- > Antonick v. Electronic Arts, Inc., U.S. District Court, ND Cal., Case No. 3:11-CV-01543-CRB

PERSONAL INSIGHT

Ms. Fitzpatrick spent three years as a professional NFL cheerleader for the Arizona Cardinals and traveled with the squad to Iraq, Kuwait, and the United Arab Emirates to perform for troops stationed overseas.

OF COUNSEL

Laura Hayes

Ms. Hayes is involved in class-action lawsuits against pharmaceutical companies and is committed to the vigorous prosecution of antitrust cases.

CONTACT

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YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Connecticut Judicial Branch
- > Appellate Division of the Rhode Island Office of the Public Defender

BAR ADMISSIONS

- > Supreme Judicial Court of the Commonwealth of Massachusetts

COURT ADMISSIONS

- > U.S. District Court for the District of Massachusetts

EDUCATION

- > Boston University School of Law, J.D., 2007
- > Middlebury College School of Arabic
- > Boston University, B.S., magna cum laude

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

RECENT CASES

- > In re Intuniv Antitrust
- > In re Effexor Antitrust
- > In re Loestrin 24 Fe Antitrust Litigation
- > In re Celebrex (Celecoxib) Antitrust Litigation

EXPERIENCE

- > Member of the team responsible for \$94 million settlement on behalf of direct purchaser class in In re Celebrex (Celecoxib) Antitrust Litigation, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455, and the \$120 million settlement (motion for preliminary approval pending) in In re Loestrin 24 Fe Antitrust Litigation, 1:13-md-02472, D.R.I., ECF Nos. 10, 1050.
- > Prior to joining Hagens Berman, Laura was an associate at Gargiulo Rudnick LLP, where she litigated Medicaid and Medicare fraud cases. She also has years of work experience doing contract work on a variety of complex litigations.
- > Following law school, Laura was a clerk for the Connecticut Judicial Branch. In that role, she addressed novel pre-emption and spoliation of evidence questions.
- > She is a graduate of Boston University School of Law, where she acted as articles editor for the Journal of Science and Technology Law.
- > She received her Bachelor of Science degree from Boston University with a concentration in journalism.

PERSONAL INSIGHT

Laura spends her free time in fall and winter managing and training sprint sled dogs and getting them and her husband to races in the Northeast, Quebec and sometimes Europe. She runs the B team in four-dog sled classes. Laura also serves on the board of the United States Federation of Sled Dog Sports.



OF COUNSEL

John D. Jenkins

John has extensive experience in the government and private sector as a trial attorney and manager of complex investigations and prosecutions.

CONTACT

(714) 222-2333 office
johnj@hbsslaw.com

PRACTICE AREAS

- > Investor Fraud
- > Securities

EDUCATION

- > University of Southern California, B.A. and J.D.

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > John Jenkins has considerable experience as a trial lawyer, corporate advisor, president of an internationally recognized investigative and security firm and expert in complex investigations and prosecutions.

EXPERIENCE

- > Former Deputy District Attorney in Orange County, California
- > Prior to joining Hagens Berman, Mr. Jenkins was a lawyer at Hill, Wynne, Troop & Meisinger. He also has more than 20 years of experience managing domestic and international investigations. He was previously the president of CoreFacts, before and after the sale of CoreFacts as the investigative consulting platform to what became CoreLogic, Inc. (NYSE: CLGX), a leading global risk mitigation and business solutions provider. Prior to CoreFacts, he was an executive at two leading global investigative consulting firms.

ACTIVITIES

- > Member, Board of Governors at the University of Southern California
- > Member, Board of Directors of Lear Capital

PERSONAL INSIGHT

In his spare time, John enjoys fishing with his son and watching his twin daughters compete as saber fencers.



OF COUNSEL

Robert A. Jigarjian

Rob brings a combination of securities industry and complex litigation experience to the firm and its clients.

CONTACT

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robertj@hbsslaw.com

YEARS OF EXPERIENCE

> 28

PRACTICE AREAS

> Investor Fraud
> Securities

BAR ADMISSIONS

> California

COURT ADMISSIONS

> All California District and State Courts,
> U.S. Court of Appeals, Ninth Circuit,
> U.S. Court of Appeals, Second Circuit

EDUCATION

> Hamilton College, AB, 1981
> Tulane University, MBA, 1985
> Golden Gate University, JD, 1993

CURRENT ROLE

> Of counsel, Hagens Berman Sobol Shapiro LLP
> Practice primarily focuses on identifying and developing securities and derivative actions

EXPERIENCE

> Prior to joining Hagens Berman, he worked as a partner at law firms practicing primarily in securities and derivative litigation. Rob also owned his own firm within the same practice areas.
> While in law school, Rob interned with the United States Securities and Exchange Commission and worked for two prominent securities class action firms.
> Before attending law school, Rob worked for several years as an institutional sales trader for a boutique Wall Street investment bank where he specialized in analyzing and trading bank-issued securities with the firm's institutional investor clients.

LEGAL ACTIVITIES

> Rob served as a voluntary discovery referee for the California Superior Court for the county of Marin to help minimize judicial resources during discovery disputes.

NOTABLE CASES

> Matters on which Rob has worked and helped investors, corporations and a bankruptcy trustee to obtain significant recoveries include the following:

In re Equitec Rollup Litigation, No. C-90-2064 (N.D. Cal.)
In re Prison Realty Securities Litigation, No. 3:99-0452 (M.D. Tenn.)
In re Digex, Inc. Shareholders Litigation, C.A. No. 18336 (Del. Ch.)
Isco v. Kraemer, No. CV 95-08941 (Super. Ct., Maricopa Co., Ariz.)
Saito v. McKesson HBOC, Inc., No. 376, 2001 (Del.)
Saito v. McCall (Del. Ch.) Scheonfeld, et al. v. XO Communications, Inc., No. 01-018358 (N.Y. Sup. Ct., Nassau County)
In re Salomon Analyst Litigation (S.D.N.Y.) Hermerding v. Tripathi, et al., Adv. No. 09-5004 (Bankr. N.D. Cal.)

PERSONAL INSIGHT

A Maine native and recent Seattle transplant, Ted is working hard to master the intricacies of composting and to remember that the ocean lies to the west now, not the east.



OF COUNSEL

Michella A. Kras

State Bar of Arizona President's Volunteer Service Award, 2010

CONTACT

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michellak@hbsslw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Commercial Litigation
- > Complex Civil Litigation

BAR ADMISSIONS

- > Arizona
- > U.S. District Court for the District of Arizona

EDUCATION

- > Arizona State University College of Law, J.D., **magna cum laude**, 2003
- > Arizona State University, B.A., 1997

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and complex litigation
- > Extensive expertise in complex litigation in a variety of commercial contexts, including actions involving various contractual breaches, RICO violations, securities fraud, negligent and intentional torts, and federal and state employment law

RECOGNITION

- > State Bar of Arizona President's Volunteer Service Award, 2010
- > Rising Star, Southwest Super Lawyers, 2014

EXPERIENCE

- > Member of the commercial and securities litigation group in the Phoenix office of an international law firm where she worked on complex litigation matters involving private securities offerings, private lending, asset purchase agreements, shareholder and member disputes, and federal and state wage and hour disputes
- > Associate, Steptoe & Johnson LLP, 2007-2013
- > Associate, Gammage & Burnham, work included civil litigation, employment law, election law, health care law and estate planning, 2004-2007
- > Judicial Law Clerk, Arizona Supreme Court, work consisted of a variety of appeals, including civil cases, criminal actions and attorney discipline, 2003-2004

LEGAL ACTIVITIES

- > Consistent commitment to pro bono work. She's worked on several pro bono matters, including obtaining Special Juvenile Immigrant Status for a teenager that was brought to the United States as a toddler and later abandoned by her parent
- > Volunteer and member of the steering committee for Wills for Heroes, an organization that provides free estate planning for Arizona's first responders

NOTABLE CASES

- > Successfully litigated and obtained summary judgment on multiple matters involving breach of contract, conversion, intentional interference and breach of fiduciary duty, even successfully piercing the corporate veil



OF COUNSEL

James J. Nicklaus

During his legal career, Mr. Nicklaus has represented clients in antitrust, securities fraud, product liability and patent litigation.

CONTACT

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BAR ADMISSIONS

› Massachusetts

COURT ADMISSIONS

› U.S. District Court for the
District of Massachusetts

EDUCATION

› Harvard Law School, J.D.,
magna cum laude, 1993
Harvard Legal Aid Bureau,
Student Representative
on Committee on Clinical
Education
› Harvard College, B.A.,
East Asian Languages and
Civilizations, cum laude, Phi
Beta Kappa, 1990

CURRENT ROLE

› Of Counsel, Hagens Berman Sobol Shapiro LLP
› Practice focuses on pharmaceutical antitrust litigation and investigations of potential violations of antitrust law by pharmaceutical companies

EXPERIENCE

› Prior to joining Hagens Berman, Mr. Nicklaus worked for other firms in the Boston area, including representing clients in insurance coverage, product liability and lender liability litigation at Michienzie & Sawin LLC and representing clients in insurance coverage, patent, product liability, antitrust and securities fraud litigation at Willcox, Pirozzolo & McCarthy, P.C. Mr. Nicklaus began his legal career as an associate and junior partner at Hale and Dorr LLP (now WilmerHale).



OF COUNSEL

Hannah Schwarzdchild

Hannah has litigated cases involving employee and consumer rights, and now focuses on antitrust claims in the pharmaceutical industry.

CONTACT

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hannahs@hbsslw.com

YEARS OF EXPERIENCE

> 33

BAR ADMISSIONS

- > State of California (inactive)
- > State of Pennsylvania

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California
- > Ninth Circuit Court of Appeals
- > U.S. District Court for the Eastern District of Pennsylvania
- > Third Circuit Court of Appeals

EDUCATION

- > University of California, Berkeley, Boalt Hall School of Law, J.D., 1989
AmJur Award, 1988; Best Brief Award, Moot Court Competition, 1987
- > University of California, Berkeley, A.B., History, Phi Beta Kappa, 1986

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer and antitrust litigation
- > Involved in multi-district antitrust litigation involving brand pharmaceutical products, including Zetia, Niaspan and Suboxone, among others.

EXPERIENCE

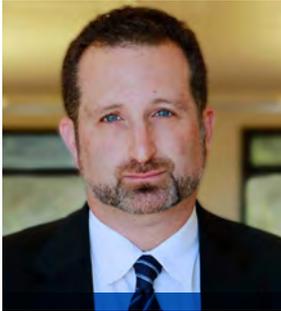
- > Prior to joining Hagens Berman, Ms. Schwarzdchild coordinated large-scale litigation projects in Boston and Philadelphia. Over the past 25 years, she has litigated employment and consumer rights cases in federal and state courts and administrative agencies, including jury and bench trials and appeals.

PUBLICATIONS

- > Same-Sex Marriage and Constitutional Privacy, Berkeley Women's Law Journal, 1989.

PERSONAL INSIGHT

Hannah grew up in and around New York City. Before law school, she helped build a community arts facility in San Francisco's Mission District in the 1980s and worked on nuclear arms control at the Ploughshares Fund. Hannah has been working for LGBT rights and Middle East peace and justice for more than 20 years. These days, her best times are spent noodling around Cambridge and Cape Cod with her partner and stepdaughter in search of interesting food, art, wildlife and humans.



OF COUNSEL

Benjamin J. Siegel

Mr. Siegel is an experienced litigator with a focus on antitrust law who has represented clients in state and federal courts, on appeals, as well as before arbitrators and governmental agencies, and has achieved significant settlements.

CONTACT

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YEARS OF EXPERIENCE

> 14

PRACTICE AREAS

> Antitrust Litigation

BAR ADMISSIONS

> California

COURT ADMISSIONS

> U.S. District Court for the Northern District of California
> U.S. District Court for the Eastern District of California
> U.S. Court of Appeals
> Ninth Circuit

CLERKSHIPS

> Hon. Thomas M. Reavley, U.S. Court of Appeals for the Fifth Circuit

EDUCATION

> The University of Texas School of Law, The University of Texas LBJ School of Public Affairs, J.D., M.P.A., Order of the Coif, High Honors, 2007
> Articles Editor, Texas Law Review; Texas Law Review Best Litigation Note, Volume 85; Texas Law Public Interest Fellowship; LBJ Foundation Award, First in Class
> Yale University, B.A. Political Science, **cum laude**, Phi Beta Kappa, 2000

CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro LLP

RECENT CASES

> *In re Optical Disk Drive Prods. Antitrust Litigation*, No. 3:10-md-2143-RS (N.D. Cal.)
> *In re NCAA Grant-In-Aid Antitrust Litigation*, 4:14-md-02541-CW (N.D. Cal.)
> *In re Resistors Antitrust Litigation*, 5:15-cv-03820-JD (N.D. Cal.)

EXPERIENCE

> Following his work at Boies, Schiller & Flexner LLP in 2008-2009, Mr. Siegel has litigated cases on behalf of plaintiffs for the past seven years.

LEGAL ACTIVITIES

> Alameda County Bar Association

RECOGNITION

> Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2021 Rising Stars
> Super Lawyers, 2018

PUBLICATIONS

> Benjamin Siegel, Constitutional Rights and the Counter-Majoritarian Dilemma (May 15, 2007) (unpublished Master's thesis, University of Texas at Austin).
> Benjamin Siegel, Note, Applying a "Maturity Factor" Without Compromising the Goals of the Class Action, 85 Texas L. Rev. 741 (2007) (Texas Law Review Best Litigation Note, Volume 85).
> Benjamin Siegel et al., Beyond the Numbers: Improving Postsecondary Success through a Central Texas High School Data Center, LBJ School of Public Affairs, Policy Research Report No. 148 (2005).
> Benjamin Siegel, California Must Protect Health Care for Medi-Cal Children, 15 Youth L. News 1 (2004), available at <http://www.youthlaw.org>.
> Jenny Brodsky, Jack Habib & Benjamin Siegel, Lessons for Long-Term Care Policy, World Health Organization, Publication No: WHO/NMH7CCL/02.1 (2002).
> Jenny Brodsky, Jack Habib, Miriam Hirschfeld & Benjamin Siegel, Care of the Frail Elderly in Developed and Developing Countries: the Experience and the Challenges, 14 Aging Clinical & Experimental Research 279 (2002).

PERSONAL INSIGHT

When not working to enforce the nation's antitrust laws, Mr. Siegel enjoys spending time with his wife and two young children in his hometown of Oakland, California. He also likes playing softball and pick-up basketball with his friends.



OF COUNSEL

Shelby R. Smith

Shelby has dedicated her career to serving vulnerable victims of violent crimes.

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Personal Injury Litigation
- > Sports Concussions
- > Social Work Negligence
- > Nursing Home/Adult Family Home Negligence
- > Daycare/School Negligence
- > Civil Rights
- > Privacy Rights
- > Consumer Protection

BAR ADMISSIONS

- > Washington

COURT ADMISSIONS

- > U.S. District Court, Western District of Washington
- > U.S. District Court, Eastern District of Michigan

EDUCATION

- > Seattle University, J.D., Member, Public Interest Law Society, 2000
- > University of Washington, B.A., cum laude, Sociology, 1996

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Prosecutes personal injury cases and class action cases on behalf of consumers
- > Currently represents student-athletes in personal injury litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities
- > Currently represents victims who have suffered severe personal injuries due to their mothers ingesting thalidomide during pregnancy in the late 1950's and early 1960's without knowing that the drug had not been approved by the FDA
- > She continues to represent victims of domestic violence and sexual assault to obtain protection orders so that their abusers cannot have any contact with them
- > Also represents crime victims who wish to keep their counseling records private during criminal Proceedings

NOTABLE CASES

- > Volkswagen Emissions Defect Litigation
- > Mercedes BlueTEC Emissions Litigation
- > GM Ignition Switch Recall
- > Corvette Overheating
- > Harvey Weinstein Sexual Harassment RICO
- > USC and Dr. George Tyndall Sexual Abuse

EXPERIENCE

- > Litigation associate, Williams Kastner, where she planned and executed a civil caseload involving defense of physicians, hospitals, dentists and other healthcare providers. While at Williams Kastner, Ms. Smith developed successful litigation strategies, handled case discoveries, secured depositions, managed trial preparation, drafted and argued legal motions, and conducted voir dire and jury trials.
- > Prior to working at Hagens Berman, Ms. Smith worked for 10 years at the King County Prosecuting Attorney's Office, working on cases in a diverse set of areas, including the sexual assault, violent crime, district court, domestic violence, felony filing and special drug units. During her 10 years as a prosecutor, Ms. Smith tried over 100 felony jury trials. She spent five years in the Domestic Violence Unit and Special Assault Unit where she handled hundreds of cases involving physical and sexual abuse of children and adults.

LEGAL ACTIVITIES

- > Consistent commitment to pro bono work and services for victims of domestic violence and sexual assault

OF COUNSEL

Shelby R. Smith

PRO BONO

› Through Seattle’s Sexual Violence Law Center, Shelby sought civil protection orders for survivors of sexual assault, domestic violence, stalking and harassment. She also worked to protect the privacy rights of survivors in criminal cases.

PERSONAL INSIGHT

Shelby Smith was born and raised in Seattle, and graduated from Garfield High School—which also boasts Quincy Jones and Jimi Hendrix as alums. She has a passion for live music and fashion, and has never met a sport she did not enjoy competing in: while raising three children and practicing law, Shelby plays on competitive indoor and outdoor soccer teams, and runs at least one marathon and two half-marathons every year.



OF COUNSEL

Whitney Street

Ms. Street has been appointed to leadership positions in large antitrust class actions across the country, most recently recovering \$34 million as co-lead counsel on behalf of a proposed class of cancer patients and other end payors.

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YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > California
- > Massachusetts
- > New York
- > Texas

COURT ADMISSIONS

- > U.S. District Courts for the Northern, Southern, Eastern and Central Districts of California
- > U.S. District Court for the Southern District of New York
- > U.S. District Court for the Eastern District of New York
- > U.S. District Court for the District of Massachusetts

EDUCATION

- > University of Virginia School of Law, J.D., 2002
- > University of Virginia, B.A., Economics and Literature, 1999

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Whitney served as co-lead counsel and represented the city of Providence, Rhode Island and a putative class of indirect purchasers in an antitrust class action against Celgene Corp. for unlawfully excluding generic competition for vital cancer treatment drugs. The matter was In re Thalomid & Revlimid Antitrust Litig., 14-cv-6997 (D.N.J.), and resulted in a \$34 million settlement on behalf of the class.
- > Ms. Street was appointed co-lead counsel on behalf of a class of indirect purchasers in In re Domestic Drywall Antitrust Litig., 13-md-02437 (E.D. Pa.), which involved allegations of price-fixing and other forms of concerted conduct in violation of antitrust laws, resulting in a \$17 million settlement on behalf of the class.
- > She was also appointed to the plaintiffs' steering committee in In re Liquid Aluminum Sulfate Antitrust Litig., 16-md-02687 (D.N.J.) alleging bid-rigging, market allocation and price-fixing in the aluminum sulfate market. Settlements totaled at least \$111 million in that matter.
- > She also served on the steering committee in In re Packaged Seafood Antitrust Litig., 15-md-02670 (S.D. Cal.), an ongoing case alleging price-fixing in the market for shelf-stable seafood products.
- > Whitney served as a member of the litigation team representing direct purchasers in In re Broiler Chicken Antitrust Litig., 16-cv-08637 (N.D. Ill.), a class action alleging broiler chicken producers engaged in a price-fixing conspiracy, and in In re Pork Antitrust Litig., 18-cv-01776 (D. Minn.), a class action alleging that pork producers engaged in a price-fixing conspiracy. To date, approximately \$200 million has been obtained on behalf of direct purchasers in the Broilers matter, and \$107.5 million has been obtained on behalf of direct purchasers in the Pork matter. Both cases are ongoing against remaining defendants.
- > Whitney served as a member of the litigation teams in the following antitrust class actions: Air Cargo Shipping Services Antitrust Litigation, 06-md-1775 (E.D.N.Y.) (settlements totaling more than \$270 million); In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation, 3:03-md-1542 (D. Conn.) (partial settlements totaling \$87 million); In re Methyl Methacrylate (MMA) Antitrust Litigation, 06-md-01768 (E.D. Pa.) (settled for \$15.0 million); and In re Hydrogen Peroxide Antitrust Litigation, 05-civ-666 (E.D. Pa.) (partial settlements of more than \$4.0 million).
- > Whitney received her training at prominent litigation firms in New York and Boston where she represented clients in antitrust and securities class actions. She began her career at Pillsbury Winthrop Shaw Pittman, one of the largest law firms in California.

LEGAL ACTIVITIES

- > Contributor, Complex Litigation E-Discovery Forum, 2016 - 2021
- > Member, American Bar Association, 2016 - 2019

OF COUNSEL

Whitney Street

- › Editorial Advisory Board Member, Law360 Competition Law, 2014 - 2018
- › Co-Founder and former co-chair, American Association for Justice Antitrust Litigation Group, 2014 - 2016

PUBLICATIONS

- › Co-Author, "What Lies Ahead in High Stakes Pay-For-Delay Antitrust Litigation," American Association of Justice Business Torts Newsletter, May 2015
- › Author, "Technology Assisted Review: The Disclosure of Training Sets and Related Transparency Issues," Georgetown Law Advanced eDiscovery Institute, November 2014
- › Co-Author, "Decision Re-Affirms Critical Role of Shareholders," Benefits and Pensions Monitor, October 2014

PRESENTATIONS

- › Speaker, "The New Normal: Producing and Obtaining Phone Record Data," Complex Litigation e-Discovery Forum, November 2020
- › Panelist, "Big Data & Storylines," Complex Litigation E-Discovery Forum, September 2016
- › Moderator, "Introduction to the Use of Regression Analysis in Antitrust Class Action Litigation," American Association for Justice Webinar, August 2016
- › Panelist, Georgetown Law Advanced eDiscovery Institute, November 2014
- › Panelist, American Association for Justice Class Certification Seminar, 2013

PERSONAL INSIGHT

Whitney – a novice marathoner, ambivalent Tottenham fan and avid seeker of book recommendations – joined Hagens Berman in November 2021. Originally from the Lowcountry, she now calls California home and can often be found on the trails of Mount Diablo.



OF COUNSEL

Nathaniel A. Tarnor

Mr. Tarnor has litigated a wide variety of legal matters and takes pride in pursuing justice on behalf of his clients for as long as it takes to win.

CONTACT

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YEARS OF EXPERIENCE

> 17

BAR ADMISSIONS

- > State of Illinois
- > State of New York
- > District of Columbia

PRACTICE AREAS

- > Antitrust Litigation
- > Anti-Terrorism
- > Consumer Rights
- > Investor Fraud
- > Whistleblower Litigation

COURT ADMISSIONS

- > U.S. Supreme Court
- > U.S. Courts of Appeals for the 2nd and 7th Circuits, and for the District of Columbia
- > U.S. District Court for the District of Columbia
- > U.S. District Courts for the Northern & Central Districts of Illinois
- > U.S. District Court for the Eastern & Southern District of New York

EDUCATION

- > Chicago-Kent College of Law, J.D., CALI Award, 2004
- > University of Illinois, B.A., Phi Beta Kappa, **summa cum laude**, Milton Ravoqe Award, 2000

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Represents American terrorism victims against Chiquita Brands International for violations of U.S. anti-terrorism laws in Columbia
- > Practice concentrates on complex federal litigation

EXPERIENCE

- > Milberg LLP, New York, NY, 2009-2016
- > Practice areas include antitrust, class actions, consumer protection, contractual disputes, securities and whistleblower representation in conjunction with the U.S. Department of Justice and the U.S. Securities & Exchange Commission
- > Pro Bono: Represented families of American terrorism and torture victims before the U.S. Supreme Court and Second Circuit.
- > Previously provided legal assistance to human rights victims from around the world in conjunction with other prominent law firms.

RECOGNITION

- > Chicago-Kent International Law Moot Court Honor Society, 2002-2004
- > Captain, Chicago-Kent International Law Moot Court Team, 2002-2004
- > Highest Oralist Score 2003 Philip C. Jessup International Law Moot Court Regional Competition Chicago-Kent Moot Court Team
- > CALI Award Commercial Payment Systems Law

PERSONAL INSIGHT

Nathaniel enjoys competing in endurance sports and hiking with his family.



ASSOCIATE

Tory Beardsley

Ms. Beardsley has experience in prosecuting a variety of cases, including wrongful death, medical malpractice, negligence, fraud, consumer protection, data breach and bad faith insurance cases.

CONTACT

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YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

> Consumer Rights

INDUSTRY EXPERIENCE

> Consumer Fraud
> Medical Negligence

BAR ADMISSIONS

> Arizona

COURT ADMISSIONS

> U.S. District Court for the
District of Arizona
> U.S. District Court for the
District of Colorado

EDUCATION

> Arizona State University
Sandra Day O'Connor College
of Law, J.D.
> University of Arizona, B.A.,
Journalism & English
Literature

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Ms. Beardsley has experience prosecuting wrongful death, medical malpractice, negligence, negligence per se, intentional and negligent infliction of emotional distress, unjust enrichment, fraud, consumer protection, data breach and bad faith insurance cases.

RECENT CASES

> Member of the trial team representing the families of three patients who died after receiving dialysis at DaVita clinics. The case culminated with a \$383.5 million jury verdict.
> Ms. Beardsley has also aided in prosecuting data breach cases litigated by the firm in Arizona.

RECENT SUCCESS

> In June 2018, Ms. Beardsley was on the trial team where a Denver jury awarded a monumental \$383.5 million jury verdict against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.

EXPERIENCE

> Prior to beginning her litigation career at Hagens Berman, Ms. Beardsley specialized in land use and development with other firms in the Phoenix area, working closely with the local municipalities and politicians to gain approval on proposed developments and ensure developments compliance with city code and zoning ordinance.

ACTIVITIES

> Chair - Herberger Young Leadership Board; Member

PERSONAL INSIGHT

When she's not dedicating her time to the law, Tory enjoys staying active in a variety of ways. You can find her swimming, hiking, trail running or on her road bike. Tory is also active at Phoenix's Herberger Theater Center as chair of the Young Leadership Board, an auxiliary board tasked with fundraising and cultivating the next generation of theater patrons.



ASSOCIATE

Jacob Berman

Whether in his legal practice or volunteer work, Jake dedicates his time to helping those who need it most.

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YEARS OF EXPERIENCE

> 3

PRACTICE AREAS

- > Class Actions
- > Mass Torts
- > Personal Injury Litigation

INDUSTRY EXPERIENCE

- > Personal injury
- > Mass Tort
- > Class-action Law

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California

EDUCATION

- > Loyola Law School, J.D., May 2018, Hobbs/Poehls District Attorney Practicum, Consumer Law Society, Member (Fall 2014–2018)

- > University of Denver, Denver, CO, B.A., Political Science, June 2013

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Jake worked on personal injury matters at Robinson Calcagnie Inc. where he represented plaintiffs in numerous catastrophic injury cases and managed all aspects of the case from client onboarding to settlement. Jake conducted and defended depositions in personal injury cases and mass torts and planned and implemented a strategy to retain stronger personal injury cases for the firm. He also drafted complaints, discovery motions, pre-trial motions and assisted in trial preparation.
- > Previously, he worked as a law clerk for the Los Angeles District Attorney, Victim Impact and Juvenile Unit where he conducted juvenile adjudication hearings, including direct and cross examination, presenting evidence, and arguing motions to dismiss and suppress. He also conducted felony preliminary hearings, including direct and cross examination, and presenting evidence.
- > Jake was also a summer associate at prominent plaintiffs firms where he drafted arguments for opposition to motion for summary judgement in a consumer auto-defect class-action case, reviewed exhibits and organized deposition questions to depose opposing counsel's defense experts and composed jury instructions in an auto-defect class-action case and product defect class-action case. Jake also has experience writing research memoranda on topics such as appeals bonds, class certification and summary judgment.

RECOGNITION

- > Published OCTLA Magazine, Volunteer Outreach in Communities Everywhere, Most Valuable Worker Award (2008),

PERSONAL INSIGHT

Jake Berman was born and raised in the Seattle area. He has a passion for coaching sports and being active in the outdoors. As a former collegiate cyclist, Jake is constantly competing in new sports or exploring a new trail run.



ASSOCIATE

Hannah Brennan

Hannah is committed to improving access to medicines – both domestically and abroad – and has experience in drug pricing, patent and international right to health litigation.

CONTACT

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PRACTICE AREAS

- > Antitrust Litigation
- > Civil & Human Rights Litigation
- > Consumer Rights
- > Medical Devices
- > Pharmaceutical Fraud
- > RICO

INDUSTRY EXPERIENCE

- > Drug Pricing
- > Patent
- > International Right to Health Litigation
- > International Trade Agreements

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

- > Third Circuit

CLERKSHIPS

- > Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit
- > Honorable Theodore McKee, Former Chief Judge of United States Court of Appeals for the Third Circuit

EDUCATION

- > Yale Law School, J.D., 2013
- > Brown University, B.A., 2009

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on drug pricing, consumer access to medications, healthcare fraud, antitrust and patent fraud
- > Member of the HBSS team representing a proposed class of insulin consumers in their claims against Eli Lilly, Novo Nordisk and Sanofi for fraudulently and unfairly increasing the cost of live-saving insulin medications. HBSS has been named lead counsel in this case.
- > Member of the HBSS team litigating claims against GSK for its fraudulent marketing of the diabetes medication, Avandia. HBSS has been named lead counsel in this case.
- > Member of the HBSS team litigating claims against the Commonwealth of Massachusetts for its failure to enforce the Endangered Species Act to protect the Northern Atlantic right whale.

RECENT SUCCESS

- > **Successful Third Circuit appeal of sealing orders in In re Avandia Marketing, Sales Practices and Products Liability Litigation.** Hannah briefed and argued the class plaintiffs’ appeal of two district court orders sealing the entire summary judgment record. The Third Circuit issued a precedential opinion adopting the standard the plaintiffs urged for the public’s common law right of access and vacated the district courts’ orders. The Third Circuit also instructed the district court to consider the First Amendment argument the plaintiffs’ advanced. In re Avandia Mktg., Sales Practices & Prod. Liab. Litig., 924 F.3d 662 (3d Cir. 2019). Hannah also successfully briefed the issue on remand to the United States District Court for the Eastern District of Pennsylvania: the Court unsealed all of the summary judgment records at issue. In re Avandia Mktg., Sales Practices & Prod. Liab. Litig., No. 07-MD-01871, 2020 WL 5358287 (E.D. Pa. Sept. 3, 2020).
- > **Successful Third Circuit appeal of summary judgment ruling in In re Avandia Marketing, Sales Practices and Products Liability Litigation.** Hannah lead the team that briefed the class plaintiffs’ appeal of the district court’s grant of summary judgment in favor of the defendant. The Third Circuit issued a precedential opinion siding with the plaintiffs on all three issues presented in the appeal. The Third Circuit remanded the case to the district court and ordered further discovery for the plaintiffs.
- > **\$51.25 million class recovery in In re Restasis Antitrust Litigation.** Assisted in the litigation of claims against Allergan for engaging in an anticompetitive scheme to keep generic versions of the eye medication, Restasis, off the market. The alleged scheme included fraud on the U.S. Patent and Trademark Office, sham litigation against generic manufacturers, meritless citizen petitions to the Food and Drug Administration and sham transfer of patents to a Native American Tribe in an attempt to avoid invalidation. In re Restasis Antitrust Litigation, 18-md-2819, E.D.N.Y., ECF No. 50.
- > **\$94 million class recovery in In re Celebrex Antitrust Litigation.** Hannah was member of the HBSS team that litigated claims against Pfizer for fraudulently obtaining patents from the U.S. Patent and Trademark Office and then asserted those patents to delay generics competition in violation of federal

ASSOCIATE

Hannah Brennan

antitrust law. The case settled mere weeks before trial. In re Celebrex (Celecoxib) Antitrust Litigation, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455.

EXPERIENCE

- › Prior to joining Hagens Berman, Ms. Brennan clerked for the Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit and the Honorable Theodore McKee, Chief Judge of United States Court of Appeals for the Third Circuit.
- › She was awarded a Yale Gruber Fellowship in Global Justice and Women's Rights to work for Public Citizen's Global Access to Medicines Program. At Public Citizen, she worked on a broad range of healthcare issues, including: negotiation of the intellectual property provisions of the Trans-Pacific Partnership Agreement, compulsory licensing of HIV medications in Peru, and policies for improving access to Hepatitis C medications for veterans, Native Americans and prisoners.
- › In law school, Ms. Brennan worked in the Global Health and Justice Clinic, where she helped develop a human rights approach to intellectual property law. She also served in the Workers and Immigrants' Rights Advocacy Clinic, where she obtained a substantial settlement for a group of Latino construction workers with unpaid wage claims. She further represented Connecticut DREAMers in their legislative and regulatory campaigns to secure financial aid for undocumented students at Connecticut state universities.
- › Prior to law school, Ms. Brennan served as Fulbright Scholar in Lima, Peru, where she researched labor rights abuses in the domestic housework industry and advocated for greater government regulation of this area.

LEGAL ACTIVITIES

- › Member, American Association for Justice
- › Member, Federal Bar Association
- › Member, Boston Bar Association

RECOGNITION

- › Charles G. Alborn Prize for Excellency in Appellate Advocacy

PUBLICATIONS

- › Hannah Brennan, Unsealing Court Records: Key Learnings from the Third Circuit's Avandia Jurisprudence, American Association for Justice Trial Magazine (July 2021).
- › Hannah Brennan, Christine Monahan, Zain Rizva, & Amy Kapczynski, **Government Patent Use: How a Little Known Statute Can Bring Down Drug Prices and Transform Health**, 18 Yale J. of L. & Tech. 275 (2016).
- › Hannah Brennan, **The Cost of Confusion: The Paradox of Trademarked Pharmaceuticals**, 22 Mich. Telecomm. & Tech. L. Rev. 1 (2016)
- › Hannah Brennan & Burcu Kilic, **Freeing Trade at the Expense of Local Crop Markets?: A Look at the Trans-Pacific Partnership's New Plant Related Intellectual Property Rights From Human Rights Perspective**, Harv. Hum. Rts. J. Online (2015)
- › Burcu Kilic, Hannah Brennan, & Peter Maybarduk, **What Is Patentable Under the Trans-Pacific Trade Partnership?**, 40 Yale J. Int'l L. Online 1 (2015)
- › **Inside Views: The TPP's New Plant-Related Intellectual Property Provisions**, Intellectual Property Watch (Oct. 17, 2014)

ASSOCIATE

Hannah Brennan

LANGUAGES

> Spanish

PERSONAL INSIGHT

Hannah's favorite city is Lima, her favorite state is Vermont and her favorite 90s action movie is **The Fugitive**.



ASSOCIATE

James M. Chong

Mr. Chong has experience in litigating a variety of cases including wrongful death, medical malpractice, negligence, fraud, consumer protection, intellectual property and bad faith insurance cases.

CONTACT

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YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

> Personal Injury

BAR ADMISSIONS

> Arizona
> Washington

COURT ADMISSIONS

> U.S. District Court for the
District of Arizona
> Ninth Circuit Court of Appeals
> U.S. District Court for the
Eastern District of Washington
> U.S. District Court for
the Western District of
Washington

EDUCATION

> Sandra Day O'Connor
College of Law, Arizona State
University, J.D., 2016
> University of California, Los
Angeles, B.A., 2008

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> After law school, Mr. Chong worked at prominent defense firms in Arizona and Washington where he litigated cases related to wrongful death, intellectual property, commercial disputes, legal-malpractice, medical-malpractice, premises liability and automobile accidents.
> Prior to law school, Mr. Chong worked at an intellectual property law firm in Seoul, South Korea, where he edited patent specifications in the areas of mechanical, electrical and chemical engineering. Mr. Chong returned to the same firm as a summer associate after his first year of law school.

LANGUAGES

> Korean (conversational)

PERSONAL INSIGHT

Mr. Chong enjoys spending time with his wife and twin boys, traveling abroad and cooking.

ASSOCIATE

Rachel Downey

Ms. Downey is committed to preventing fraud and abuse in the pharmaceutical industry to ensure access to affordable prescription drugs.

CONTACT

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PRACTICE AREAS

- › Antitrust Litigation
- › Class Action
- › Consumer Rights
- › Pharmaceutical Fraud

BAR ADMISSIONS

- › Massachusetts

COURT ADMISSIONS

- › U.S. District Court for the District of Massachusetts
- › First Circuit Court of Appeals

EDUCATION

- › Boston University School of Law, J.D.
- › Boston University, B.A.

CURRENT ROLE

- › Staff Attorney, Hagens Berman Sobol Shapiro LLP
- › Rachel's practice focuses on pharmaceutical antitrust class-action litigation.
- › She is a core member of the team litigating In re Zetia (Ezetimibe) Antitrust Litigation, MDL No. 2836 (E.D. Va.), a federal antitrust lawsuit against Merck and Glenmark alleging the two unlawfully agreed to delay access to generic ezetimibe for years, resulting in billions in overcharges to purchasers.
- › Ms. Downey has also been instrumental in preparing settlement-related filings for and administering large class-action settlements. Most recently, she was part of the team securing a \$483.85M settlement on behalf of the direct purchaser class in In re Glumetza Antitrust Litigation.

RECENT CASES

- › In re Zetia (Ezetimibe) Antitrust Litigation
- › Staley v. Gilead Sciences, Inc. (Gilead)
- › Government Employees Health Association v. Actelion Pharmaceuticals, Ltd. (Tracleer)
- › In re Glumetza Antitrust Litigation

PRO BONO

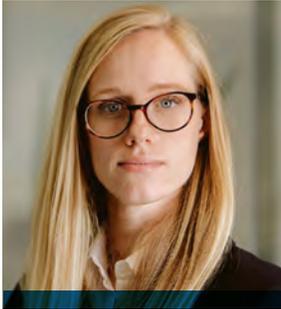
- › Volunteer Lawyers Project of the Boston Bar Association (VLP)

LEGAL ACTIVITIES

- › Member, American Association for Justice

PERSONAL INSIGHT

For a month during her college years, Rachel lived in the Amazon.



ASSOCIATE

Abbye Klamann Ognibene

Ms. Ognibene believes in taking on corporations in the fight for plaintiffs' rights, including the right to online privacy and to fair pricing in medical care and consumer goods.

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YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

- > Antitrust Litigation
- > Class Actions
- > Consumer Rights

BAR ADMISSIONS

- > California
- > District of Columbia
- > New York

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Central District of California
- > U.S. Court of Appeals, Ninth Circuit

EDUCATION

- > University of Michigan, J.D., cum laude, 2016
- > University of Missouri Columbia, B.J., cum laude, 2011

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Core team member in *Staley v. Gilead*, which seeks to hold HIV drug manufacturers accountable for allegedly using their market power to artificially inflate prices for HIV medication and prevent safer medications from coming to market sooner.
- > Involved in cutting-edge litigation in *In re Humira (Adalimumab) Antitrust Litigation*, alleging novel theories regarding the suppression of competition for the blockbuster biologic drug, Humira.

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Ognibene was an associate at a start-up litigation boutique, where she helped launch a plaintiffs' class-action practice group.
- > She also worked on cutting-edge class-action litigation at Lieff Cabraser Heimann & Bernstein, focusing on digital privacy and antitrust cases.
- > While in law school, Abbye worked for more than two years as a law clerk to the legal team of *DeBoer v. Snyder*, consolidated sub nom. *Obergefell v. Hodges*, which guaranteed the nationwide right to marry for same-sex couples.

RECOGNITION

- > National Lawyers Guild, Massachusetts Chapter Member

PERSONAL INSIGHT

Before attending law school, Abbye worked in radio journalism in her home state of Missouri. She spends her time outside of the office with her family and two large rescue dogs, preferably in Vermont with a glass of whiskey in one hand and a good book in the other.



ASSOCIATE

Kristie A. LaSalle

Ms. LaSalle is committed to combatting fraud, waste and abuse in the pharmaceutical industry.

CONTACT

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YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Law Clerk, Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit

BAR ADMISSIONS

- > Massachusetts
- > New York

COURT ADMISSIONS

- > U.S. Supreme Court
- > U.S. Court of Appeals, First Circuit
- > U.S. Court of Appeals, Third Circuit
- > U.S. Tax Court
- > U.S. District Court for the District of Massachusetts

EDUCATION

- > Brooklyn Law School, JD, **magna cum laude**, 2012
- > Swarthmore College, BA 2006

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide class-action litigation against pharmaceutical companies that violate antitrust, consumer protection and anti-fraud laws.
- > Responsible for managing a team of lawyers across several law firms in *In re Lantus Antitrust Litigation*, No. 16-cv-16252 (D. Mass), a case challenging an anticompetitive scheme by drugmaker Sanofi-Aventis designed to prevent competition and keep insulin prices unaffordable.
- > Litigating a case against generic drugmaker Ranbaxy (now Sun Pharmaceuticals) for challenging a decade-long campaign of deceit regarding its ability to manufacture safe, effective drugs and follow the manufacturing regulations enforced by the FDA. Ms. LaSalle is responsible for developing the evidence of the fraud, and developing and successfully arguing a novel legal theory to meet the defendants' wrongdoing.
- > Ms. LaSalle is regularly called upon to handle consequential briefing in cases involving especially complex or convoluted regulatory regimes at both the trial and appellate court levels.

EXPERIENCE

- > After law school, Ms. LaSalle served for two years as a law clerk in the Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit, where she handled motions practice and appeals of complex class-action litigation.

RECOGNITION

- > Order of the Barristers
- > Scholarly Journal Writing Award

PUBLICATIONS

- > Kristie LaSalle, "The Other 99% of the Expressive Conduct Doctrine: the Occupy Wall Street Movement and the Importance of Recognizing the Contribution of Conduct to Speech," 18 *Tex. J. on Civ. Rights & Civ. Liberties* 1 (2013)
- > Kristie LaSalle, "A Prescription for Change: Citizens United's Implications for Regulation of Off-Label Promotion of Prescription Pharmaceuticals," 19 *J.L. Pol'y* 867 (2011)
- > Kristie LaSalle & Kristen Johnson, *The Misapplication of the Presumption of Patent Validity*, 33 *Antitrust Health Care Chronicle* 11 (2018)
- > Lauren G. Barnes & Kristie A. LaSalle, *Private Antitrust Claims Explained*, presented at Am. Ass'n for Justice Annual Convention, Boston, July 27, 2017

PERSONAL INSIGHT

Kristie is the unexpected combination of a performing improviser, competitive weightlifter and Ravenclaw.



ASSOCIATE

Raffi Melanson

As a former government trial attorney, Raffi focuses his legal practice on zealously challenging fraudulent and deceptive business practices of corporate entities and other bad actors through strategic class-action litigation.

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PRACTICE AREAS

- › Antitrust Litigation
- › Investor Fraud
- › Securities

BAR ADMISSIONS

- › Massachusetts
- › New York
- › District of Columbia

COURT ADMISSIONS

- › Fourth Circuit Court of Appeals

CLERKSHIPS

- › Magistrate Judge Andrea K. Johnstone, U.S. District Court for the District of New Hampshire, 2021
- › Hon. Joseph N. Laplante, U.S. District Court for the District of New Hampshire, 2019–2020

EDUCATION

- › Georgetown University Law Center, J.D., 2013
- › Boston University, B.A., **cum laude**, International Relations, Economics & Mathematics, 2010

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- › Prior to joining Hagens Berman, Raffi worked as a law clerk in the District of New Hampshire, drafting judicial orders for judges in complex cases and assisting them with the resolution of novel litigation and trial issues. In this role, he became intimately familiar with how judges work and how courts operate.
- › Before clerking, Raffi worked on large price-fixing, market domination and deceptive advertising litigation at a top 100 law firm while maintaining an active criminal defense and immigration pro bono docket.
- › After graduating from law school, Raffi served as an assistant attorney general for the District of Columbia, where he investigated and civilly prosecuted corporations engaged in sophisticated financial fraud perpetrated against DC residents.

PUBLIC SERVICE

- › Volunteer, Northern New England Chapter of the Cystic Fibrosis Foundation

PERSONAL INSIGHT

Raffi grew up near Cape Cod and has since preferred to live near the coast of a large body of water. Outside of work, he enjoys biking around the city, hiking, listening to comedy and political podcasts, and competing in amateur boxing. During the winter, Raffi shifts to activities best done indoors, such as board games and cooking, but will occasionally venture outside to go snowboarding, if it's not too cold.



ASSOCIATE

Lauren S. Miller

Lauren is devoted to her clients through her work advocating for individuals harmed by dangerous pharmaceutical drugs and defective medical devices.

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YEARS OF EXPERIENCE

> 9

BAR ADMISSIONS

> Alabama

COURT ADMISSIONS

- > U.S. District Court for the Northern District of Alabama
- > U.S. District Court for the Middle District of Alabama
- > U.S. District Court for the Southern District of Alabama

PRACTICE AREAS

- > Consumer Rights
- > Mass Torts
- > Personal Injury
- > Pharmaceutical Fraud
- > Product Liability

INDUSTRY EXPERIENCE

- > Pharmaceuticals
- > Medical Devices

EDUCATION

- > Cumberland School of Law, J.D., 2012
- > Middle Tennessee State University, B.S in Public Relations, 2009

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Court-appointed member of Plaintiffs' Steering Committee in In Re: Zantac (Ranitidine) Products Liability Litigation among 100 applicants; member of bellwether, deposition, discovery, and science and experts committees.

EXPERIENCE

- > Prior to joining Hagens Berman, Lauren was an associate at a well-respected plaintiffs' firm in Birmingham, Alabama where she focused on representing individuals harmed by defective pharmaceutical drugs and medical devices. In addition to this work, Lauren also represented clients in consumer fraud and personal injury litigation and advocated on behalf of survivors of sexual assault.
- > She served on the discovery, expert, and Daubert committees for personal injury plaintiffs in In Re: Viagra (Sildenafil Citrate) and Cialis (Tadalafil) Products Liability Litigation.

LEGAL ACTIVITIES

- > Birmingham Bar Association
- > Alabama Association of Justice
- > American Association of Justice

RECOGNITION

- > Ones to Watch, The Best Lawyers in America – 2021-2023
- > Women to Watch, Birmingham Business Journal – 2020
- > Top Women Attorneys, B-Metro Magazine – 2019, 2020
- > Mid-South Rising Star, Super Lawyers – 2019, 2020
- > Top 40 Under 40, The National Trial Lawyers – 2017-2019
- > Birmingham Top Attorney Rising Star, Birmingham Magazine – 2017

NOTABLE CASES

- > In Re: Zantac (Ranitidine) Products Liability Litigation, U.S. District Court, S.D. Fla., Case No. 9:20-md-02924

PERSONAL INSIGHT

Lauren was born in California, spent most of her childhood in Arkansas, and took a slight detour to Tennessee before coming to Alabama for law school. When she is not practicing law or spending time with her two daughters, Lauren enjoys hiking, boxing and painting.



ASSOCIATE

Chris O'Brien

Chris became an attorney to fight injustice for those who have been harmed. He has experience in both trial and appellate litigation.

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YEARS OF EXPERIENCE

> 4

PRACTICE AREAS

> Class Action

BAR ADMISSIONS

> Massachusetts

COURT ADMISSIONS

> Supreme Judicial Court
of the Commonwealth of
Massachusetts

CLERKSHIPS

> Honorable Mark V. Green,
Chief Justice of the
Massachusetts Appeals Court,
2021 – 2022
> Honorable Andrew M.
D'Angelo, Associate Justice
of the Massachusetts Appeals
Court, 2022

EDUCATION

> The University of Pennsylvania
Carey Law School, J.D., 2018
> Harvard University, A.L.B.
Extension Studies, 2015

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> Prior to joining Hagens Berman Chris was an associate at multiple Boston law firms where he managed discovery, document review, and drafted and filed motions in state and federal court. Most recently, he served as a judicial law clerk to the Honorable Mark V. Green, Chief Justice of the Massachusetts Appeals Court and the Honorable Andrew M. D'Angelo, Associate Justice of the Massachusetts Appeals Court, where he gained experience in both civil and criminal appeals.

PRO BONO

> Chris has extensive pro bono experience representing employees in matters related to unemployment compensation. He served as vice president of the Employment Advocacy Project while in law school.
> As a first-year associate, Chris was awarded the recognition of Pro Bono Star for his work with the Innocence Project of California and with undocumented immigrants in ICE custody.

ACTIVITIES

> Mr. O'Brien is passionate about access to legal services and is a board member of Nurses for Social Justice, a non-profit organization dedicated to providing medical expert document review and analysis to public defenders and their clients.

PERSONAL INSIGHT

Chris grew up in Amherst, MA where he developed an early love for baseball and acoustic music. After graduating from high school Chris became a professional singer and songwriter, and in 2007 he performed live on Garrison Keillor's radio show, A Prairie Home Companion, which caused his album to jump to the fifth spot on iTunes in the singer/songwriter category. His music has been streamed on Spotify nearly 25 million times in more than 120 countries.



ASSOCIATE

Abigail D. Pershing

Abigail is committed to advancing human and civil rights, both in the U.S. and abroad.

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BAR ADMISSIONS

- > Connecticut
- > California (pending)

CLERKSHIPS

- > Judge Darian Pavli, European Court of Human Rights, 2020 – 2021
- > Judge Hellen Keller, European Court of Human Rights, 2020

PRACTICE AREAS

- > Civil & Human Rights
- > Environmental Litigation

EDUCATION

- > Yale Law School, J.D., 2020
- > The University of Chicago, B.A., Sociology and Public Policy, 2014

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Abigail clerked at the European Court of Human Rights in Strasbourg, France and served as a fellow in the court's Research Division.
- > During law school, Abigail worked as a summer associate with Accountability Counsel, Blue Ocean Law, Médecins Sans Frontières and the Mississippi Center for Justice. She was a student director for the Lowenstein International Human Rights Clinic and for the HAVEN Medical-Legal Partnership. She was also an editor for the Yale Law Journal.
- > Before law school, Abigail served with the Peace Corps in Kolda, Senegal, as a health volunteer. Her primary focus was reducing malaria mortality rates.

PUBLICATIONS

- > Zachary D. Liscow & Abigail D. Pershing, "Why Is So Much Redistribution In-Kind and Not in Cash? Evidence from a Survey Experiment," Nat'l Tax J., forthcoming
- > Hellen Keller & Abigail D. Pershing, "Climate Change in Court: Overcoming Procedural Hurdles in Transboundary Environmental Cases," Eur. Convention on Human Rights L. Rev., forthcoming
- > Zachary Liscow & Abigail Pershing, "A New Way to Increase Economic Opportunity for More Americans", The Hill, Jan. 21, 2021
- > Abigail D. Pershing, "Interpreting the Outer Space Treaty's Non-Appropriation Principle: Customary International Law from 1967 to Today," 44 Yale J. Int'l L. 149, 2019
- > Abigail D. Pershing, "Empty Schoolyards: The Impact of Elementary School Closures on Chicago Communities," 1 Chi. J. Soc. 99, 2014

PRESENTATIONS

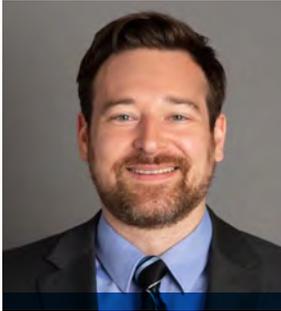
- > Abigail D. Pershing, "Increasing Malaria Detection with Community Health Workers: A Case Study from Southern Senegal," Global Health and Innovation Conference at Yale University, Apr. 15, 2018.

LANGUAGES

- > French
- > Pulaar
- > Spanish (intermediate)
- > Wolof (beginner)
- > Mandarin Chinese (beginner)

PERSONAL INSIGHT

Abigail enjoys traveling, bike trips, playing the piano and meeting new people. Once or twice a year, she attempts to bake fancy cakes that are way beyond her pastry-making skill level.



ASSOCIATE

Ryan T. Pittman

Mr. Pittman has experience in a wide variety of cases and practices, including personal injury, wrongful death, legal and professional malpractice, intellectual property, and venture capital and corporate law.

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YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

> Personal Injury

BAR ADMISSIONS

> Washington
> Arizona

COURT ADMISSIONS

> U.S. District Court for the
Eastern District of Washington
> U.S. District Court for
the Western District of
Washington

EDUCATION

> Sandra Day O'Connor College
of Law, J.D., 2015
> Claremont McKenna College,
B.A., 2010

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> Prior to joining Hagens Berman, Mr. Pittman practiced at various Seattle and Phoenix law firms where he most recently handled matters related to professional and legal malpractice claims, personal injury claims, intellectual property disputes and wrongful death claims.
> Mr. Pittman also served as legal counsel at an international venture capital firm in Ireland, and was involved in investment contracts with early stage companies. He helped establish the first wholly foreign-owned investment fund able to directly invest into Chinese companies.

PUBLICATIONS

> "Speaking in Tweets and Other Social Media: Should Some Written Communication Be Considered Oral Communication?" Sports and Entertainment Law Journal, 2013

PERSONAL INSIGHT

A Mr. Pittman enjoys traveling and has been fortunate to have had extensive international travel experience, including living and working abroad in China and Ireland. Mr. Pittman grew up in Ashland, Oregon and is happy to be able to call Seattle home. As a former collegiate track athlete, Mr. Pittman enjoys staying active by running and lifting and staying active.



ASSOCIATE

Peter A. Shaeffer

Mr. Shaeffer has represented clients in class action and complex commercial litigation in areas of securities fraud, consumer protection, product liability and contractual disputes.

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YEARS OF EXPERIENCE

> 9

BAR ADMISSIONS

> Illinois

COURT ADMISSIONS

> U.S. District Court for the
Northern District of Illinois

EDUCATION

> Vanderbilt University Law
School, J.D., 2013
> Tufts University, B.A., magna
cum laude, 2008

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> Prior to joining Hagens Berman, Peter was an associate at Latham & Watkins LLP, where he represented clients in class action and complex commercial litigation in areas of securities fraud, consumer protection, product liability and contractual disputes.
> Previously, Mr. Shaeffer was a judicial intern for the Hon. Jeffrey Cole of the United States District Court for the Northern District of Illinois, and also served as a paralegal specialist for the U.S. Department of Justice's antitrust division.

PERSONAL INSIGHT

Originally from the Chicagoland area, Mr. Shaeffer enjoys jogging along the 606 trail, partaking in the city's brewery scene, and spending time with his wife and young dog, Wolfie.



ASSOCIATE

Whitney K. Siehl

Ms. Siehl works tirelessly and has achieved millions of dollars in settlements for her clients. Her passion and empathy is unmatched.

CONTACT

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YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

- > Civil & Human Rights Litigation
- > Class Actions
- > Employment Litigation
- > Personal Injury Litigation
- > Sexual Abuse & Harassment

BAR ADMISSIONS

- > Illinois

COURT ADMISSIONS

- > United States District Court for the Northern District of Illinois
- > United States Court of Appeals for the Seventh Circuit
- > Supreme Court of the United States

CLERKSHIPS

- > Extern for Judge George C. Smith on the Southern District of Ohio

EDUCATION

- > The Ohio State University
Moritz College of Law, J.D.,
cum laude, 2013
- > Northwestern University, B.A.,
2009

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Ms. Siehl's Plaintiffs' litigation practice focuses on complex class-action and individual cases in the areas of sexual abuse, sexual harassment, and sports law
- > Represents an actress and entertainment industry class against The Weinstein Company, Harvey Weinstein and related companies for racketeering and sexual assault
- > Represents students and alumnae of the University of Southern California in a class-action lawsuit against the university and Dr. George Tyndall for his alleged decades-long sexual abuse of patients

EXPERIENCE

- > Prior to joining Hagens Berman, Ms. Siehl was an associate in the Chicago office of a well-respected Plaintiffs' firm representing families and children in birth injury and birth trauma litigation nationwide.
- > She worked previously at another Chicago firm where she gained experience in all aspects of civil litigation with a focus on medical malpractice and professional liability matters.

RECENT SUCCESS

- > Ms. Siehl played a significant role in a \$4 million settlement for a child who suffered severe and permanent brain damage due to the medical providers' delay in recognizing a placental abruption.
- > Assisted in a \$3.5 million settlement for a child with a hypoxic-ischemic brain injury that resulted from too much Pitocin and a physician's failure to recognize fetal distress.

RECOGNITION

- > 2020, 2021 Rising Star, Super Lawyers Magazine for Class Actions
- > 2019 Rising Star, Super Lawyers Magazine for Plaintiffs' Personal Injury
- > 2017 Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association
- > 2013 Member of National Champion Team for Sutherland Cup National Constitutional Law Moot Court Competition
- > CALI Award for Highest Grade in Legislation Clinic, Dispute Systems Design, and Comparative Legal Professions
- > Named a Public Service Fellow with Dean's Special Recognition

ASSOCIATE

Whitney K. Siehl

LEGAL ACTIVITIES

- › Women’s Bar Association of Illinois
 - Officer Positions
 - Financial Secretary - 2020 - 2021
 - Recording Secretary - 2019 - 2020
 - Board of Directors - 2017 - Present
- › American Association for Justice Birth Trauma Litigation Group, Member
- › Illinois Trial Lawyers Association, Member

ACTIVITIES

- › Professional Board Member, PAWS Chicago – the Midwest’s largest no-kill animal shelter; TEAM PAWS Marathon Team 2015-present

PRO BONO

- › In 2017, Ms. Siehl received an Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association for her dedication to representing underserved individuals in employment discrimination matters.

PUBLICATIONS

- › **#Us Too: Gender Inequality in the Legal Profession**, American Association for Justice, Birth Trauma Litigation Group Newsletter, Lead Article, February 2018.

PERSONAL INSIGHT

Whitney is an avid golfer and chairs the annual golf outing for the Women’s Bar Association of Illinois. She was previously a member of the Miami University cross country and track teams, where the cross country team was selected as NCAA Academic All-Americans. She serves as a pace group leader for Chicago Marathon training and with the 2021 Chicago Athlete Magazine Ambassador Team, helps inspire busy professionals to live healthier lives. To date, she has completed 10 marathons, a half Iron distance triathlon, and numerous short course triathlons including the 2019 Escape from Alcatraz Triathlon in San Francisco.



ASSOCIATE

Emilee Sisco

Ms. Sisco practices in the areas of sports litigation, antitrust and consumer protection. As a former Division I athlete, she has worked on the firm's cases against the NCAA, furthering the rights of college-athletes across the nation.

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YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Sports Litigation

BAR ADMISSIONS

- > Washington

COURT ADMISSIONS

- > U.S. District Court, Western District of Washington

EDUCATION

- > Seattle University School of Law, J.D.
- > University of Oregon, B.A.

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Law Clerk for Washington State Office of the Attorney General – Antitrust Division

LEGAL ACTIVITIES

- > During 2L and 3L years in law school, Ms. Sisco was a fulltime volunteer intern for the WSBA Moderate Means Program. She volunteered more than 250 hours of pro bono service during law school.

RECOGNITION

- > Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2019, 2021

RECENT CASES

- > *Namoff v. Fleishman & Shapiro, P.C. et al*
- > *In re: National Prescription Opiate Litigation*
- > *In re: NCAA Athletic Grant-In-Aid Cap Antitrust Litigation*
- > *In re: General Motors LLC Ignition Switch Litigation*

LANGUAGES

- > Latin

PERSONAL INSIGHT

Ms. Sisco was a Division I volleyball athlete for the University of Oregon and University of Colorado. She was a member of the U.S. Women's Volleyball A3 team and was also a three-sport varsity athlete throughout high school, earning top 10 state finishes in two events at the WIAA Track & Field Championship.



ASSOCIATE

Hannah Song

Hannah is dedicated to holding institutions accountable on behalf of consumers and vulnerable populations.

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PRACTICE AREAS

- › Antitrust Litigation
- › Class Action
- › Consumer Rights

BAR ADMISSIONS

- › California

EDUCATION

- › Stanford Law School, J.D., 2021
- › University of California, Berkeley, B.A., 2015

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- › Prior to joining Hagens Berman, Hannah worked on antitrust and consumer protection issues in various settings including at the Department of Justice Antitrust Division.
- › Hannah has experience in quantitative methods and has worked previously as an economic consultant supporting economic experts in securities, tax, antitrust, mortgage-backed securities and other litigation.

PRO BONO

- › Hannah started the Racial and Disability Justice Pro Bono Project (RAD Justice) at Stanford Law School, which aids Latinx families with disabled children in obtaining state services under the Lanterman Act in California.

PERSONAL INSIGHT

Hannah enjoys live music, boxing and reading science fiction in her spare time.



ASSOCIATE

Jessica Thompson

Jessica began her legal career at an AMLaw 100 firm representing Fortune-ranked corporations in antitrust, intellectual property and financial services industries. Though grateful for the intense training that those matters provided, Jessica is proud to now be working for the good guys.

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YEARS OF EXPERIENCE

> 12

PRACTICE AREAS

- > Class Actions
- > Consumer Rights
- > Emissions Litigation
- > Employment Litigation

BAR ADMISSIONS

- > District of Columbia
- > Maryland
- > Washington

EDUCATION

- > University of Baltimore School of Law, Baltimore, Maryland, J.D. **magna cum laude**, 2010
 - Honors: Class Rank 21/333; G.P.A. 3.68
 - Honors: Highest Grade in the Class Award, Evidence
 - Law Review: Staff Editor, University of Baltimore Law Review
- > University of Baltimore, Baltimore, Maryland, B.A. **cum laude**, 2005
 - Major: Community Studies and Civic Engagement

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex consumer protection cases, primarily within the realms of automotive and emissions litigation
- > Ms. Thompson is currently involved in many of the firm's high-profile auto cases, including litigation against General Motors for faulty ignition switches that are linked to more than 120 fatalities, and emissions-cheating cases brought against Mercedes, Fiat Chrysler and GM. She worked on the Volkswagen CleanDiesel emissions lawsuits brought on behalf of consumers and of franchise dealers.

RECENT SUCCESS

- > Litigating and reaching favorable settlements in diesel emissions lawsuits against vehicle manufacturers and suppliers
- > Defeating multiple motions to dismiss in diesel emissions lawsuits on RICO and Clean Air Act preemption grounds
- > Litigating and reaching favorable settlements in discrimination matter against an insurance company

EXPERIENCE

- > Crowell & Moring LLP, Washington, D.C., Associate, 2011 - 2014
- > Cadwalader, Wickersham & Taft LLP, Washington, D.C., Associate, 2011
- > Howrey LLP, Washington, D.C., Litigation Associate, 2010 - 2011
- > Howrey LLP, Washington, D.C., Summer Associate, 2009
- > Montgomery County State's Attorney's Office, Rockville, MD, Student Attorney, 2010

ACTIVITIES

- > Webinar: "Garden Leaves and Other Strategies to Protect Trade Secrets When Losing Employees," Crowell & Moring, March 28, 2013 - Present
- > Workshop: "Don't Sign that Yet!," Crowell & Moring, Washington, D.C., March 5, 2013 - Present

PUBLICATIONS

- > "The ITC Can Play a Critical Role in Combating International Trade Secret Theft," Intellectual Property Today, Jan. 20, 2012
- > Client Alerts & Newsletters:
 - "Consensus Grows as Congress Continues to Refine Its Efforts to Create a Federal Civil Cause of Action For Certain Trade Secret Theft," Regulatory Alert (May 12, 2014)
 - "Federal Trade Secret Reform Continues With Two New Attempts to Improve Protection," Regulatory Alert (July 22, 2013)

ASSOCIATE

Jessica Thompson

- "Supreme Court Rejects Attempt by Class Action Plaintiff to Plead Around Federal Court Jurisdiction,"
(Mar. 22, 2013)

PRO BONO

> Through Seattle's Sexual Violence Law Center, Jessica sought civil protection orders for survivors of sexual assault, domestic violence, stalking and harassment. She also worked to protect the privacy rights of survivors in criminal cases.

PERSONAL INSIGHT

Jessica comes from a working-class Baltimore family. Though she has dutifully relearned the pronunciation of words like water (not "wooder") and wash (not "warsh"), she continues to inquire about "dem O's" and refuses to participate in the singing of "Shout" at the seventh-inning stretch. It's an abomination.



ASSOCIATE

Breanna Van Engelen

Breanna advocates on behalf of consumers in complex litigation, including in antitrust cases and cases involving unfair competition.

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PRACTICE AREAS

- › Antitrust Litigation
- › Consumer Rights

BAR ADMISSIONS

- › Washington

EDUCATION

- › University of Michigan Law School, J.D.
- › Washington State University, B.A., *magna cum laude*

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- › Prior to joining Hagens Berman, Breanna was an associate at K&L Gates LLP in Seattle, where she focused on Internet and technology law. Breanna took one of the first electronic impersonation cases in Washington state to trial. At trial, she secured an \$8.9 million dollar verdict for her clients – the largest verdict ever awarded to a non-celebrity in an electronic impersonation/invasion of privacy case.

PRO BONO

- › As part of her pro bono practice, Ms. Van Engelen represented the victim of cyberstalking and revenge porn in the trial of *Allen v. Zonis*, Case No. 15-2-15656-0 (Wash. Super. Ct.) before Judge Helson, in King County, Wash. She and her team brought one of the first cases the nation that successfully alleged causes of action stemming from the defendant’s distribution of the victim’s intimate images. After Ms. Van Engelen’s closing argument at trial, the jury awarded the victim \$8.9 million for the damages they incurred due to the defendant’s misconduct. The verdict was featured on ABC News Nightline, and the case was profiled in depth by Wired Magazine, which interviewed Ms. Van Engelen in its coverage the case. The damage award of \$8.9 million was one of the largest plaintiff verdicts for this kind of misconduct.

RECOGNITION

- › 2018-2019 Public Service & Leadership Award recipient

NOTABLE CASES

- › Ms. Van Engelen played a key role in helping consumers recover more than \$180 million from chicken conglomerates in *In re: Broilers Antitrust Litigation*, Case No. 1:16-cv-08637 (N.D. Ill.), pending before Judge Durkin. She drafted significant portions of consumers’ motion for class certification, which Judge Durkin granted on May 27, 2022. Ms. Van Engelen worked fulltime helping the firm’s Broilers team develop the facts during discovery and took the lead in depositions against several critical defendant witnesses, including first-chairing the deposition of a former senior officer of a publicly traded company.
- › Ms. Van Engelen was one of the first to investigate the pork industry and is a key litigator with the firm in *In re: Pork Antitrust Litigation*, Case No. 18-cv-1776 (D. Minn.), pending before Judge Tunheim. She and the Hagens Berman litigation team represent consumer purchasers and brought the first complaint filed in what is now a large MDL. In this matter, Breanna has first-chaired several depositions of defendants’ key executives, including senior officers at large, publicly traded companies.
- › She is also a critical early team member in the *In re Cattle and Beef Antitrust Litigation*, Case No. 20-cv-1319, in which she helped draft the complaint and fight motions to dismiss, which were denied on Sept. 14, 2021.

ASSOCIATE

Breanna Van Engelen

› Additionally, Ms. Van Engelen is one of few young attorneys experienced in giving closing arguments in newsworthy cases.

MEDIA INTERVIEWS

› Brooke Jarvis, **How One Woman's Digital Life Was Weaponized Against Her**, WIRED (Nov. 11, 2017, 6:00 AM) (<https://www.wired.com/story/how-one-womans-digital-life-was-weaponized-against-her/>)

PRESENTATIONS

› "Taking the Distribution of Intimate Images to Trial," Presentation at 9th Annual Domestic Violence Symposium, Seattle, WA, Sept. 2017

PERSONAL INSIGHT

Breanna grew up in Idaho, where she learned to ski in the winter and race horses on mountain trails in the summer. Before becoming an attorney, Breanna taught at a pre-school in eastern Washington. When she's not working, you can find Breanna on her parents' ranch in Texas, taking care of the land and snuggling animals.



ASSOCIATE

Mark Vazquez

During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

CONTACT

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YEARS OF EXPERIENCE

> 9

BAR ADMISSIONS

> Illinois

CLERKSHIPS

- > Hon. John Z. Lee, Northern District of Illinois
- > Hon. Jesse G. Reyes, Illinois Appellate Court, First District

EDUCATION

- > DePaul University College of Law, J.D., **summa cum laude**, 2012
- > Editor, DePaul Law Review
- > University of Chicago, B.A., 2006

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Mark comes to Hagens Berman with a variety of clerkship experience, having clerked for both Judge John Z. Lee at the federal trial level and Justice Jesse G. Reyes at the state appellate level.
- > During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

PUBLICATIONS

- > **People v. Kladis and the Illinois Courts' Treatment of Evidence Spoliation by Law Enforcement**, Illinois State Bar Association Criminal Justice Newsletter, Vol. 56, No. 1 (August 2012)

PERSONAL INSIGHT

An avid musician, Mark has been playing bass and guitar for various rock, blues, jazz, and country acts since he was in grade school. You can frequently hear him alongside his father at bar association events throughout Chicago—that is, should you be able to hear anything in a crowded room full of lawyers.



ASSOCIATE

Stephanie A. Verdoia

Stephanie brings to the firm a deep knowledge of professional sports policies, protocols and governance to enrich Hagens Berman's robust sports law practice.

CONTACT

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PRACTICE AREAS

> Sports Litigation

INDUSTRY EXPERIENCE

> Sports Governance
> Sports Policy and Protocols

EDUCATION

> University of Washington
School of Law, J.D., 2021,
Order of Barristers
> Seattle University, B.A.
Political Science and Legal
Studies, summa cum laude,
2015

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Ms. Verdoia's practice at the firm's Seattle office focuses primarily on sports litigation, where she applies her deep knowledge of sports governance, policies and protocols to bolster the firm's expansive work in this area of law.

EXPERIENCE

> Prior to joining Hagens Berman, Ms. Verdoia interned at Seattle's Legal Voice, where she researched legal issues regarding gender equality by analyzing the interplay between constitutional principles, recently enacted state statutes and prevailing precedent.
> Ms. Verdoia also interned with the legal department at Seattle Sounders FC, where she provided legal research and solutions responding to the evolving developments of the COVID-19 pandemic.

ACTIVITIES

> Her additional experience in professional sports lends itself to the firm's sports litigation practice area. Ms. Verdoia has years of experience in the realm of professional soccer as a midfielder in Norway's Topserien top division soccer and with the National Women's Soccer League (NWSL) both for the Boston Breakers and most recently the OL Reign (formerly known as Seattle Reign FC).
> During her time in these roles, she trained with the top NWSL team to enhance squad development with the Reign; led Norway's Vålerenga Fotbal Damer to the national championship game; and was one of only 36 women nationally drafted into the professional female league when she began her professional sports career in 2015 with the Boston Breakers.
> Ms. Verdoia has also served as a league representative, helping to take a leadership role in the sport by conducting conversation with key league figures to further players' interests and advance gender equity in sport. She also implemented working standards to create a safer environment and established a framework for a future players association.

PERSONAL INSIGHT

As a lifelong soccer player, Stephanie spends her free time coaching youth soccer teams at the OL Reign Academy. She also enjoys camping anywhere in the Pacific Northwest with her fiancé, Shane, and her dog, Stevie.



ASSOCIATE

Bradley J. Vettraino

Mr. Vettraino focuses on enforcing the antitrust laws against pharmaceutical monopolists and has spent his entire career challenging corporate misconduct.

CONTACT

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YEARS OF EXPERIENCE

> 8

BAR ADMISSIONS

> Illinois
> Massachusetts
> Missouri

COURT ADMISSIONS

> U.S. District Court, District of Massachusetts
> U.S. District Court, Southern District of Illinois

EDUCATION

> Washington University in St. Louis School of Law, J.D., 2013
> Metropolitan State University of Denver, B.A., 2009

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on pharmaceutical antitrust litigation and prosecuting other healthcare-related fraud.
- > Core member of the team litigating In re Zetia (ezetimibe) Antitrust Litigation, MDL No. 2836 (E.D. Va.), a federal antitrust suit against Merck & Co and Glenmark Pharmaceuticals alleging the two unlawfully agreed to delay access to generic ezetimibe for years, resulting in billions in overcharges to purchasers.
- > Responsible for day-to-day management of in In re Lantus Direct Purchaser Antitrust Litigation, 16-cv-12652 (D. Mass), alleging that Sanofi-Aventis wrongfully listed and asserted patents, unlawfully extending its monopoly over its multi-billion dollar per-year injectable insulin glargine product, Lantus.
- > Core member of the team litigating antitrust claims against Amgen and Teva in In re Sensipar (Cinacalcet Hydrochloride Tablets) Antitrust Litigation, which alleges alleging a multi-faceted market allegation scheme.
- > Instrumental in overcoming motions to compel arbitration against class representatives in multiple cases.

RECOGNITION

- > Rising Star, Super Lawyers Magazine
- > Upon graduating law school, Mr. Vettraino received the Dan Carter-Earl Tedrow Memorial Award, as the student who most embodied the aims of the legal profession.

LEGAL ACTIVITIES

- > Member, American Association For Justice

EXPERIENCE

- > Before joining Hagens Berman, Mr. Vettraino was an associate at a nationwide class-action firm, where he prosecuted numerous securities, merger and acquisition, and consumer class actions on behalf of both individuals and large public pension funds.
- > After graduating from Washington University in St. Louis School of Law in 2013, Mr. Vettraino worked for two preeminent toxic tort and products liability firms representing individuals harmed by corporate negligence and greed.

PERSONAL INSIGHT

When not driving his wife crazy by singing the same five songs to their infant son on repeat, Brad enjoys spending his free time fly fishing (with limited success).



ASSOCIATE

Ted Wojcik

Ted is devoted to working on behalf of those harmed by corporate misconduct, and has experience advocating for individuals in several contexts.

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YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

- > Antitrust Litigation
- > Class Action
- > Environmental Litigation

BAR ADMISSIONS

- > Georgia
- > Washington

CLERKSHIPS

- > Judge Mark H. Cohen, U.S. District Court for the Northern District of Georgia, Atlanta, GA, 2016-2018
- > Judge Marjorie Allard, Alaska Court of Appeals, Anchorage, AK, 2015-2016

EDUCATION

- > Yale Law School, J.D., 2015
- > Dartmouth College, A.B., 2011, *magna cum laude*

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Before joining Hagens Berman, Ted served as a clerk to U.S. District Judge Mark H. Cohen, and prior to that, to Judge Marjorie Allard of the Alaska Court of Appeals.
- > During law school, Ted interned for the Alaska Public Defender Agency in Palmer, Alaska, and the New Orleans City Attorney's Office. He also worked as a student attorney in the landlord/tenant and immigration legal services clinics, and was an editor for the Yale Law Journal.
- > Before law school, Ted worked for a year as a high school teacher in the Marshall Islands.

PERSONAL INSIGHT

A Maine native and recent Seattle transplant, Ted is working hard to master the intricacies of composting and to remember that the ocean lies to the west now, not the east.



ASSOCIATE

Abby Wolf

Abby cares deeply about justice and fairness. Through class actions, she is focused on exposing the truth, holding the powerful accountable and helping consumers fight back against corporate wrongdoing.

CONTACT

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YEARS OF EXPERIENCE

> 5

PRACTICE AREAS

- > Antitrust Litigation
- > Class Action
- > Consumer Rights

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Central District of California
- > U.S. Court of Appeals for the Fourth Circuit

CLERKSHIPS

- > U.S. District Court for the Eastern District of California, Judge Dale A. Drozd, 2020 – 2021
- > U.S. District Court for the Southern District of West Virginia, Judge Joseph R. Goodwin, 2016 – 2017

EDUCATION

- > University of California, Davis School of Law, King Hall, J.D., 2016
- > University of California, Berkeley, B.A., 2011

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Abby was an associate at Lief Cabraser Heimann & Bernstein LLP, where she worked on behalf of cities, counties and Native American tribes in the nationwide opioid litigation. She also represented survivors of the 2017 and 2018 wildfires in California sparked by the negligence of local utility companies.

PUBLICATIONS

- > “The World Still Looks to California: The CalECPA as a Model Step for Privacy Reform in the Digital Age,” The Journal of Law and Technology at Texas, Aug. 1, 2017

PRESENTATIONS

- > Mass Torts Committee Breakout: “Public Nuisance Law and Its Impact on the Opioid Litigation and Future Mass Torts,” Panelist, Jan. 31, 2020

PERSONAL INSIGHT

When not practicing law, Abby enjoys yoga, baking and spending time with her pet rabbit, Ralphie.



ASSOCIATE

Wesley A. Wong

Mr. Wong is an investor rights attorney who assists in the development and prosecution of securities class-action cases, derivative actions and opt-out litigation. He has experience working in all stages of litigation, including at trial.

CONTACT

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YEARS OF EXPERIENCE

> 3

PRACTICE AREAS

- > Investor Fraud
- > Securities

INDUSTRY EXPERIENCE

- > General Civil Litigation
- > Complex Civil Litigation
- > Class Actions
- > Financial Services Regulatory Compliance

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Court for the Eastern District of California
- > U.S. District Court for the Northern District of California

EDUCATION

- > University of San Francisco School of Law, J.D., 2016
- > San Francisco State University, B.S., cum laude, 2012

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Mr. Wong's practice focuses on securities litigation.

RECENT SUCCESS

- > Mr. Wong represented and defended a major rapid transit public transportation system serving the San Francisco Bay Area in a \$75 million breach of contract and implied covenant of good faith/fair dealing case at trial. He successfully tried the case to verdict as a key member of the trial team and obtained a complete defense verdict.

EXPERIENCE

- > Litigated a variety of cases at all stages of litigation, including at trial
- > Worked in the financial services industry as an analyst prior to law practice
- > Prior experience working with banking industry regulators to resolve regulatory compliance matters

ACTIVITIES

- > The Risk Management Association, Golden Gate Chapter, Young Professionals Board Member 2017-2018

LEGAL ACTIVITIES

- > Asian American Bar Association of the Greater Bay Area

PERSONAL INSIGHT

When he's not practicing law, Wesley enjoys writing, directing and producing short films and music videos. Wesley has worked with electronic dance music and hip hop music artists in the management, production, dealmaking and financing of various projects.

EXHIBIT 5



FIRM BIOGRAPHY

LITE DEPALMA GREENBERG & AFANADOR, LLC

December 2022

Lite DePalma Greenberg & Afanador, LLC is a general practice law firm, with offices in Newark and Philadelphia. The firm specializes in commercial and complex litigation with a concentration in class action matters in the areas of securities, antitrust, consumer fraud, and insurance sales practices. More detail about the firm and its attorneys appears on its website, www.litedepalma.com.

Diversity and Inclusiveness: Our Tradition

Lite DePalma Greenberg & Afanador, LLC has a long-standing tradition of recruitment, retention, and advancement of women and minority attorneys. The firm did not attain its diverse team of partners, associates, and staff as a result of a contemporary mission to create diverse workplaces. Long before multiculturalism became the trend, Lite DePalma Greenberg & Afanador, LLC was committed to diversity in the workplace. Having elected its first minority attorney to the partnership over a decade ago, the firm has continually maintained a team of partners, associates, and staff that is representative of various multicultural backgrounds. The firm currently boasts a team comprised of 50% women and/or minority attorneys, including at the partnership level. We are also committed to staffing cases with a diverse team of seasoned attorneys that are capable of tending to the needs of our clients in today's increasingly diverse global economy. To that end, Lite DePalma Greenberg & Afanador, LLC actively recruits women and minority attorneys and regularly staffs its summer associate positions with law students participating in the Rutgers Minority Student Program. We are immensely proud to have been part of that journey and have witnessed firsthand how this type of trail blazing motivates and inspires our young associates.



Community and Leadership: Our Devotion to the Development of the Newark Community and Minority / Socioeconomically Disadvantaged Groups

Founded in 1978, our law firm began its practice in Newark, New Jersey and has remained a Newark resident at all times. As a proud member of the Newark community, Lite DePalma Greenberg & Afanador, LLC supports its local charitable, educational, cultural, and pro bono legal institutions. The firm is heavily involved with Newark's educational institutions. The firm has participated in a summer hiring program that employs minority students from University High School on a part-time basis in order to provide inner city students with valuable exposure to a law practice. It also supports Newark's law schools by supporting Seton Hall and Rutgers-Newark, financially and otherwise. Our attorneys are deeply committed to both schools and regularly volunteer their time in alumni, moot court, and other programs. In the cultural arena, the firm was a Founding Sponsor of the New Jersey Performing Arts Center in Newark and a consistent financial supporter of NJPAC since its inception. Among the pro bono legal institutions that Lite DePalma Greenberg & Afanador, LLC has actively assisted are Consumers League of New Jersey and the Center for Auto Safety in Washington, DC. The firm successfully represented both organizations as amicus curiae in cases before the Supreme Court of New Jersey. Additionally, several of our attorneys were among the first in New Jersey to handle pro bono appeals in the New Jersey Appellate Division's Pro Bono Civil Pilot Program and have participated in several pro bono matters.

Loyalty: Our Commitment to Family and Personal Relationships

Lite DePalma Greenberg & Afanador, LLC has long-realized that promoting healthy family and personal relationships is a key component to building a successful and cohesive practice. Mindful of the increase in dual income families, the firm strives to create an environment that is respectful of family obligations. Lite DePalma Greenberg & Afanador, LLC



endeavors to facilitate flexible work arrangements by offering a fair family leave policy, flex-time, and telecommuting.

MEMBERS OF THE FIRM

JOSEPH J. DEPALMA (Newark Office), the Firm's Managing Member, has a vast breadth of experience in many types of class action cases involving securities, ERISA, antitrust, product liability, and consumer fraud. Mr. DePalma also handles shareholder derivative litigation, commercial litigation, and transactional matters for the firm's corporate clients. He has a Masters Degree in Business Administration and a J.D. degree from Seton Hall University School of Law.

Mr. DePalma has served as Co-Lead Counsel for the State of New Jersey, Division of Investment, as Lead Plaintiff in two prominent class actions that have resulted in significant recoveries: *Reginald Newton v. Tenet Healthcare Corp.*, (Tenet Healthcare Securities Litigation), cv-02-8462-RSWL (C.D. Cal.) (\$281.5 million settlement); *In re Motorola Securities Litig.*, Civ. No. 03-C-287 (N.D. Ill.) (\$193 million settlement reached three business days before trial).

Mr. DePalma has also played an active role in obtaining settlements in numerous recognized class actions comprising some of the largest settlements in the nation. Included in such cases are: *In re Prudential Ins. Co. of America Sales Practices Litig.*, 148 F.3d 283 (3d Cir. 1998) (over \$4 billion paid out in largest insurance sales practices settlement ever) (Liaison Counsel); *In re Lucent Technologies Securities Litig.*, Civil Action No. 00cv621(AJL) (D.N.J.), reported opinions, 2003 WL 25488395 (D.N.J. Dec. 15 2003), 2002 WL 32815233 (D.N.J. July 16, 2002), 217 F. Supp. 2d 529 (D.N.J. 2002), 2002 WL 32818345 (D.N.J., May 9, 2002), 221 F. Supp. 2d 463 (D.N.J. 2001), 221 F. Supp. 2d 472 (D.N.J. 2001) (approximate \$610 million



settlement) (Liaison Counsel); *Galanti v. Goodyear*, Civil Action No. 03-209(SRC) (D.N.J.) (\$300 million product liability settlement) (Liaison Counsel); *In re Aremissoft Corp. Securities Litig.*, Civil Action No. 01-CV-2486 (JAP) (D.N.J.), reported opinion, 210 F.R.D. 109 (D.N.J. 2002) (over \$250 million recovered to date; case is ongoing) (Liaison Counsel); *In re Royal Dutch/Shell Transport Litigation*, Civil Action No. 04-1398 (JWB) (D.N.J.), reported opinions, 404 F. Supp. 2d 605 (D.N.J. 2005), 380 F. Supp.2d 509 (D.N.J. 2005) (\$90 million ERISA settlement, the largest settlement ever under ERISA) (Liaison Counsel); *P. Schoenfeld Asset Management, LLC v. Cendant Corp.*, Civil Action No. 98-4734(WHW) (\$26 million settlement after precedent-setting decision in same case, *Semerenko v. Cendant Corp.*, 223 F.3d 165 (3d Cir. 2000)) (Liaison Counsel); *Steiner v. MedQuist*, Civil Action No. 04-CV-05487-JBS (D.N.J.), reported opinion, 2006 WL 2827740 (D.N.J. Sept. 29, 2006) (\$7.75 million) (Liaison Counsel); *In re Tellium Securities Litig.*, No. 02-CV-5878 (FLW) (D.N.J.), reported opinion, 2005 WL 1677467 (D.N.J. June 30, 2005) (\$5.5 million) (Liaison Counsel), and; *In re NUI Securities Litig.*, Civil Action No. 02-CV-5220 (MLC) (D.N.J.), reported opinion, 314 F. Supp. 2d 388 (D.N.J. 2004) (\$3.5 million) (liaison counsel).

Mr. DePalma's years of experience also include the following major matters: *In re Computron Software, Inc. Securities Litig.*, Civil Action No. 96-1911 (AJL) (approximate \$15 million settlement) (Liaison Counsel); *In re USA Detergents, Inc. Securities Litigation*, Master File No. 97-2459 (MTB), District of New Jersey (\$10 million settlement) (Liaison Counsel); *In re: The Children's Place Securities Litig.*, Master File No. 97-5021 (JCL), District of New Jersey, reported opinion, 1998 WL 35167284 (D.N.J. Sept. 4, 1998) (\$1.7 million settlement) (Liaison Counsel); *Arthur Fields, et al. v. Biomatrix, Inc., et al.*, Civil Action No. 00-CV-3541 (WGB), District of New Jersey (\$2.45 million settlement) (Liaison Counsel), and *In re Atlas*



Mining Securities Litig.; Civil Action No. 07-428-N-EJL (D. Idaho) (\$1.25 million) (Lead Counsel).

Some of Mr. DePalma's other court approved class action and mass action settlements, involved product liability, takeover and ERISA matters. In a complex MDL mass action proceeding involving the illegal harvesting of body parts and the untested surgical implanting of those parts, Mr. DePalma, along with a team of nationally recognized colleagues, achieved a global settlement in a case captioned *In re Human Tissue Product Liability Litig.* (D.N.J.). Mr. DePalma achieved a settlement on behalf of shareholders in tender offer litigation, captioned *In re Alparma Shareholder Litigation*, (N.J. Superior Ct.). In a complex ERISA matter involving two appeals to the Third Circuit, Mr. DePalma obtained a settlement of \$8.5 million on behalf of a class of participants in a retirement plan alleging breaches of fiduciary duties. *In re Schering-Plough Corporation ERISA Litigation*, (D.N.J.).

Mr. DePalma has also achieved excellent results for clients in other areas of litigation. Among other things, he won large settlements for a condominium association on construction defect and legal malpractice claims and has successfully handled securities arbitrations as well.

Mr. DePalma has lectured in the areas of class action law and in complex commercial litigation. He has also served as a member of the New Jersey Supreme Court's District Ethics Committee.

Mr. DePalma served on the Board of Visitors of the Seton Hall University School of Law from 2011 to 2022. Mr. DePalma served as co-chair of the law school's Small Firm Committee and was a member of its Diversity Counsel.



Mr. DePalma was named as a New Jersey Super Lawyer in the 2007-2021 issues of *New Jersey Monthly* magazine. He was also named to ALM's 2012 "New Jersey Top Rated Lawyers," listed under "Business & Commercial."

BRUCE D. GREENBERG (Newark Office) has served as Co-Lead Counsel, Executive Committee or Steering Committee member, or Liaison Counsel in major antitrust, defective products, consumer fraud, and securities class action cases. He also handles sophisticated appellate, commercial and real estate litigation.

A number of Mr. Greenberg's class action cases have resulted in significant settlements. Among his federal court class action successes are a settlement worth more than \$750 million for a nationwide class in *Varacallo v. Massachusetts Mutual Life Ins. Co.*, 226 F.R.D. 207 (D.N.J. 2005) (Co-Lead Counsel), an insurance sales practices case, a \$35.75 million nationwide class settlement in *In re STEC Securities Litig.*, No. SACV 09-01304-JVS (MLGx) (Co-Lead Counsel), a securities fraud case, *Cole v. NIBCO, Inc.*, No. 13-7871 (FLW) (TJB) (Co-Lead Counsel), a \$43.5 million nationwide settlement in a defective products case, a nationwide consumer settlement worth up to \$13 million in *Schwartz v. Avis Rent a Car System, LLC*, Civil Action No. 11-4052 (JLL) (Co-Lead Counsel), a highly valuable nationwide settlement in *In re Samsung DLP Television Class Action Litigation*, Civil Action No. 07-2141 (GEB) (MCA) (Executive Committee), settlements totaling over \$200 million for a nationwide class in the multidistrict antitrust litigation captioned *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663, Civil Action No. 04-5184 (FSH) (District of New Jersey) (Liaison Counsel), and another antitrust class action, *In re Liquid Aluminum Sulfate Antitrust Litigation*, MDL No. 2687, Civil Action No. 16-md-2687 (JLL) (JAD) (District of New Jersey) (Steering Committee and Liaison Counsel), which produced settlements totaling over \$90 million for a nationwide class.



His efforts as Co-Lead Counsel for certified classes in the United States District Court for the Western District of Pennsylvania (*Zeno v. Ford Motor Co.*, 238 F.R.D. 173 (W.D. Pa. 2006), and 480 F. Supp. 2d 825 (W.D. Pa. 2007)) and in the Superior Court of New Jersey, led to a four-state settlement that afforded full benefit of the bargain relief to consumers in *Pedersen v. Ford Motor Co.*, No. GIC 821797 (Cal. Super Ct.). Mr. Greenberg was also instrumental in *In re Motorola Securities Litig.*, Civ. No. 03-C-287 (N.D. Ill.), where Lite DePalma Greenberg & Afanador, LLC, as Co-Lead Counsel, achieved a \$193 million settlement just three business days before trial was to begin.

Mr. Greenberg's New Jersey state court class actions include a settlement valued at \$8.6 million for a nationwide class of current and former merchants in *Roma Pizzeria v. Harbortouch f/k/a United Bank Card*, Docket No. HNT-L-637-12 (Co-Lead Counsel); a \$100 million settlement for a nationwide consumer class in *Friedman v. Samsung Electronics America, Inc.*, Docket No. BER-L-7250-01 (Liaison Counsel), a comparably sized settlement for a nationwide consumer class in *Summer v. Toshiba America Consumer Products, Inc.*, Docket No. BER-L-7248-01 (Liaison Counsel), another nationwide consumer class settlement in *Barrood v. IBM*, Docket No. MER-L-843-98 (Co-Lead Counsel), which afforded class members full benefit of the bargain relief, (Co-Lead Counsel), a settlement for a New Jersey consumer class worth over \$7 million in *Delaney v. Enterprise Rent-A-Car Co.*, Docket No. OCN-L-1160-01 (Co-Lead Counsel), a \$4.5 million settlement for a New Jersey consumer class in *DeLima v. Exxon*, Docket No. HUD-L-8969-96 (Co-Lead Counsel), and an unprecedented settlement in a class action involving a merger, *Rubin v. Mercer Insurance Group, Inc., et al.*, Docket No. MER-C-102-10 (Co-Liaison Counsel), which afforded stockholders the opportunity to review forward looking



financial information of the company, thus allowing shareholders to make a more informed decision concerning the merger.

A 1982 graduate of the Columbia University School of Law, Mr. Greenberg clerked for Justice Daniel J. O’Hern of the Supreme Court of New Jersey for the 1982-83 Term. Before joining the firm, Mr. Greenberg was a partner at one of New Jersey’s largest law firms.

Mr. Greenberg appears regularly in the appellate courts. He has argued twelve times in the Supreme Court of New Jersey, three cases in the Third Circuit Court of Appeals, and over 50 cases in New Jersey’s Appellate Division. Over 40 of his cases have resulted in published, precedential opinions, including major decisions on class actions, mass torts, zoning and land use, restrictive employment covenants, real estate brokerage, and other topics.

Among his many other publications, Mr. Greenberg is the author of the chapter entitled “Supreme Court Review” in *New Jersey Appellate Practice Handbook* (New Jersey ICLE), co-author, with Susana Cruz Hodge, of the chapter entitled “Class Action Litigation” in *New Jersey Federal Civil Procedure* (NJLJ Books (1st ed. 1999 and annual supplements)), and author of “Keeping the Flies Out of the Ointment: Restricting Objectors to Class Action Settlements,” 84 *St. John’s L. Rev.* 949 (2010). That and other law review articles that he has written have been cited with approval by the Supreme Court of New Jersey, the Appellate Division, and federal and state courts in other jurisdictions. Mr. Greenberg has lectured on class actions for both New Jersey and Pennsylvania CLE, and he delivered the 27th annual Evangelides Memorial Lecture at Rutgers University’s Eagleton Institute on the topic “Class Action Litigation: Who Benefits?” He has served as an expert witness on attorneys’ fees in class actions and Chancery litigation. He has also spoken on civil trial preparation, appellate practice and other subjects. Mr.



Greenberg also writes the New Jersey Appellate Law blog, <http://appellatelaw-nj.com>, New Jersey's foremost appellate blog, since 2010.

Mr. Greenberg belongs to the New Jersey State Bar Association and was Chair of the Association's Appellate Practice Committee from 2004-2006. He is a past Co-Chair of the NJSBA's Class Actions Committee, a position he held from 2008-2016. From 1991-2006, Mr. Greenberg was a member of the Supreme Court of New Jersey Committee on Character. He was also one of the founding members, and a past Chair, of the New Jersey Law Firm Group, a consortium of major law firms to advance hiring of minority lawyers.

Mr. Greenberg has been named to the "New Jersey Super Lawyers" list, for "Appellate Practice," in *New Jersey Monthly* magazine every year since 2005, when that list was first published, and has twice been named to the "New Jersey Super Lawyers" Top 100, most recently in 2020. Mr. Greenberg has been listed in "Best Lawyers in America®" in 2019 and 2020, for "Appellate Practice." He was also named to ALM's 2012 "New Jersey Top Rated Lawyers," listed under "Commercial Litigation." Mr. Greenberg has an "AV" rating from Martindale-Hubbell.

VICTOR A. AFANADOR (Newark Office) handles litigation and trials of civil and criminal cases. His experience includes public entity tort liability defense, employment related defense of CEPA and LAD matters, police related state and federal civil rights defense, condemnation and redevelopment law, complex commercial litigation, and criminal defense. In addition, Mr. Afanador served from September 1999 through May of 2005 as Deputy Director of Law for the City of Perth Amboy. In that capacity, he provided counsel to the Mayor, the City Council, and City department directors on legal matters.



Mr. Afanador has successfully tried to verdict jury and bench trials in civil rights and redevelopment law matters. He has also tried public entity employee termination hearings before the Office of Administrative Law and numerous matters of many types in Municipal Court. He also litigated and managed the condemnation of sixteen properties in a single municipality.

In addition to his trial work, Mr. Afanador has argued before the Superior Court of New Jersey, Appellate Division. His published opinions include *Deegan v. Perth Amboy Redevelopment Agency*, 374 N.J. Super. 80 (App. Div. 2005). Mr. Afanador has also applied his investigative skills in the class action area. He interviewed Spanish-speaking employees and prepared a report for the Court as part of the firm's responsibilities as Class Administrator for an employment discrimination class action.

Mr. Afanador clerked for Judges Mathias E. Rodriguez and Frederick P. DeVesa, Superior Court of New Jersey, Law Division Criminal Part, in Middlesex County from 1998-1999.

Mr. Afanador was appointed by the Essex County Executive in September of 2005 to serve as a Commissioner on the Essex County Board of Public Utilities. He is a member of the New Jersey State Bar Association, The Association of the Federal Bar of the State of New Jersey, Seton Hall University School of Law Alumni Association, the Essex County Bar Association, and the Hispanic Bar Association of New Jersey. He is a 2003 Graduate of the Leadership Newark Fellowship Program and has served on the African Globe Theatreworks Board of Directors, a professional theater company based in Newark, New Jersey.

Mr. Afanador was designated a Rising Star in the May 2006, May 2007, May 2008, May 2009, May 2010, May 2011, May 2012, and May 2013 issues of *New Jersey Monthly* magazine. He was also named to the "40 Under 40" issue by the New Jersey Law Journal in 2010.



SUSANA CRUZ HODGE (Newark Office) is a member of Lite DePalma Greenberg & Afanador, LLC and focuses her practice on class actions. Her primary focus is on product liability and consumer fraud cases. Ms. Hodge has participated in numerous consumer cases, including *Cole v. NIBCO, Inc.*, No. 13-CV-07871 (D.N.J.), a case involving defective plumbing piping, tubing and fixtures that resulted in a nationwide consumer settlement worth \$44 million; *Schwartz v. Avis Rent a Car System, LLC*, No. 11-4052 (D.N.J.), a case involving fraudulent fee charges that resulted in a nationwide consumer settlement worth up to \$13 million; *In re Shop-Vac Marketing and Sales Practices Litig.*, No. 4:12-MD-2380 (M.D. Pa.), a case involving misrepresentation of the peak horsepower of wet/dry vacuums that resulted in a nationwide settlement fund valued at \$174 million; and *Mendez v. Avis Budget Group, Inc.*, No. 11-cv-6537 (D.N.J.), where a nationwide class of over 10 million consumers has been certified.

Recently, Susana was appointed as a member of the Executive Committee in *In re Robinhood Outage Litigation*, No. 20-01626-JD (N.D. Cal.), which was filed on behalf of users of Robinhood's trading platform who were unable to access their brokerage accounts on March 2, 2020, a day that saw the biggest ever point gain in a single day with Dow Jones Industrial Average rising over 1,294 points, the S&P 500 rising 136 points, and the Nasdaq rising 384 points. Ms. Hodge is also currently actively involved in representing plaintiffs in several consumer class actions involving heavy metals, BPA, and other contaminants and toxins in food, including, *Colangelo v. Champion Petfoods USA, Inc. et al.*, No. 6:18-cv-01228 (N.D.N.Y.), *Zarinebaf et al v. Champion Petfoods USA, Inc. et al.*, No. 1:18-cv-06951 (N.D. Ill.), *In Re: Big Heart Pet Brands Litigation*, No. 4:18-cv-00861 (N.D. Cal.), *Grossman v. Schell & Kampeter, Inc.*, No. 2:18-cv-02344 (E.D. Cal.), and *Zeiger v. WellPet LLC*, No. 3:17-cv-04056 (N.D. Cal.), where a class of California dog food purchasers was recently certified.



Ms. Hodge also represents individual parties in general business disputes arising from breach of contract and fraud, as well as employment-related issues. In her capacity as a commercial litigator, Susana represented a major food and beverage company in recovering millions of dollars fraudulently converted in a Ponzi scheme. She has also represented a struggling local business in closing its doors without filing bankruptcy, which involved negotiating settlements with nearly 100 creditors and successfully pursuing claims against various debtors. Susana has investigated, negotiated, and litigated claims by subcontractors and material suppliers in a range of construction-related contractual disputes. Susana has also filed and defended commercial and residential construction liens, and payment and performance bond surety claims in cases involving public and private construction projects.

Ms. Hodge has briefed and argued before the United States Court of Appeals for the Seventh Circuit, the U.S. District Court for the District of New Jersey, and the New Jersey Superior Court. Ms. Hodge has also participated in appeals to the United States Court of Appeals for the Third, Seventh, and Ninth Circuits, as well as to the Appellate Division of the New Jersey Superior Court involving constitutional and employment law, rent control, and commercial leasing issues.

Ms. Hodge was one of the first attorneys in New Jersey to handle pro bono appeals in the New Jersey Appellate Division's Pro Bono Civil Pilot Program and has participated in several pro bono matters. Most recently, Ms. Hodge represented an individual in an emergency application to the New Jersey Appellate Division, which led to the client avoiding eviction, and secured a dismissal of a temporary restraining order in another matter that would have imposed automatic prison time for her client.



Ms. Hodge is co-author, with Bruce D. Greenberg, of the chapter entitled “Class Action Litigation” in New Jersey Federal Civil Procedure and has been a panelist in various seminars such as “Significant Developments in Class Actions,” hosted yearly by the New Jersey Institute for Continuing Legal Education, and “The Evolving Nature of Class Actions,” hosted by New Jersey State Bar Association.

Ms. Hodge is a graduate of Boston College (2001) and Boston College Law School (2005). Prior to joining private practice, Ms. Hodge clerked for the Hon. Thomas J. LaConte, Superior Court of New Jersey, Passaic County. She also taught Legal Writing at Seton Hall University Law School to first year law students prior to joining Lite DePalma Greenberg & Afanador, LLC. Prior to attending law school, Ms. Hodge taught Portuguese, English, and math to young students in Rio de Janeiro, Brazil, as part of Projeto Unicom Rocinha, a Brazilian non-profit organization. Ms. Hodge was named as a “Rising Star” in *New Jersey Monthly* magazine from 2014 to 2019 and has since been named to the “New Jersey Super Lawyers” list every year.

MINDEE J. REUBEN (Philadelphia Office) is a Member of the firm and is resident in the firm’s Philadelphia office. Ms. Reuben represents plaintiffs across the country in a broad range of antitrust and consumer class action matters, regularly serving as lead, co-lead and liaison counsel and as a member of case-management committees in high-profile, multi-jurisdictional litigation. *Super Lawyers* and *Philadelphia Magazine* have repeatedly named Ms. Reuben as one of Pennsylvania’s top lawyers in the field of antitrust, as well as one of the top 50 Women Super Lawyers overall in the state. Mindee has also been named in the 25th and 26th Editions of *The Best Lawyers in America*® for her work in Antitrust Law and Litigation – Antitrust.



Ms. Reuben is currently involved in several plaintiff class action antitrust matters, including *In re: Processed Eggs Products Antitrust Litigation*, No. 08-md-2002 (E.D. Pa.), in which she is co-lead and liaison counsel, and the court has approved over \$130 million in settlements. She is also a member of the steering committee and has oversight of the document review in *In re: Generic Pharmaceutical Pricing Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.), a member of the trial plan committee in *In re Blue Cross Blue Shield Antitrust Litigation* (Subscribers), No. 13-cv-20000 (N.D. Ala.), and a member of the deposition team in *In re Broiler Chicken Antitrust Litigation* (Direct Purchasers), No. 18-cv-8637 (N.D. Ill.). Other recent cases on which she has had a case management role include *In re: Lithium Ion Batteries Antitrust Litigation*, No. 13-md-2420 (N.D. Cal.) (steering committee), *Gordon v. Amadeus IT Group, S.A.*, No. 15-cv-5457 (S.D.N.Y.) (co-lead counsel), and *In re: Polyurethane Foam Antitrust Litigation*, MDL No. 2196 (N.D. Ohio) (executive committee), where the court approved over \$147,000,000 in settlements. She is presently active in a number of other antitrust matters around the country as well, including *In re Aluminum Sulfate Antitrust Litigation*, No. 16-md-2687 (D.N.J.) and *In re Broiler Chicken Antitrust Litigation*, No. 16-8637 (N.D. Ill.).

Ms. Reuben's significant past antitrust matters include *BP Products North America, Inc. Antitrust Litigation* (N.D. Ill.) (\$52 million settlement), *In re: Polyester Staple Antitrust Litigation* (W.D.N.C.) (\$50 million settlement), *In re: Electrical Carbon Products Antitrust Litigation* (D.N.J.) (\$21.9 million settlement), and *In re Flonase Antitrust Litigation* (E.D. Pa.) (confidential settlement on behalf of generic competitor).

Ms. Reuben also served as class counsel in the consumer class action of *Fritzinger v. Angie's List*, Case No. 12-cv-1118 (S.D. Ind.), and as co-lead counsel in *Stone v. Stewart Title Guaranty Co.*, Philadelphia Court of Common Pleas, June Term, 2006, No. 2003 (consol. under



Cummings v. Stewart Title Guaranty Co., et al., Philadelphia Court of Common Pleas, March Term, 2005, No. 747) (Glazer, J.), both of which resulted in favorable settlements for the class. At the final approval hearing, the court noted that “counsel really did an extraordinary job.”

Ms. Reuben is actively involved with the Philadelphia Bar Association, historically having served as Vice Chair of the Association’s Bench Bar and Annual Meeting and as Chair of its Women’s Rights Committee. Her work on the Women’s Rights Committee focused on human trafficking in the United States and resulted in the Association’s Board of Governors passing a Resolution in Support of Ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). She is also a member of the Federal Courts Committee, Women in the Profession Committee and Business Law Section.

Ms. Reuben is a founding member of Women Antitrust Plaintiffs’ Attorneys, a national organization of women who focus their practices on cartel and other anticompetitive cases. She has been appointed to serve in the Leadership of the Antitrust Law Section during 2019-2020 as a Member of the Competition/Consumer Protection Policy and North American Comments Task Force, and is co-authoring a chapter in the ABA’s *Antitrust Daubert Handbook*. Ms. Reuben is also a Lecturer in Law in the area of legal writing for the LL.M. program at the University of Pennsylvania School of Law. She previously served as an Adjunct Professor of Law at the James E. Beasley School of Law of Temple University.

Ms. Reuben has contributed to numerous comprehensive legal publications, and has spoken on a variety of subjects, including ethics and the Federal Rules of Civil Procedure. Most recently, Mindee was a panelist for the ABA Civil Practice and Procedure Section of Antitrust Law speaking on “Antitrust Class Action Program Series: Class Action Killer or Business as Usual? -- Rule 23(b)(3) and the Predominance Requirement” and a panelist for the ABA Section



of Litigation's "Rules Roadshow," on the topic "Precision Advocacy: Reinventing Motion Practice to Win" in Philadelphia.

After earning her joint law and master of public administration degrees from the University of Pittsburgh, Ms. Reuben served as a law clerk for the Honorable Frank J. Montemuro, Senior Justice of the Supreme Court of Pennsylvania.

ALLEN J. UNDERWOOD II (Newark Office) is a seasoned corporate, commercial and bankruptcy attorney who serves as outside general and special counsel to public and private manufacturing, trading, lending and service providers. His corporate and commercial career has as its foundation many years of intensive representations of creditors, debtors, committees and trustees in federal bankruptcy and state law debtor/creditor matters. Representing a distressed entity in workout, forbearance, reorganization (either inside or outside of bankruptcy), wind-down or liquidation requires certain confidence, experience and mettle. These same characteristics are required when representing companies in strategic growth phases, commercial negotiations and, where unavoidable, civil litigation. Mr. Underwood's extensive experience counseling clients at their best of times and their worst of times enables him to provide fast and efficient advice on the executive level. Mr. Underwood holds a Bachelor of Arts Degree in both History and Creative Writing from Hamilton College, in Clinton, New York. He holds a Juris Doctorate from the Seton Hall University School of Law. He was law clerk to the Honorable Edward V. Torack, J.S.C.

Mr. Underwood is chair of the firm's Corporate, Commercial and Bankruptcy Department. This practice, by definition, encompasses diverse areas of state and federal law, something he both relishes, and emphasizes when describing his work with clients. In the Chancery and Law Divisions, Mr. Underwood has represented corporate and individual plaintiffs



and defendants in breach of contract, common-law fraud and breach of fiduciary duty matters, employment cases, and all manner of commercial actions. In the bankruptcy courts, Mr. Underwood has represented a multitude of corporate bankruptcy creditors on administrative, secured, priority and unsecured claims, with many of these matters involving complex issues of securitization, priority, setoff, recoupment, reclamation and possession of collateral. These matters frequently involve related issues (difficult in their own right) of purportedly preferential or fraudulent transfers, demands for turnover, alleged unauthorized pre- or post-petition transfers, assumption and rejection, and the like. Issues of guaranty and indemnity, whether as to principals, corporations, or construction and insurance entities, have likewise proliferated in recent years. Mr. Underwood has also represented creditors in numerous healthcare-related bankruptcies, including in most of the major hospital bankruptcies filed in New Jersey over many years.

In bankruptcy and insolvency matters, Mr. Underwood's ethos for creditors is to minimize costs while maximizing leverage and recovery. The ability to achieve this, time and again, is the product of efficiency, hard work and experience. That same ethos characterizes his efforts in commercial and transactional matters.

Mr. Underwood is admitted and frequently practices in the state courts of New York and New Jersey, and the Federal District and Bankruptcy Court in New Jersey, as well as the Federal District and Bankruptcy Courts in the Southern, Eastern and Western Districts of New York. Mr. Underwood is also admitted in the District of Columbia, and from time to time as necessary has been admitted pro hac vice before the United States Bankruptcy Court for the District of Delaware. Notable bankruptcy matters over the years are many, but include: representation of personal injury and wrongful death plaintiffs as creditors in multiple Delaware nursing home and



healthcare-related bankruptcies; representation of insurance entities in numerous New Jersey bankruptcies on every aspect of coverage, from pre-filing negotiations to cash collateral and budget treatment, claims filing, plan confirmation, assumption and rejection, claims objections, and defense of avoidance actions; representation of commercial lenders in New York and New Jersey bankruptcies on secured claims; representation of a New Jersey city as creditor of a major real estate development in Chapter 11, and a complex settlement enabling resolution of takings claims, debtor refinance and project completion, maintenance and beneficial modification of the redevelopment plan, a confirmed Chapter 11, and ultimately a successful project that amplified revenue and regenerated a blighted area, representation of a manufacturer of factory equipment in Delaware bankruptcies on reclamation, administrative and unsecured claims related to immediate pre-bankruptcy factory renovations, and product and work supplied thereto.

Notable non-bankruptcy court litigations include: summary judgment for a plaintiff pension fund on dispositive motion as to multiple conveyances under the Uniform Fraudulent Transfers Act; settlement and payment following litigation to judgment on equipment shipped to Iraq but not paid for in full; settlement of trust and estate litigation in the Chancery Division alleging fraud and defalcation in fiduciary capacities by trustee and executor.

In addition to the above litigation, Mr. Underwood has always simultaneously represented individuals, and public and private corporations (with a distinct preference for closely held businesses) on the panoply of issues that arise for businesses. Notable corporate representations include: reorganization of a deadlocked non-profit and conversion of same to a for-profit entity, with continuing corporate general representation; corporate reorganization of all U.S. subsidiaries of a major manufacturer, streamlining corporate structure and operations, reducing overall costs, and deriving operation and tax benefit thereby, with continuing corporate



general representation on all matters; negotiations with the Pension Benefit Guaranty Corporation, resulting in a successful resolution regarding legacy subsidiary plan underfunding due in large part to market fluctuations; internal reorganization of a deadlocked business closely held by multiple generations of multiple families, streamlining of operations, and continuing corporate general representation on all matters.

Notable discrete corporate and commercial transactions include: negotiation and documentation of oil- and gas-related manufacturing supply and service contracts involving the supply of equipment and coordinated projects to public companies and state-owned entities in the state of Texas and in Brazil, Mexico, Romania, Tajikistan and many places in between; negotiation and documentation of supply contracts for equipment manufactured for U.S. government and military use; routine negotiation and documentation of agreements for the supply of curated data and information from licensed sources.

Mr. Underwood speaks frequently on bankruptcy and commercial matters at private client seminars, and events sponsored by the New Jersey State Bar Association/New Jersey Institute for Continuing Legal Education (NJICLE), the American Bankruptcy Institute, and other industry organizations. In 2014, Mr. Underwood received from Martindale-Hubbell® Peer Review Ratings™ a Peer Review Rating of AV® Preeminent™ in Bankruptcy, Insolvency and Creditor's Rights. This is the highest rating obtainable. In 2011, he was named to the New Jersey Law Journal's top "40 Under 40" List. Mr. Underwood is a member of the American Bankruptcy Institute, the Turnaround Management Association, The Association of Commercial Finance Attorneys, Garden State Credit Associates, and the New Jersey Bar Association, among other organizations, and he remains an associate member of the Bergen County Bar Association.



COUNSEL

STEVEN J. GREENFOGEL (Philadelphia Office) is Counsel to the firm and is resident in the firm's Philadelphia office. Throughout his nearly 45 year legal career, Mr. Greenfogel has specialized in class action antitrust litigation, including many of the most significant multidistrict class action price fixing cases of modern times. He has served as Co-Lead Counsel in *In re Chain Link Antitrust Litigation*, Master File CLF-1 (D.Md); *In re Industrial Silicon Antitrust Litigation*, 95-2104 (W.D.Pa) (which he tried to verdict), *In re Isostatic Graphite Antitrust Litigation*, No. 2000-cv-4965 (E.D.Pa); and *Gordon v. Amadeus IT Group, S.A.*, 15-cv-03457-KPF (S.D.N.Y.). Mr. Greenfogel also served as one of the main trial counsel as well as co-chairman discovery in *In re High Pressure Laminates Antitrust Litigation*, No. 00-MD-1368(CLB) (S.D.N.Y.) (which was tried to verdict) and *In re Carbon Dioxide Antitrust Litigation*, MDL 940 (M.D. Fla) (which settled after jury selection). In addition to being Co-Chairman of Discovery in *In re Infant Formula Antitrust Litigation*, Master File No. MDL 878 (N.D. Fla), Mr. Greenfogel served as one of plaintiff's trial counsel (which settled after jury selection). He has served as a member of Plaintiffs' Executive Committee in numerous cases, including, *inter alia*, *In re Municipal Derivatives Antitrust Litigation*, MDL 1950 (S.D.N.Y. 2008), *In re Static Random Access Memory (SRAM) Antitrust Litigation*, cv-1819 (N.D. Cal 2007) and *In re Publication Paper Antitrust Litigation*, MDL 1631 (D. Ct 2004). Mr. Greenfogel has also played a major role in numerous other multidistrict antitrust class actions, including, *inter alia*, *O'Bannon v. National Collegiate Athletic Ass'n, et al.* cv-091967 cw (N.D. Cal 2009) (A Member of Plaintiff's Trial Team and Co-chairman Discovery); *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL 1827 (N.D. Cal 2006); *In re Direct Random Access Memory (DRAM) Antitrust Litigation*, No. 02-cv-01486-OHG (N.D. Cal 2002); *In re NASDAQ*



Market Makers Antitrust Litigation, MDL 1023 (S.D.N.Y.) (Chairman of Discovery); *In re Brand Names Prescription Drugs Antitrust Litigation*, MDL 997 (N.D. Ill.); *In re Commercial Tissue Antitrust Litigation*, MDL 1189 (N.D. Fla); *In re Infant Formula Antitrust Litigation*, Master File No. MDL 878 (N.D. Fla); *Cumberland Farms v. Browning Ferris Industries, Inc.*, A.A. No. 87-3717; *Superior Beverage/Glass Container Antitrust Litigation*, 89 C 5251 (N.D. Ill.); *In re Chlorine and Caustic Soda Antitrust Litigation*, 86-5428 (E.D. Pa); *In re Records and Tapes Antitrust Litigation* (N.D. Ill.); and *In re Broiler Chicken Antitrust Litigation* (N.D. Ga).

Earlier in his career from 1977 to 1980, Mr. Greenfogel served as an Assistant Attorney General in the Commonwealth of Massachusetts and was the first Chief of its Antitrust Division. He was the author of the Commonwealth's Antitrust Law (M.G.L. 93). During that time, he was a panelist at the New England Antitrust Conference in Boston as well as speaking on antitrust matters at various venues in Massachusetts.

Mr. Greenfogel served as a member of the Board of Trustees of Camden County College from 2000 through 2017, having been appointed to that position by Governors Whitman, McGreevy and Corzine. He has been selected fourteen times as one of the Top Attorneys in Pennsylvania by *Philadelphia Magazine* and has an "AV" rating from Martindale Hubbell.

DANA S. SMITH (Newark Office) is Counsel to the firm and is resident in the firm's Newark Office. Ms. Smith represents plaintiffs in state and federal courts across the country in a broad range of antitrust class action matters. She handles cases involving a wide variety of industries, from pharmaceuticals, consumer electronics and hardware, and food and beverages, to chemicals and manufacturing.



Ms. Smith is currently involved in several plaintiff class action antitrust matters, including *In re: Generic Pharmaceutical Pricing Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.) and *In re: Hard Disk Drive Suspension Assemblies Antitrust Litigation*, MDL No. 2918 (N.D. Ca.).

Past significant matters she has worked on include: *In re: Processed Eggs Products Antitrust Litigation*, No. 08-md-2002 (E.D. Pa.), where she was a member of the trial team; *In re: Polyurethane Foam Antitrust Litigation*, MDL No. 2196 (N.D. Ohio); and, *In re: Pool Products Distribution Market Antitrust Litigation*, MDL No. 2328 (E.D. La.).

Concurrent to her work with the firm, Ms. Smith is the executive director of the Complex Litigation e-Discovery Forum (CLEF), which provides educational, advocacy and networking opportunities to elite practitioners in the plaintiffs' bar. In her leadership role, she works with the CLEF board of directors to position CLEF as a valued resource for plaintiffs'-side litigators and to the complex litigation bar as a whole, bringing an important perspective to the eDiscovery conversation.

Ms. Smith is a graduate of Binghamton University (2002) and Fordham University School of Law (2005). She is a member of the bars of the states of New Jersey and New York.

ASSOCIATES

CATHERINE DERENZE (Newark Office) is an Associate with the firm. Catherine plays a significant role in a diverse range of class action matters at the firm, including antitrust, consumer, and data breach litigation. Representative matters include: *In re: American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*, No. 19- md-2904 (D.N.J.); *In re Wawa, Inc. Data Security Litig.*, No. 19-cv-6019 (E.D. Pa.); *In re: Hard Disk Drive Suspension Assemblies Antitrust Litig. ("In re HDD")*, 19-md-02918 (N.D. Cal.); *In re: Generic Pharmaceutical Pricing Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.); *In re Plum Baby Food*



Litig., 1:21-cv-2417 (N.D. Cal.). She is heavily involved in discovery and motion practice and is developing a burgeoning appellate practice. Recent successes include defeating motions to dismiss in an antitrust matter, *In re HDD*, and a consumer fraud matter, *In re Plum Baby Food Litig.* She also provides research and writing assistance to new associates at the firm.

Catherine is a graduate of the College of the Holy Cross (2013) and Seton Hall University School of Law (2018). She is a member of the bars of the State of New Jersey and Federal Bar of New Jersey. Catherine is also a member of the New Jersey Bar Association and serves as a member of its Appellate Practice Committee. Before joining LDGA, Catherine clerked for the Honorable Heidi Willis Currier, J.A.D., of the Appellate Division of the New Jersey Superior Court. Prior to that, she served as an extern to the Honorable Patty Shwartz, of the United States Court of Appeals for the Third Circuit. Recently, Catherine spoke on e-filing to law students at Seton Hall University School of Law.

IMMANUEL O. ADEOLA (Newark Office), is an associate with the firm in our Newark office. He was admitted to the bar in New Jersey in 2019. He attended Trinity College (B.A. in Political Science 2014) and Rutgers Law School (J.D. 2018). Prior to joining the firm, Immanuel served as an Assistant Prosecutor with the Essex County Prosecutor's Office. Immanuel clerked in the Chancery Division of the New Jersey Superior Court for the Honorable Robert Lougy, who previously served as Acting Attorney General for the State of New Jersey.

ANTHONY ZATKOS (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New Jersey and the United States District Court for the District of New Jersey in 2002 and the bar in New York in 2003. He is a graduate of Seton Hall University (B.S., Mathematics 1996) and the Seton Hall University School of Law (J.D. 2002).



Early in his legal career, Anthony practiced personal injury and civil rights law in New York City, as well as family law in New Jersey. He also served as a contributing writer and editor on The Yudes Family Law Citator, published each year by the New Jersey Institute of Legal Education. Since that time, his focus in practice has been electronic discovery, where Anthony has learned the nuances of this growing field. With this experience, he has worked on cases covering a myriad of matters, including pharmaceutical patents, mergers, due diligence, residential mortgage-backed securities, anti-trust, bankruptcy, fraud, contract, and, most recently, class action. Prior to joining the firm, Anthony has also worked directly with firm members on several class-action matters.

JOSHUA S. KAUFMAN (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New York in 2020 and is admitted to both the United States District Courts for the Southern and Eastern District of New York. He is awaiting admission to the bar in New Jersey. He attended Baruch College (B.A. in Political Science 2012) and Brooklyn Law School (J.D. 2019). Prior to joining the firm, Joshua served as an Assistant Corporation Counsel with the New York City Law Department in the Special Federal Litigation Unit. Joshua also interned for former United States Magistrate Judge Lisa Margaret Smith, in the Southern District of New York.

NICHOLAS R. McCLELLAND (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New Jersey in 2018 and is also admitted to practice in the United States District Court for the District of New Jersey. He attended Syracuse University (B.A. in Philosophy and Political Science 2015) and Seton Hall Law School (J.D. 2018). Following law school, Nicholas served as Judicial Law Clerk to the Honorable Alan G. Lesnewich, J.S.C., of the Superior Court of New Jersey, Union County. Prior to joining LDGA,



Nicholas was engaged in the practice as a civil litigation associate at a regional law firm based in Monmouth County.

CONNOR T. WRIGHT (Newark Office) is an associate with the firm in our Newark office. He was admitted to the bar in New Jersey in 2022. Prior to joining the firm, Connor held a clerkship position with the Honorable Arthur J. Batista, J.S.C. in the Essex County Superior Court, Family Division. He obtained his J.D. from Rutgers Law School (Newark) in 2021. Prior to graduation, Connor interned for the Honorable Arthur J. Batista, J.S.C. in the Essex County Superior Court, Criminal Division, for two years. Connor was also an in-house legal intern for PIM Brands, Inc., and for Celldex Therapeutics, Inc., where his focus was primarily on intellectual property litigation and FDA compliance. He graduated from James Madison University in 2018 with a Bachelor's degree in Political Science.

EXHIBIT 6

PLAINTIFFS' FIRM NAME	CASE NAME	CITATION	NON-PARTNER ATTORNEYS' FEE RANGE	PARTNERS' FEE RANGE
Cohen Milstein Sellers & Toll PLLC	In re Flint Water Cases, No. 5:16-cv-10444-JEL-MKM	(E.D. Mich.) (Mar. 2021) (Dkt. No. 1458-2)	\$530 - \$740 (Associate/Of Counsel)	\$645 - \$1,125
Pomerantz LLP	Prause v. Technipfmc plc, Tore Halvorsen and Dianne B. Ralston, No. 4:17-cv-02368	(S.D. Tex.) (Feb. 2021) (Dkt. No. 211-2)	\$350 - \$640	\$650 - \$1,000
	Zwick Partners v. Quorum Health Corporation <i>et al.</i> , No. 3:16-cv-02475	(M.D. Tenn.) (Nov. 2020) (Dkt. No. 351)	\$485 - \$640	\$765 - \$1,000
	In re Petrobras Securities Litigation, No. 14-cv-9662 (JSR)	(S.D.N.Y.) (Apr. 2018) (Dkt. No. 789-16)	\$300 - \$765	\$700 - \$1,000
Kessler Topaz Meltzer & Check, LLP	In re Snap Inc. Securities Litigation, No. 2:17-cv-03679-SVW-AGR	(C.D. Cal.) (Jan. 2021) (Dkt. No. 386-9)	\$390 - \$690	\$780 - \$920
	In re Intuniv Antitrust Litigation, No. 16-cv-12653-ADB	(D. Mass.) (Oct. 2020) (Dkt. No. 537-2)	\$385 - \$690	\$780 - \$920
Robbins Geller Rudman & Dowd LLP	In re ADT Inc. Shareholder Litigation, No. 502018CA003494	(Palm Beach County, Fla.) (Dec. 2020) (Dkt. No. 170)	\$400 - \$895	\$820 - \$1,325
	In re Facebook Biometric Information Privacy Litigation, No. 3:15-cv-03747-JD	(N.D. Cal.) (Oct. 2020) (Dkt. No. 499-5)	Of Counsel: \$775 - \$1,325 Associate: \$475 - \$580 Staff Attorney: \$400	\$765 - \$1,325
Labaton Sucharow LLP	In re ADT Inc. Shareholder Litigation, No. 502018CA003494	(Palm Beach County, Fla.) (Dec. 2020) (Dkt. No. 170)	\$425 - \$750	\$775 - \$1,100
	In re Facebook Biometric Information Privacy Litigation, No. 3:15-cv-03747-JD	(N.D. Cal.) (Oct. 2020) (Dkt. No. 499-5)	\$360 - \$850	\$800 - \$1,200
Scott+Scott, Attorneys at Law, LLP	In re ADT Inc. Shareholder Litigation, No. 502018CA003494	(Palm Beach County, Fla.) (Dec. 2020) (Dkt. No. 170)	\$675 - \$750	\$875 - \$1,295
Levi & Korsinsky LLP	In re ADT Inc. Shareholder Litigation, No. 502018CA003494	(Palm Beach County, Fla.) (Dec. 2020) (Dkt. No. 170)	\$495 - \$800	\$1,000 - \$1,050
Grant & Eisenhofer P.A.	Deka Investment GMBH v. Santander Consumer USA Holdings Inc., <i>et al.</i> , No. 3:15-cv-02129-K	(N.D. Tex.) (Dec. 2020) (Dkt. No. 256-2)	\$425 - \$750	\$800 - \$1,000

PLAINTIFFS' FIRM NAME	CASE NAME	CITATION	NON-PARTNER ATTORNEYS' FEE RANGE	PARTNERS' FEE RANGE
	In re McKesson Corporation Derivative Litigation, No. 4:17-cv-01850-CW	(N.D. Cal.) (Mar. 2020) (Dkt. No. 223-6)	\$440 - \$525	\$750 - \$1,100 (no "Partners" listed, only "Directors")
Bernstein Litowitz Berger & Grossman LLP	In re Signet Jewelers Limited Securities Litigation, No. 1:16-cv-06728-CM-SDA	(S.D.N.Y.) (Jun. 2020) (Dkt. No. 258-4)	Senior Counsel: \$750 - \$800 Associate: \$425 - \$600 Staff Attorney: \$350 - \$395	\$825 - \$1,300
Bernstein Litowitz Berger & Grossman LLP	In re Allergan, Inc. Proxy Violation Securities Litigation, No. 8:14-cv-02004-DOC-KESx	(C.D. Cal.) (Apr. 2018) (Dkt. No. 619-4)	\$340 - \$750	\$750 - \$1,250
Keker, Van Nest & Peters LLP	OpenGov, Inc. v. GTY Technology Holdings Inc. et al, No. 3:18-cv-07198-JSC	(N.D. Cal.) (Mar. 2019) (Dkt. No. 40-1)	\$775 - \$1,075 ("Of Counsel" rates)	\$700 - \$1,500
Motley Rice LLC	In re Investment Technology Group, Inc. Securities Litigation, No. 15-cv-06369	(S.D.N.Y.) (Jan. 2019) (Dkt. No. 119)	\$300 - \$750	\$775 - \$1,050
Hausfeld LLP	In re Foreign Exchange Benchmark Rates Antitrust Litigation, No. 1:13-cv-07789-LGS	(S.D.N.Y.) (Jan. 2018) (Dkt. No. 939-3)	\$350 - \$500	\$630 - \$1,375
Skadden, Arps, Slate, Meagher & Flom LLP	In re VIVUS, Inc. et al., Reorganized Debtors, No. 20-bk-11779 (LSS)	(Bankr. D. Del.) (Jan. 2021) (Dkt. No. 443)	Of Counsel: \$1,260 Associates*: \$495 - \$1,120 (\$495/hr for pending bar admission; starting at \$695 for a 1st year associate)	\$1,425 - \$1,565
Skadden, Arps, Slate, Meagher & Flom LLP	In re JCK Legacy Company, et al., Debtors, No. 20-10418 (MEW)	(S.D.N.Y.) (Oct. 2020) (Dkt. No. 938)	Of Counsel: \$1,125 - \$1,325 Associates*: \$495 - \$1,120 (\$495/hr for pending bar admission; starting at \$575 for a 1st year associate)	\$1,275 - \$1,775
	In re Indymac Bancorp, Inc., Debtor, No. 08-bk-21752-BB	(Bankr. C.D. Cal.) (Feb. 2018) (Dkt. No. 1041)	\$420 - \$710	\$895 - \$1,350
Quinn Emanuel Urquhart & Sullivan, LLP	In re J.C. Penney Company, Inc., et al., Debtors, No. 20-20182 (DRJ)	(S.D. Tex.) (Jan. 2021) (Dkt. No. 2313)	\$750 - \$1,100	\$1,200 - \$1,325

PLAINTIFFS' FIRM NAME	CASE NAME	CITATION	NON-PARTNER ATTORNEYS' FEE RANGE	PARTNERS' FEE RANGE
Paul, Weiss, Rifkind, Wharton & Garrison LLP	In re Diamond Offshore Drilling, Inc., <i>et al.</i> , Debtors, No. 20-32307 (DRJ)	(Bankr. S.D.N.Y.) (Dec. 2020) (Dkt. No. 766)	Counsel: \$1,200.00 Associate: \$861.88 (Blended Hourly Rates)	\$1,503.72 (Blended Hourly Rate)
	In re Hexion Topco, LLC, Reorganized Debtors, No. 19-10684 (KG)	(Bankr. D. Del.) (Jul. 2019) (Dkt. No. 1093)	\$640 - \$1,125	\$1,165 - \$1,560
	In re Sears Holdings Corporation, <i>et al.</i> , Debtors, No. 18-23538 (RDD)	(Bankr. S.D.N.Y.) (Apr. 2019) (Dkt. No. 3207)	\$640 - \$1,160 (Associates and Counsel)	\$1,165 - \$1,560
Greenberg Traurig LLP	In re Avadel Specialty Pharmaceuticals, LLC, Debtor, No. 19-10248 (CSS)	(Bankr. D. Del.) (Nov. 2020) (Dkt. No. 443)	\$395 - \$900	\$650 - \$1,480* **"Shareholder" rates (no "Partner" rates stated)
	In re IFS Securities, Inc., Debtor, No. 20-65841-LRC	(Bankr. N.D. Ga.) (May 2020) (Dkt. No. 49- 2)	Of Counsel: \$400 - \$995 Associate: \$395 - \$825	\$565 - \$1,500* **"Shareholder" rates (no "Partner" rates stated)
Willkie Farr & Gallagher LLP	In re Frontier Communications Corporation, <i>et al.</i> , Debtors, No. 20-22476 (RDD)	(Bankr. S.D.N.Y.) (Nov. 2020) (Dkt. No. 1365)	Counsel: \$1,270.48 Associate: \$896.98 (Non-Bankruptcy Blended Hourly Rate, New York)	\$1,447.80 (Non-Bankruptcy Blended Hourly Rate, New York)
	In re Imerys Talc America, Inc., <i>et al.</i> , Debtors, No. 19-10289 (LSS)	(Bankr. D. Del.) (Nov. 2020) (Dkt. No. 2554)	Associates: \$515 - \$1,100	\$1,200 - \$1,600
Cleary Gottlieb Steen & Hamilton LLP	In re LATAM Airlines Group S.A., <i>et al.</i> , Debtors, No. 20-11254 (JLG)	(Bankr. S.D.N.Y.) (Aug. 2020) (Dkt. No. 967)	Counsel / Senior Attorneys: \$1,130 - \$1,215 Associates: \$770 - \$955 (First-year Associates: \$565 - \$670) Staff / Project Attorneys: \$420 - \$495	\$1,065 - \$1,525
	In re Nortel Networks Inc., <i>et al.</i> , Wind-Down Debtors and Debtor-In-Possession, No. 09-10138 (KG)	(Bankr. D. Del.) (Nov. 2019) (Dkt. No. 18778)	Senior Attorney: \$1,075 (Only one rate listed) Associates: \$535 - \$900	\$1,395 (Only one rate listed)

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Norton Rose Fulbright US LLP	In re TRIVASCULAR SALES LLC, <i>et al.</i> , No. 20-31840-SGJ	(Bankr. E.D. Tex.) (Aug. 2020) (Dkt. No. 291)	Counsel: \$670 - \$1,225 Associate: \$355 - \$855	\$700 - \$1,350
King & Spalding LLP	In re Briggs & Stratton Corporation, <i>et al.</i> , Debtors, No. 20-43597	(Bankr. E.D. Mo.) (Jul. 2020) (Dkt. No. 194)	Counsel: \$750 - \$1,005 Associate: \$440 - \$750	\$820 - \$1,290
O'Melveny & Myers LLP	In re Remington Outdoor Company, Inc., <i>et al.</i> , Debtors, No. 20-81688-11	(Bankr. N.D. Ala.) (Jul. 2020) (Dkt. No. 24)	\$545 - \$995	\$955 - \$1,555
Sidley Austin LLP	In re Boy Scouts of America and Delaware BSA, LLC, Debtors, No. 20-10343 (LSS)	(Bankr. D. Del.) (Jun. 2020) (Dkt. No. 760)	Counsel: \$925 - \$1,000 Associates: \$570 - \$955 (\$550 for Associate pending Admission)	\$1,100 - \$1,375
	In re Borden Dairy Company, <i>et al.</i> , Debtors, No. 20-10010 (CSS)	(Bankr. D. Del.) (Feb. 2020) (Dkt. No. 264)	Senior Counsel and Counsel: \$775 - \$1,750 Associates: \$570 - \$960 Paraprofessionals: \$250 - \$470	\$1,000 - \$1,800
Akin Gump Strauss Hauer & Feld LLP	In re True Religion Apparel Inc., <i>et al.</i> , Debtors, No. 20-10941 (CSS)	(Bankr. D. Del.) (May 2020) (Dkt. No. 216)	Senior Counsel & Counsel: \$735 - \$1,510 Associates: \$535 - \$960	\$995 - \$1,995
Akin Gump Strauss Hauer & Feld LLP	In re Purdue Pharma L.P., <i>et al.</i> , Debtors, No. 19-23649 (RDD)	(Bankr. S.D.N.Y.) (Mar. 2020) (Dkt. No. 947)	Senior Counsel & Counsel: \$850 - \$1,110 Associates: \$535 - \$810 Staff Attorneys & Paraprofessional: \$205 - \$625 ("2020 Rate")	\$1,075 - \$1,655 ("2020 Rate")
Freshfields Bruckhaus	In re Expro Holdings US Inc., <i>et al.</i> ,	(Bankr. S.D. Tex.) (Dec. 2017) (Dkt. No.	Counsel: \$1,065	\$1,165 - \$1,250

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Vinson & Elkins LLP	In re Cloud Peak Energy Inc., <i>et al.</i> , Debtors, No. 19-11047 (KG)	(Bankr. D. Del.) (Sept. 2019) (Dkt. No. 663)	Counsel: \$1,010 - \$1,070 Associates: \$525 - \$1,065	\$1,070 - \$1,550
Ropes & Gray LLP	In re Weatherford International plc, <i>et al.</i> , Debtors, No. 19-33694 (DRJ)	(Bankr. S.D. Tex.) (Aug. 2019) (Dkt. No. 276)	\$580 - \$1,050	\$1,150 - \$1,520
Jones Day	In re Bestwall LLC, Debtor, No. 17-31795 (LTB)	(Bankr. W.D.N.C.) (July 2019) (Dkt. No. 903)	\$450 - \$950	\$1,025 - \$1,200
Milbank LLP	In re PG&E Corporation and Pacific Gas and Electric Company, Debtors, No. 19- 30088 (DM)	(N.D. Cal.) (July 2019) (Dkt. No. 3117)	\$843 - \$1,076 (Blended Associate – Counsel rates, billed Feb - May 2019)	\$1,479 (Blended Partner rate, billed Feb - May 2019)
	In re Gymboree Group, Inc., <i>et al.</i> , Debtors, No. 19-30258 (KLP)	(Bankr. E.D. Va.) (Jan. 2019) (Dkt. No. 163)	\$450 - \$1,315 (Milbank U.S. “standard” range)	\$1,155 - \$1,540 (Milbank U.S. “standard” range)
Simpson Thacher & Bartlett LLP	In re Arsenal Energy Holdings LLC, Reorganized Debtor, No. 19-10226 (BLS)	(Bankr. D. Del.) (Feb. 2019) (Dkt. No. 77)	\$590* - \$1,220 (\$590/ hr for pending bar admission; starting at \$840 for a 1st year associate)	\$1,425 - \$1,535
Simpson Thacher & Bartlett LLP	In re FR Dixie Acquisition Sub Corp., Reorganized Debtor, No. 18-12476 (KG)	(Bankr. D. Del.) (Feb. 2019) (Dkt. No. 26)	\$540 - \$1,170	\$1,350 - \$1,550
Wilson Sonsini Goodrich & Rosati	In re Tintri, Inc., Debtor, No. 18-11625 (KJC)	(Bankr. D. Del.) (Nov. 2018) (Dkt. No. 291)	\$510 - \$715	\$950 - \$1,350* *Listed as “Member” rates
Weil, Gotshal & Manges LLP	In re Sears Holdings Corporation, <i>et al.</i> , Debtors, No. 18-23538 (RDD)	(Bankr. S.D.N.Y.) (Oct. 2018) (Dkt. No. 344)	\$560 - \$995	\$1,075 - \$1,600
Shearman & Sterling LLP	In re Hodyon, Inc., Reorganized Debtor, No. 18-10386 (MFW)	(Bankr. D. Del.) (Aug. 2018) (Dkt. No. 26)	\$495 - \$1,295* *5-10% discount applied to some	\$1,165 - \$1,325* *5-10% discount applied to some
Mayer Brown LLP	In re Scottish Holdings, Inc., <i>et al.</i> , Debtors, No. 18-10160 (LSS)	(Bankr. D. Del.) (Mar. 2018) (Dkt. No. 193)	\$605 - \$895	\$960 - \$1,130

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Kirkland & Ellis, LLP	In re rue21, inc., <i>et al.</i> , Debtors, No. 17-22045-GLT	(W.D. Pa.) (Nov. 2017) (Dkt. No. 1308-6)	\$555 - \$965	\$965 - \$1,625
	In re Caesars Entertainment Operating Company, Inc., <i>et al.</i> , Debtors, No. 15-01145 (ABG)	(Bankr. N.D. Ill.) (Nov. 2017) (Dkt. No. 7620-6)	\$480 - \$1,395	\$645 - \$1,625
Dechert LLP	In re Thru, Inc., Debtor, No. 17-31034	(N.D. Tex.) (Aug. 2017) (Dkt. No. 148)	\$725 - \$785	\$1,095 (Only one rate listed)
Boies, Schiller & Flexner LLP	In re Molycorp, Inc., <i>et al.</i> , Debtors, No. 15-11357 (CSS)	(D. Del.) (Sept. 2016) (Dkt. No. 1994)	\$490 - \$1,180	\$780 - \$1,500
Gibson, Dunn & Crutcher LLP	In re LightSquared Inc., <i>et al.</i> , Debtors, No. 12-12080 (SCC)	(S.D.N.Y.) (Jan. 2016) (Dkt. No. 2444)	\$395 - \$765 (fees voluntarily reduced by roughly 8%)	\$765 - \$1,800 (fees voluntarily reduced by roughly 8%)
Proskauer Rose LLP	In re IPC International Corporation, <i>et al.</i> , Debtors, No. 13-12050 (MFW)	(Bankr. D. Del.) (Aug. 2013) (Dkt. No. 57)	\$200 - \$1,150	\$600 - \$1,250