

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

In re VEON Ltd. Securities Litigation

Case No.: 1:15-cv-08672-ALC-OTW

**DECLARATION OF THOMAS J. McKENNA  
CONCERNING ATTORNEYS' FEES AND EXPENSES**

I, Thomas J. McKenna, declare as follows pursuant to 28 U.S.C. §1746:

1. I am a member of Gainey McKenna & Egleston (“Gainey McKenna”), counsel to plaintiff Westway Alliance Corp. (“Westway”). I make this declaration based on my personal knowledge and, if called as a witness, I could and would competently testify to the matters stated herein.

2. Gainey McKenna was lead counsel in this action until April 29, 2022. Gainey McKenna’s work during this time included: (a) conducting an extensive factual investigation, which included the review of publicly available documents about VEON Ltd. (“VEON”) and each of the Individual Defendants, reviewing case files in multiple actions involving VEON, reviewing five years’ worth of VEON SEC filings and conference calls, hiring a private investigator to speak with potential witnesses and other investigative tasks, and reviewing news about VEON to identify corrective disclosures; (b) drafting a comprehensive Amended Complaint which largely survived VEON’s motion to dismiss; (c) briefing seven dispositive motions; (e) attending multiple Court conferences; (f) consulting with a financial expert and developing a detailed damages model; (g) preparing for, and holding, a full-day mediation; and (h) drafting a second amended complaint.

3. A copy of Gainey McKenna’s resume is attached hereto as Exhibit A.

4. The chart below summarizes the hours, rate, and lodestar of each Gainey McKenna Law attorney or paralegal who worked on this matter. From inception in 2015 through April 29, 2022, my firm spent 2,188.45 hours, with a lodestar value of \$2,084,197.25, on this litigation. The lodestar value is based on the firm's current rates. For personnel who are no longer employed by my firm, the lodestar calculation is based upon the hourly rates applicable in their final year of employment with the firm. A breakdown of the lodestar is set forth in the chart below:

<b>TOTAL HOURS AND LODESTAR</b>			
<b>Name and Position</b>	<b>Total Hours</b>	<b>Hourly Rate</b>	<b>Total Lodestar</b>
Thomas J. McKenna (P)	605.40	\$995.00	\$602,373.00
Gregory M. Egleston (P)	1,488.30	\$975.00	\$1,451,092.50
Robert Schupler (SA)	14.40	\$595.00	\$8,568.00
Christopher Brain (A)	2.20	\$595.00	\$1,309.00
Noemi Rivera (SPL)	47.30	\$295.00	\$13,953.50
Elaine Rosa (PL)	29.25	\$225.00	\$6,581.25
Christopher Gutierrez (PL)	1.60	\$200.00	\$320
<b>Total:</b>	<b>2,188.45</b>		<b>\$2,084,197.25</b>

(P) – Partner; (SA) – Senior Associate; (A) – Associate;  
(SPL) – Senior Paralegal; (PL) – Paralegal

5. My firm's compensation for services rendered in this case was and is entirely contingent on the success of the prosecution of the Action, and on the Court's approval of the fee and expense application. None of the attorneys' fees requested herein have been paid from any source or have been the subject of any prior request or prior award in any litigation or other proceeding.

6. My firm's lodestar figures do not include charges for expense items. Expense items are billed separately. Further, expense items do not contain any general overhead costs and do not contain a surcharge over the amount paid to the corresponding vendor(s).

7. Based on records maintained by my firm in the ordinary course of business, the total unreimbursed expenses incurred by my firm with respect to the Action are \$67,020.97. The expenses, broken down by category, are as follows:

<b>DISBURSEMENT</b>	<b>TOTAL</b>
Photocopying/Reproduction (In-House)	\$612.20
Telephone Conference calls and Facsimile	\$131.10
Legal Research	\$797.30
Postage/Messenger/Federal Express	\$141.32
Press Releases (USA and International)	\$3,529.72
Investigation Fees	\$4,463.88
Court Filing Fees/Process Server Costs	\$3,750.00
Interpreter Fees to translate Summons and Complaint	\$3,283.44
Airfare/Travel/Parking/Meals/Miscellaneous	\$5,732.93
Mediation Fees	\$7,361.17
Expert Fees	\$37,217.91
<b>Total</b>	<b>\$67,020.97</b>

8. These expenses are reflected in records maintained by my firm in the ordinary course of business. These records are prepared from expense vouchers, invoices, and other records submitted contemporaneously as they are incurred. I have reviewed the expense records in detail and can aver that they were reasonably necessary for the effective and efficient prosecution and resolution of the Action, and they are customary and reasonable in amount.

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

Executed this 10th day of April 2026, in New York, NY.

/s/ Thomas J. McKenna  
Thomas J. McKenna

# EXHIBIT A

# *Gainey McKenna & Egleston*

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## *FIRM RÉSUMÉ*

### **I. Introduction**

Gainey McKenna & Egleston (the “Firm”) is based in New York and New Jersey and litigates throughout the country in both state and federal court. Members of the Firm have been engaged in the practice of law for over thirty years. The Firm concentrates its practice on civil litigation of all types and especially in class action litigation on behalf of investors, consumers and small businesses.

The Firm has broad experience in the following areas: breach of fiduciary duty claims under the Employee Retirement Income Security Act of 1974 (“ERISA”), securities, shareholder derivative, consumer fraud and other types of complex commercial and tort litigation. The Firm also has experience in federal and state minimum wage laws, overtime laws or other employment laws regulating the payment of wages and benefits to employees.

Many of the Firm’s cases involve multi-district litigation. The Firm is experienced in, and thoroughly familiar with, all aspects of complex litigation, including the underlying substantive law, the procedures recommended in the Manual for Complex Litigation and the substance and procedure of class certification.

The Firm’s approach to each case is the same. It presents an aggressive position for its clients and uses all available resources necessary to achieve the best possible outcome for its clients. In short, the Firm works hard to produce victories for its clients and takes pride in providing a high level of legal service. It also develops a strong working relationship with its clients and will do whatever it takes within the bounds of the law to get results.

The Firm was formed with the goal of combining the experience gained through practicing law at large firms with the closeness, flexibility and attention to detail that characterize many smaller firms. In essence, the Firm has designed itself to be able to handle both large and small matters, offering what we believe our clients want most: quality legal work with an emphasis on communication.

We also represent plaintiffs and defendants in a variety of complex civil and commercial litigations, including real estate and business disputes, breach of contract and commercial disputes, employment cases (discrimination, harassment, wrongful termination), insurance coverage disputes, professional malpractice (accounting, legal and medical), products liability, and personal injury lawsuits.

The Firm recently made law in the field of ERISA with its successful prosecution of an appeal to the United States Supreme Court wherein the Court struck down a “presumption of prudence” that lower courts had been using to protect the actions of fiduciaries of employer retirement plans who imprudently invested in company stock for the retirement plan. In the case, *Fifth Third Bancorp v. Dudenhoeffer*, 134 S. Ct. 2459 (2014), the Firm argued with co-counsel that the presumption was illegitimate and had no place in the ERISA statutory framework. The Supreme Court agreed.

We have also been retained strictly as trial counsel in many matters. Members of the Firm are admitted to practice in all the courts of the State of New York, New Jersey, Pennsylvania, and Connecticut as well as in the United States Supreme Court, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, the United States District Court of New Jersey, United States District Court for the Eastern District of Pennsylvania, the United States District Court of Connecticut, the United States Court of Appeals for the Second Circuit, Fifth Circuit, Sixth Circuit, Eighth Circuit, Ninth Circuit and Eleventh Circuit. Members of the firm have also been admitted *pro hac vice* in a number of other state and federal jurisdictions.

## **II. Notable Achievements**

Below are just some of the cases the attorneys at the Firm have successfully prosecuted by producing a recovery for their clients:

- *In re Columbia University Tuition Refund Action*, Civil Action No.: 1:20-cv-03208 (S.D.N.Y.) (Co-Lead Counsel in Consumer Class Action)(Recovery of \$12.5 million for class of Columbia University students regarding denial of services during Covid-19 college campus closure);
- *Dudenhoeffer, et al. v. Fifth Third Bancorp., et al.*, Civil Action No.: 08-cv-538 (S.D. Ohio) (Co-Lead Counsel in ERISA Class Action) (Recovery of \$6,000,000 in cash and structural relief to the 401(k) Plan);
- *Borboa, et al. v. Theodore L. Chandler, et al.*, Case No.: 3:13-cv-844-JAG (E.D. Va.) (counsel in ERISA Class Action) (Recovery of \$5 million for the employees’ 401(k) plan);

- *Klein v. Gordon et al.*, Civil Action No.: 8:17-cv-00123-AB (C.D. Cal.) (Court Appointed Interim Lead Counsel in Derivative Action) (settlement achieved on behalf of Opus Bank consisting of corporate governance reforms);
- *In re CytRx Corporation Stockholder Derivative Litigation II*, Civil Action No.: C.A. No. 11800-VCMR (Chancery Delaware) (*de facto* Co-Lead Counsel in Derivative Action) (settlement achieved on behalf of CytRx Corp. consisting of corporate governance reforms);
- *Floridia et al v. Dolan, et al.*, Civil Action No.: 14-cv-03011 (D. Minn.) (Lead Counsel in securities fraud Class Action) (settled for \$2.1 million for benefit of class);
- *In re Wilmington Trust Corp. ERISA Litig.*, Civil Action No.: 10-cv-001114-SLR (D. Del.) (Co-Lead Counsel in ERISA Class Action) (Recovery of \$3 million for the employees' 401(k) plan);
- *In re Schering-Plough Corp. Enhance ERISA Litig.*, Civil Action No.: 08-cv-1432 (D.N.J.) (Co-Lead Counsel in ERISA Class Action) (recovery of \$12.25 million for the employees' 401(k) plan);
- *In re Popular Inc. ERISA Litig.*, Master File No.: 09-cv-01552-ADC (D. P.R.) (Co-Lead Counsel in ERISA Class Action) (recovery \$8.2 million for the employees' 401(k) plan);
- *Salvato v. Zale Corp., et al.*, Civil Action No.: 06-cv-1124 (N.D. Tex.) (Co-Lead Counsel in ERISA Class Action) (recovery of \$7 million for the employees' 401(k) plan);
- *In re General Growth Properties, Inc. ERISA Litig.*, Master File No.: 08-cv-6680 (N.D. Ill.) (Co-Class Counsel for the Settlement Class in ERISA class action) (recovery of \$5.75 million for the employees' 401(k) plan);
- *Morrison v. MoneyGram Int'l, Inc., et al.*, Civil Action No.: 08-cv-1121 (D. Minn.) (Lead Counsel in ERISA Class Action) (recovery of \$4.5 million for the employees' 401(k) plan);
- *Jennifer Taylor v. Monster Worldwide, Inc.*, Civil Action No.: 06-cv-8322 (AKH) (S.D.N.Y.) (Co-Lead Counsel in ERISA Class Action) (recovery of \$4.25 million for the employees' 401(k) plan);
- *Boyd, et al. v. Coventry Health, et al.*, Civil Action No.: 09-cv-2661 (D. Md.) (Co-Lead Counsel in ERISA class action) (recovery \$3.6 million for the employees 401(k) plan);

- *Singh v. Tri-Tech Holdings, Inc.*, Civil Action No.: 13-cv-09031 (Co-Lead Counsel in securities fraud Class Action) (settled for \$975,000 for benefit of class);
- *Shane v. Kenneth E. Edge, et al.*, Civil Action No.: 10-cv-50089 (N.D. Ill.) (Co-Lead Counsel in ERISA Class Action) (recovery of \$3.35 million for the employees' 401(k) plan);
- *Thurman v. HCA, Inc., et al.*, Civil Action No.: 05-cv-01001 (M.D. Tenn.) (Co-Lead Counsel in ERISA Class Action) (recovery of \$3 million for the employees' 401(k) plan);
- *Bagley, et al., v. KB Home, et al.*, Civil Action No.: 07-cv-1754 (C.D. Cal.) (Co-Lead Counsel in ERISA Class Action) (recovery \$3 million for the employees' 401(k) plan);
- *Maxwell v. Radioshack Corp., et al.*, Civil Action No.: 06-cv-499 (N.D. Tex.) (Co-Lead Counsel in ERISA class action) (recovery of \$2.4 million for the employees' 401(k) plan);
- *In re MBNA Corp. ERISA Litig.*, Master Docket No.: 05-cv-429 (D. Del.) (Class Counsel in ERISA Class Action) (recovery of \$4.5 million for the employees' 401(k) plan);
- *In re Guidant Corp. ERIS Litig.*, Civil Action No.: 05-cv-1009 (S.D. Ind.) (recovery of \$7 million for the employees' 401(k) plan);
- *In re ING Groep, N.V. ERISA Litig.*, Master File No.: 09-cv-00400 (N.D. Ga.) (Co-Counsel in ERISA Class Action) (recovery of \$3.5 million for the employees' 401(k) plan);
- *In re Netsol Technologies, Inc.*, Civil Action No.: 14-cv-05787 (C.D. Cal.) (Lead Counsel in securities fraud Class Action) (settled for \$850,000 for benefit of class).

### **III. The Firm Serving As “Lead,” “Co-Lead” or “Counsel”**

The Firm has significant experience in prosecuting complex cases, including class actions under ERISA involving breach of fiduciary duty, consumer class actions, securities fraud class actions, derivative cases and transactional matters. By way of example, the following are some of the other cases the Firm has been involved in serving as “Lead or “Co-Lead” Counsel:

#### **Securities Class Actions**

- *In re Kiromic Biopharma, Inc.* Securities Litigation, Civil Action: No.: 22-cv-6690 (S.D.N.Y) (Court Appointed Lead Counsel in securities fraud Class action);

- *In re VimpelCom Ltd. Securities Litig.*, Civil Action: No.: 1:15-cv-08672 (ALC) (S.D.N.Y.) (Lead Counsel in securities fraud Class action);
- *Fogel v. Vega, et al.*, Civil Action No.: 1:13-cv-02282-KPF (S.D.N.Y.) (Lead Counsel in securities fraud Class Action against Wal-Mart de Mexico SAB de CV, Ernesto Vega, Scot Rank, and Wal-Mart Stores, Inc.);
- *Florida et al v. Dolan, et al.*, Civil Action No.: 14-cv-03011 (D. Minn.) (Lead Counsel in securities fraud Class Action);
- *In re Netsol Technologies, Inc.*, Civil Action No.: 14-cv-05787 (C.D. Cal.) (Lead Counsel in securities fraud Class Action);
- *Singh v. Tri-Tech Holdings, Inc.*, Civil Action No.: 13-cv-09031 (Co-Lead Counsel in securities fraud Class Action);
- *Jason v. Junfeng Chen, et al.*, Civil Action No.: 12-cv-1041 (S.D.N.Y.) (Lead Counsel in securities fraud Class action);
- *Anderson v. Peregrine Pharmaceuticals, Inc., et al.*, Civil Action No.: 12-cv-01647 PSG (FMOx) (C.D. Cal.) (Lead Counsel in securities fraud Class Action);
- *Araj v. JML Portfolio Mgmt. Ltd., et al.*, Civil Action No.: 09-cv-00903 (M.D. Fla.) (Co-Lead Counsel in securities fraud Class Action);
- *Hanson et al, v. Frazer, LLP., et al.*, Civil Action No.: 12-cv-3166 (S.D.N.Y.) (Lead Counsel in securities fraud Class Action);
- *Labit v. Glenn Zagoren, et al.*, Civil Action No.: 03-cv-2298; (S.D.N.Y.) (Co-Lead Counsel in securities fraud Class Action);
- *Karp v. SI Financial Group, Inc., et al.*, Civil Action No: 19-cv-199 (D. Conn.) (Lead Counsel in securities fraud Class Action); and
- *Evans v. Mohawk Industries, Inc. et al.*, Civil Action No.: N20C-01-259 (Sup. Ct. Del.) (Class Counsel in a securities Class Action).

### **Consumer Actions**

- *Rand v. The Travelers Indemnity Company*, Civil Action No.: 7:21-cv-10744 (S.D.N.Y.) (Counsel for the Proposed Class);
- *In re USAA Data Security Litigation*, Civil Action No.: 7:21-cv-05813 (S.D.N.Y.) (Court Appointed Co-Lead Counsel);

- *In re Columbia University Tuition Refund Action*, Civil Action No.: 1:20-cv-03208 (S.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In re Columbia College Rankings Action*; Civil Action No.: 1:22-cv-05945-PGG (S.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *Placko v. Michigan State University*, Court of Claims No. 20-000120-MK (Mi. State Court of Claims) (Court Appointed Co- Lead Counsel);
- *Kincheloe v. University of Chicago et al*, Civil Action No.: 1:20-cv-03015 (N.D. Ill.) (Court Appointed Co-Lead Counsel);
- *Jairo Jara, et al., v. DeVry Education Group, Inc., et al.*, Civil Action No.: 1:16-cv-10168 (N.D. Ill.);
- *Dumont v. Litton Loan Servicing, LP*, Civil Action No.: 1:12-cv-2677-ER-LMS (S.D.N.Y.) (Gainey McKenna & Egleston and Robbins Geller Rudman & Dowd LLP were plaintiffs’ co-lead counsel in a putative class action lawsuit filed in the United States District Court for the Southern District of New York on behalf of thousands of homeowners in New York, New Jersey and Pennsylvania. The lawsuit alleged, among other things, that Litton Loan Servicing (“Litton”) and Ocwen Loan Servicing (“Ocwen”) engaged in a deceptive scheme to delay or deny permanent mortgage loan modifications through the federal Home Affordable Modification Program (“HAMP”) to desperate homeowners, systematically breaching their contractual obligations to homeowners, committing deceptive trade practices, and causing significant financial harm);
- *Schroeder, et al. v. Countrywide Home Loans, Inc. Bank of America, et al.*, Civil Action No.: 07-cv-1363 (PGS) (D.N.J.) (Class Counsel in nationwide class action on behalf of United States Military Service members overcharged on their mortgages in violation of the Service members’ Civil Relief Act; recovery of \$5.962 million for more than 17,000 service members); and
- *Stamm v. My Pillow, Inc. a Minnesota Corporation, a/k/a My Pillow Direct, LLC*, Index No.: 651472/2017 (N.Y. Sup. Ct.).

### **Derivative Actions**

- *Recupero v. Friedli, et al.*, Civil Action No.: 1:17-cv-00381-JKB (D. Md.) (Court Appointed Interim Lead Counsel in Derivative Action) (settlement achieved on behalf of Osiris Therapeutics, Inc. consisting of corporate governance reforms);

- *In re Fifth Street Finance Corp., Stockholder Litig.*, C.A. No.: 12157-VCG (Del. Chancery) (Court Appointed Co-Lead Counsel in Derivative Action) (settlement achieved in cooperation with other derivative actions venued elsewhere for monetary and non-monetary corporate benefits conferred on corporation);
- *Hamdan v. Munro, et al.*, Civil Action No.: 3:16-cv-03706-PGS (D. N.J.) (Lead Counsel in Derivative Action) (settlement achieved on behalf of Intercloud Systems, Inc. consisting of corporate reforms);
- *In Re Capstone Turbine Corp. Stockholder Derivative Litigation*, Civil Action No.: CV16-01569-DMG (C.D. Cal) (Court Appointed Co-Lead Counsel in Derivative Action);
- *Nahar, et al., v. Bianco, et al.*, Civil Action No.: 2:16-cv-00756-RSL (W.D. Wash.) (Court Appointed Co-Lead Counsel in Derivative Action) (settlement achieved on behalf of CTI Biopharma Corp. in cooperation with other derivative actions venued elsewhere consisting of corporate reforms);
- *In re Provectus Biopharmaceuticals Inc. Derivative Litig.*, Civil Action No.: 3:14-cv-00372-PLR-HBG (E.D. Tenn.) (Co-Lead Counsel in Derivative Action) (settlement consisting of corporate governance reforms achieved on behalf of Company);
- *Loyd v. Giles, et al.*, Case No.: 2015CV33429 (Colo., Denver County) (settlement consisting of corporate governance reforms achieved on behalf of Ampio Pharmaceuticals, Inc.);
- *Vacek v. Awad, et al.*, Civil Action No.: 2:17-cv-02820 (E.D. Pa.) (settlement achieved on behalf of Walter Investment Management Corp. consisting of corporate reforms);
- *Giesbrecht v. Lee, et al.*, Civil Action No.: 3:13-cv-0697 (D. Nev.) (settlement achieved in cooperation with other derivative actions venued elsewhere for corporate benefits conferred on L&L Energy, Inc.);
- *Hapka v. Dennis Crowley, et al.*, 50-2005 CA (15th Judicial Circuit in and for Palm Beach County, Florida) (*de facto* Lead Counsel in Derivative Action) (settlement achieved on behalf of Spear & Jackson, Inc. for monetary benefits conferred on corporation);
- *Nieman v. Ira B. Lampert, et al.*, Civil Action No.: 05-cv-60574 (S.D. Fl.) (*de facto* Co-Lead Counsel in Derivative Action) (settlement consisting of corporate governance reforms achieved on behalf of Concord Camera Corp.);

- *Riley v. Jorge Mas, et al.*, Case No.: 04-cv-27000 (11th Judicial Circuit in and for Dade County, Florida) (Lead Counsel in Derivative Action) (settlement consisting of corporate governance reforms achieved on behalf of Mastec, Inc.);
- *Ramseur v. Callidus Software, Inc., et al.*, Civil Action No.: 04-cv-4419 (N.D. Cal.) (Co-Counsel in Derivative Action) (settlement achieved on behalf of Callidus Software, Inc. consisting of corporate reforms);
- *Emond v. Murphy, et al.*, Civil Action No.: 2:18-cv-09040 (C.D. Cal.) (settlement achieved in cooperation with other derivative action venued elsewhere for corporate benefits conferred on Izea Worldwide, Inc. consisting of corporate reforms);
- *In re India Globalization Capital, Inc. Derivative Litigation*, Civil Action No.: 1:18-cv-3698 (D. Md.) (Court Appointed Co-Lead Counsel) (settlement in principle reached in cooperation with other derivative action);
- *In re Revolution Lighting Technologies, Inc. Derivative Action*, Civil Action No.: 1:19-cv-03913 (S.D.N.Y.) (Court Appointed Co-Lead Counsel) (settlement in principle reached in cooperation with other derivative action venued elsewhere);
- *Kelly Nicole Desmond-Newman v. Saagar Govil, et al.*, Civil Action No.: 18-cv-03992 (E.D. NY) (Court Appointed Interim Lead Counsel in Derivative Action) (settlement achieved on behalf of Cemtrex, Inc. consisting of corporate reforms in cooperation with other derivative action venued elsewhere);
- *Savage, Spencer, et al., v. Kay, Robert B., et al.*, Index No.: 162407/2015 (*de facto* lead counsel in Derivative Action) (settlement achieved on behalf of iBIO, Inc. consisting of corporate reforms);
- *Labare v. Dunleavy, et al.*, Civil Action No.: 3:15-cv-01980 (D. N.J.) (co-counsel) (settlement achieved on behalf of Ocean Power Technologies, Inc. consisting of corporate reforms);
- *In re Marriott International Customer Security Data Breach Litigation – Derivative Track*, Civil Action No.: 8:19-md-02879 (D. Md.) (Court Appointed Co-Lead Counsel);
- *In re Mullen Automotive, Inc. Derivative Litigation*, Civil Action No.: 22-5336-DMG (AGRx) (C.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re iRobot Corporation Derivative Litigation*; Civil Action No.: 1:20-cv-10034 (D. Mass.) (Court Appointed Co-Lead Counsel);

- *In re CBL & Associates Properties, Inc. Stockholder Derivative Litigation*; Consolidated Case No.: 2020-0011-JTL (Chancery Delaware) (Court Appointed Co-Lead Counsel);
- *In re Ormat Technologies, Inc. Derivative Litigation*, Civil Action No.: 3:18-cv-00439 (D. Nev.) (Court Appointed Co-Lead Counsel);
- *In re 22<sup>nd</sup> Century Group, Inc. Derivative Litigation*, Civil Action No.: 1:19-cv-00479 (W.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *Thiese v. Giles. et al.*, Civil Action No.: 18-cv-02558-RBJ (D. Co.) (Court Appointed Co-Lead Counsel in Derivative Action);
- *In re Rev Group, Inc. Derivative Litigation*, Civil Action No.: 1:19-cv-0009 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re LendingClub Corporation Stockholder Derivative Litigation*, Civil Action No.: 3:18-cv-04391(N.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In Re Zillow Group, Inc. Shareholder Derivative Litigation*, Civil Action No.: 17-cv-1568 (W.D. Wash) (Court Appointed Co-Lead Counsel; motion to dismiss denied);
- *Bonessi v. Bank of the Ozarks, Inc. (Nominal Defendant)*, Civil Action No.: 4:19-cv-00567-DPM (E.D. Ark.) (*de facto* lead counsel in Derivative Action; motion to dismiss fully briefed);
- *Kates v. Metlife, Inc. (Nominal Defendant)*, Civil Action No.: 1:19-cv-01266-LPS-JLH (D. Del.) (co-counsel in Derivative Action; motion to dismiss fully briefed);
- *Behrman, et al. v. Dentsply Sirona, Inc. (Nominal Defendant)*, Civil Action No.: 1:19-CV-00772-RGA (D. Del.) (*de facto* lead counsel in Derivative Action; motion to dismiss fully briefed);
- *Wajda v. Lipocine, Inc. (Nominal Defendant)*, C.A. No.: 2019-0122-JTL (Del. Chancery) (*de facto* lead counsel in Derivative Action; motion to dismiss fully briefed);
- *In Re stamps.com Derivative Litigation*, Civil Action No.: 2:19-cv-04272 (C.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Taronis technologies, Inc. Shareholder Derivative Litigation*, Civil Action No.: 2:19-cv-04547 (D. Ariz.) (Court Appointed Co-Lead Counsel);

- *In Re Cloudera, Inc. Stockholder Derivative Litigation*, Civil Action No.: 1:19-cv-01422 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re CVS Health Corporation Derivative Litigation*, Civil Action No.: 17-378 (D. RI) (Court Appointed Co-Lead Counsel);
- *In re Colony Capital Stockholder-Derivative Litigation*, Civil Action No.: 1:18-cv-03176 (Court Appointed Co-Lead Counsel);
- *Klein v. Arora, et al.*, Civil Action No.: 19-cv-03148 (N.D. Il.) (Court Appointed Co-Lead Counsel in Derivative Action);
- *Mina Pastagia, et al., v. Charles J. Philippin, et al.*, Case No.: 2018-CH-07432 (Chancery Illinois, Cook County) (Interim Lead Counsel in Derivative Action involving Ulta Beauty, Inc.);
- *Ruth v. CannaVest Corp. (Nominal Defendant)*, Civil Action No.: 2:15-cv-00481 (D. Nev.) (*de facto* lead counsel in Derivative Action);
- *In re Johnson & Johnson Talc Stockholder Derivative Litigation*, Lead Case No.: 3:19-cv-18874-FLW-LHG (Court Appointed Executive Committee in the Derivative Action);
- *In re Beyond Meat, Inc. Derivative Litigation*, Civil Action No.: 20-2524 (C.D. Cal.) (Court Appointed Co-Lead Counsel);
- *Lee v. TrueCar, Inc. (Nominal Defendant)*, Case No 2019-0988 (Chancery Delaware) (Court Appointed Interim Lead Counsel);
- *In re Crown Castle International Corp. Derivative Litigation*, Civil Action No.: 20-cv-00606 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Acer Therapeutics, Inc. Derivative Litigation*, Civil Action No. 19-cv-01505 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Curo Group Holdings, Corp., Derivative Litigation*, Civil Action No.: 20-cv-00851 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Zoom Video Communications Shareholder Derivative Litigation*, Civil Action No.: 1:20-cv-00797-LPS (D. Del.) (Court Appointed Co-Lead Counsel);
- *In Re Inovio Pharmaceuticals, Inc. Derivative Litigation*, Civil Action No. 2:20-cv-01962 (E.D. Pa.) (Court Appointed Co-Lead Counsel);

- *In re Exela Technologies, Inc. Shareholder Derivative Litigation*, Civil Action No.: 3:20-CV-1800 (N.D. Tex) (Court Appointed Co-Lead Counsel);
- *In re Blink Charging Company Stockholder Derivative Litigation*, Civil Action No. 2020-019815-CA-01 (11th Judicial Circuit in and for Dade County, Florida) (Co-Lead Counsel in Derivative Action);
- *In re Tyson Foods Inc. Derivative Litigation*, Civil Action No.: 21-00730 (E.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In re Quantumscape Corporation Derivative Litigation*, Civil Action No: 21-00989 (N.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Velodyne Lidar, Inc. Derivative Litigation*, Civil Action No.: 21-cv-00369 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Peabody Energy Corp. Derivative Litigation*, Civil Action No.: 20-cv-01747 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Plug Power Inc. Derivative Litigation*, Civil Action No.: 1:21-cv-02753 (S.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In re Co-Diagnostics, Inc. Derivative Litigation*, Civil Action No.: 20-cv-00654 (D. UT) (Court Appointed Co-Lead Counsel);
- *In re Stride Inc. Derivative Litigation*, Civil Action No.: 20-cv-01731 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Tricida Stockholder Derivative Litigation*, Civil Action No.: 1:21-cv-00205 (D. Del.) (Court Appointed Lead Counsel);
- *In re Cytodyn Stockholder Derivative Litigation*, Civil Action No.: 3:21-cv-05422 MLP (W.D. Wash.) (Court Appointed Co-Lead Counsel);
- *In Re AcelRx Pharmaceuticals, Inc. Derivative Litigation*, Civil Action No.: 3:21-cv-05197 (N.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Appharvest Inc. Shareholder Derivative Litigation*, Civil Action No.: 1:22-cv-02037 (S.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In re View Derivative Litigation*, Civil Action No.: 21-1719 (D. Del.) (Court Appointed Co-Lead Counsel);

- *In re Opendoor Technologies, Inc. Stockholder Derivative Litigation*, Civil Action No.: 2023-0642 (Del. Chancery) (Court Appointed Co-Lead Counsel);
- *In Re Cormedix Inc. Derivative Litigation*, Civil Action No: 2:21-Cv-18493 (D.N.J.) (Court Appointed Co-Lead Counsel);
- *In re SesenBio, Inc., Derivative Litigation*, Civil Action No.: 1:21-cv-11538 (D. Mass) (D. MA) (Court Appointed Co-Lead Counsel);
- *In re Beyond Meat, Inc. Stockholder Derivative Litigation*, Civil Action No.: 23-5954-MWF (C.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Veru, Inc. Stockholder Derivative Litigation*, Civil Action No.: 2:23-cv-01164-SCD (E.D. WI) (Court Appointed Co-Lead Counsel);
- *In re Novavax, Inc. Shareholder Derivative Litigation*, Case No. C-15-CV-21-000618 (Cir. Ct. Mont. Cty) (Court Appointed Co-Lead Counsel);
- *In Re RTX Corporation (F/K/A Raytheon Technologies Corporation) Derivative Litigation*, Civil Action No.: C.A. No. 20-cv-1614-MN (D. Del) (Court Appointed Co-Lead Counsel);
- *In Re C3.AI, Inc. Derivative Litigation*, Civil Action No. 4:22-cv-03031-HSG (N.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Kenvue, Inc. Derivative Litigation*, Civil Action No.: 3:24-cv-00307-MAS (D. N.J.) (Court Appointed Co-Lead Counsel);
- *In Re Hawaiian Electric Industries, Inc. and Hawaiian Electric Company, Inc. Derivative Litigation.*, Civil Action No. 3:23-cv-06627-JSC (N.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In Re Unity Software, Inc. Stockholder Derivative Litigation*, Case No. 2023-0499-PAF (Del. Chancery) (Court Appointed Co-Lead Counsel);
- *In Re The Beauty Health Company Consolidated Stockholder Derivative Litigation*, Civil Action No.: C.A. No. 2024-0114-LWW (Del. Chancery) (Court Appointed Co-Lead Counsel);
- *In Re Snowflake, Inc. Derivative Litigation*, Case No. 24-cv-426-CFC (D. Del.) (Court Appointed Co-Lead Counsel);

- *In Re Bluebird Bio, Inc. Stockholder Derivative Litigation*, Case No.: 1:24-cv-11674-PBS, (D. Mass.) (Court Appointed Co-Lead Counsel);
- *Spiteri v. Branson et al.*, Case No.: 1:22cv933, (E.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In Re Prudential Financial, Inc. Derivative Litigation*, Case No.: ESX-L-6550-20 (Sup. Ct. NJ, Essex Cty.) (Court Appointed Co-Lead Counsel);
- *In Re Faraday Future Intelligent Electric Inc. Delaware Derivative Litigation*, Civil Action No.: 1:22-cv-00467-VAC (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Chargepoint Holdings, Inc. Derivative Litigation*, Case No.: 5:24-cv-00149-EKL (N.D. Cal) (Court Appointed Co-Lead Counsel);
- *In re CVS Health Corporation Stockholder Derivative Litigation*, Case No.: 1:24-cv-00393 (D. RI) (Court Appointed Lead Counsel);
- *In Re Crowdstrike Holdings, Inc. Derivative Litigation*, Case No. :24-cv-01031-RP (W.D. Tx) (Court Appointed Co-Lead Counsel);
- *In re Nike, Inc. Stockholder Derivative Litigation*, Case No. 24-cv-44594 (Cir. Ct., Multnomah Cty.) (Court Appointed Co-Lead Counsel);
- *In re Zeta Global Holdings Corp. Stockholder Derivative Litigation*, Case No. 1:24-cv-09450 (S.D.N.Y.) (Court Appointed Co-Lead Counsel); and
- *In re Ammo, Inc. Stockholder Derivative Litigation*, Case No.: 2:24-cv-02969-SMB (D. Az) (Court Appointed Co-Lead Counsel);
- *In re Super Micro Computer, Inc. Derivative Litigation*, Lead Case No. 5:24-cv-06410-EJD (N.C. Cal.) (Court Appointed Co-Lead Counsel);
- *In re GoodRx Holdings, Inc. Derivative Litigation*, Lead Case No. 2:24-cv-04301-AB-JPR (C.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Spire Global, Inc. Stockholder Derivative Litigation*; Civil Action No.: 1:24-cv-01596 (E.D.Va.) (Court Appointed Co-Lead Counsel);
- *In re Leslie's, Inc. Stockholder Derivative Litigation*; Civil Action No.: 2:24-cv-00532-MTL (D. Az) (Court Appointed Co-Lead Counsel);

- *In re Agenus Inc. Stockholder Derivative Litigation*; Civil Action No.: 1:24-cv-12823-AK (D. Mass) (Court Appointed Co-Lead Counsel);
- *Roy v. Scherr, et al.*, Civil Action No.: 2:24cv744, (M.D. Fl.) (Court Appointed Co-Lead Counsel);
- *In re E.L.F. Beauty, Inc. Stockholder Derivative Litigation*, Civil Action No.: 5:25-cv-02905-ELK (N.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Ready Capital Corp. Stockholder Derivative Litigation*, Civil Action No.: 1:25-cv-02274 (S.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In re New York Community Bancorp Stockholder Derivative Litigation*; Civil Action No.: 1:24-cv-01207-NRM (E.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In re Apple Inc, AI Derivative Litigation*, Civil Action No.: 5:25-cv-05364-NW (N.D. Cal.) (Court Appointed Co-Lead Counsel); and
- *In re: RxSight, Inc. Stockholder Derivative Litigation*, Civil Action No.: 8:25-cv-01820 (C.D. Cal.) (Court Appointed Co-Lead Counsel).

#### **ERISA Class Actions**

- *In re Comcast Corp. ERISA Litig.*, Master File No.: 08-cv-00773-HB (E.D. Pa.) (recovery of \$5 million for the employees' 401(k) plan);
- *Simeon v. Affiliated Computer Services, Inc. et al.*, Civil Action No.: 06-cv-1592 (N.D. Tex.) (Co-Lead Counsel in ERISA Class Action) (recovery of \$1.5 million for the employees' 401(k) plan);
- *Herrera v. Wyeth, et al.*, Civil Action No.: 08-cv-04688 (RJS) (S.D.N.Y.) (recovery of \$2 million for the employees' 401(k) plan);
- *Douglas J. Coppess v. Healthways, Inc.*, Civil Action No.: 10-cv-00109 (M.D. Tenn.) (Lead Counsel in ERISA Class Action) (recovery of \$1.25 million for the employees' 401(k) plan);
- *In re Int'l Game Tech. ERISA Litig.*, Civil Action No.: 09-cv-00584 (D. Nev.) (Co-Lead Counsel in ERISA class action) (recovery of \$500,000 for the employees' 401(k) plan);
- *Jennifer Jones v. NovaStar Fin., Inc.*, Civil Action No.: 08-cv-490 (NKL) (W.D. Mo.) (Co-Lead Counsel in ERISA Class Action) (recovery of \$925,000 for the employees' 401(k) plan);

- *Page v. Impac Mortgage Holdings, Inc., et al.*, Civil Action No.: 07-cv-1447 (C.D. Cal.) (Co-Lead Counsel in ERISA Class Action) (recovery of \$300,000 for the employees' 401(k) plan);
- *Fulmer v. Scott Klein, et al.*, Civil Action No.: 09-cv-2354-N (N.D. Tex.) (Lead Counsel in ERISA Class Action);
- *In re Pilgrims Pride Stock Investment Plan ERISA Litig.*, Civil Action No.: 08-cv-000472-TJW-CE (E.D. Tex.) (Co-Lead Counsel in ERISA Class Action);
- *In re UBS ERISA Litig.*, Civil Action No.: 08-cv-6696 (S.D.N.Y.) (Co-Lead Counsel in ERISA Class Action);
- *Rinehart v. Lehman Brothers Holdings Inc., et al.*, Civil Action No.: 08-cv-5598 (S.D.N.Y.) (Co-Lead Counsel in ERISA Class Action);
- *Usenko v. Sunedison Semiconductor, LLC., et al.*, Civil Action No.: 17-cv-2227 (E.D. Mo.) (*de facto* Co-Lead Counsel in ERISA Class Action);
- *Harris and Ramos v. Amgen, Inc., et al.*, Civil Action No.: 07-cv-5442 (C.D. Cal.) (Co-Lead Counsel in ERISA Class Action);
- *Russell v. Harman Int'l Industries Inc., et al.*, Civil Action No.: 07-cv-02212 (D. of Columbia) (*de facto* Lead Counsel in ERISA Class Action);
- *Mellot v. Choicepoint, Inc., et al.*, Civil Action No.: 05-cv-1340 (N.D. Ga.) (Co-Lead Counsel in ERISA Class Action);
- *In re Eastman Kodak ERISA Litig.*, MASTER FILE NO. 6:12-CV-06051-DGL (W.D.N.Y.) (Co-Counsel in ERISA Class Action); and
- *Sheedy v. Adventist Health System Sunbelt Healthcare Corporation., et al.*, Civil Action No.: 6:16-cv-01893-GAP (M.D. Fl.) (Interim Lead Counsel in ERISA Action).

#### **Anti-Trust Class Actions**

- *In re: Package Seafood Products Antitrust Litig.*, Civil Action No.: 15-MD-2670 (JLS) (MDD) (S.D. Cal.) (co-counsel in on-going anti-trust action);
- *In re Pool Products Distribution Market Antitrust Litigation*, MDL No. 2328 (Member of the committee in anti-trust action) (settlement obtained from several defendants); and

- *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*, MDL No. 2542 (co-counsel in on-going anti-trust action).

#### **FLSA Actions**

- *Affen v. The TJX Companies, Inc., et al.*, Civil Action No.: 14-cv-03820-CCC-JBC (D. N.J.);
- *Roberts v. The TJX Companies, Inc.*, Civil Action No.: 14-cv-00746-BJD-MCR (M.D. Fla.);
- *Sifferman v. Sterling Financial Corp.*, Civil Action No.: 13-cv-00183 (W.D. Wash.); and
- *Winfield, et al., v. Citibank, N.A.*, Case No.: 10-cv-7304 (S.D.N.Y).

#### **IV. Attorneys**

**Barry J. Gainey** received his bachelor's degree in 1981 from Boston University and received his J.D. in 1984 from Washington and Lee University School of Law where he was a Law Review Notes and Comments Editor and authored two published articles. Mr. Gainey was a partner at Wilson, Elser, Moskowitz, Edelman & Dicker in New York City, and the founding partner of Renzulli, Gainey & Rutherford (which later became Gainey & McKenna and now Gainey McKenna & Egleston), with offices in New York City and New Jersey. Mr. Gainey has worked on many high profile actions such as:

- *Schroeder, et al. v. Countrywide Home Loans, Inc., Bank of America, et al.*, Civil Action No.: 07-cv-1363 (D.N.J.) (Appointed Class Counsel in nationwide class action on behalf of United States Military Service members with Countrywide mortgages);
- *Klyachman v. Vitamin Shoppe, et al.*, Civil Action No.: 07-cv-1528 (D.N.J.) (Appointed Class Counsel in nationwide consumer fraud case);
- *Kleck v. Bluegreen Corp.*, Civil Action No.: 09-cv-81047 (S.D. Fl.) (Appointed Class Counsel with Florida firm in nationwide class action);
- *Resnik v. Lucent Technologies, Inc. et al.*, Case No.: L-1230-06 (N.J.) (Appointed Co-Class Counsel in class action);
- *Alamo v. Bluegreen Corp. et al.*, Case No.: L-6716-05 (N.J.) (Appointed Class Counsel in consumer fraud case); and
- *Blumer, et al. v. Acu-Gen Biolabs, Inc., et al.*, Civil Action No.: 06-cv-10359 (D. Mass) (Appointed Class Counsel in consumer fraud case).

Mr. Gainey is admitted to practice in the Federal and State Courts of New York and New Jersey. He is also a past or current member of the American Association for Justice, New Jersey Association for Justice, New York State Bar Association, American Bar Association, New York State Trial Lawyers Association, New Jersey State Bar Association, and Bergen County Bar Association.

**Thomas J. McKenna** received his bachelor's degree in 1981 from Boston College (*magna cum laude*) and received his J.D. in 1984 from Syracuse University College of Law (*cum laude*) where he was a Law Review Editor and a Member of the Justinian Honorary Law Society. Following law school, Mr. McKenna clerked in the United States District Court for the Eastern District of Louisiana for the Honorable Veronica D. Wicker from 1984 through 1986.

Before starting his own law practice, Mr. McKenna was associated with Cahill, Gordon & Reindel ("Cahill") in New York City, practicing class actions and securities law, insurance coverage litigation and general commercial litigation. After his association with Cahill, he was an attorney at Grutman Greene & Humphrey in New York City where he concentrated on class actions and trial practice in complex commercial and tort litigation. In 1996, Mr. McKenna started his own law firm and then formed Gainey & McKenna in 1998 where he focused his practice on trials, class actions and commercial disputes. Mr. McKenna has worked on many important actions such as:

- *Allapattah Services, Inc., et al., v. Exxon Corp.*, Civil Action No.: 91-cv-0983 (S.D. Fla.) (Nationwide class action for class of Exxon service station operators against Exxon for allegedly overcharging them for gasoline, eventually settled for over \$1 billion);
- *In re Popular Inc. ERISA Litig.*, Master File No.: 09-cv-01552-ADC (D. P.R.) (Co-Lead Counsel) (breach of fiduciary duty case under ERISA);
- *In re Schering-Plough Corp. Enhance ERISA Litig.*, Civil Action No.: 08-cv-1432 (D.N.J.) (Co-Lead Counsel) (claim on behalf of employees and ex-employees against 401(k) fiduciaries for breaches of duty in connection with Vytarin);
- *In re General Growth Properties, Inc. ERISA Litig.*, Master File No.: 08-cv-6680 (N.D. Ill.) (Class Counsel) (breach of fiduciary duty case involving harm to retirement plan in connection with alleged risky real estate investments); and
- *Morrison v. MoneyGram Int'l, Inc., et al.*, Civil Action No.: 08-cv-1121 (D. Minn.) (Lead Counsel) (breach of fiduciary duty claims involving alleged improper investment practices).

Mr. McKenna is a member of the Bar of the State of New York and admitted to practice before the United States Supreme Court and United States District Courts for the Southern and Eastern Districts of New York, and the United States Court of Appeals for the Second, Fifth, Sixth, Ninth and Eleventh Circuits. He has also been admitted *pro hac vice* in numerous other courts. Mr.

McKenna is also a member of the Association of the Bar of the City of New York, the New York State Trial Lawyers Association, and the American Association for Justice (formerly the American Trial Lawyers Association) and past member of the New York County Lawyers Association.

**Gregory M. Egleston** received his bachelor's degree in 1992 from Fordham University (*magna cum laude*), his master's degree in 1994 from Columbia University, and received his J.D. in 1997 from New York Law School. Before joining the Firm, Mr. Egleston had his own law firm and prior to that, Mr. Egleston was an attorney specializing in securities class action litigation, shareholder derivative actions, and consumer fraud litigation at a prominent Manhattan plaintiffs' class action firm. Mr. Egleston has worked on many high-profile class actions such as:

- *Shane v. Kenneth E. Edge, et al.*, Civil Action No.: 10-cv-50089 (N.D. Ill.) (recovery of \$3.35 million for the company's 401(k) plan);
- *Mayer v. Administrative Committee of Smurfit-Stone Container Corp. Retirement Plans*, Civil Action No.: 09-cv-02984 (N.D. Ill.) (recovery of \$7.75 million for the company's 401(k) plan);
- *In re YRC Worldwide Inc. ERISA Litig.*, Civil Action No.: 09-cv-02593 JWL/JPO (D. Kan.) (recovery of \$6.5 million for the company's 401(k) plan);
- *In re Beazer Homes U.S.A., Inc. Sec. Litig.*, Civil Action No.: 07-cv-725-CC (N.D. Ga.) (\$30.5 million settlement in a Securities Class Action);
- *In re Willbros Group, Inc. Sec. Litig.*, Civil Action No.: 06-cv-1778 (S.D. Tex.) (\$10.5 million settlement in a Securities Class Action);
- *In re Royal Dutch/Shell Transport Sec. Litig.*, Civil Action No.: 04-cv-374 (JAP) (D.N.J.) (U.S. settlement with a minimum cash value of \$138.3 million with a potential value of more than \$180 million, in addition to a related European settlement of \$350 million);
- *In re Marsh & McLennan Companies, Inc. Sec. Litig.*, Civil Action No.: 04-cv-8144 (CM) (S.D.N.Y.) (\$400 Million settlement in a Securities Class Action); and
- *In re Lumenis Sec. Litig.*, Civil Action No.: 02-cv-1989 (S.D.N.Y.) (\$20.1 million settlement in a Securities Class Action).

Mr. Egleston was also involved in a high-profile landlord/tenant action entitled *Roberts v. Tishman Speyer, L.P., et al.*, N.Y. Sup. Ct., Index No. 07600475. The core legal issue was whether landlords could permissibly deregulate and charge market rents for certain so-called "luxury" apartment units in these complexes in years in which the landlords were simultaneously receiving tax abatements from New York City known as "J-51" benefits. The Court of Appeals ruled that the New York statutory scheme prevents landlords of rent stabilized buildings from charging market rents while receiving J-51 benefits for as long as they continue to receive those tax benefits. The action recently settled for \$68.8 million.

Mr. Egleston is admitted to the Bars of the States of New York and Connecticut. He is also admitted to practice before the Bars of the federal district courts for the Southern and Eastern Districts of New York and the District of Connecticut.

**David A. Silva** received his bachelor's degree in 1982 from New York University and received his J.D. in 1985 from Brooklyn Law School where he was a member of the Moot Court National Team. Between the years of 1985 and 1988, Mr. Silva worked as an Assistant Corporation Counsel in the Law Department of the City of New York. While at the Law Department, Mr. Silva represented various city agencies in Article 78 proceedings as well as defended the constitutionality of various aspects of the New York City Public Health Law, as well as the Building Code and Zoning Resolution. In addition, he was lead counsel on Federal civil rights actions defending the City and its employees.

In 1988, Mr. Silva left the City and joined Mound Cotton Wollan & Greengrass as an associate and worked there for 25 years becoming a partner in 1995 and a senior partner in 2002.

Mr. Silva has served as counsel to both insurers and reinsurers in dozens of reinsurance arbitrations and court proceedings across the United States. He has also acted as lead counsel in arbitrations in both Bermuda and England, involving some of the highest profile issues in the industry. Mr. Silva regularly advises clients on a wide range of issues including workers' compensation carve out and spiral business; life, personal accident and medical reinsurance issues; long term care reinsurance; actuarial disputes; coverage of declaratory judgment expenses; rescission claims; claims for pre-answer security; letter of credit disputes; commutation valuations; allocation of losses; contract drafting; records inspection rights, and audits. He also has substantial experience in other reinsurance-related matters, including issues involving domestic and off-shore captive reinsurers, surplus relief treaties, and many matters relating to life, accident, health, and long-term care insurance. He also has substantial involvement in all aspects of property and casualty insurance litigation including first- and third-party coverage and claims defense, business interruption, products liability defense, and disputes between primary and excess carriers.

Mr. Silva has been recognized in the Chambers USA Directory, Best Lawyers in America, and Super Lawyers as a leading individual in the field of insurance and reinsurance. Mr. Silva has also served as a lecturer and panelist for various reinsurance programs, including the Reinsurance Association of America, ARIAS U.S., as well as Harris Martin and HB Litigation Conferences.

Mr. Silva is admitted to practice in the federal and state courts of New York and is a past member of the New York State Bar Association as well as the New York County Lawyers Association.

**Christopher M. Brain** was called as a barrister in England and Wales by the Honourable Society of Gray's Inn in 2021; having received his bachelor's degree in law ("LLB") from Swansea University in 2019, his master's degree in law ("LLM") from BPP University in 2020, and a further LLM from Cornell Law School in 2021. Mr. Brain was admitted to the New York State Bar on January 19<sup>th</sup>, 2023 and is a member in good standing.

While in the United Kingdom, Mr. Brain received specialized training in litigation and gained experience assisting counsel and observing proceedings in the English courts in an array of criminal, civil, and family law matters. Mr. Brain also spent some time shadowing District Judge Jones on the South-Eastern Circuit.

Prior to joining the Firm, Mr. Brain worked as a complex civil litigation and class actions attorney with a boutique litigation United States law firm. During this, Mr. Brain worked on various securities, data privacy, and toxic tort class actions. Notably, Mr. Brain assisted with:

- *Town of Fairfield, et al. v. Allianz Global Investors U.S. LLC*, No. 20-cv-05817 (S.D.N.Y.) (settled ERISA class action on behalf of institutional investors)
- *Jackson v. Allianz Global Investors U.S. LLC*, Index No. 651233/2021 (N.Y.S.–N.Y. Cnty.) (\$145 million settlement in securities class action on behalf of public investors)
- *Zaluda v. Apple, Inc.*, Case No. 2019 CH 11771 (Ill. Cir. Ct.–Cook Cnty.) (data privacy class action involving alleged violations of the Illinois BIPA legislation)
- *Ryan, et al. v. Greif Inc., et al.*, Case No. 4:22-cv-40089 (D. Mass.) (class action on behalf of over 200 residents whose water supply and topsoil had allegedly been contaminated with PFAS6)

Since joining the Firm, Mr. Brain has worked on a number of class actions and shareholder derivative actions, including:

- *In re Facebook, Inc. Derivative Litigation*, C.A. No. 2018-0307 (Del. Chan.) (ongoing shareholder derivative action)
- *In re Zoom Video Communications, Inc. Derivative Litigation*, Case No. 1:20-cv-00797 (D. Del.) (ongoing shareholder derivative action)
- *Rand v. The Travelers Indemnity Company*, Case No. 7:21-cv-10744-VB (S.D.N.Y.) (ongoing data privacy class action)
- *In re USAA Data Security Litigation*, Case No. 7:21-cv-05813-VB (S.D.N.Y.) (ongoing data privacy class action)
- *Kincheloe v. University of Chicago, et al.*, Case No. 1:20-cv-03015 (E.D. Ill.) (COVID-19 college closure class action, recently received preliminary approval of settlement)

Before his admission to the New York State Bar, Mr. Brain worked with vulnerable clients through the Swansea Law Clinic, dealing with sensitive family and housing law matters on a pro bono basis. Mr Brain also carried out detailed research and drafted confidential memoranda on international law and policy for members of Congress and the public while working as a Global Legal Research Intern with the Law Library of Congress.

Besides being a member of the Bars of New York State and England and Wales, Mr. Brain also received an accreditation as a civil and commercial mediator by ADR-ODR International in 2020.