

Steve W. Berman (*pro hac vice*)
Craig R. Spiegel (122000)
Ashley A. Bede (*pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com
craigs@hbsslaw.com
ashleyb@hbsslaw.com

Bruce L. Simon (96241)
Benjamin E. Shiftan (265767)
PEARSON, SIMON & WARSHAW, LLP
44 Montgomery Street, Suite 2450
San Francisco, CA 94104
Telephone: (415) 433-9000
Facsimile: (415) 433-9008
bsimon@pswlaw.com
bshiftan@pswlaw.com

Plaintiffs' Class Counsel

[Additional Counsel on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION ATHLETIC
GRANT-IN-AID CAP ANTITRUST
LITIGATION

Case No. 4:14-md-02541-CW

**DECLARATION OF STEVE W.
BERMAN IN SUPPORT OF MOTION
FOR ATTORNEYS' FEES, EXPENSES,
AND SERVICE AWARDS**

This Document Relates to:

ALL ACTIONS EXCEPT

Jenkins v. Nat'l Collegiate Athletic Ass'n
Case No. 4:14-cv-02758-CW

DATE: Nov. 17, 2017
TIME: 9:00 a.m.
DEPT: Courtroom 2, 4th Floor
JUDGE: Hon. Claudia Wilken

COMPLAINT FILED: Mar. 5, 2014

1 I, Steve W. Berman, declare:

2 1. I am the managing partner of the law firm Hagens Berman Sobol Shapiro LLP
3 (“Hagens Berman”), attorneys for plaintiffs and Class Counsel appointed by the Court in the above-
4 captioned action. Based on personal knowledge or discussions with counsel in my firm of the
5 matters stated herein, if called upon, I could and would competently testify thereto.

6 2. For the past nearly three years, Hagens Berman and co-counsel Pearson Simon &
7 Warshaw LLP (“Pearson Simon”) have taken the lead on responding to defendants’ interrogatories
8 and requests for production of documents, both by interfacing with named plaintiffs to acquire the
9 information requested by defendants and by drafting the discovery responses.

10 3. In response to plaintiffs’ affirmative document requests, defendants produced over
11 550,000 documents and more than 2.8 million pages of documents. Reviewing these massive
12 document productions was a major effort.

13 4. Hagens Berman and Pearson Simon coordinated a complex and thorough review
14 process with eleven attorneys and spanning over two-and-a-half years, amounting to approximately
15 5,000 attorney hours.

16 5. Plaintiffs issued subpoenas to 337 NCAA member institutions in order to obtain
17 NCAA member scholarship data that plaintiffs’ damages expert, Dr. Dan Rascher, required to
18 establish his damages methodology. Hagens Berman and Pearson Simon oversaw this effort and
19 enlisted additional class counsel Pritzker Levine LLP to assist and help interface with Dr. Rascher
20 and his staff regarding the data. The firms worked closely with Dr. Rascher to assist him in
21 constructing his damages model of the but-for world.

22 6. When discovery disputes have arisen during this case, Hagens Berman and Pearson
23 Simon have been intimately involved in resolving such disputes where possible.

24 7. Hagens Berman and Pearson Simon both were actively involved in the lengthy meet
25 and confer process with conference defendants regarding obtaining their financials and media
26 contracts. These meet and confers were ultimately successful, resulting in the production of
27 conference defendants’ financial statements, television contracts, and sponsorship contracts—each of
28 which was the subject of extensive questioning at the depositions of conference defendant witnesses.

1 8. Plaintiffs have taken more than 50 depositions, with Hagens Berman and Pearson
2 Simon taking over half (38) of these depositions.

3 9. HB and PSW lawyers have deposed numerous high-profile figures in the world of
4 college sports, including, but not limited to, Mark Emmert (President of the NCAA); Mary
5 Willingham (the whistleblower who helped to reveal an academic fraud scandal at the University
6 of North Carolina at Chapel Hill); Mike Slive (former Commissioner of the Southeastern
7 Conference); John Swofford (current Commissioner of the Atlantic Coast Conference); Michael
8 Aresco (current Commissioner of the American Athletic Conference); Harvey Perlman (former
9 Chancellor of the University of Nebraska); Jim Delany (Big Ten Conference Commissioner);
10 Karl Benson (Sun Belt Conference Commissioner); and Larry Scott (Pac-12 Conference
11 Commissioner).

12 10. To maximize the recovery to the class and to minimize costs, Hagens Berman and
13 Pearson Simon have leanly staffed depositions and all other projects in this case. Defendants
14 routinely staffed the defense of depositions with numerous lawyers (often numerous senior
15 lawyers).

16 11. Hagens Berman and Pearson Simon performed significant legal research on various
17 class certification issues, including class-wide impact, class-wide damages, and defendants'
18 purported offset defense.

19 12. Hagens Berman deposed defendants' expert economist on damages class certification
20 and took sample depositions of five different university officials, who confirmed that schools track,
21 audit, and maintain detailed financial records in the ordinary course of business.

22 13. Bruce Simon and I were personally involved in the hard-fought settlement discussions
23 that persisted for several years. We both attended multiple in-person mediation sessions with
24 Professor Eric Green and participated in telephone calls with the mediator as well.

25 14. During settlement negotiations, the parties were confronted with numerous difficult
26 and time-consuming issues. These negotiations have been arm's-length at all times and have broken
27 down on several different occasions before the parties were finally able to reach a settlement.
28

1 15. The settlement establishes a common fund of \$208,664,445—a settlement that
2 amounts to almost single damages in this case when the parties entered into an agreement in
3 principal. The settlement allowed eligible class members to receive payments who attended a school
4 that agreed to pay Cost of Attendance (“COA”) any time prior to June 1, 2017. Based on the number
5 of schools who declared an intent to pay COA as of June 1, 2017, it is estimated that many additional
6 class members will not be able to receive payments from the settlement fund. This has reduced the
7 total recovery percentage by about one-third, from 100% to 66%. This extraordinary result is the
8 product of a thorough assessment and evaluation of the strengths and weaknesses of plaintiffs’ case.

9 16. Hagens Berman has led and continues to lead the settlement and claims administration
10 by selecting Gilardi & Co. LLC (“Gilardi”), a company associated with Kurtzman Carson Consult-
11 ants, after a thorough and competitive bid process involving multiple bids from four companies over
12 a period of over two weeks.

13 17. Hagens Berman worked hard to obtain accurate class member contact information for
14 efficient notice procedures. In addition to receiving contact information from class members them-
15 selves, Hagens Berman efficiently leveraged notice information that it had previously obtained for
16 class members who were also members of the *In re National Collegiate Athletic Association Student-*
17 *Athlete Concussion Injury Litigation*, No. 1:13-cv-09116 (N.D. Ill.) (“*Concussions* settlement”).

18 18. In the *Concussions* settlement, NCAA member institutions uploaded class member
19 data to Gilardi, which was also the administrator in that case, via a secure upload to a File Transfer
20 Protocol website. This included data from NCAA member institutions for some of the class
21 members, through the academic year 2014-2015. Not all NCAA member institutions provided
22 complete data in response to the *Concussions* settlement. Hagens Berman organized the NCAA
23 member institutions by the level of completeness of data provided to Gilardi in the *Concussions*
24 settlement and strategized how to most efficiently obtain complete data sets for accurate notices.

25 19. Notice efforts included corresponding with NCAA institutions for information and
26 with class members directly. Some NCAA member institutions required subpoenas prior to
27 providing notice information based on its interpretation of the FERPA requirements—to that end,
28 Hagens Berman issued, served, and coordinated 40 separate subpoenas. Each of these subpoenas

1 contained a specifically tailored request based on the completeness of the data Hagens Berman
2 already had from the *Concussions* settlement, if any.

3 20. Hagens Berman arranged for and coordinated acceptable service of the subpoenas,
4 including email and personal service as required. Hagens Berman assisted NCAA member
5 institutions, as needed, in uploading their responsive data to Gilardi. These subpoena and data upload
6 processes were similar to those processes employed in the *Concussions* settlement. Because the
7 involved parties had been through similar processes before, it was a relatively seamless collection of
8 notice data that was efficient for NCAA member intuitions, defendants, and Gilardi.

9 21. Hagens Berman has spent many hours and resources working with class administrator
10 Gilardi and communicating with class members regarding the settlement thus far. Through these
11 communications, Hagens Berman has found this class to be very active, connected, and interested.

12 22. Hagens Berman has provided detailed and personalized responses to class members'
13 inquiries on this case, and continues to do so. In addition to fielding email and phone calls, per the
14 Court's suggestion, Hagens Berman and Gilardi created and maintain an online portal for this
15 settlement class. Through the portal, individual class members can log in to see his or her expected
16 recovery, including any offsets and deductions.

17 23. Hagens Berman further anticipates approximately 20 hours weekly working with
18 Gilardi and the class members moving forward until settlement distribution is completed, which is
19 estimated to be in February 2018.

20 24. Class representatives Shawne Alston, Nicholas Kindler, Afure Jemerigbe, and Dalenta
21 Jamal ("DJ") Stephens have devoted noteworthy time and resources to representing this class from
22 inception to settlement.

23 25. All four class representatives worked closely with counsel to respond to multiple sets
24 of requests for production and interrogatories from defendants over the past three years. The class
25 representatives each took seriously their obligations to preserve responsive documents and further
26 worked with counsel to collect and produce each and every responsive document and all information
27 in their possession, often from multiple locations and sources. Each representative searched his or
28 her files for any correspondence, forms, contracts, brochures, financial and athletics records, and any

1 other potentially relevant documents that spanned their athletic careers from high school to after
2 graduating college and expiration of their NCAA eligibility.

3 26. All four class representatives further agreed to and executed FERPA waivers
4 authorizing defendants to obtain records directly from their respective NCAA member institutions,
5 including admission, academic, health, and athletic records.

6 27. All four class representatives were responsive and available to counsel through the
7 entire duration of this lawsuit, providing additional information as needed and remaining engaged
8 and actively informed on the case.

9 28. All four class representatives prepared for, traveled to and from, and participated in
10 full day-long depositions.

11 29. Mr. Alston's deposition lasted approximately seven hours, and three separate defense
12 attorneys appeared on behalf of defendants. Mr. Alston spent several days traveling to and from his
13 residence in Newport News, Virginia, to attend the deposition noted in San Francisco, California.
14 Mr. Alston also dedicated hours of time and energy preparing for his deposition, with assistance of
15 counsel.

16 30. Mr. Kindler's deposition lasted approximately six hours, and three separate defense
17 attorneys appeared on behalf of defendants. Mr. Kindler spent several days traveling to and from his
18 residence in Morgantown, West Virginia, to attend the deposition noted in San Francisco, California.
19 Mr. Kindler also dedicated hours of time and energy preparing for his deposition, with assistance of
20 counsel.

21 31. Ms. Jemerigbe's deposition lasted approximately seven hours, and three separate
22 defense attorneys appeared on behalf of defendants. Ms. Jemerigbe spent time and resources
23 traveling to and from her residence in Oakland to attend the deposition noted in San Francisco.
24 Ms. Jemerigbe also dedicated hours of time and energy preparing for her deposition, with assistance
25 of counsel.

26 32. Mr. Stephens' deposition lasted approximately seven hours, and two defense attorneys
27 appeared on behalf of defendants. Mr. Stephens spent time and resources traveling to and from his
28

1 residence in Collierville, Tennessee, to attend the deposition in Memphis, Tennessee. Mr. Stephens
2 also dedicated hours of time and energy preparing for his deposition, with assistance of counsel.

3 33. Hagens Berman's lodestar is \$6,431,007.20. Detailed and contemporaneously
4 prepared time records supporting this summary are available and will be submitted if requested by
5 the Court.

6 34. Hagens Berman's lodestar is calculated based on the current hourly rates of the firm.
7 These hourly rates are based on regular and ongoing monitoring of prevailing market rates in the
8 respective regions for attorneys of comparable skill, experience, and qualifications.

9 35. Hagens Berman has expended a total of \$1,961,226.04 in unreimbursed litigation
10 expenses in prosecuting this litigation. They are the type of expenses typically billed by attorneys to
11 paying clients in the marketplace, and include such costs as fees paid or incurred to experts, online
12 document repositories, and travel in connection with this litigation.

13 36. Hagens Berman is not seeking to recover its costs in this litigation, which it could
14 recover from a defendant after a successful trial.

15 37. The litigation expenses incurred in prosecuting this case are reflected in the books and
16 records of this firm. These books and records are prepared from expense vouchers and check records
17 and are an accurate record of the expenses incurred. The total lodestar for all firms who worked
18 under Hagens Berman and Pearson Simon supervision is \$11,515,749.30. And the total requested
19 reimbursable expenses is \$3,184,274.38.

20 38. Attached hereto as **Exhibit A** is a true and correct copy of a report reflecting a
21 summary of Hagens Berman's lodestar for the above-captioned case.

22 39. Attached hereto as **Exhibit B** is a true and correct copy of a report reflecting a
23 summary of Hagens Berman's expenses for the above-captioned case.

24 40. Attached hereto as **Exhibit C** is a true and correct copy of Theodore Eisenberg,
25 Geoffrey P. Miller, Roy Germano, *Attorneys' Fees in Class Actions: 2009-2013*, NEW YORK
26 UNIVERSITY SCHOOL OF LAW, Law & Economics Research Paper Series (Dec. 2016).

27 41. Attached hereto as **Exhibit D** is a true and correct copy of ALM Legal Intelligence,
28 2015 NLJ Billing Survey, NATIONAL LAW JOURNAL (2015).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 6th day of September, 2017, at Seattle, Washington.

/s/ Steve W. Berman
STEVE W. BERMAN

EXHIBIT A

EXHIBIT A**Hagens Berman Sobol Shapiro LLP****TIME REPORT**

Inception through August 31, 2017

NAME	TITLE	TOTAL HOURS	HOURLY RATE	LODESTAR
ATTORNEYS				
Steve Berman	Partner	639.6	950.00	\$ 607,620.00
Leonard Aragon	Partner	69.4	578.00	\$ 40,113.20
Ashley Bede	Associate	1697.2	420.00	\$ 712,824.00
Robert Carey	Partner	41.35	735.00	\$ 30,392.25
John DeStefano	Associate	4.7	395.00	\$ 1,856.50
Rachel Freeman	Associate	3.1	295.00	\$ 914.50
Jeffrey Friedman	Partner	636.0	735.00	\$ 467,460.00
Catherine Gannon	Associate	28	400.00	\$ 11,200.00
Jon King	Associate	2959.2	630.00	\$ 1,864,296.00
Jooyoung Koo	Contract Atty	677.5	350.00	\$ 237,125.00
Christopher O'Hara	Partner	419.0	605.00	\$ 253,495.00
Gayle Perez	Contract Atty	1070.5	300.00	\$ 321,150.00
Jay Perez	Contract Atty	69.2	300.00	\$ 20,760.00
Rio Pierce	Associate	2.5	475.00	\$ 1,187.50
Benjamin Siegel	Associate	81.7	450.00	\$ 36,765.00
Emilee Sisco	Associate	2541	300.00	\$ 762,300.00
Craig Spiegel	Partner	716.9	760.00	\$ 544,844.00
Alexander Su	Associate	168.8	425.00	\$ 71,740.00
TOTAL		11,825.65		\$ 5,986,042.95

NAME	TITLE	TOTAL HOURS	HOURLY RATE	LODESTAR
NON-ATTORNEYS				
Jake Berman	Contract	7.0	75.00	\$ 525.00
Alan Borovay	Contract	71.5	75.00	\$ 5,362.50
Dawn Cornelius	Paralegal	36.5	170.00	\$ 6,205.00
Jeaneth Decena	Paralegal	376.35	265.00	\$ 99,732.75
Carrie Flexer	Paralegal	13.8	200.00	\$ 2,760.00
Adrian Garcia	Paralegal Asst.	9.5	158.00	\$ 1,501.00
Nicolle Grueneich	Paralegal	22.5	180.00	\$ 4,050.00
Rebecca Heneghen	Paralegal	11.9	170.00	\$ 2,023.00
Brian Miller	Paralegal	777.7	265.00	\$ 206,090.50

NAME	TITLE	TOTAL HOURS	HOURLY RATE	LODESTAR
Audrey Moore	Paralegal	2.1	158.00	\$ 331.80
Amy Nolan	Paralegal	186.9	158.00	\$ 29,530.20
Conor Reynolds	Contract	16	225.00	\$ 3,600.00
Shelby Taylor	Paralegal	4.5	180.00	\$ 810.00
David Uffens	Contract	252.6	175.00	\$ 44,205.00
Michael Zimmerman	Contract	218.5	175.00	\$ 38,237.50
TOTAL		2,007.35		\$ 444,964.25
GRAND TOTAL		13,833.00		\$ 6,431,007.20

EXHIBIT B

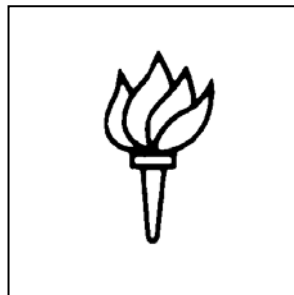
EXHIBIT B**Hagens Berman Sobol Shapiro LLP****EXPENSE REPORT**

Inception through August 31, 2017

CATEGORY OF EXPENSES	AMOUNT
Airfare	\$ 14,935.94
Conference Call Facilities	\$ 235.64
Copies	\$ 12,482.95
Expert Fees	\$ 1,728,944.78
Hotels	\$ 10,299.01
Legal Research / PACER	\$ 10,046.87
Meals	\$ 2,012.09
Online Document Hosting	\$ 84,722.40
Process Server Fees / Messenger	\$ 47,649.01
Professional Services / Marketing	\$ 2,945.80
Shipping / Mail / Archival Services	\$ 1,662.05
Court Reporters/Transcripts	\$ 24,560.33
Transportation / Parking / Travel	\$ 5,064.95
Filing Fees	\$ 1,740.00
Mediation Fees	\$ 4,125.00
Records	\$ 8,486.82
Miscellaneous (2015 IMG Registration, Hard Drives, Library)	\$ 1,312.40
TOTAL	\$ 1,961,226.04

EXHIBIT C

NEW YORK UNIVERSITY SCHOOL OF LAW
NYU Center for Law, Economics and Organization



Attorneys' Fees in Class Actions: 2009-2013

Theodore Eisenberg, Geoffrey P. Miller, Roy Germano

December 2016

LAW & ECONOMICS RESEARCH PAPER SERIES
WORKING PAPER NO. 17-02

Attorneys' Fees in Class Actions: 2009-2013

Theodore Eisenberg,¹ Geoffrey Miller² and Roy Germano³

Abstract: We study attorney fee awards in 458 class action settlements reported in the five years from 2009-2013. Despite the financial crisis and its many effects on our national life, little has changed in class action attorneys' fees. Average percentage fees are in line with prior studies. The key determinant of the fee continues to be the size of the class recovery: the amazingly regular relationship between these variables continues in the present data. We continue to find a "scaling" effect, in the sense that fees as a percentage of the recovery decrease as the size of the recovery increases. As in the previous Eisenberg-Miller studies, we find that fees are a function of risk – larger fees in higher-risk cases – although in the most recent data the effect is only weakly statistically significant. We document an inverse relationship between the percentage fee and the lodestar multiplier: cases with lower percentage fees are associated with higher multipliers. Likewise lodestar multipliers tend to rise with the size of class recovery.

I. Introduction

When a class action settles (or, rarely, when it generates a litigated outcome), the court is faced with the job of awarding an appropriate attorneys' fee. The issue is important. If fees are set too low, counsel will not receive fair compensation for their services to the class. Worse yet, if fees are too low, then qualified counsel will not bring these cases in the first place. Injured parties will receive no redress and potential wrongdoers will no longer be deterred out of fear of potential class action liability. If fees are set too high, attorneys will receive an unjustified windfall and some of the benefits that should have gone to class members will be diverted to class counsel. Excessive class counsel fees might also induce class counsel to bring extremely weak cases. Setting an appropriate counsel fee is thus crucial to the effective functioning of class action litigation.

But how is the court to determine the fee? In ordinary cases, the fee is determined by private negotiation between lawyer and client, subject only to minimal regulations against unfair or exorbitant fees. Not so for class actions: in these cases there is no negotiation over fees between class counsel and absent class members. There may be a retainer agreement between counsel and the representative plaintiff, which can provide valuable information, but the retainer agreement cannot bind absent class members. Unlike most issues presented to a court in litigation, moreover, the judge cannot rely on adversarial presentation to inform her of the possibilities for decision. In "common fund" cases, the fee is taken out of the class recovery. At this stage class counsel has a potential conflict with their own clients because each dollar that goes to the attorneys is a dollar that doesn't go to class members. Defendants, for their part, have no stake in how the settlement amounts are distributed. Even in consumer cases where the

¹ Eisenberg was the Henry Allen Mark Professor of Law and Adjunct Professor of Statistical Sciences at Cornell University. Although Professor Eisenberg died before this paper was written, we have followed the methodology he developed in earlier papers on attorneys' fees co-authored with Professor Miller. He is in every sense a co-author of the present paper as well.

² Stuyvesant Comfort Professor of Law, New York University Law School

³ Research Scholar, New York University Law School and Adjunct Professor, New York University Program in International Relations.

defendant agrees to pay the class's counsel fees, the adversarial process is disarmed because the settlement includes the defendant's agreement to pay the fee up to a specified amount. Adversarial presentation is not completely absent: objectors may take issue with the size of the fee request, for example. But even when their objections are bona fide, objectors can rarely mount an effective challenge to the fee request: they usually have limited time and resources and have limited access to the relevant facts.

A review of other class action fee awards is central to the court's analysis.⁴ But here, too, the courts face a difficulty. Over the past few decades courts have ruled on thousands of class action fee requests. No judge has the time to engage in a comprehensive review of awards in similar cases; and the case provided to the court by counsel may not be an unbiased sample of awards in similar cases because counsel's interest is in persuading the court that their fee request is reasonable.

Here is where the empirical analysis of law can offer genuine help. Although courts are not able to conduct a thorough review of awards in similar cases, empirical researchers can do so. The analysis of class counsel fees is thus a telling example of the potential benefits of empirical analysis of law as a discipline: it can both illuminate legal practices and help researchers better understand the operation of our legal system; but it can also offer judges concrete help deciding important and difficult issues that come before them in litigation.

Federal judges recognize the value of empirical research in the area of class action attorneys' fees, and rely extensively on those studies when assessing fee requests in particular cases.⁵ The leading empirical studies are papers by two of the authors of the present paper (Eisenberg and Miller) published in 2004 and 2010, and a 2010 paper by Professor Brian Fitzpatrick.⁶ These authors use contrasting, but complementary, approaches to the topic. Eisenberg and Miller's studies are broad – covering all reported decisions in which fees could be determined over two time periods: the first Eisenberg and Miller paper reported on 362 opinions issued in the years 1993-2002, and the second Eisenberg and Miller paper examined data from nearly 700 common-fund settlements between 1993 and 2008. Fitzpatrick, in contrast, focused on a shorter time period but included unreported as well as reported cases; he analyzed nearly 700 common-fund settlements in 2006 and 2007. The whole of this literature is more than the sum of the parts, in that even though Eisenberg-Miller and Fitzpatrick examine somewhat different data sets, the empirical results they reported were remarkably consistent.

The data examined in these studies did not extend past 2008. Much has happened during the ensuing years – most importantly, the financial crisis of 2007-2009, and the legal, political,

⁴ See, e.g., *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717-719 (5th Cir. 1974).

⁵ See, e.g., *In re Heartland Payments Systems, Inc. Customer Data Security Breach Litigation*, 851 F.Supp.2d 1040, 1080-1081 (S.D. Tex. 2012) (Rosenthal, J.) (“District courts increasingly consider empirical studies analyzing class-action-settlement fee awards to set the appropriate percentage benchmark or to test the reasonableness of a given benchmark. . . . Using these studies alleviates the concern that the number selected is arbitrary.”)

⁶ See Brian T. Fitzpatrick, *An Empirical Study of Class Action Settlements and Their Fee Awards*, 7 J. EMPIRICAL LEGAL STUDIES 811 (2010); Theodore Eisenberg & Geoffrey Miller, *Attorney Fees and Expenses in Class Action Settlements: 1993–2008*, 7 J. EMPIRICAL LEGAL STUDIES 248 (2010); Theodore Eisenberg & Geoffrey P. Miller, *Attorney Fees in Class Action Settlements: An Empirical Study*, 1 J. EMPIRICAL LEGAL STUDIES 27 (2004).

and attitudinal changes associated with that event. Those events were of such a magnitude as to raise the question whether the patterns observed in previous years would continue as they had before, or whether some significant long-term changes would be observed.

This study seeks to answer that question. We study 458 cases reported in the five years from 2009-2013. Our present study examined a larger number of cases per year than we had examined in previous research, due to the increased availability of PACER as a resource to supplement information that could be obtained from reported decisions alone. This resulted in more comprehensive coverage and also generated a somewhat larger number of smaller cases in the overall mix. Overall the headline of the present study is that despite the financial crisis and its many effects on our national life, little has changed in class action attorneys' fees. Average percentage fees are in line with prior studies. We continue to find a "scaling" effect, in the sense that fees as a percentage of the recovery tend to decrease as the size of the recovery increases – an effect that appears to be due to the economies of scale that can sometimes be achieved in very large cases. The key determinant of the fee continues to be the size of the class recovery: the amazingly regular relationship between these variables continues in the present data. As in the previous Eisenberg-Miller studies, we find that fees are a function of the risk of the case – large fees in higher-risk cases – although in the most recent data the effect is only weakly statistically significant. As in prior work, we document an inverse relationship between the percentage fee and the lodestar multiplier (the enhancement factor that applies when fees are determined on the basis of hours and hourly rate): cases with lower percentage fees are associated with higher multipliers – a factor we associate with the economies of scale that can be realized for legal representation in large cases. Likewise, and for similar reasons, lodestar multipliers tend to rise with the size of class recovery.

II. Empirical Analysis

Our data set consists of all class action cases reported during the 2009-2013 period from which usable information on counsel fees could be obtained.⁷ We harvested this data using the same technique as in our prior studies: we conducted a search of reported cases using computerized legal research tools, and then supplemented that research by examining the federal court's PACER data base in order to locate additional pertinent information. This resulted in a larger number of cases harvested and analyzed per year because the PACER data was more comprehensive in the more recent data. We begin by examining short and long-term trends in recoveries and fees over time. We follow by investigating potential determinants of fee awards and fee percentages.

A. Class Recoveries and Attorney Fees over Time

Figure 1 shows mean and median recoveries and mean and median attorney fees from 2003-2013. The data have been adjusted for inflation and transformed into base 10 logarithms to account for the fact that the distributions are skewed heavily to the left with a few extreme outliers. Logging the data helps normalize the distributions of the data and reduce the influence of outliers on the mean. These units are interpretable as powers of 10. A value of 6, for instance,

⁷ We also included shareholders' derivative cases, but there were too few of these in our data set to generate reliable results.

is equal to 10^6 , or \$1,000,000. Figure 1a shows recoveries and fees for all cases from 2003-2013. It appears from these data that recoveries and fees decreased over the 2003-2013 period, particularly after the onset of the financial crisis in 2007-2008. We urge caution, however, in interpreting Figure 1a. PACER, the database we used to build these data sets, became more available and more complete over the years we are examining. As a result, more cases with small recoveries came into the database over time. We therefore believe that the presence of more large-recovery cases in the earlier years of the series is driving up the mean and median values in the 2003-2008 data set compared to the 2009-2013 data set.

To account for this possibility, we split our sample into cases with recoveries of less than \$50 million (Figure 1b) and recoveries greater than \$50 million (Figure 1c). Figure 1b shows that among cases with recoveries of less than \$50 million, mean and median recoveries and fees held more or less constant between 2003 and 2013. A t-test indicates that the mean fee in 2013 was not statistically different than the mean fee in 2003. Figure 1c indicates that among cases with recoveries greater than \$50 million, recoveries and fees did not follow a discernable up or down pattern over the 2003-2013 period. It is therefore safe to say that recoveries and fees did not increase over the 2003-2013 period.

Figure 1: Class recovery and attorney fee over time, mean and median (log 10), 2003-2013

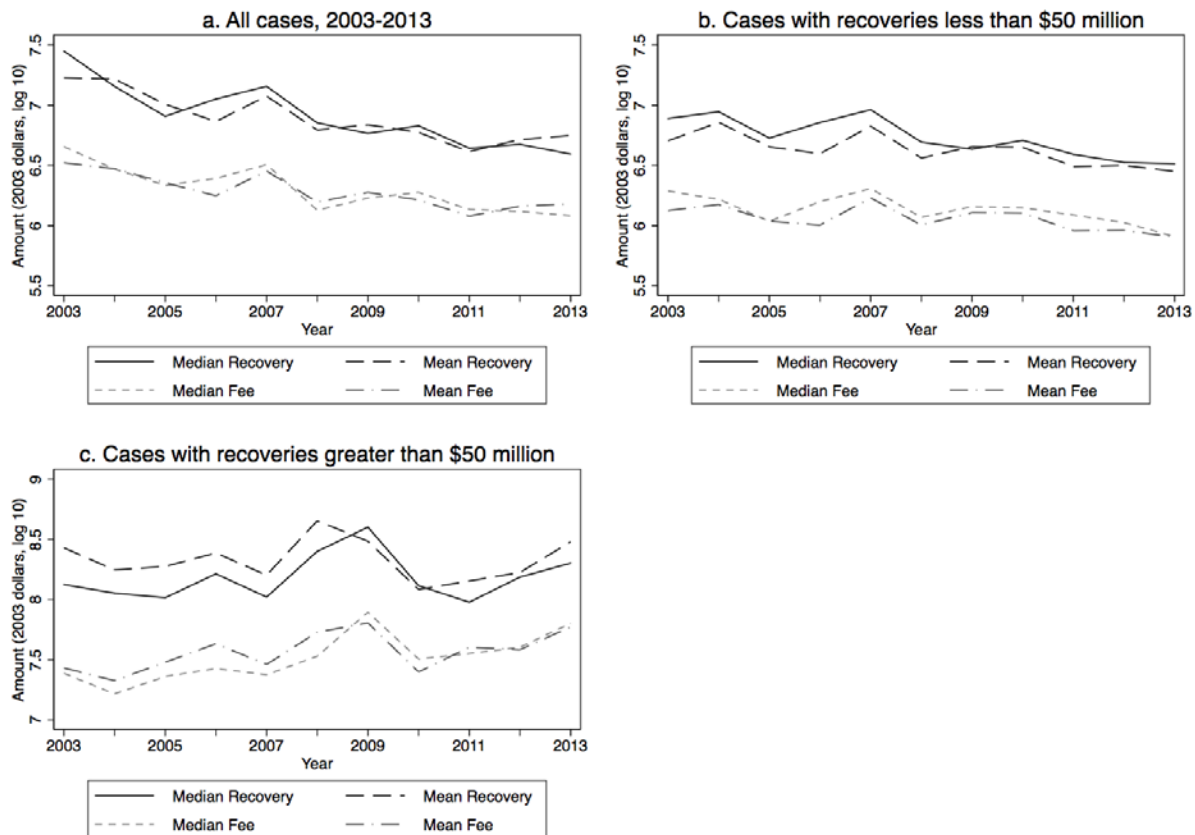
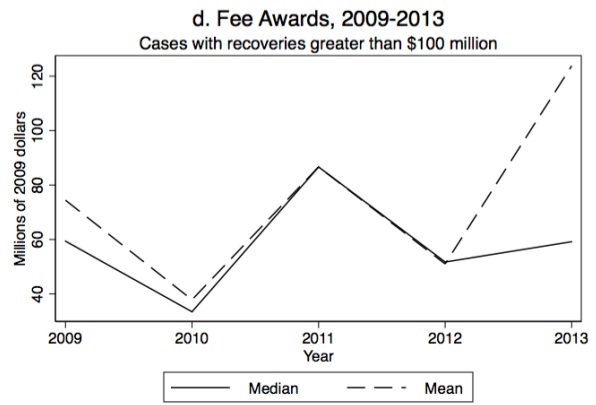
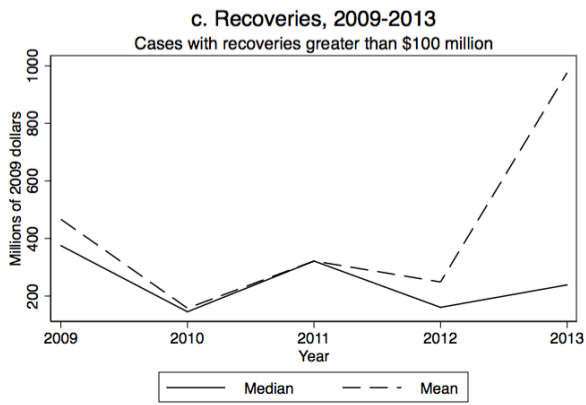
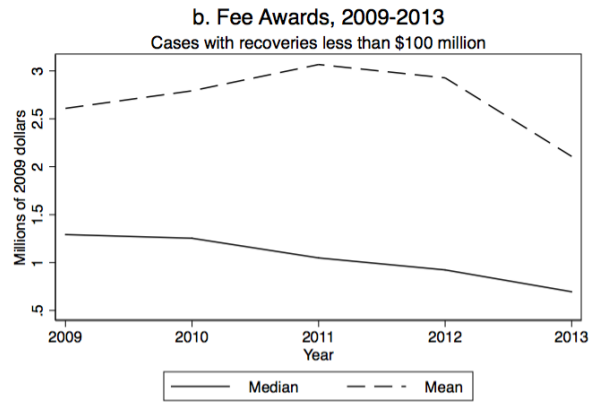
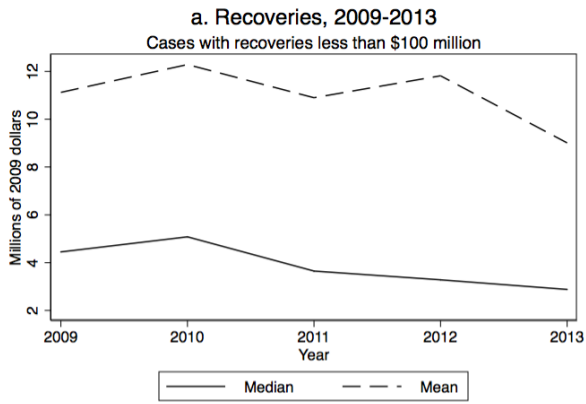


Figure 2 presents median and mean recoveries and fees during 2009-2013 period, the focus of this article. The data have been adjusted for inflation and disaggregated by cases with recoveries of less than \$100 million (Figures 2a-2b) and cases with recoveries greater than \$100 million (Figures 2c-2d). The majority of cases during the 2009-2013 period (92 percent) had recoveries under \$100 million. Figure 2a shows that the mean recovery for these smaller cases ranged from a low of \$9 million in 2013 to a high of \$12.2 million in 2010; the median recovery ranged from a low of \$2.9 million in 2013 to a high of \$5.1 million in 2010. Figure 2b shows that the mean fee award for cases with recoveries under \$100 million increased from \$2.6 million in 2009 to \$3.1 million in 2011, then decreased to \$2.1 million by 2013. Median fees, on the other hand, decreased steadily from a high of \$1.3 million in 2009 to a low of \$695,000 in 2013.

Looking now at cases with recoveries greater than \$100 million, we see greater volatility in annual changes in mean and median recoveries and fees. Figure 2c shows that the mean recovery decreased from \$467 million in 2009 to \$158 million in 2010, then went back up to \$322 million in 2011, and back down to \$249 million in 2012. The mean recovery then surged in 2013 to a staggering \$976 million—an increase that was driven primarily by an unprecedented settlement by Visa, Mastercard, and other credit card companies worth \$7.25 billion.⁸ As point of reference, note that only 1.5% of class actions cases over the 2009-2013 period resulted in recoveries greater than \$500 million. The three largest recoveries after \$7.25 billion were \$1.08 billion, \$926 million, and \$730 million. Figure 2d depicts similar volatility in mean and median fees for cases with recoveries greater than \$100 million. The mean fee, for instance, decreased from \$74.4 million in 2009 to \$37.9 million in 2010. It then rose to \$86.7 million in 2011, decreased to \$51 million in 2012, and surged to \$124 million in 2013.

Figure 2: Recoveries and fees in inflation-adjusted dollars, 2009-2013.

⁸ This settlement was thrown out in June 2016.



B. Fee Method and the Strong Linear Fee-Recovery Relationship

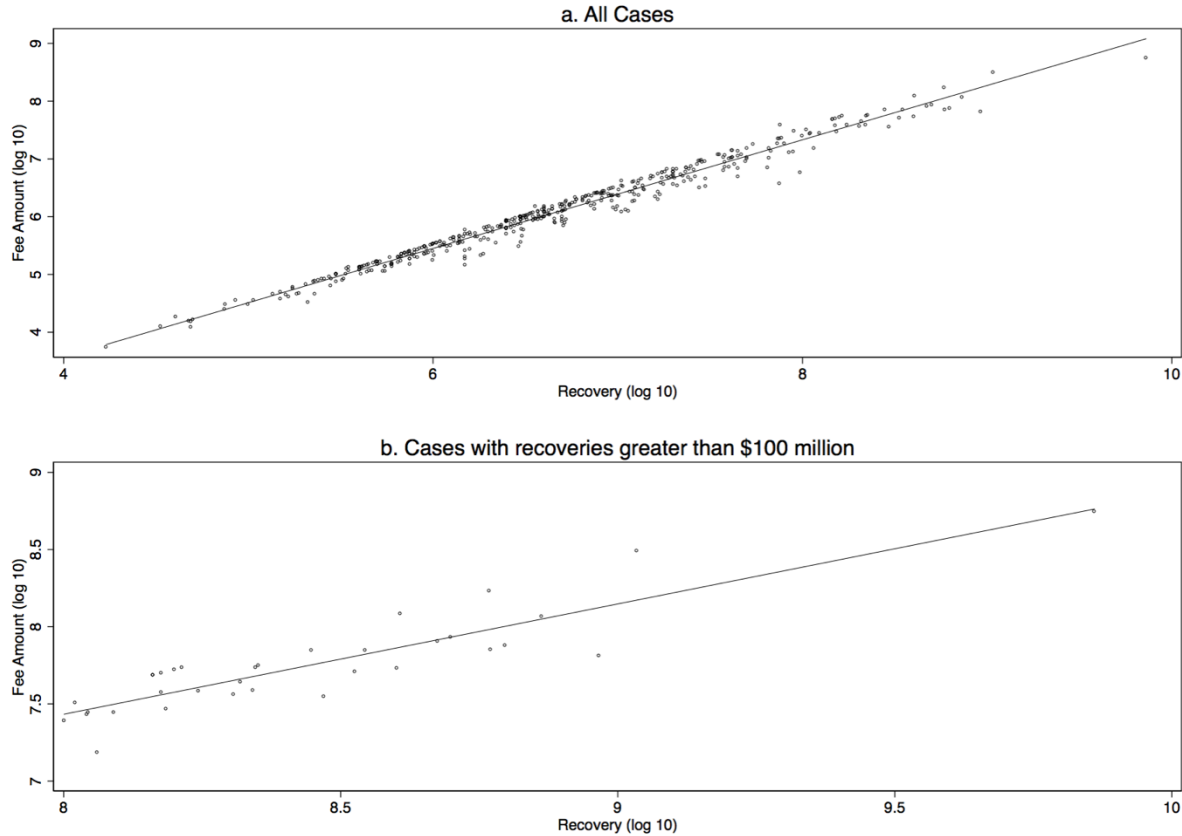
Attorney fees are calculated using the lodestar method, a percentage method, a mix of the two methods, or by leaving the fee to judicial discretion. The lodestar method involves multiplying the reasonable hours expended by attorneys by a reasonable hourly rate, then using certain factors to adjust the fee award up or down. The percentage method multiplies the gross recovery by a fixed percentage to determine what the fee award is. The mixed method usually employs a percentage method, which is then cross-checked with the lodestar to ensure that the percentage method has not resulted in an excessively high fee. Table 1 shows the breakdown of cases by fee calculation methodology.

Table 1: Frequency of method used, 2009-2013

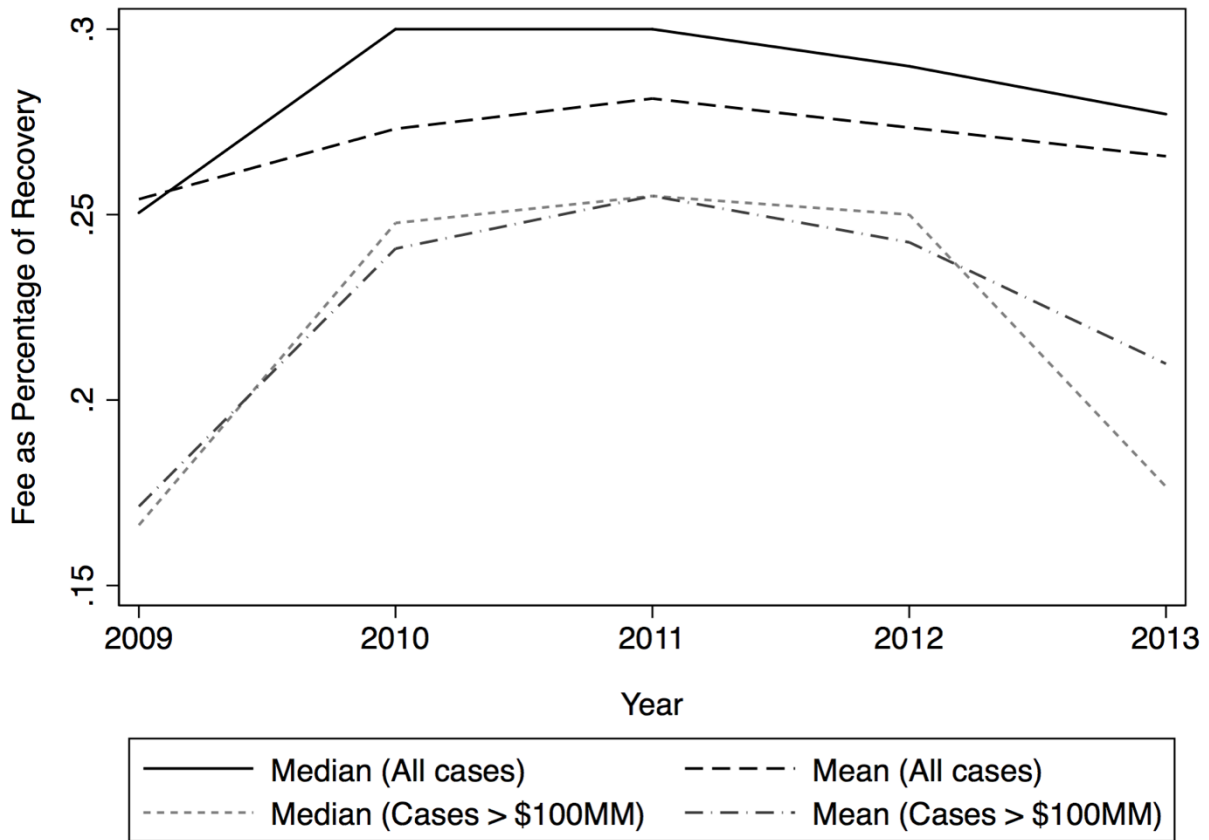
	<i>N</i>	<i>% of Cases in Time Period</i>
Lodestar	27	6.29%
Percent	230	53.61%
Both	164	38.23%
Discretion	8	1.86%
Total	429	100

The vast majority of fee awards during the 2009-2013 period were decided using the percentage method or the percentage method with a lodestar check. The percentage method was used in 53.61% of cases and used in combination with a lodestar check in an additional 38.23% of cases. The use of the pure lodestar method, on the other hand, was used in only 6.29% of cases during the 2009-2013 period. This is down from its use in 13.6% of cases during the 1993-2002 period and 9.6% of cases during the 2003-2008 period.

Not surprisingly, we find that the strong, positive relationship between fee award and recovery amount that we reported in analyses of 1993-2008 data persists over the 2009-2013 period as well. Figure 3a shows the relationship between fee awards and class recoveries for all cases (n=458) and Figure 3b shows the relationship between fee awards and recoveries for cases where recoveries were larger than \$100 million dollars (n=34). Both figures indicate that these variables are strongly correlated, even in cases with large recoveries. When all cases are assessed, the correlation coefficient is equal to 0.99. This is comparable to what we reported for in our analyses of 1993-2008 data. When the 34 outlying cases are assessed independently, the correlation coefficient remains high at 0.89. This 0.89 correlation is stronger than the 0.77 correlation coefficient we reported for cases with large recoveries over the 1993-2008 period. While both correlations are strong, the stronger correlation we find in the 2009-2013 data suggests that the percentage method is being used more often in large-recovery cases in recent years compared to past years.

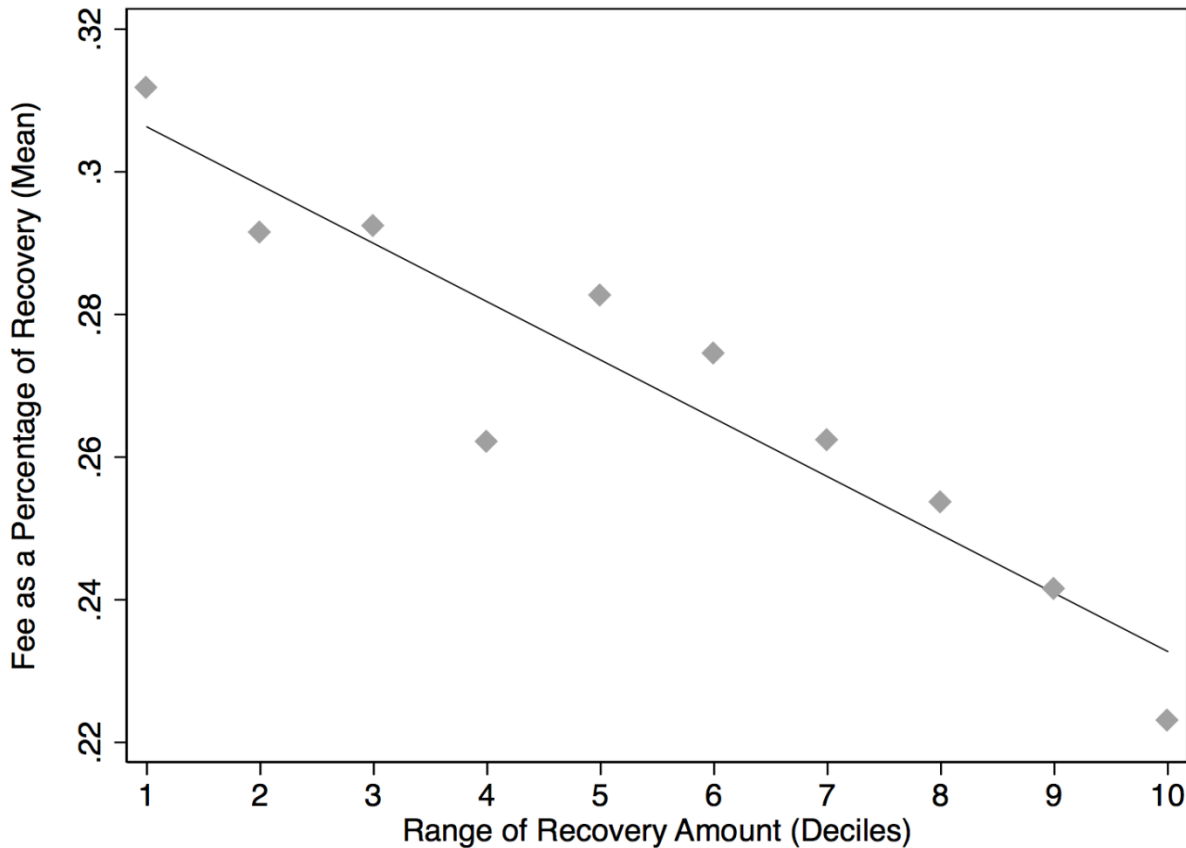
Figure 3: Fees as a function of recovery, 2009-2013

An important difference between Figures 3a and 3b is the slope of the regression lines. When all cases are assessed, the slope of the line in Figure 3a is nearly equal to 1. This signifies that, in general, attorney fees increase in direct proportion to increases in recovery amounts. As recoveries become very large, however, the fee increases at a slower pace. So although the size of the recovery has a significant influence on the size of the fee, the fee-to-recovery ratio tends to be lower in cases with very large recoveries. How much lower? Figure 4 shows the mean and median fee-to-recovery ratios over the 2009-2013 period for all cases and cases with recoveries larger than \$100 million. Between 2009 and 2013, the mean and median ratio fluctuated from a minimum of .25 to a maximum of .30. The average fee percentage during this period, in other words, was between 25% and 30% of the gross recovery. On average, fees were 27% of gross recovery during the 2009-2013 period, which is higher than the average fee percentage of 23% that we reported in our analyses of the 1993-2008 period. Figure 4 also shows that the ratio of fee-to-recovery over the 2009-2013 period was lower for cases with recoveries larger than \$100 million. Looking only at cases with recoveries larger than \$100 million, we see that mean and median fee percentages varied from a low of 16.6% in 2009 to a high of 25.5% in 2011 – variation that is probably due to the significantly smaller number of very large cases in our data set.

Figure 4: Mean and median fee percentages, 2009-2013

C. Scaling Effect

The flatter slope we observed in Figure 3b and the lower fee percentages we see in Figure 4 for cases with recoveries larger than \$100 million are indicative of a scaling effect that we discussed in prior studies. Figure 5 presents more insight into this hypothesized scaling effect by breaking recoveries into deciles of about 45 cases each and showing corresponding mean and median fee percentages for cases with recovery amounts in those ranges. The first marker on the x-axis of Figure 5, for instance, represents the first decile, or cases with recovery amounts under \$400,000. The second marker represents the second decile, or cases with recovery amounts in the range of \$400,000 to \$750,000, and so on all the way up to the tenth marker, which represents the tenth decile, or cases with recovery amounts exceeding \$67.5 million. Figure 5 indicates that as recovery amount increases, the ratio of the size of the attorney fee relative to the size of the recovery (i.e., the fee percentage) tends to decrease. This is especially true for recoveries in ranges higher than those in the fifth decile, whose maximum amount is \$3.9 million. Average fee percentages range between 28% and 31% for cases with recoveries of less than \$3.9 million. Beyond \$3.9 million, average fee percentages fall steadily from 27.4% in the sixth decile to 22.3% in the tenth decile.

Figure 5: Fee percentage, by class recovery amount (decile-ranges), 2009-2013

Class recovery ranges are as follows. 1st decile: Less than \$400,000; 2nd decile: \$400,000-\$750,000; 3rd decile: \$750,000 to \$1.4 million; 4th decile: \$1.4 million to \$2.65 million; 5th decile: \$2.65 million to \$3.9 million; 6th decile: \$3.9 million to \$6.5 million; 7th decile: \$6.5 million to \$12 million; 8th decile: \$12 million to \$23.4 million; 9th decile: \$23.5 million to \$67.5 million; 10th decile: Greater than \$67.5 million.

D. Locale and Case Category

Table 2 shows the 10 federal district courts with the most class action cases. By far the largest number of class action cases were brought in the Southern District of New York and the Northern District of California. The Southern District of New York accounted for 76 of the 458 cases in the data set and the Northern District of California accounted for 53 of them. These are the only two districts that account for more than 10% of the total cases by themselves, and combined they account for over 25% of all cases. Only one other district, the Southern District of California, accounted for more than 5% of cases in the sample. Table 2 shows some variation in the mean and median fee percentages, attorney fees, and recoveries awarded in these districts. Of note is the large average recovery in the Eastern District of New York. This \$381.96 million average recovery—nearly 8 times larger than the overall average recovery—is driven by the record credit card settlement mentioned earlier. Examining median values, which are less

sensitive to outliers than the mean, we see that the largest median recoveries were awarded in the District of New Jersey (\$11.38 million), the Eastern District of New York (\$9.25 million), and the District of Minnesota (\$8.95 million). The lowest average fee percentage was 24%, awarded in the Central District of California and the Western District of Washington; the highest were 30%, awarded in the Eastern District of Pennsylvania and the District of New Jersey.

Table 2 shows that the difference in fee percentages between state courts and federal courts that we discussed in our analyses of the 1993-2008 period has not carried over to the 2009-2013 period. Note that the mean and median fee percentages in state courts were 27% and 30%, which is nearly identical to the overall fee percentages for federal courts. It is also important to note that only a small fraction of cases were brought to state courts—1.7% of all cases in our data set. Over the 1993-2008 period, more than 10% cases were state cases. This shift from state to federal courts suggests that the Class Action Fairness Act of 2005 may have been successful in routing class action cases to federal courts and away from state courts.

Table 2: Fee and Class Recoveries, by Locale, 2009-2013

<i>Court</i>	<i>N</i>	<i>Recoveries</i>		<i>Fees</i>		<i>Fee Percentages</i>	
		<i>Mean (millions of dollars)</i>	<i>Median (millions of dollars)</i>	<i>Mean (millions of dollars)</i>	<i>Median (millions of dollars)</i>	<i>Mean</i>	<i>Median</i>
SDNY	78	63.77	3.7	11.14	1.04	27%	31%
NDCAL	53	37.2	5.13	10.34	1.32	26%	25%
SDCAL	24	6.03	2.58	1.45	0.61	25%	25%
CDCAL	21	30.88	3.63	5.36	0.88	24%	25%
EDNY	21	381.96	9.25	36.08	2.56	27%	30%
EDPA	19	15.74	4	4.92	1	30%	30%
DNJ	18	41.78	11.38	8.66	3.77	30%	33%
EDCAL	16	1.52	0.93	0.45	0.25	31%	31%
DMINN	10	100.43	8.95	8.55	1.99	26%	29%
WDWASH	9	27.53	2.75	5.83	0.55	24%	21%
State	8	33.08	21.5	8.37	5	27%	30%
Federal	6	14.25	1.79	4.26	0.57	29%	30%
Appeal	3	30.48	42	7.65	10.5	27%	25%
Other	172	21.5	3.39	5.38	0.99	27%	29%
Total	458	48.53	3.93	8.01	0.99	27%	29%

At the federal level, circuit opinions will dictate how fees are awarded if the circuit has issued a binding opinion on the subject. Table 3 explores variation between circuits. This table presents the mean and median of the fee award, the recovery, and ratio of fee to recovery (excluding state cases) for each circuit. The largest median recoveries were in the Fifth Circuit

(\$13.75 million), the DC Circuit (\$11.64 million), and the First Circuit (\$8.2 million). The highest median fees were awarded in the Fifth Circuit (\$2.66 million), the DC Circuit (\$2.21 million), and the Seventh Circuit (\$2.17 million). Average fee percentages ranged from a low of 19% in the DC Circuit to a high of 30% in the Eleventh Circuit. The DC Circuit and Eleventh Circuit also registered the highest and lowest median fee percentages at 19% and 33%, respectively.

Table 3: Fee and Class Recoveries, by Federal Circuit, 2009-2013

<i>Circuit</i>	<i>N</i>	<i>Recoveries</i>		<i>Fees</i>		<i>Fee Percentages</i>	
		<i>Mean (millions of dollars)</i>	<i>Median (millions of dollars)</i>	<i>Mean (millions of dollars)</i>	<i>Median (millions of dollars)</i>	<i>Mean</i>	<i>Median</i>
1st	11	45.77	8.2	9.62	1.85	26%	23%
2nd	116	113.14	3.38	14.31	0.99	28%	30%
3rd	46	24.48	6.45	5.84	1.71	29%	32%
4th	22	25	3.66	5.9	0.91	26%	25%
5th	12	27.72	13.75	6.61	2.66	23%	24%
6th	23	23.2	5.2	6.38	1.5	26%	30%
7th	14	30.76	7.38	9.17	2.17	28%	30%
8th	21	50.74	4.2	5.04	1.11	29%	32%
9th	144	23.86	3	5.96	0.78	26%	25%
10th	18	30.07	6.21	7.5	1.36	27%	25%
11th	11	2.2	2.02	0.65	0.65	30%	33%
DC	6	34.72	11.64	6.57	2.21	19%	19%
Fed	6	14.25	1.79	4.26	0.57	29%	30%
Total	450	48.8	3.83	8.2	1	27%	29%

Table 4 shows the mean and median of fee, recovery, and ratio of fee to recovery by case type. The most common class action case category during the 2009-2013 period was Fair Labor Standards Act (FLSA) cases with a total of 108 cases. The next largest case categories were Securities with 74 cases, Consumer with 52 cases, Employment with 25 cases, Labor with 23 cases, Employee Retirement Income Security Act (ERISA) with 22 cases, Civil Rights with 21 cases, and Antitrust with 19 cases. Excluding Truth in Lending Act (TILA) cases—a category with data for just two cases, one of which had a relatively low recovery and the other a very high recovery—we find that the categories with the highest median recoveries were Antitrust (\$37.3 million) and Securities (\$22.25 million). Major case categories with the lowest median recoveries were Employment (\$670,000) and FLSA (\$1,025,000). Again excluding TILA cases, the highest median fees were awarded in Antitrust cases (\$10.25 million), Securities cases (\$5.16 million), and Products Liability cases (\$4.56 million). Major case categories with the lowest median fees awards were Employment (\$170,000), FLSA (\$300,000), and Labor (\$330,000). The mean of the fee percentage ranged from a low of 23% in Securities cases, up to 28%-30% in Fair Labor Standards Act, Employment, Civil Rights, and Products Liability cases.

Table 4: Fee and Class Recoveries, by Case Category, 2009-2013

<i>Case Category</i>	<i>N</i>	<i>Recoveries</i>		<i>Fees</i>		<i>Fee Percentages</i>	
		<i>Mean (millions of dollars)</i>	<i>Median (millions of dollars)</i>	<i>Mean (millions of dollars)</i>	<i>Median (millions of dollars)</i>	<i>Mean</i>	<i>Median</i>
Antitrust	19	501.09	37.3	64.1	10.25	27%	30%
Civil Rights	21	6.51	3	1.66	0.91	28%	30%
Consumer	52	18.8	8.75	4.81	2.21	26%	25%
Corporate	9	19.47	16	5.01	2.2	27%	29%
Derivative	6	18.68	2.88	5.61	0.77	29%	31%
Employment	25	5.6	0.67	1.63	0.17	28%	30%
ERISA	22	25.75	6.6	4.92	1.75	26%	26%
FCRA	4	1.34	1.41	0.34	0.36	29%	29%
FDCPA	2	0.41	0.41	0.1	0.1	26%	26%
FLSA	108	4.15	1.03	1.19	0.3	30%	37%
Health Care	5	72.08	4	14.64	1.21	28%	30%
Labor	23	9.44	1	2.17	0.33	29%	30%
Mass Tort	13	23.34	4.2	5.5	1.11	27%	28%
Other	60	13.27	4.14	3.11	1.04	25%	25%
Products Liability	10	24.99	16.2	7.47	4.56	28%	30%
Securities	74	106.45	22.25	18.75	5.16	23%	25%
TILA	2	168.4	168.4	25.75	25.75	23%	23%
Unknown	3	0.87	1	0.22	0.18	27%	30%

Figure 6 demonstrates that the positive relationship between fee amount and recovery amount is strong across case categories. This result is consistent with findings reported for the 1993-2008 period.

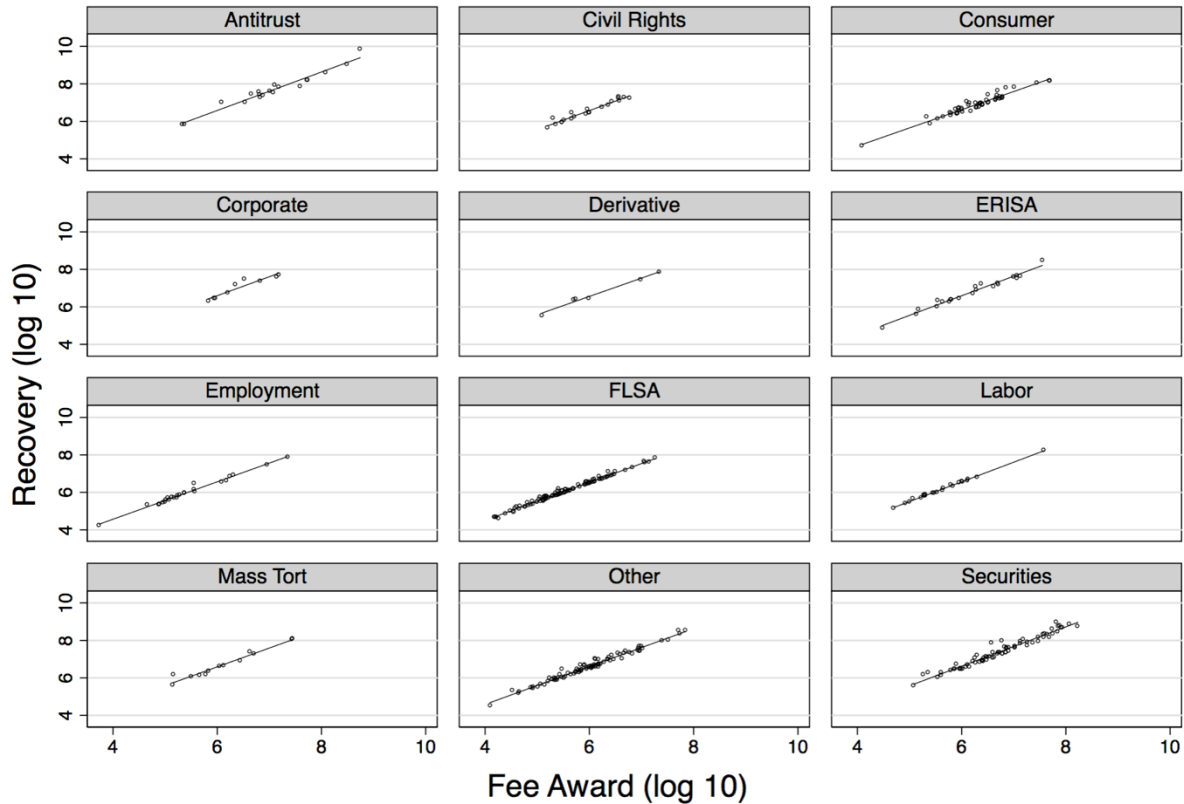
Figure 6: Fee and recovery by case category, 2009-2013

Table 5 shows the breakdown of the four largest case types among the 10 district courts with the most class action cases. These case types include Fair Labor Standards Act (FLSA) cases, Securities cases, Consumer cases, and Employment cases. For each case category, the first column (*N*) shows how many cases of that type were brought in various locales, while the second column (%) shows the percentage of each category's cases that were brought in a particular locale. The large percentage of cases in the Southern District of New York is mostly attributable to its dominance in FLSA and Securities cases—the two most common case categories. Nearly 40% of all FLSA cases and more than 28% of Securities cases were brought in the Southern District of New York. The Southern District of New York also has a sizeable fraction of Employment cases. The Northern District of California dominates in Consumer cases and Employment. It holds twice as many Consumer cases as the District of New Jersey and nearly twice as many Employment cases as the Eastern District of California.

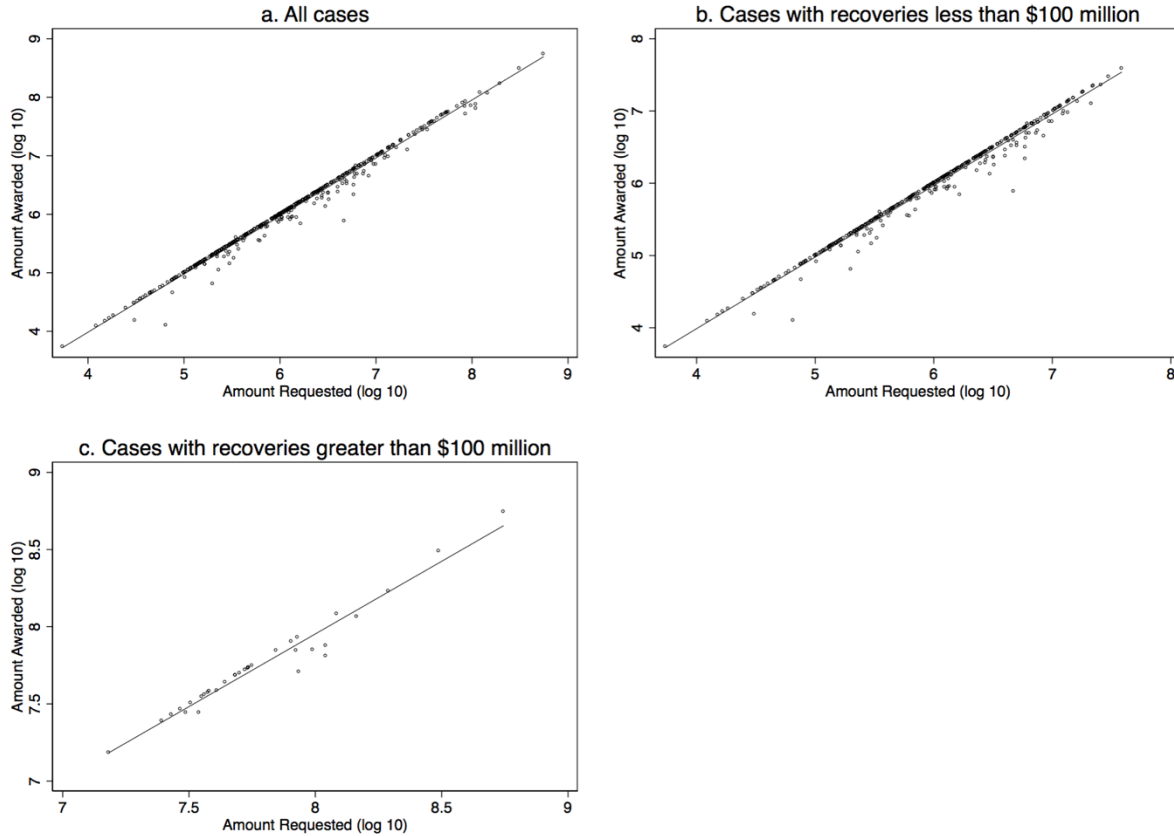
Table 5: Class Action Cases by Locale and Case Category, 2009-2013

<i>Locale</i>	<i>All Categories</i>		<i>FLSA</i>		<i>Securities</i>		<i>Consumer</i>	
	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	<i>%</i>
SDNY	76	16.59%	43	39.81%	21	28.38%	0	0%
NDCA	53	11.57%	10	9.26%	5	6.76%	10	19.23%
SDCA	24	5.24%	3	2.78%	3	4.05%	4	7.69%
CDCA	21	4.59%	5	4.63%	2	2.70%	4	7.69%
EDNY	21	4.59%	8	7.41%	4	5.41%	2	3.85%
EDPA	19	4.15%	2	1.85%	3	4.05%	3	5.77%
DNJ	18	3.93%	3	2.78%	3	4.05%	5	9.62%
EDCA	16	3.49%	3	2.78%	0	0%	0	0%
DMINN	10	2.18%	0	0%	1	1.35%	1	1.92%
WDWASH	9	1.97%	0	0%	1	1.35%	2	3.85%
State	8	1.75%	0	0%	2	2.70%	1	1.92%
Federal	6	1.31%	0	0%	0	0%	0	0%
Appeal	3	0.66%	1	0.93%	1	1.35%	0	0%
Other	174	37.99%	30	27.78%	28	37.84%	20	38.46%
Total Number of Cases	458	100%	108	100%	74	100%	52	100%

E. Fee Requests

In 78% of cases, the requested fee was the fee that was granted. Figure 7a shows the strong positive relationship between the fee requested and fee awarded for all cases in our data set. This relationship not only holds up in typical cases with recoveries less than \$100 million (Figure 7b), but also even in cases with recoveries greater than \$100 million (Figure 7c). Exact fee requests were not granted in 100 of the 452 cases examined. In only six of those cases did the courts grant a fee that was greater than the fee requested, and most of those were only nominally higher.⁹ In the remaining 94 cases, the fee granted was less than what was requested. The fee granted was between 1% and 25% lower than the amount requested in 47 of the 94 cases, between 26% and 49% less than the amount requested in 28 of the 94 cases, and between 50% and 83% lower than the amount requested in just 9 of the 94 cases. This tells us that even when courts do not grant fees exactly as requested, they typically award amounts that are close to the amount requested. Only in rare instances do courts grant fees that are significantly lower than the amount requested.

⁹ In one of the six cases, however, the fee granted was significantly greater than the fee requested: 14 percent, or \$1.1 million.

Figure 7: Fee awards as a function of fee requests, 2009-2013

Courts may be willing to grant fee requests because fee requests are standardized around certain common fee percentages, as evidenced by Figure 8. Figure 8 shows the frequency with which particular fee percentages were requested during the 2009-2013 period. By far, the most popular fee requested was between 33% and 34%—i.e., one-third—of the gross recovery. Nearly 29% of cases were in the 33%-34% fee range. The next most popular fee requests were 25% and 30% of gross recovery. A fee request of 25% was made in 12% of cases; a fee request of 30% was made in 11% of cases. Overall, a fee request between 25% and 34% of the gross recovery was made in 72% of cases during the 2009-2013 period.

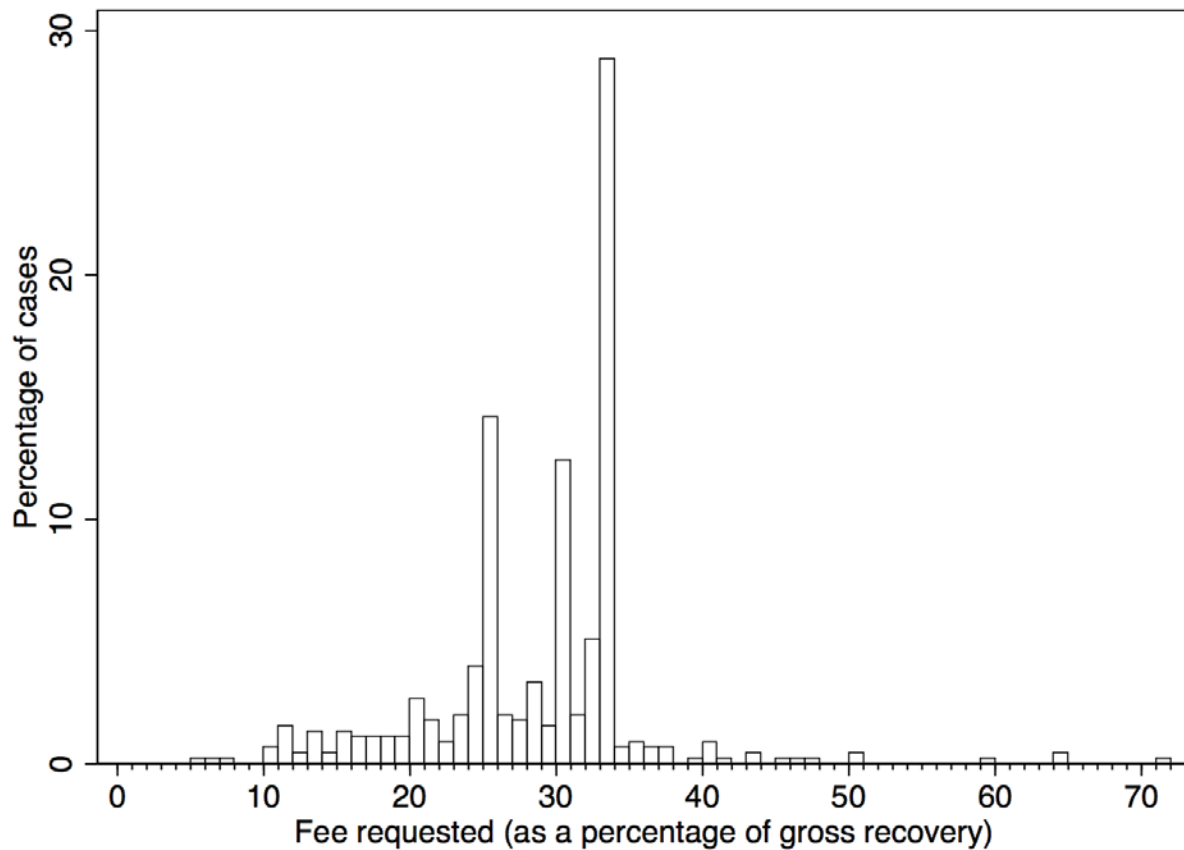
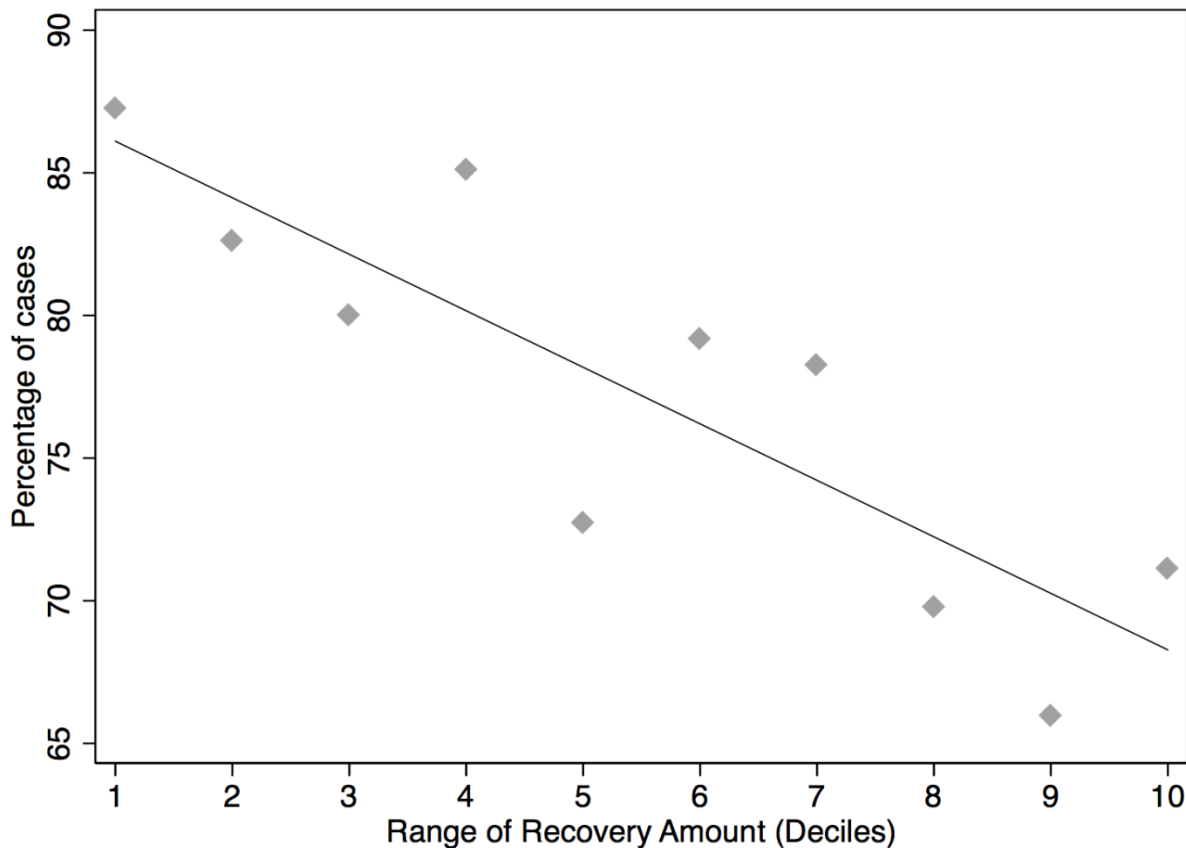
Figure 8: Common fee requests, 2009-2013

Figure 9 suggests that judges are more likely to scrutinize fee requests in high-recovery cases. Here we see that the likelihood that a fee request will be granted decreases as the size of the recovery increases. Cases in the two lowest recovery deciles, for instance, had requested fees granted 85% of the time, compared to 60%-71% of the time in the two highest recovery deciles.

Figure 9: Percentage of cases where fee granted was same as fee requested, by class recovery amount (decile-ranges), 2009-2013



Class recovery ranges are as follows. 1st decile: Less than \$400,000; 2nd decile: \$400,000-\$750,000; 3rd decile: \$750,000 to \$1.4 million; 4th decile: \$1.4 million to \$2.65 million; 5th decile: \$2.65 million to \$3.9 million; 6th decile: \$3.9 million to \$6.5 million; 7th decile: \$6.5 million to \$12 million; 8th decile: \$12 million to \$23.4 million; 9th decile: \$23.5 million to \$67.5 million; 10th decile: Greater than \$67.5 million.

Are fee requests granted in full at the same rate, or do grant rates vary according to case type or jurisdiction? Table 6 explores these questions. It discloses a surprising degree of variation. Fees were granted in full in each of the 10 products liability cases in the data set but only granted in full in half of the Truth in Lending, Fair Credit Reporting, and Fair Debt Collection Practices cases. The District of New Jersey granted more than 94% of fee requests in full, compared with the Northern District of California which granted only about 57%. The differences might be due to norms or conventions that arise in specialized contexts or particular courts.

Table 6. Percentage of Cases Full Fee Granted, by Case Type and District, 2009-2013

A. Case Type		
	<i>N</i>	<i>Full Fee Request Granted (% of Cases)</i>
Products Liability	10	100.0%
FLSA	108	87.0%
Labor	23	87.0%
Derivative	6	83.3%
Healthcare	5	80.0%
Other	60	80.0%
Corporate	9	77.8%
Mass Tort	13	76.9%
Antitrust	19	73.7%
Consumer	52	73.1%
Civil Rights	21	71.4%
Securities	74	70.3%
Employment	25	68.0%
Unknown	3	66.7%
ERISA	22	63.6%
FCRA	4	50.0%
FDCPA	2	50.0%
TILA	2	50.0%
B. District		
	<i>N</i>	<i>Full Fee Request Granted (% of Cases)</i>
DNJ	18	94.4%
EDPA	19	89.5%
SDCAL	24	87.5%
EDNY	21	85.7%
EDCAL	16	81.3%
SDNY	76	73.7%
WDWASH	9	66.7%
CDCAL	21	61.9%
DMINN	10	60.0%
NDCAL	51	56.9%

F. Risk

Eisenberg and Miller's study of 1993-2008 data presented evidence in support of the hypothesis that higher risk cases are associated with higher percentage fees. They found that for each case category except one, cases with higher risk resulted in a higher fee percentage on average. Table 7, Panel A suggests that the association between risk and fee percentage continues in the 2009-2013 data. However, the association is not as clear-cut. In the four largest case categories (FLSA, Consumer, Employment, and Securities), only higher-risk cases in the Consumer and Employment categories had significantly higher fee percentages compared to low and medium risk cases. FLSA cases show a small increase in fee percentage for high-risk cases, while Securities cases actually show a lower fee percentage for high-risk cases. Table 7, Panel B shows that when all categories are combined, we see little difference between the mean fee percentages between high risk cases and low and medium risk cases. The high risk cases have a mean fee percentage that is 1% greater than the low and medium risk cases, and that difference is not statistically significant. High risk cases, on the other hand, do have larger fee awards. The mean fee award for high risk cases was \$15.3 million while the mean fee award for low and medium risk cases was \$4.76 million—a statistically significant difference ($p < 0.05$). The median fee awards are also different. The median fee award for high risk cases was \$1.73 million while the median fee award for low and medium risk cases was \$943,000—a difference of \$787,000 ($p < 0.05$).

Table 7: Mean fee percentage, by risk level, 2009-2013

A. By Case Category					B. All Categories Combined	
	<i>High Risk</i>		<i>Low/Medium Risk</i>			<i>N</i>
	<i>N</i>	<i>Mean Fee %</i>	<i>N</i>	<i>Mean Fee %</i>		
ERISA	9	27.21	12	24.52	High Risk	123
FCRA	1	21.42	3	31.68	Low/Medium Risk	302
FDCPA	1	27.87	1	25		
FLSA	23	30.41	79	29.99	Difference	
TILA	1	15.25	1	30		
Antitrust	10	26.49	5	24.91		
Civil Rights	4	32.5	12	27.2		
Consumer	17	27.27	32	24.27		
Corporate	5	30.46	4	22.02		
Derivative	4	26.55	1	36.69		
Employment	4	30.96	20	27.31		
Health Care	2	26.67	3	28.53		
Labor	12	29.11	10	28.57		
Mass Tort	2	27.92	9	26.95		
Products Liability	-	-	10	28.47		
Securities	20	23.06	50	24.04		
Other	8	28.74	47	24.58		

G. Opt Outs and Objectors

Table 8 reports the relationship between the fee percentage and two class action case characteristics: whether any objection was filed (Panel A) and whether any class members opted out (Panel B). We find that cases with no objectors obtained a statistically significant higher fee percentage on average than cases with any objectors ($p < 0.01$) but a lower average fee award. The mean fee award for cases with objectors was \$11.3 million compared to a mean fee award of \$3.73 million for cases with no objectors. This difference is statistically significant ($p < 0.01$). Cases with no opt outs generated a statistically significant higher fee percentage on average than cases with opt outs ($p < 0.01$) but a lower average fee award. The mean fee award for cases with opt outs was \$9.69 million compared to a mean fee award of \$2.22 million for cases with no opt outs.

Table 8: Objectors and Opt Outs, 2009-2013

A. Presence of an Objector

	<i>N</i>	<i>Fee %</i>	<i>Mean Fee Award (millions of dollars)</i>	<i>Median Fee Award (millions of dollars)</i>
Objection filed	269	26.07%	11.3	1.85
No Objector	189	28.24%	3.73	0.55
Difference		-2.17%	7.57	1.3

B. Number of Opt Outs

	<i>N</i>	<i>Fee %</i>	<i>Mean Fee Award (millions of dollars)</i>	<i>Median Fee Award (millions of dollars)</i>
One or more opt outs	367	26.51%	9.69	1.34
No opt outs	91	28.82%	2.22	0.35
Difference		-2.31%	7.47	0.99

We also examined the frequency of objectors and opt outs. As in prior work,¹⁰ we find that both opt outs and objections were uncommon. Objectors averaged only 0.115% of the class in the 286 cases for which this information was available – approximately one objector for every thousand class members. Opt-outs averaged 0.544% of the class in the 244 cases for which this information was available – approximately one opt out per 200 class members.

H. Soft relief

¹⁰ Theodore Eisenberg and Geoffrey Miller, The Role of Opt-Outs And Objectors in Class Action Litigation: Theoretical And Empirical Issues, 57 Vand. L. Rev. 1529 (2004).

Some class action settlements include items of “soft” relief – that is, nonpecuniary relief that is not measured in the dollar value obtained for the class. One might expect that the presence of such soft relief would lead to larger attorneys’ fees because courts would reward counsel for obtaining a result that benefited class members, even if the amount of the benefit could not be quantified. Table 9 examines this question and finds that percentage fees tended to be lower in cases where soft relief constituted an important part of the recovery obtained by the class, although the differences were only weakly significant for mean fee percentage ($p=.066$) and not significant for mean fee amount ($p=.8905$).

Table 9: The Impact of Soft Relief on Fees, 2009-2013

	<i>N</i>	<i>Mean Fee %</i>	<i>Mean Fee Award (millions of dollars)</i>	<i>Median Fee Award (millions of dollars)</i>
Not Significant	371	27.44%	6.39	0.98
Significant	55	25.65%	6.8	1.2

I. Settlement Classes

Many class actions are resolved as settlement classes – meaning that the parties settle the issue of class certification at the same time as they settle the merits, and present both agreements to the judge for approval at the fairness hearing. Settlement classes were common in our data, constituting approximately three-quarters of the cases: of the 422 cases for which data were available, 318 were settlement classes and 104 were litigation classes. Table 10 shows significant variation in the frequency of settlement classes across case types:

Table 10: Frequency of Settlement Classes by Case Type, 2009-2013

	<i>Total Number of Cases by Type</i>	<i>Number of Settlement Classes</i>	<i>% Settlement Classes</i>
ERISA	20	15	75.00%
FCRA	4	4	100.00%
FDCPA	2	0	0.00%
FLSA	99	83	83.84%
Other	26	17	65.38%
TILA	2	2	100.00%
Antitrust	16	11	68.75%
Civil Rights	19	14	73.68%
Consumer	51	39	76.47%
Corporate	7	3	42.86%
Derivative	4	2	50.00%
Employment	23	19	82.61%
Health Care	5	3	60.00%
Labor	23	17	73.91%
Mass Tort	10	7	70.00%
Other	29	20	68.97%
Products Liability	10	9	90.00%
Securities	69	51	73.91%
Unknown	3	2	66.67%

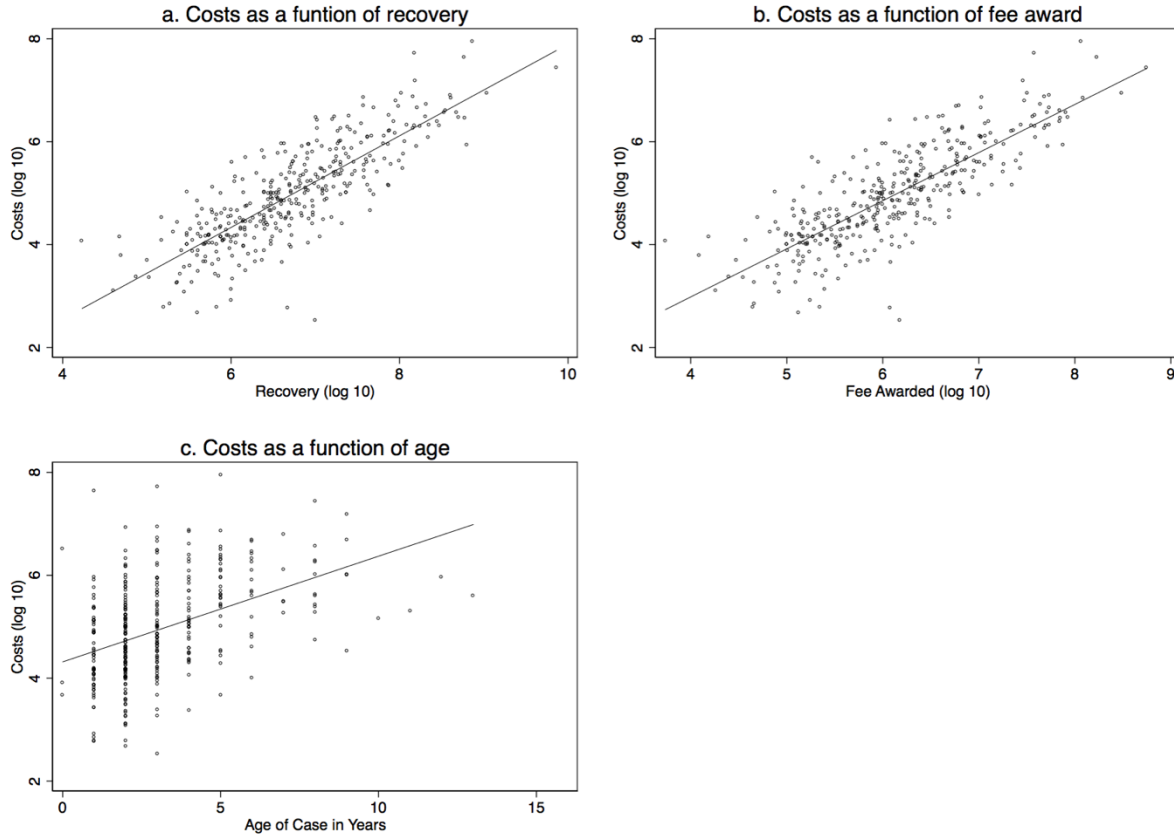
Table 11 shows that settlement classes were significantly associated with higher mean fee amount ($p = .0069$), but not with mean fee percentage ($p = .695$).

Table 11: The Impact of Settlement Classes on Fees, 2009-2013

	<i>N</i>	<i>Mean Fee %</i>	<i>Mean Fee Award (millions of dollars)</i>	<i>Median Fee Award (millions of dollars)</i>
No	104	26.81%	16.1	1.07
Yes	318	27.15%	5.6	0.99

J. Costs and Expenses

As we found with the previous data, costs and expenses tended to comprise a relatively low percentage of the recovery. For the 379 cases in this data set where data were available, the median costs as a percentage of recovery were 1.71%, while mean costs as a percentage of recovery were 3.93%. To dig deeper, we explored cost as a function of three variables; recovery, fee award, and the age of the case. These relationships are shown in Figure 10. The graphs show a strong association between costs and both recovery ($r = 0.81$) and fees ($r = 0.81$) and a relatively strong association between costs and age ($r = 0.43$).

Figure 10: Costs as a function of recovery, fees, and age, 2009-2013

K. Fee Methods and Multipliers

Although the pure lodestar method was rarely used during the 2009-2013 period, courts frequently use the percentage method with a lodestar check. This means computing the lodestar fee and adjusting the percentage fee if it markedly deviates from the lodestar calculation. Table 12 reports the mean multiplier—calculated by dividing the fee award by the lodestar—in each federal circuit and for each case category. The mean multipliers ranged from 0.57 in the Eleventh Circuit to 2.52 in the First Circuit. The mean multiplier ranged from 0.52 in FD CPA cases to 4.61 in Health Care cases. However, these two categories have 1 and 2 cases, respectively, so they are not necessarily representative of the larger sample; of categories with at least 5 cases, the mean multiplier ranged from 0.92 for ERISA cases to 1.81 for Securities cases. In contrast to our analysis of 1993-2008 data, we did not find a statistically significant difference in the multiplier if there was a fee-shifting statute available. With no statute, the 42 cases available had an average multiplier of 1.82, and the 49 cases with a fee-shifting statute had an average multiplier of 1.63.

Table 12: Mean Multiplier by Circuit and Case Category, 2009-2013

A. Circuit		
	<i>N</i>	<i>Mean Multiplier</i>
1 st	5	2.4
2 nd	76	1.93
3 rd	41	1.35
4 th	11	1.4
5 th	6	1.75
6 th	15	1.16
7 th	7	1.76
8 th	17	1.47
9 th	97	1.26
10 th	9	1.18
11 th	4	0.57
Federal	2	1.96
D.C.	2	1.33
Total	294	1.48

B. Case Type		
	<i>N</i>	<i>Mean Multiplier</i>
Antitrust	15	1.61
Civil Rights	10	1.51
Consumer	36	1.32
Corporate	6	1
Derivative	3	0.74
Employment	16	1.27
ERISA	15	0.88
FCRA	4	1.72
FDCPA	1	0.52
FLSA	66	1.54
Healthcare	2	4.61
Labor	13	1.06
Mass Tort	8	1.18
Other	33	1.65

Products Liability	8	1.08
Securities	56	1.79
TILA	2	1.94
Total	297	1.48

Figure 11 shows the relationship between fee percentage and multiplier and the relationship between recovery and the multiplier. In our previous studies of the 1993-2002 and 2003-2008 periods, we hypothesized and presented evidence for a negative correlation between the multiplier and the fee percentage. The logic was that a high multiplier indicates that the fee percentage is too high under the percentage method and should be brought into check. As Figure 11a shows, the relationship still appears to be negative during the 2009-2013 period; however, the relationship is weaker. We suspect that this change from prior periods could be due to increasing convergence in the legal community around acceptable fee percentages. Figure 11b shows the relationship between the multiplier and recovery amount. As we found previously, higher multipliers are associated with higher recoveries.

Figure 11: Relationships between multipliers and fee percent & recovery, 2009-2013

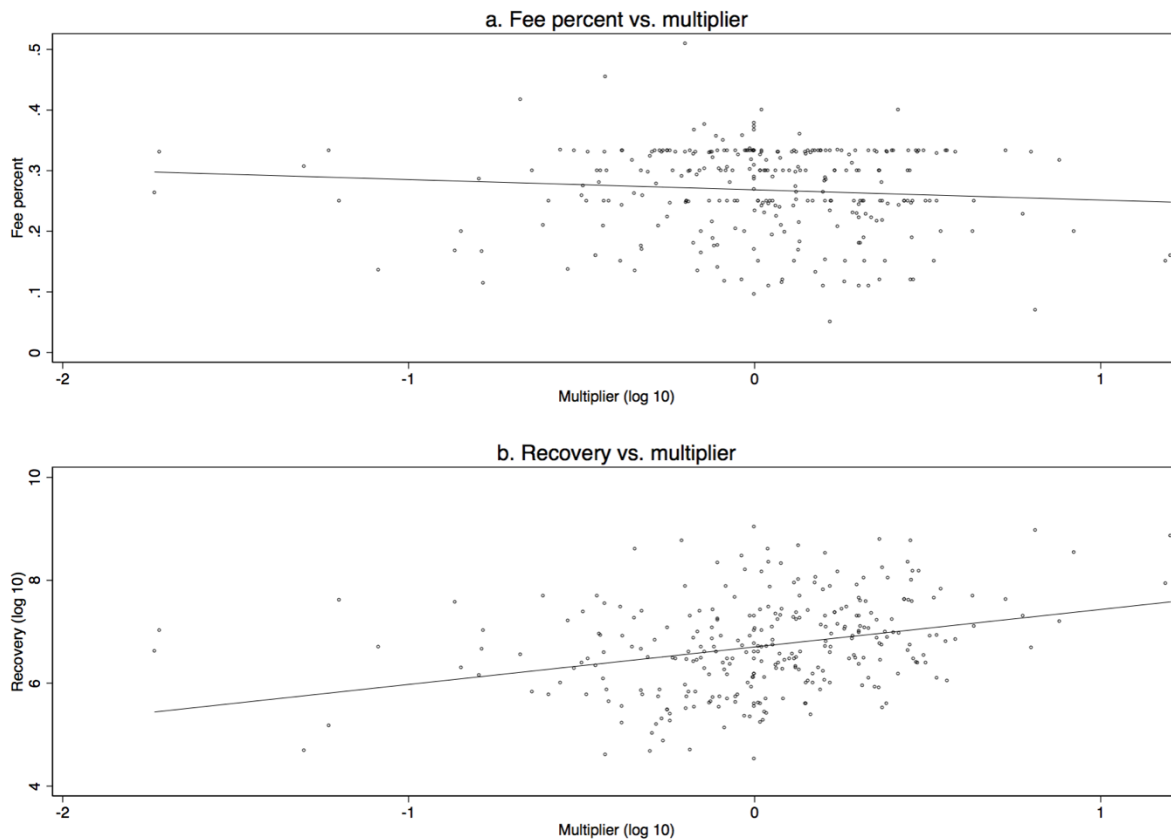


Table 13 shows the mean and standard deviation of the multiplier by recovery deciles. Here we see that the multiplier is relatively low in the first two deciles and relatively high in the last decile. It is worth noting that the standard deviation of the multiplier tends to increase with the amount of the recovery, suggesting that there is more variation in the multiplier at higher recovery levels.

Table 13: Mean, Median, and Standard Deviation of Multiplier, Controlling for Class Recovery Amount, 2009-2013

<i>Range of Class Recovery (Millions)</i>	<i>Mean</i>	<i>Median</i>	<i>SD</i>	<i>N</i>
Recovery <=0.4	0.85	0.69	0.52	33
Recovery > 0.4 <= 0.75	0.72	0.74	0.32	25
Recovery > 0.75 <= 1.4	1.49	1.42	0.93	20
Recovery > 1.4 <= 2.65	1.26	1.15	0.79	29
Recovery > 2.65 <= 3.9	1.28	1.2	0.75	26
Recovery > 3.9 <= 6.5	1.39	1.03	1.3	28
Recovery > 6.5 <=12	1.51	1.13	0.98	33
Recovery > 12 <= 23.4	1.86	1.35	1.58	29
Recovery > 23.5 <= 67.5	1.65	1.5	1.27	32
Recovery > 75	2.72	1.5	3.59	35

M. Regression Analysis

This section uses regression analysis to explore the effects of some of the variables mentioned above on the fees awarded in class action settlements. The dependent variable is the log-transformed fee award. The key independent variables are the log-transformed gross recovery and fee request, both of which we found to be strongly correlated with the fee award in figures presented earlier. Our models also control for variables that appear as if they might have an impact on the fee, such as the costs and expenses requested by the plaintiff's attorneys, and dummy variables identifying high risk cases, cases where the pure lodestar method was used in lieu of the percentage method or percentage method with lodestar check, cases where opt-outs and objectors were present, and cases where the defendant paid the fee. In some models we included fixed effects for case categories and federal circuits.

Table 14 presents summary statistics for the dependent and independent variables.

Table 14: Summary Statistics

<i>Variable</i>	<i>N</i>	<i>Mean</i>	<i>Std. Dev.</i>	<i>Min</i>	<i>Max</i>
Fee Award (log)	458	6.061025	0.8359642	3.736243	8.744136
Gross Recovery (log)	458	6.648762	0.8789425	4.230449	9.860338
Fee Requested (log)	454	6.089077	0.8392878	3.736243	8.744136
Costs and Expenses (log)	371	4.961283	0.9602119	2.522444	7.940662
High Risk Case	425	0.2894118	0.4540238	0	1
Lodestar Method Used	429	0.0629371	0.2431333	0	1
Incentive Bonus (log)	318	4.202167	0.5929221	1.431364	7.164353
Objectors (% of class)	353	0.001168	0.00499	0	0.0714286
Opt Outs (% of class)	353	0.001172	0.0031398	0	0.030303
Soft Relief Significant	426	0.129108	0.3357137	0	1
Settlement Class	422	0.7535545	0.4314525	0	1
Defendant Pays Fee	453	0.1059603	0.308127	0	1

Table 15 presents regression results. Considering the strong positive relationships we observed in Figures 3a and 7a, we are not surprised to find that gross recovery and fee request are reliable predictors of fee award. Models 1 and 2 show that a one-unit increase in the gross recovery or fee request results in a near-one-unit increase in the fee awarded. The R-squared for these models demonstrates that on their own, gross recovery and fee request account for 97.7% and 99% of variance in the dependent variable, respectively. When we put the variables for gross recovery and fee request on the right-hand side of the same regression model, we notice that the variable for fee request has a larger substantive effect on the dependent variable than does the gross recovery variable. This may be due to the fact that the size of the gross recovery influences the amount requested by the plaintiffs' attorneys and amount requested then tends to determine the fee award. The strong association between fee award and recovery and fee request are robust to the inclusion of a number of additional controls (Models 4-8). These relationships continue to hold up in models where fixed effects for case category and circuit are added (Models 9-11).

Other variables that appeared to be associated with higher or lower fees in bivariate analysis presented earlier also demonstrate statistically significant associations in the regression models, although not to the extent that the variable for gross recovery and fee request do. First, we find that all else equal, cases determined by the pure lodestar method result in a lower fee on average than cases determined by the percentage method or the percentage method with lodestar check (Models 6-11). The difference between fees determined by the lodestar method or others, however, is substantively small—only about 1% on average on the log 10 scale in which the dependent variable has been coded. Second, we find evidence that high risk cases are more likely to result in higher fees (Model 5). The substantive effect of this variable, however, is small compared to the effects of the fee requested and gross recovery variables. In crosstabs presented in Table 7, we observed that cases with opt-outs and cases without objectors had higher average fees. The statistically significant differences we reported earlier, however, are not robust to the addition of control variables. We also included a dummy variable for cases where the defendant paid the fee. Although we found this variable to have a statistically significant effect in our

analyses of the 1993-2002 period, it is not statistically significant here. The presence of soft relief, objectors, and settlement classes is not statistically significant. Finally, the size of the incentive award is significantly associated with higher fee awards in most specifications of the model.

In sum, our regression models show that the size of the recovery and the fee requested are by far the strongest predictors of attorney fees in class actions. The strong associations hold up across locales and case types and are robust to the inclusion of a number of control variables. We also find that high risk cases are, all else equal, associated with somewhat higher fees on average and that cases that use the pure lodestar method are associated with somewhat lower fees.

Table 15: Regression Results. Dependent Variable: Fee Award (log 10)

VARIABLES	(1) Fee (log)	(2) Fee (log)	(3) Fee (log)	(4) Fee (log)	(5) Fee (log)	(6) Fee (log)	(7) Fee (log)	(8) Fee (log)	(9) Fee (log)	(10) Fee (log)	(11) Fee (log)
Gross Recovery (log)	0.940*** (0.00677)		0.230*** (0.0268)	0.148*** (0.0286)	0.142*** (0.0285)	0.133*** (0.0289)	0.166*** (0.0337)	0.171*** (0.0369)	0.184*** (0.0399)	0.176*** (0.0387)	0.190*** (0.0390)
Fee Requested (log)		0.992*** (0.00478)	0.754*** (0.0281)	0.832*** (0.0298)	0.832*** (0.0297)	0.842*** (0.0300)	0.802*** (0.0345)	0.802*** (0.0378)	0.794*** (0.0405)	0.795*** (0.0396)	0.795*** (0.0391)
Costs and Expenses (log)				0.00929 (0.00673)	0.0114* (0.00676)	0.0102 (0.00682)	0.0107 (0.00734)	0.00620 (0.00810)	0.00219 (0.00854)	0.00392 (0.00839)	0.00484 (0.00877)
High Risk Case					0.0179** (0.00842)	0.0146* (0.00844)	0.0240*** (0.00923)	0.0195* (0.0104)	0.0207* (0.0110)	0.0169 (0.0110)	0.0218** (0.0110)
Lodestar Method Used						-0.0799*** (0.0161)	-0.0756*** (0.0200)	-0.101*** (0.0224)	-0.104*** (0.0229)	-0.0965*** (0.0229)	-0.106*** (0.0241)
Incentive Bonus (log)							0.0269*** (0.00799)	0.0278*** (0.00889)	0.0271*** (0.00940)	0.0225** (0.00959)	0.0143 (0.0104)
Objectors (% of class)								3.142* (1.852)	2.814 (1.981)	2.854 (1.925)	1.698 (1.997)
Opt Outs (% of class)								-1.226 (2.003)	-1.224 (2.061)	-1.538 (1.980)	-0.554 (2.026)
Soft Relief Significant									-0.0232 (0.0151)	-0.0124 (0.0153)	0.00447 (0.0177)
Settlement Class									-0.0148 (0.0126)	-0.0102 (0.0128)	-0.0105 (0.0129)
Defendant Pays Fee									0.00788 (0.0209)	-0.000389 (0.0201)	-0.00254 (0.0213)
Constant	-0.189*** (0.0454)	0.0154 (0.0294)	-0.0626** (0.0287)	-0.0366 (0.0299)	-0.0153 (0.0303)	-0.00633 (0.0307)	-0.0968** (0.0415)	-0.106** (0.0452)	-0.108** (0.0524)	-0.114 (0.0849)	-0.321*** (0.117)
Category Fixed Effects	No	No	No	No	No	No	No	No	Yes	No	Yes
Circuit Fixed Effects	No	No	No	No	No	No	No	No	No	Yes	Yes
Observations	458	454	454	371	353	339	242	202	190	190	190
R-squared	0.977	0.990	0.991	0.993	0.993	0.993	0.993	0.993	0.993	0.994	0.995

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.10

EXHIBIT D



2015 NLJ Billing Survey

Source: National Law Journal

Category: National Law Journal

ALM Legal Intelligence, in association with The National Law Journal, collected 2015 hourly billing rates for partners, associates, of counsel and paralegals. The data sources include the published rates from the 20 largest federal bankruptcy jurisdictions and a survey of the nation's 350 largest firms conducted during October and November of 2015. Individual firm rates are not identified.

Hourly Billing Rates for 2015

	Partner			Associate		
	High	Low	Median	High	Low	Median
Overall Hourly Rates	\$1,295	\$90	\$395	\$950	\$50	\$350

Rates by Firm Size

1 - 25 lawyers	\$1,080	\$90	\$350	\$950	\$90	\$300
26 - 150 lawyers	\$1,050	\$190	\$460	\$900	\$100	\$300
151 or more lawyers	\$1,295	\$100	\$595	\$975	\$125	\$325

Rates by State

AL	\$725	\$200	\$375	\$375	\$175	\$300
AZ	\$750	\$125	\$375	\$750	\$175	\$250
CA	\$1,080	\$200	\$495	\$950	\$300	\$350
CO	\$893	\$350	\$443	\$642	\$150	\$325
CT	\$1,200	\$295	\$350	\$625	\$175	\$350
DC	\$1,095	\$975	\$1,035	\$655	\$350	\$375
DE	\$1,050	\$295	\$650	\$850	\$260	\$388
FL	\$625	\$175	\$375	\$525	\$100	\$300
GA	\$500	\$250	\$358	\$450	\$110	\$275
IL	\$985	\$200	\$420	\$710	\$150	\$300
IN	\$400	\$250	\$305	\$400	\$200	\$275
KY	\$340	\$200	\$290	\$350	\$200	\$275
LA	\$575	\$150	\$333	\$500	\$100	\$250
MA	\$650	\$300	\$475	\$500	\$260	\$350
MD	\$560	\$250	\$363	\$580	\$150	\$325
MI	\$375	\$190	\$265	\$400	\$125	\$275
NC	\$675	\$250	\$425	\$435	\$150	\$275

NJ	\$880	\$250	\$400	\$400	\$150	\$298
NM	n/a	n/a	n/a	\$350	\$175	\$200
NV	\$450	\$295	\$375	\$500	\$200	\$325
NY	\$1,295	\$100	\$420	\$975	\$90	\$350
OH	\$545	\$250	\$313	\$330	\$155	\$250
OR	\$485	\$315	\$370	\$325	\$230	\$300
PA	\$875	\$200	\$350	\$565	\$86	\$257
PR*	\$300	\$100	\$200	\$350	\$100	\$200
TN	\$735	\$225	\$300	\$350	\$150	\$250
TX	\$925	\$90	\$395	\$650	\$150	\$298
VA	\$545	\$220	\$335	\$495	\$175	\$295
WA	\$965	\$275	\$460	\$375	\$150	\$350
WI	\$595	\$560	\$578	n/a	n/a	n/a

Of Counsel				Paralegal		
	High	Low	Median	High	Low	Median
Overall Hourly Rates	\$1,120	\$125	\$350	\$325	\$25	\$125

Rates by Firm Size

1 - 25 lawyers	\$645	\$125	\$350	\$325	\$25	\$115
26 - 150 lawyers	\$620	\$225	\$393	\$305	\$75	\$173
151 or more lawyers	\$1,120	\$270	\$610	\$325	\$35	\$220

Rates by State

AL	\$495	\$290	\$393	n/a	n/a	n/a
AZ	\$750	\$250	\$300	\$250	\$75	\$125
CA	\$595	\$175	\$450	\$325	\$25	\$150
CO	\$400	\$325	\$363	\$285	\$75	\$158
CT	\$550	\$325	\$438	\$290	\$75	\$100
DC	\$775	\$275	\$750	n/a	n/a	n/a

DE	\$525	\$260	\$275	\$305	\$125	\$235
FL	n/a	n/a	n/a	\$255	\$65	\$123
GA	\$250	\$240	\$245	\$160	\$50	\$120
IL	\$1,120	\$395	\$430	\$215	\$75	\$120
IN	\$300	\$225	\$295	\$220	\$90	\$100
KY	n/a	n/a	n/a	\$150	\$75	\$105
LA	\$425	\$200	\$350	\$285	\$45	\$83
MA	n/a	n/a	n/a	n/a	n/a	n/a
MD	\$350	\$250	\$275	\$280	\$75	\$125
MI	n/a	n/a	n/a	\$125	\$75	\$103
NC	n/a	n/a	n/a	\$180	\$75	\$110
NJ	\$565	\$225	\$325	\$195	\$65	\$120
NM	n/a	n/a	n/a	n/a	n/a	n/a
NV	n/a	n/a	n/a	\$240	\$75	\$152
NY	\$930	\$250	\$573	\$325	\$60	\$130
OH	n/a	n/a	n/a	\$135	\$85	\$100
OR	\$450	\$310	\$380	\$220	\$145	\$185
PA	\$440	\$300	\$325	\$325	\$75	\$105
PR*	\$250	\$125	\$188	\$150	\$45	\$75
TN	\$300	\$270	\$300	\$150	\$50	\$90
TX	\$740	\$225	\$320	\$290	\$35	\$100
VA	\$400	\$300	\$350	\$325	\$75	\$95
WA	n/a	n/a	n/a	\$215	\$125	\$143
WI	n/a	n/a	n/a	n/a	n/a	n/a

n/a: data not available

*Puerto Rico is a U.S. Territory

EXHIBIT E



HAGENS BERMAN



EXPERIENCE.
INNOVATION.
RESULTS.





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

Table of Contents

INTRODUCTION

The Firm	4
Locations	5
Testimonials	6
Major Successes	7

PRACTICE AREAS

Antitrust	9
Automotive - Non-Emissions Cases	12
Automotive - Emissions Litigation	14
Civil and Human Rights	16
Consumer Protection -	
General Class Litigation	17
Consumer Protection -	
Drug and Supplement Litigation	19
Employment Litigation	22
Governmental Representation	24
Intellectual Property	26
Investor Fraud -	
Individual and Class Action Litigation	28
Institutional Investor Portfolio Monitoring	
and Recovery Services	30
Personal Injury and Abuse	31
Sports Litigation	32
Terrorism	35
Whistleblower Litigation	36

APPELLATE VICTORIES

MANAGING PARTNER

Berman, Steve W.	42
-----------------------	----

EXECUTIVE COMMITTEE

Sobol, Thomas M.	47
Shapiro, Anthony D.	50
Carey, Robert B.	52

PARTNERS

Aragon, Leonard W.	54
Barnes, Lauren Guth	55
Bauer, Ian M.	58
Borkon, Peter E.	59
Breckenridge, Jeniphr A.E. . .	62
Byszewski, Elaine T.	63
Connolly, Jennifer Fountain . .	65
Fegan, Elizabeth A.	67
Friedman, Jeff D.	69
Johnson, Kristen A.	71
Kathrein, Reed R.	73
Kurowski, Daniel J.	76
Loeser, Thomas E.	78
Lopez, Robert F.	80
Mahoney, Barbara	82
Matt, Sean R.	83
McLean, Martin D.	85
Moody, David P.	86
Nalven, David S.	87
O'Hara, Christopher A.	88
Scarlett, Shana E.	89
Spiegel, Craig R.	90
Spiegel, Ronnie Seidel	91
Stevenson, Shayne C.	92
Tabbara, Ivy Arai	95
Volk, Andrew M.	96
Weaver, Tyler S.	97
Wojtanowicz, Garth	98
Zweig, Jason A.	99

SENIOR COUNSEL

Green, Kevin K.	101
----------------------	-----

OF COUNSEL

Arnold, Gregory T.	104
Barth, Karl P.	107
Booker, Molly A.	108
Carlson, Mark S.	109
Evans, Jeannie.	
Graves, Phillip	111
Jenkins, John D.	113
Kras, Michella A.	114
Notargiacomo, Ed	115
Patterson, Jerrod.	117
Shaw, Greer N.	119
Styant-Browne, Nick	121
Nathaniel A. Tarnor	122

ASSOCIATES

Bede, Ashley A.	123
Charles, Danielle	125
Cornelius, Dawn D.	126
DeStefano, John	127
Fimmel, Steve W.	129
Freeman, Rachel E.	130
Gannon, Catherine Y.N.	131
Grivas, Anthea D.	132
Lang, Jeffrey A.	134
LaSalle, Kristie A.	135
MacAuley, Jessica R.	136
Pierce, Rio.	137
Pitoun, Christopher R.	138
Smith, Shelby R.	139
Taylor, Kiersten A.	140
Thompson, Jessica	141
Vazquez, Mark	143

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. 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 ground-breaking litigation against large corporations.

OUR FOCUS. Our focus is to represent plaintiffs/victims in product liability, tort, antitrust, consumer fraud, 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.

A NATIONWIDE 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, Boston, Chicago, Colorado Springs, Los Angeles, New York, Phoenix, San Francisco, San Diego and Washington, D.C. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country, with substantial activity in California, New York, Washington, Arizona and Illinois.

Locations

SEATTLE

1918 8th Avenue, Suite 3300
Seattle, WA 98101
(206) 623-7292 phone
(206) 623-0594 fax

BOSTON

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

CHICAGO

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

COLORADO SPRINGS

2301 E. Pikes Peak Avenue
Colorado Springs, CO 80909
(719) 635.0377 phone
(719) 635-2920 fax

LOS ANGELES

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

NEW YORK

555 Fifth Avenue, Suite 1700
New York, NY 10017
(212) 752-5455 phone
(917) 210-3980 fax

PHOENIX

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

SAN DIEGO

701 B Street, Suite 1700
San Diego, CA 92101
(619) 929-3340 phone
(619) 929-3337 fax

SAN FRANCISCO

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

WASHINGTON, D.C.

1701 Pennsylvania Ave. NW, Suite 300
Washington, D.C. 20006
(202) 248-5403 phone
(202) 580-6559 fax

...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

2014, 2015 & 2016, The National Law Journal

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

2006, 2007, 2009-2013 & 2015, The National Law Journal

Most Feared Plaintiffs Firms

2015, 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**.

E-BOOKS ANTITRUST LITIGATION

Hagens Berman secured a combined **\$560 million** settlement on behalf of consumers against Apple and five of the nation's largest publishing companies.

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

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$206B**.

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.

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).

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.

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.

AVERAGE WHOLESALE PRICE DRUG LITIGATION

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

ENRON ERISA LITIGATION

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

Practice Areas

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

> Honda and Acura HandsFreeLink Defect

The firm represents owners of Honda and Acura vehicles equipped with the HandsFreeLink Bluetooth phone-pairing system, alleging that it contains a battery-draining defect that has plagued vehicle owners for more than a decade.

> 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 casue, 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 enducing 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 currently serves 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 has more than 246,000 class members, with damages estimated preliminarily at \$608 million, a figure that is expected to climb to \$1 billion or more as damages continue to accrue.

➤ **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.

> Seroxo 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 Seroxo, 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.

The case is scheduled for trial in the U.S. District Court for the Western District of Washington in Tacoma in September 2017.

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: \$206 billion for state programs, the largest settlement in the history of civil litigation in the U.S.

> **McKesson Average Wholesale Price Litigation**

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

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

> **McKesson Government Litigation**

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

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

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

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

RESULT: \$25 million settlement.

> **General Motors Ignition Switch Litigation**

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

PRACTICE AREAS

Governmental Representation

> State Opioid Litigation

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

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

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

> Municipal Lending

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

PRACTICE AREAS

Intellectual Property

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

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

Our current and recent engagements include the following:

› **Bombardier Inc.**

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

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

› **Angry Birds**

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

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

› **Samsung, LG, Apple**

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

RESULT: The case settled.

› **Oracle**

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

› **Salesforce**

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

› **Nintendo**

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

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

PRACTICE AREAS

Intellectual Property

> Electronic Arts

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

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

PRACTICE AREAS

Investor Fraud – Individual and Class Action Litigation

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

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

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

› **Charles Schwab Securities Litigation**

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

RESULT: \$235 million class settlement for investors.

› **Oppenheimer**

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

RESULT: \$100 million for the classes.

› **Tremont**

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

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

› **Boeing**

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

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

› **J.P. Morgan – Madoff**

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

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

› **Morrison Knudsen**

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

RESULT: More than \$63 million for investors.

› **Raytheon/Washington Group**

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

RESULT: \$39 million settlement.

› **U.S. West**

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

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

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Our current casework includes:

› **Theranos Investor Litigation**

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

› **Aequitas Investor Litigation**

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

› **China MediaExpress**

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

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

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

› **Altisource Asset Management Corporation**

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

WHISTLEBLOWERS

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

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

PRACTICE AREAS

Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services

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

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

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

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

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

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

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

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

PRACTICE AREAS

Personal Injury and Abuse

For more than a decade, 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.

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

Sports Litigation

Hagens Berman has one of the nation's most highly regarded sports 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) and the Fédération Internationale de Football Association (FIFA).

> 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 has taken on the NCAA for its failure to prevent concussions and protect student-athletes who suffered concussions. Steve Berman serves as lead counsel in multi-district litigation as the firm finalizes a settlement that will bring sweeping changes to the NCAA's approach to concussion treatment and prevention; provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; and establish a \$5 million fund for concussion research.

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 Likeness Rights

Hagens Berman attorneys representing 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 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 athlete 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.

> FIFA/U.S. Soccer: Concussions

Several current and former 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.

PRACTICE AREAS

Sports Litigation

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 also recently taken on the NCAA on behalf of 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 that the organization's limits and Draconian transfer regulations violate federal antitrust laws.

It the firm's most recent suit against the sports-governing entity, a Division I student-athlete at Northwestern University was faced with repeated harassment from the university to transfer, in order to underhandedly free up his athletic scholarship. According to the complaint, the university resorted to falsified records of misconduct, verbal harassment and more.

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.

› **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. 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.

› **Pop Warner**

Hagens Berman represents 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 released. 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

PRACTICE AREAS

Sports Litigation

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.

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.

> 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**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 upmost 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 multidistrict litigation to resolve claims related to Chiquita's payments to Colombian terrorist organizations.

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 multiyear scholarships are subject to antitrust scrutiny and do not receive procompetitive 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 lead counsel for the largest settlement in world history against Big Tobacco, and at the time the largest automotive, antitrust, ERISA and securities settlements in U.S. history.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 623-7292 office
(206) 623-0594 fax
steve@hbsslaw.com

YEARS OF EXPERIENCE

> 36

PRACTICE AREAS

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

BAR ADMISSIONS

- > Washington
- > Illinois

EDUCATION

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

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 his firm, Hagens Berman, one of the top 10 plaintiffs' firms in the country. Steve has been named a 2016 MVP of the Year by Law360 for his class-action litigation, and was also 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 pioneering consumer settlements that return a high percentage of recovery to class members.

CURRENT ROLE

- > Managing Partner, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS**> Automotive Litigation**

- Appointed co-lead counsel in the massive MDL alleging that Toyota vehicles contained a defect causing sudden, unintended acceleration – In re: Toyota Motor Corp. Unintended Acceleration MDL. Berman was selected by Judge Selna without having applied for the leadership position for his expertise in complex, sprawling class-action litigation. The case culminated in what was then the largest automotive settlement in history that Judge Selna called, "extraordinary because every single dollar in the cash fund will go to claimants." In addition, the settlement resulted in a brake override being installed on millions of vehicles. Since then, the incidents of unintended acceleration have virtually disappeared. (\$1.6 billion settlement)
- Co-lead counsel in the high-profile ignition-switch litigation against GM, representing millions of vehicle owners who have suffered loss of vehicle value due to GM's concealment of safety defects.
- Member of the Plaintiffs' Steering Committee in the VW consumer litigation and part of the Settlement Negotiating team. In June 2016, VW agreed to \$14.7 billion settlement for more than 475,000 2.0-liter diesel vehicles including \$10 billion that will be used to compensate owners. In February 2017, the Court granted preliminary approval of a \$1 billion settlement for the more than 80,000 3.0-liter diesel

MANAGING PARTNER

Steve W. Berman

vehicles. VW has agreed to buy back 20,000 of those cars. VW hopes to offer a fix for the remaining 60,000, although the fix is still pending the approval of the EPA and CARB. (\$14.7 billion & \$1 billion settlements)

- 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. (\$1.6 billion settlement)

Steve has pioneered pursuing car manufacturers who have been violating emissions standards, including: Mercedes BlueTec vehicles, GM Chevy Cruze, Dodge Ram 2500, Dodge Ram 1500 and Jeep Cherokee. Steve and the firm's work in emissions-cheating investigations is ahead of the EPA and government regulators.

- Steve has pioneered pursuing car manufacturers who have been violating emissions standards, including: Mercedes BlueTec vehicles, GM Chevy Cruze, Dodge Ram 2500, Dodge Ram 1500 and Jeep Cherokee. Steve and the firm's work in emissions-cheating investigations is ahead of the EPA and government regulators.
- Led the firm's aggressive fight against Hyundai and Kia on behalf of defrauded consumers who alleged the automakers had misrepresented fuel economies in vehicles, securing what was believed to then be the second-largest automotive settlement in history. (\$255 million settlement)

➤ **Sports Litigation**

- Pioneered a sweeping concussion settlement with U.S. Soccer, bringing safety measures to millions of youth soccer players, and ending heading for U.S. Soccer's youngest and most affected players, diminishing the risk of traumatic brain injuries.
- Represented current and former student-athletes against the NCAA and Electronic Arts concerning illegal use of college football and basketball players' names and likenesses in video games without permission or consent from the players. (\$60 million settlement)
- 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.
- Co-lead counsel in the *Alston* case that challenges the NCAA's limitations on the benefits student-athletes can receive as part of a scholarship. A proposed settlement of \$208 million is pending preliminary approval. The recovery would be 100 percent of single damages in an exceptional result in an antitrust case. The injunctive portion of the case seeking to ban the NCAA's restrictions on the cost of athletic payments continues. It could change the landscape for how NCAA football and basketball players are compensated.

➤ **Wall Street**

- Class-action securities case against Charles Schwab (\$235 million settlement)
- Represented Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, one of the largest banks in the world (approved \$218 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. (\$92.5 million settlement)

➤ **Antitrust**

- 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. (\$560 million settlement)
- Represents a class of indirect purchasers against manufacturers of optical disc drives (ODDs) that

MANAGING PARTNER**Steve W. Berman**

allegedly colluded to stabilize the prices of ODDs worldwide. In February 2016, Judge Seeborg granted class certification.

- Served as 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. The case resulted in a \$27 billion settlement.

RECOGNITION

- > Awarded 2016 MVP of the Year in Class Action by Law360
- > Steve Berman named a member of the 2014-2015 Lawdragon 500 Leading Lawyers in America
- > Voted one of the 100 most influential attorneys in America by The National Law Journal three times
- > Voted most powerful lawyer in the state of Washington by The National Law Journal
- > Hagens Berman named one of the top 10 plaintiffs' firms in the country, The National Law Journal
- > Selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year

NOTABLE CASES

- > **State Tobacco Litigation - \$206 billion settlement**
Lead counsel for 13 states in cases that led to the largest settlement in world history.
- > **Visa/MasterCard Antitrust Litigation - \$27 billion settlement**
The firm served as co-lead counsel in what was then the largest antitrust settlement in history.
- > **WPPSS Securities Litigation**
Member of trial team that led to the then largest securities case settlement.
- > **McKesson Drug Litigation - \$350 million settlement**
Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and a \$350 million settlement for third-party payers and insurers.
- > **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 a settlement of \$338 million.
- > **DRAM Memory Antitrust - \$345 million settlement**
Forged a class-action suit against leading DRAM (Dynamic Random Access Memory) manufacturers, claiming the companies secretly agreed to reduce the supply of DRAM in order to artificially raise prices.
- > **Enron Pension Protection Litigation - \$250 million settlement**
Lead counsel for Enron employees whose retirement accounts were wiped out by Enron's fraud. Settlement was the largest ERISA settlement in U.S. history.
- > **Charles Schwab Securities Litigation - \$235 million settlement**
Lead counsel in securities case resulting in settlement and 45 percent and 82 percent recoveries for the class, high percentages for securities cases.
- > **Boeing Securities Litigation - \$92 million settlement**
Berman served as lead counsel in a settlement of a securities action concerning Boeing's merger with

MANAGING PARTNER**Steve W. Berman**

McDonnell Douglas.

› **Bextra/Celebrex Marketing and Products Liability Litigation - \$89 million settlement**

Served as court-appointed member of the Plaintiffs Steering Committee and represented nationwide consumers and third party payers who paid for Celebrex and Bextra. The firm was praised by the court for its “unstinting” efforts on behalf of the class.

› **McKesson Governmental Entity Litigation - \$82 million settlement**

Steve was lead counsel for a nationwide class of local governments that resulted in an \$82 million settlement for drug price-fixing claims.

› **VW Emissions Litigation**

Steve is currently serving as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.

› **VW Franchise Dealers Litigation - \$1.6 billion settlement**

Steve is currently serving as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.

› **Mercedes Emissions Litigation**

Judge Jose L. Linares appointed the firm as interim class counsel in the case against Mercedes concerning emissions of its BlueTEC diesel vehicles.

› **Lumber Liquidators Flooring**

Steve is court-appointed co-lead counsel in ongoing litigation against Lumber Liquidators representing consumers who unknowingly purchased flooring tainted with toxic levels of cancer-causing formaldehyde.

› **Optical-Disc Price Fixing Litigation**

Lead counsel in action on behalf of consumers in more than two dozen states against the manufacturers of optical disk drives. The plaintiffs allege defendants conspired to increase the price of ODDs that were sold to original equipment manufacturers. Defendants’ conduct allegedly caused millions of consumer electronics products, such as computers, to be sold at illegally inflated prices.

› **NCAA Concussions**

Steve is lead counsel in a class action seeking to protect NCAA student-athletes in all sports.

› **NCAA Grant-In-Aid Litigation**

Steve is lead counsel in a case challenging the NCAA’s collusion in refusing to allow student athletes to receive scholarships amounting to the full cost of attending school.

› **Stericycle Overpricing Litigation**

Steve is heading the firm’s position as lead counsel in this class-action lawsuit on behalf of Stericycle customers for an overpricing scheme.

› **Ohio Opioid Litigation**

Steve has been retained by the state of Ohio to serve as trial counsel in a recently filed state suit against five manufacturers of opioids.

› **Orange County and Santa Clara County, CA and State of Mississippi Opioid Litigation**

Opioid abuse is one of our nation’s leading health disasters. Steve is leading the first litigation seeking to

MANAGING PARTNER

Steve W. Berman

recover public costs resulting from the opioid manufacturer's deceptive marketing.

› **Exxon Mobile Oil Spill**

Represented clients against Exxon Mobil affected by the 10 million gallons of oil spilled off the coast of Alaska by the Exxon Valdez (multi-million dollar award)

› **General Motors Ignition Switch Defect Litigation**

Steve serves as lead counsel seeking to obtain compensation from the millions of GM car owners whose cars have diminished in value.

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 and coaches. Steve is also an avid cyclist and is heavily involved in working with young riders on the USA cycling team and who are trying to transition to the pro cycling tour.

**PARTNER, EXECUTIVE COMMITTEE MEMBER**

Thomas M. Sobol

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

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1950 office
(617) 482-3003 fax
tom@hbsslaw.com

YEARS OF EXPERIENCE

> 33

PRACTICE AREAS

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

BAR ADMISSIONS

- > Massachusetts
- > Rhode Island
- > 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 Hagens Berman's Boston office
- > Leader in drug pricing litigation efforts against numerous pharmaceutical and medical device companies
- > Lead negotiator in court-approved settlements totaling more than \$2 billion
- > Currently court-appointed lead counsel for **In re Skelaxin Antitrust Litigation**, **In re Nexium Antitrust Litigation**, **In re Lipitor Antitrust Litigation**, **In re Effexor Antitrust Litigation**, and **In re Wellbutrin XL Antitrust Litigation**
- > Appointed lead counsel in MDL No. 2149: **In re New England Compounding Pharmacy Litigation Multidistrict Litigation**, representing more than 700 victims who contracted fungal meningitis or other serious health problems as a result of receiving contaminated products produced by NECC, resulting in a \$200 million settlement
- > Lead counsel to the **Prescription Access Litigation (PAL)** project, the largest coalition of health care advocacy groups that fight illegal, loophole-based overpricing by pharmaceutical companies

RECENT SUCCESS

- > **Neurontin class action marketing settlement** (\$325 million)
- > **NECC meningitis outbreak settlement** (\$200 million)
- > **Flonase direct purchaser litigation settlement** (\$150 million)
- > **Wellbutrin XL direct purchaser litigation** (\$37.5 million)
- > **First Databank litigation** (4% price reduction of most retail drugs)
- > **McKesson litigation** (\$350 million)
- > **Zyprexa litigation on behalf of the State of Connecticut** (\$25 million)
- > **Vioxx third party payor litigation** (\$80 million)
- > **Paxil direct purchaser litigation** (\$150 million)
- > **Co-lead trial counsel in the Neurontin MDL** (\$142 million RICO jury verdict)

RECOGNITION

- > Massachusetts Ten Leading Litigators, **The National Law Journal**

EXPERIENCE

- > Seventeen years in large Boston firm handling large complex civil litigation
- > Special Assistant Attorney General for the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island
- > Private counsel for Massachusetts and New Hampshire in ground breaking litigation against tobacco industry (Significant injunctive relief and recovery of more than \$10 billion)
- > Judicial clerk for Chief Justice Allan M. Hale, Massachusetts Appeals Court, 1983-1984
- > Board Chairman, New England Shelter for Homeless Veterans, 1995-2002

PARTNER, EXECUTIVE COMMITTEE MEMBER**Thomas M. Sobol****NOTABLE CASES****> \$142 Million Civil RICO Jury Verdict in Massachusetts Over Neurontin**

On Mar. 25, 2010, following a four-and-a-half week trial and two days of deliberations, a jury in the U.S. District Court for Massachusetts returned a \$142 million RICO verdict against Pfizer, Warner Lambert and Parke Davis in a suit related to Pfizer's fraudulent and unlawful promotion of the drug Neurontin. The jury also found, in an advisory capacity, that defendants violated the California Unfair Competition Law. HBSS served as co-lead trial counsel for plaintiffs Kaiser Foundation Health Plans and Kaiser Foundation Hospitals. HBSS attorneys played a pivotal role in preparing the case for trial. Thomas Sobol, managing partner of the HBSS Boston office, examined seven economic and scientific experts and presented the evidence of Defendants' decade-long campaign of fraudulent and deceptive actions in his closing argument that resulted in the RICO verdict. Post-trial briefing is underway and a final judgment has not yet been entered.

Kaiser Foundation Health Plan, et al v. Pfizer, Inc., et al, D.Mass., Civil Action No. 04-cv-10739 (PBS).

> \$150 Million Settlement for Consumers and TPPs for Purchases of Lupron

In late 2004, HBSS announced a proposed resolution on behalf of consumers and third-party payors of Lupron in the amount of \$150 million. The litigation alleged widespread fraudulent marketing and sales practices against TAP Pharmaceuticals, a joint venture between Abbott Laboratories and Takeda Pharmaceuticals, Inc., and followed TAP's agreement to pay \$875 million in combined criminal and civil penalties regarding marketing and sales practices for the prostate cancer drug Lupron. HBSS served as court-appointed Co-Lead and Liaison Counsel.

In re Lupron Marketing and Sales Practices Litigation, D.Mass., MDL No. 1430.

> \$150 Million Resolution on Behalf of Direct Purchasers of Paxil

HBSS announced a \$150 million resolution of claims in 2004 in litigation on behalf of direct purchasers of the "blockbuster" selective serotonin reuptake inhibitor Paxil, manufactured by GlaxoSmithKline Corporation. The suit alleged that GSK engaged in sham litigation with respect to certain patents, all in an effort to delay competition from the entry of a generic form of the drug. HBSS served as court-appointed Co-Lead Counsel.

In re Paxil Direct Purchaser Litigation, E.D.Pa., Civil Action No. 03-4578.

> The Major First Databank Price Rollback

The First Circuit Court of Appeals recently affirmed the approval of a settlement reached between plaintiff health benefit plans and consumers in a class action against defendants First DataBank, Inc. and Medi-Span, two leading drug pricing publishers. The settlement resulted in a rollback of benchmark prices of some of the most common prescription medications and which could save consumers and other purchasers hundreds of millions of dollars. The settlement stems from a 2005 class-action lawsuit brought on behalf of health benefit plans and consumers against First DataBank (FDB) and McKesson Corporation, a large pharmaceutical wholesaler. Plaintiffs claimed that beginning in 2001, FDB and McKesson secretly agreed to raise the markup between the Wholesale Acquisition Cost and the Average Wholesale Price from 20 to 25 percent for more than 400 drugs, resulting in higher profits for retail pharmacies at the expense of consumers and payors.

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

On June 6, 2007, Judge Patti B. Saris of the District of Massachusetts preliminarily approved a settlement between the parties whereby FDB agreed to roll back pricing by five basis points, from 1.25 to 1.20, on the drugs included in the lawsuit as well as hundreds of other drugs, which should create cost-savings on a much broader range of prescription medications. An alphabet soup of associations representing pharmacies and pharmacy benefit managers fought the proposed rollback before federal trial and appellate courts, claiming either that small pharmacies would be put out of business through implementation of the rollback or that the savings to health plans and consumers would not be enough to justify the settlement. The courts rejected these claims and in a ruling on Sept. 4, 2009, the First Circuit Court of Appeals affirmed the approval of the settlement.

New England Carpenters Health Benefits Fund et al v. First DataBank, Inc. and McKesson Corp., D.Mass., Civil Action No. 05-cv-11148-PBS; District Council 37 Health and Security Plan et al v. Medi-Span, D.Mass., Civil Action No. 07-cv-10988-PBS.

➤ **\$75 Million Resolution Against GSK and Its Predecessors for Relafen**

HBSS was court-appointed liaison counsel, and the firm has helped spearhead this litigation against GlaxoSmithKline Corporation and its predecessors, alleging that GSK fraudulently obtained a patent to prevent a generic version of Relafen, a frequently prescribed brand name pharmaceutical, from coming to market. Litigated for 12 to 18 months, HBSS announced a proposed \$75 million resolution of end-payor claims in 2004.

In re Relafen Antitrust Litigation, D.Mass., Master File No. 01-12239-WGY.

➤ **\$25 Million for the State of Connecticut for Zyprexa Fraud**

On Oct. 5, 2009, Judge Jack B. Weinstein, U.S. District Court Judge in the Eastern District of New York, entered an Order for Entry of Final Judgment in State of Connecticut v. Eli Lilly and Co., approving the \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation. HBSS served as outside counsel to Attorney General Richard Blumenthal in the litigation that alleged Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa and 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.

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

➤ **\$65.7 Million Recovery in Antitrust Action Concerning Tricor**

On Oct. 29, 2009, Chief Judge Sue Robinson of the District of Delaware approved a \$65.7 million recovery for consumers and third party payors who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor. Plaintiffs alleged Abbott and Fournier manipulated the statutory framework regulating the market for pharmaceuticals by instituting baseless patent litigation against generic manufacturers, and manipulative switching of dosage strengths and forms, which resulted in delayed entry of generics and thus lower prices into the market. HBSS served as Co-Lead Class Counsel in the case.

In re Tricor Indirect Purchaser Antitrust Litigation, D.Del., Civil Action No. 05-cv-360.

**PARTNER, EXECUTIVE COMMITTEE MEMBER****Anthony D. Shapiro**

Mr. Shapiro has handled hundreds of personal injury matters securing results in excess of \$1 million for his clients numerous times.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9352 office
(206) 623-0594 fax
tony@hbsslaw.com

YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

> Antitrust Litigation
> Personal Injury Litigation

BAR ADMISSIONS

> Washington State Bar

EDUCATION

> Georgetown University Law
Center, J.D., 1982
> Colgate University, B.A.,
History, 1979

CURRENT ROLE

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Personal Injury Group including wrongful death, brain injury and catastrophic personal injury matters resulting from construction site, workplace, automobile accidents, product liability and nursing home negligence
- > Prominent role in many of the firm's notable antitrust class actions

RECENT SUCCESS

- > Lead counsel in **In re DRAM Antitrust Litigation** (more than \$400 million)
- > Plaintiffs' executive committee in a number of prominent antitrust class actions including **In re LCD Antitrust Litigation** (\$500 million)

RECOGNITION

- > Earned AV rating by Martindale-Hubbell, the highest rating a lawyer can obtain, indicating a very high to preeminent legal ability and exceptional ethical standards as established by confidential opinions from members of the Bar
- > Washington Super Lawyer, 2000-2014

EXPERIENCE

- > King County, Washington Prosecuting Attorney's Office, where he represented the state in more than 50 serious felony jury trials, including some of the state's most high-profile cases
- > Founding Partner, Rohan Goldfarb & Shapiro
- > Schweppe Krug & Tausend

LEGAL ACTIVITIES

- > Instructor, National Institute of Trial Advocacy
- > Adjunct Professor, University of Washington Law School

NOTABLE CASES

- > Mantria Class Action
- > Air Cargo Antitrust Litigation
- > Baby Food Antitrust Litigation
- > Brand Name Prescription Drug Antitrust Litigation
- > Bromine Antitrust Litigation
- > Carbon Dioxide Antitrust Litigation
- > Carpet Antitrust Litigation
- > Commercial Tissue Products Antitrust Litigation

PARTNER, EXECUTIVE COMMITTEE MEMBER

Anthony D. Shapiro

- › Compressors Antitrust Litigation
- › Concrete Antitrust Litigation
- › Containerboard Antitrust Litigation
- › CRT Antitrust Litigation
- › DRAM Antitrust Litigation
- › Exxon Valdez Oil Spill Litigation
- › Fasteners Antitrust Litigation
- › Flat Glass Antitrust Litigation
- › Forced Place Insurance – Wind Antitrust Litigation
- › High Fructose Corn Syrup Antitrust Litigation
- › Infant Formula Antitrust Litigation
- › Lease Oil Antitrust Litigation
- › Linerboard Antitrust Litigation
- › LCD Antitrust Litigation
- › Magazine Paper Antitrust Litigation
- › Medical X-Ray Film Antitrust Litigation
- › OSB Antitrust Litigation
- › Polyurethane Antitrust Litigation
- › Scouring Pads Antitrust Litigation
- › SRAM Antitrust Litigation
- › Steel Antitrust Litigation
- › Toilet Nut Product Defect Litigation

**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 »](#)

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

(602) 840-5900 office
(602) 840-3012 fax
rob@hbsslaw.com

YEARS OF EXPERIENCE

> 29

PRACTICE AREAS

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

BAR ADMISSIONS

- > Arizona
- > Colorado
- > U.S. Supreme Court
- > U.S. Court of Appeals, Fifth Circuit
- > U.S. Court of Appeals, Eighth 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 class-action lawsuits against many different types of organizations and companies. Recently, he has litigated the Propane Exchange Tank Litigation, Hyundai/Kia MPG Litigation, and the Swift Truckers Litigation. He has served as lead counsel in cases such as the LifeLock Sales and Marketing Litigation, Hyundai Motor America's cases on sub-frame corrosion and airbag systems, and the State of Arizona's claim against McKesson Corporation for overcharging on prescription drugs.

Mr. Carey experience extends to bad-faith insurance, personal injury, medical malpractice, with several jury trials involving verdicts with as much as \$75 million at stake. He has argued high-profile cases in federal and state courts across the country. In the '90s, he served as trial counsel on claims by counties for damages stemming from tobacco-related illnesses (and acted as special counsel for Hagens Berman in seeking to recover damages in the landmark tobacco litigation), and since then has led dozens of consumer and insurance class actions in various states.

From 1990 to 1996, as Chief Deputy Attorney General, Mr. Carey oversaw all major legal, policy, legislative, and political issues for the Arizona attorney general's office. There, Mr. Carey 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. He was a principal drafter of the first major overhaul of Arizona's criminal code, and drafted key parts of the federal Prisoner Litigation Reform Act of 1995 for Senators Dole and Kyl. He served as a campaign staffer, intern, and staff member for U.S. Senator John McCain, during and after Senator McCain's first run for public office. In the past, he served as a judge pro tempore in Maricopa County Superior Court, presiding over contract and tort jury trials. Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system, Mr. Carey enjoys teaching law and public policy courses, most recently at the ASU's Sandra Day O'Connor College of Law.

Mr. Carey earned his bachelor's degree at Arizona State University, and received his MBA and law degree from the University of Denver. He also attended Harvard University's John F. Kennedy School of Government, where he studied in the state and local government program.

CURRENT ROLE

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Phoenix and Colorado Springs offices
- > Practice focuses on class-action lawsuits, including auto defect, insurance, right of publicity and fraud cases
- > Frequently asked to handle jury trials for high-value cases

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

- › 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's complaints for a case that eventually settled for \$1.6 billion
- › Prevailed in a jury trial in a copyright case about the iconic Madden NFL video game, with two jury verdicts against Electronic Arts. The effort was selected by The Daily Journal, a leading legal publication, as a Top Trial Verdict of 2013
- › Led Hagens Berman's efforts on the \$400 million settlement with Hyundai and Kia corporations over misrepresentations about MPG ratings
- › Helped secure a first-ever (\$60M) settlement for collegiate student-athletes (Keller, consolidated with O'Bannon) from Electronic Arts (EA) and the NCAA for the misappropriation of the student-athletes' likenesses and images for the EA college football video game series. This groundbreaking suit went up to the U.S. Supreme Court before a settlement was reached, providing student-athletes, even current ones, with cash recoveries for the use of their likenesses without permission.
- › Represented Donovan Hill against Pop Warner after he was paralyzed at 13. With Rachel Freeman, Rob secured a settlement that "forever changed youth football" (OC Weekly) and was "unprecedented" and 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.
- › Numerous jury verdicts in trials, including complex matters, phasing of threshold issues, liability and damages, trials with more than \$75M at stake and recoveries of treble and punitive damages
- › While serving as Arizona Chief Deputy Attorney General:
 - Helped secure a \$4 billion divestiture and a landmark \$165 million antitrust settlement
 - Helped revise Arizona's criminal code and authored the section of the federal Prisoner Litigation Reform Act of 1995 that virtually eliminated frivolous prisoner lawsuits

RECOGNITION

- › Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system
- › U.S. Department of Justice, recognized for victims' rights efforts
- › Listed since 2008 as a Top 100 Trial Lawyer by Arizona's Finest Lawyers and National Trial Lawyers
- › Member of Hagens Berman's Toyota team selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year

PARTNER, EXECUTIVE COMMITTEE MEMBER

Robert B. Carey

EXPERIENCE

- › Arizona Chief Deputy Attorney General
- › Adjunct Professor, Sandra Day O'Connor College of Law
- › Judge Pro Tempore, Maricopa County Superior Court

LEGAL ACTIVITIES

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

PUBLICATIONS

- › Co-author of the Arizona chapter of the ABA's "A Practitioner's Guide to Class Actions"

NOTABLE CASES

- › Toyota Unintended Acceleration Litigation
- › NCAA Student-Athlete Name and Likeness Licensing Litigation
- › Swift Truckers 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)
- › Student-Athlete Likeness Litigation against CBS Sports and Printroom
- › Apple Refurbished iPhone/iPad Litigation
- › Jim Brown v. Electronic Arts
- › LifeLock Sales and Marketing Litigation
- › Rexall Sundown Cellasene Litigation
- › Insurance bad faith against major carriers and personal injury cases, including dozens of seven-figure verdicts and settlements

**PARTNER**

Leonard W. Aragon

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

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

(602) 840-5900 office
(602) 840-3012 fax
leonard@hbsslaw.com

YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

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

BAR 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

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**

**PARTNER**

Lauren Guth Barnes

Ms. Barnes was honored with a 2013 Excellence in the Law Up & Coming Lawyer award by the Massachusetts Bar Association and Mass Lawyers Weekly.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 482-3700 office
(617) 482-3003 fax
lauren@hbsslaw.com

YEARS OF EXPERIENCE

> 11

PRACTICE AREAS

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

BAR ADMISSIONS

- > Massachusetts
- > 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, 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
- > Helped reach a \$73 million class settlement for direct purchasers in MDL No. 2343: In re. Skelaxin Antitrust Litigation
- > Co-lead class counsel for direct purchasers in In re Niaspan Antitrust Litigation
- > Liaison counsel for In re Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation
- > Co-lead class counsel for direct purchasers in the Suboxone and Solodyn MDLs
- > Represents 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
- > Pro bono counsel in a successful constitutional challenge to the Commonwealth of Massachusetts' exclusion of legal immigrants from the state's universal healthcare program

RECOGNITION

- > 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)
- > AAJ New Lawyers Division Excellence Award (2009-2010, 2010-2011)
- > AAJ New Lawyers Division Above and Beyond Award (2011-2012)
- > AAJ Wiedemann & Wysocki Award (July 2012, July 2013)

EXPERIENCE

- > 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 this issue on behalf of practitioners and professors who teach and write on various aspects of pharmaceutical regulation and the delivery of healthcare

PARTNER**Lauren Guth Barnes**

- › Conflict Management Group where she worked with members of the United Nations High 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

LEGAL ACTIVITIES

- › American Association for Justice (AAJ)
 - Executive Committee, Member (2014-present)
 - Board of Governors, Member (2012-present)
 - Women Trial Lawyers Caucus, Former Chair (2012-2013)
 - Class Action Litigation Group, Former Co-Chair (2011-2012)
 - New Lawyers Division, Board of Governors (2009 to present)
 - Committees (various), Member
 - AAJ Trial Lawyers Care Task Force, Member (2012-present)
- › Massachusetts Academy of Trial Attorneys
 - Executive Committee, Member (2012-2013)
 - Board of Governors, Member (2011-present)
 - Women's Caucus, Co-Chair (2008 to present)
- › Boston Bar Association, Class Action Committee, Co-Chair (2014-present)
- › Public Justice, Class Action Preservation Project, Member

NOTABLE CASES

- › **Antitrust action 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.

PARTNER

Lauren Guth Barnes

> \$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

EXPERIENCE

Unlike many of her colleagues at HBSS, Lauren does not run marathons – unless chasing after her small children count. 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****Ian M. Bauer**

Mr. Bauer has been at the forefront of child and social welfare policymaking and litigation in Washington State over the past decade, and has extensive experience in litigation involving abuse, neglect and exploitation of children and vulnerable adults.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9377 office
(206) 623-0594 fax
ianb@hbsslaw.com

YEARS OF EXPERIENCE

> 11

PRACTICE AREAS

> Personal Injury Litigation
> Civil Rights

BAR ADMISSIONS

> Washington
> U.S. District Court, Western District of Washington
> U.S. District Court, Eastern District of Washington
> United State Bankruptcy Court for the Western District of Washington
> Ninth Circuit Court of Appeals

EDUCATION

> Connecticut College, B.A., 1999
> Seattle University School of Law, J.D., magna cum laude, 2004

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Practice focuses on personal injury and civil rights cases

RECENT SUCCESS

Mr. Bauer has litigated numerous multi-million dollar cases involving children and vulnerable adults who have suffered profound abuse, neglect or exploitation. Recent recoveries include:

> Settlement on behalf of five children abused and neglected by their biological parents (\$9.75 million)
> Settlement on behalf of a developmentally-disabled woman who was abused, neglected and financially exploited by her state-paid, in-home caregiver (\$5.52 million)
> Settlement on behalf of an infant abused in day care setting (\$2.84 million)
> Settlement on behalf of a developmentally-disabled woman abused and neglected by her state-paid, in-home caregiver (\$2.5 million)

RECOGNITION

> Mr. Bauer has received an AV rating from Martindale-Hubbell, the highest peer-reviewed national rating a lawyer can obtain, reflecting a preeminent legal ability and exceptional ethical standards.
> Rising Star, Washington Law & Politics Magazine (2009, 2016, 2017)

EXPERIENCE

Prior to joining Hagens Berman, Mr. Bauer's served as an Assistant Attorney General with the Washington State Attorney General's Office. In this role, Mr. Bauer coordinated the defense of civil rights and tort litigation against DSHS, WSDOT, WSP and other state agencies, and supervised two teams of highly-experienced attorneys and professional staff. Mr. Bauer also carried a significant caseload of high-profile tort and civil rights cases, as well as cases involving the operation and funding of Washington's foster care, mental health and public assistance systems. Mr. Bauer also advised executive-level agency staff and state risk managers on a wide variety of complex legal issues, including tactical litigation decisions, the implications of legislative, judicial, political and policy decisions, and emergent situations involving the risk of significant exposure.

LEGAL ACTIVITIES

> Member, Washington Association for Justice
> Member, American Association for Justice

PERSONAL INSIGHT

Mr. Bauer is a former collegiate soccer player who continues to follow the game religiously.

**PARTNER**

Peter E. Borkon

Providing institutional investors practical advice and solutions.

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3033 office
(510) 725-3001 fax
peterb@hbsslaw.com

YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

> Securities Litigation
> Antitrust Litigation

BAR ADMISSIONS

> California
> Illinois

COURT ADMISSIONS

> Supreme Court of the United States
> Supreme Court of California
> Supreme Court of Illinois
> U.S. District Court for the Northern District of California
> U.S. District Court for the Central District of California
> U.S. District Court for the Northern District of Illinois
> U.S. District Court of Colorado
> U.S. District Court for the Eastern District of Wisconsin
> U.S. District Court for the Western District of Wisconsin
> U.S. Court of Appeals, Ninth Circuit

EDUCATION

> Southern Illinois University at Carbondale, J.D., 1996
> DePauw University, B.A., 1992

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Practice is focused on complex civil litigation, particularly securities and antitrust class actions and shareholder derivative suits

RECENT SUCCESS

> Key team member in **In re Homestore Securities Litigation** (more than \$100 million settlement)
> Team member in several securities class actions including:
- **In re Charles Schwab Corp. Securities Litigation** (\$235 million settlement)
- **In re China Media Express Holdings, Inc. Securities Litigation** (\$12 million settlement)
- **In re Northwest Biotherapeutics Securities Litigation** (\$1 million settlement)
- **In re BigBand Networks Securities Litigation** (\$11 million settlement)
- **In re Reserve YieldPlus Fund Securities Litigation** (currently in mediation)
- **In re JP Morgan Madoff Litigation** (\$218 million settlement)
- **In re Oppenheimer Core & Champion Bond Funds** (\$100 million settlement)

RECOGNITION

> Northern California Rising Star, **Super Lawyers Magazine**, 2010, 2011
> Super Lawyer, **Super Lawyers Magazine**, 2012, 2015 - 2017
> Steinberg Leadership Fellow with the Anti-Defamation League

EXPERIENCE

> Clerk, Chief Judge of the Southern District of Illinois
> Staff Attorney, Ninth Circuit Court of Appeals
> Adjunct Professor at the University of California Hastings College of Law

LEGAL ACTIVITIES

> Director, U.S. District Court for the Northern District of California's Federal Practice Program Board (2015 - 2018)
> Member, Ninth Circuit Lawyer Representatives Committee for the Northern District of California (2015 - 2018)
> Co-Chair, Ninth Circuit Lawyer Representatives for the Northern District of California (2016 - 2017)
> Member, Council of Institutional Investors (CII)
> Member and Speaker, Michigan Association of Public Employee Retirement Systems (MAPERS)
> Member, State Association of County Retirement Systems (SACRS)
> Member, California Association of Public Retirement Systems (CALAPRS)

PARTNER**Peter E. Borkon**

- › Member and Speaker, Illinois Public Pension Fund Association (IPPFA)
- › Member and Speaker, Georgia Association of Public Pension Trustees (GAPPT)
- › Member, Alternative Investments working group, National Association of Public Pension Attorneys (NAPPA)
- › Chair, SEC working group, National Association of Public Pension Attorneys (NAPPA)
- › Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)
- › Member, National Association of Securities Professionals (NASP)
- › Member, National Council on Teacher Retirement (NCTR)
- › Co-Chair of the Board of Directors of the AIDS Legal Referral Panel
- › Co-Chair of the Bay Area Lawyers for Individual Freedom's Judiciary Committee
- › Trained to serve as a Judge Pro Tem in San Mateo County
- › Serves as a Judge Pro Tem in the City and County of San Francisco Superior Court
- › Member, Federal Bar Association, Northern District of California Chapter
- › Member, Alameda County Bar Association
- › Member, Bar Association of San Francisco

PRESENTATIONS

- › "The New Normal: Potential Revisions to the Securities Law and Regulations Under the New Administration," NCPERS Legislative Conference, January 2017
- › "Recent Legal Developments - A Panel Discussion," GAPPT Annual Conference, September 2016
- › "Top Ten Practices of High Performing Public Retirement Plan Boards," NCPERS Public Safety Employees Pension & Benefits Conference, October 2015
- › "Fee Shifting, Bylaws and Courts: The Ever-Shrinking World of Investor Protections!," GAPPT Annual Conference, September 2015
- › "Funds, Fees & Affiliates (Oh, My!) - SEC OCIE's Examination of the Private Fund World," NAPPA 2015 Legal Education Conference, June 2015
- › "Securities Litigation: A Panel Discussion," MAPERS Spring Conference, May 2014
- › "Who Wants To Be A Fiduciary?," NCPERS, Trustee Educational Seminar, April 2014
- › "Annual Securities Litigation & Enforcement 2014 Update Panel Discussion, April 2014
- › "A Different Kind of Income Pick-Up Strategy," CFA Society of New Mexico, December 2013
- › "SEC Announces Its 'Top Priorities' Include Enforcement Against States Issuing Municipal Bonds; Are County Issuers Next?," CACTTC, Annual Conference, June 2013
- › "Avoiding a Front Page Scandal at Your Pension Fund: Learning by Example," NCPERS, Annual Conference, May 2013
- › Board Ethics Training at the Ohio Police and Fire Pension Fund, April 2013
- › "International Investment after Morrison," GAPPT, Annual Conference, September 2012
- › Legal Round Table, MAPERS, Spring Conference, May 2012
- › "Opportunities to Recover Fund Assets Using Securities Litigation," IPPFA, Spring Conference, May 2012

PARTNER

Peter E. Borkon

- > “The Good, the Bad and the Ugly –The Safety Pension Edition,” NCPERS, TEDS Conference, May 2012
- > “Occupy Wall Street through Reform of the Securities Law,” NCPERS, Legislative Conference, February 2012
- > “The Good, the Bad and the Ugly – The Safety Pension Edition,” NCPERS, Public Safety Employee Pension & Benefit Conference, October 2011
- > “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

PUBLICATIONS

- > “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
- > “Omnicare: It’s Not a Lie if I Believe What I Say, Right?,” Hagens Berman, HBSS Securities News, Fall 2015
- > “Fasten Your Seatbelts, Supreme Court Creating a Bumpy Ride... or, Is it?,” Hagens Berman, HBSS Securities News, Summer 2014
- > “SEC’s Message: Bond Issuers Must Provide Full, Accurate and Timely Information About Their Financial Condition or Face Prosecution,” Hagens Berman, HBSS Securities News, November 2013
- > “Court Limits SEC’s Foreign Reach,” 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
- > “Say-On-Pay – More Bark Than Bite?,” Hagens Berman, HBSS Securities News, November 2012
- > “Citizens United and the Assault on Public Pensions,” NCPERS, PERSist Article, Summer 2012, Volume 25, Number 3, August 2012
- > “Citizens United and The Assault on Public Pensions, Marin County Association of Retired Employees / A member of CRCEA-California Retired County Employees Association, Keeping in Touch Letter”, June 2012
- > “Citizens United and the Assault on Public Pensions,” Hagens Berman, HBSS Securities News, May 2012
- > “Investors Need Private Enforcement of Securities Law,” Hagens Berman, HBSS Securities News, November 2011
- > “Balancing Sensible Governance Against Failed Principles: Is this the End to the Wild West of Investing?,” NAPPA, The NAPPA Report, October 2008

**PARTNER**

Jeniphr A.E. Breckenridge

Ms. Breckenridge has practiced with the firm since its founding in 1993.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9325 office
(206) 623-0594 fax
jeniphr@hbsslaw.com

YEARS OF EXPERIENCE

> 27

PRACTICE AREAS

- > Securities / Investor Fraud
- > Consumer Rights
- > Products Liability

BAR ADMISSIONS

- > Supreme Court of Washington
- > USDC, Western District of Washington
- > U.S. Court of Appeals, Third Circuit

EDUCATION

- > University of Maryland Law School, J.D., Notes and Comments Editor, Maryland Law Review
- > Georgetown University, B.A.

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP, where she has practiced since the firm's founding.
- > Practice concentrates on class actions, including consumer, automobile defects, securities litigation fraud, and wage and hour claims

NOTABLE CASES

- > Metropolitan Securities Litigation
- > Boeing Securities Litigation
- > Raytheon Securities Litigation
- > Average Wholesale Price Litigation
- > In re Pet Food Products Liability Litigation
- > Toyota Unintended Acceleration Litigation
- > State Tobacco cases

**PARTNER****Elaine T. Byszewski**

Involved in firm's representation of the city of Los Angeles and other municipalities in litigation against major banks for discriminating against minority borrowers

CONTACT

301 North Lake Ave.
Suite 920
Pasadena, CA 91101

(213) 330-7149 office
(213) 330-7152 fax
elaine@hbsslaw.com

YEARS OF EXPERIENCE

> 14

PRACTICE AREAS

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

BAR ADMISSIONS

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

EDUCATION

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

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Ms. Byszewski has litigated a number of complex class actions on behalf of consumers, employees and whistleblowers resulting in multi-million dollar settlements, including cases against Toyota, Ford, AstraZeneca Pharmaceuticals, Berkeley Premium Nutraceuticals, Solvay Pharmaceuticals, Costco, Apple and KB Homes.
- > Currently, Ms. Byszewski is involved in:
 - Hagens Berman's representation of the city of Los Angeles and other municipalities in litigation against major banks for discriminating against minority borrowers.
 - 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.
 - Deceptive advertising case against SeaWorld involving its undisclosed mistreatment of orcas.
 - Deceptive advertising case against SunRun.

RECENT SUCCESS

- > Member of team led by Steve Berman that settled **Toyota Unintended Acceleration Litigation** for \$1.6 billion and was a finalist for Public Justice's Trial Lawyer of the Year award

NOTABLE CASES

- > **Municipal Lending Discrimination Litigation**
- > **Dairy Cooperatives Antitrust Litigation**
- > **SeaWorld Consumer Lawsuit**
- > **Toyota Unintended Acceleration**
- > **Ford Spark Plugs**
- > **SunRun, Inc. Advertising Litigation**
- > **AstraZeneca Pharmaceuticals (Nexium) Litigation**
- > **Merck (Vioxx) Litigation**
- > **Berkeley Nutraceuticals (Enzyte) Litigation**
- > **Solvay Pharmaceuticals (Estratest) Litigation**
- > **Apple iPod Litigation**
- > **Costco Wage and Hour Litigation**

EXPERIENCE

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

PARTNER

Elaine T. Byszewski

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’s proudest moment was teaching her older son to swim. Tennis is next on the agenda. Her biggest challenge is keeping her two year old out of trouble.

**PARTNER**

Jennifer Fountain Connolly

Successfully litigates complex fraud cases involving all types of industries.

CONTACT

1701 Pennsylvania Ave. NW
Suite 300
Washington, D.C. 20006

(202) 248-5403 office
(202) 580-6559 fax
jenniferc@hbsslaw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

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

BAR ADMISSIONS

- > Colorado
- > Illinois
- > District of Columbia

EDUCATION

- > University of Denver College of Law, J.D., 1998
- > University of Chicago, B.A., High Honors, Special Honors in English, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Washington D.C. office
- > Practice focuses on pharmaceutical pricing fraud cases, **qui tam** litigation, antitrust class actions and other types of complex litigation
- > Specializes in cases with complex factual or procedural questions, many of which have related proceedings pending in multiple jurisdictions

RECENT SUCCESS

- > Significant role in litigation against McKesson Corporation alleging the company engaged in a scheme that raised the prices of more than 400 brand name prescription drugs (\$350 million settlement)
- > Public payor case for municipalities throughout the United States (\$82 million settlement)
- > Represented numerous state attorneys general in similar claims against McKesson
- > Key member of the Hagens Berman-led team that successfully tried the **Average Wholesale Price litigation** against four pharmaceutical company defendants, obtaining a verdict that was subsequently affirmed in all respects by the First Circuit Court of Appeals

EXPERIENCE

- > Partner, Wexler Wallace LLP
- > Associate, Netzorg McKeever Koclanes & Bernhardt LLP (now Sherman & Howard, LLC)
- > Assistant Attorney General, Business Regulation Unit, Colorado Attorney General's Office

NOTABLE CASES

- > **McKesson Corporation Litigation**
 - Private class action (\$350 million settlement)
 - Municipal class action (\$82 million settlement)
 - Multiple state attorney general actions were favorably resolved
- > **AWP Litigation**

Represented classes of consumers and third-party payors in a groundbreaking pharmaceutical fraud case in which the court approved a total of \$338 million in settlements
- > **Opioids Litigation**
 - Retained by the state of Ohio to serve as trial counsel in a recently filed state suit against five manufacturers of opioids.
 - Representing the Orange County District Attorney's office in a case alleging five pharmaceutical companies orchestrated a false and misleading marketing scheme designed to reverse the popular and

PARTNER

Jennifer Fountain Connolly

medical understanding of the serious risks of long-term opioid use for chronic, non-cancer pain

› **Fannie Mae/Freddie Mac Takings Litigation**

Representing shareholders in the Court of Federal Claims alleging that, in imposing the conservatorships over Fannie Mae and Freddie Mac in September 2008, the Government took private property without just compensation

› **ATM Antitrust Litigation**

Representing consumers challenging illegal agreements among Visa, MasterCard and member banks to charge inflated ATM access fees, in violation of the federal antitrust laws

› **Qui Tam matters**

Currently working on numerous qui tam matters that are under seal in multiple jurisdictions

**PARTNER**

Elizabeth A. Fegan

"I have found working with you on this case one of the more interesting, challenging and, at some level, uplifting things that I have been able to do..." – Hon. Wayne Andersen (Ret.) at final approval of a nationwide sexual harassment settlement on behalf of 16,000 women.

CONTACT

455 N. Cityfront Plaza Drive
Suite 2410
Chicago, IL 60611

(708) 628-4960 office
(708) 628-4950 fax
beth@hbsslaw.com

YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Antitrust
- > Insurance Fraud
- > Consumer Rights
- > Employment Discrimination
- > Products Liability

BAR ADMISSIONS

- > Second, Third, Seventh, Eighth and Ninth Circuit Courts of Appeals
- > U.S. District Court, Northern, Central and Southern Districts of Illinois
- > District of Colorado

EDUCATION

- > Loyola University Chicago School of Law, J.D., Editor of Loyola Law Journal

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Chicago office
- > Practice focuses on complex commercial class-action cases in the areas of antitrust, consumer protection and product liability

RECENT SUCCESS

- > **American Equity Senior Annuities Fraud** (\$129 million settlement)
- > **Midland Senior Annuities Fraud** (\$79.5 million settlement)
- > **Baby Products Antitrust Settlement** (\$35 million settlement)
- > **Pre-Filled Propane Tank Marketing And Sales Practices** (\$35 million settlement);
- > **Bayer Combination Aspirin Consumer Fraud** (\$15 million settlement);
- > **Aurora Dairy Organic Milk Consumer Fraud** (\$7.5 million settlement);
- > **"Thomas the Tank Engine" Toys Lead Paint Products Liability** (\$30 million settlement of federal and state cases)

RECOGNITION

- > Illinois Super Lawyer, Super Lawyers Magazine (2016-17)
- > The National Trial Lawyers: Top 100 (2014-15)
- > Time, Treasure & Talent Award, St. Giles CCW (2014)
- > AAJ, Civil Rights Section, Outstanding Section Newsletter of the Year (2006)

EXPERIENCE

- > Partner, The Wexler Firm
- > Associate, Shesky & Froelich Ltd.
 - Appointed Special Assistant Corporation Counsel on behalf of the City of Chicago, the Chicago Park District, and the Public Building Commission of Chicago
 - Appointed to the Special Master teams in **In re Waste Mgmt. Sec. Litig. (N.D. Ill.)** and **Wolens et al. v. American Airlines (Cir. Ct. Cook County, Ill.)**
- > Legal Writing Instructor, Loyola University Chicago School of Law

PARTNER**Elizabeth A. Fegan****PUBLICATIONS**

- › “You Have Class! How to Identify Potential Class Actions in Your Everyday Practice,” Keynote Speaker, West Suburban Bar Association (Sept. 2016)
- › At Sidebar column: “FBA Convention and Ohio Spotlight,” The Federal Lawyer (August 2016)
- › “An Opportunity Or Landmine: Promoting Gender Diversity From The Bench,” The Federal Lawyer (pending pub. May 2016)
- › “Post-Certification Strategies,” Class Action Litigation in America – A National Symposium, American Bar Association (March 2016)
- › Articles Editor (2016-17), Proof Editor (2015-16), Editorial Board Committee, Federal Bar Association (appt. 2015-18)
- › Co-Chair, HarrisMartin’s MDL Conference: Herbal Supplements Litigation (2015)
- › Contributing Editor, 2013 Annual Review of Antitrust Law Developments (ABA 2014) and 2007 Annual Review of Antitrust Law Developments (ABA 2008)
- › Newsletter Editor, Civil Rights Section of the American Trial Lawyers Association (n/k/a American Association for Justice) (2005-06) and received an award for Outstanding Section Newsletter of the Year
- › “Home Rule Hits the Road in Illinois: American Telephone & Telegraph Company v. Village of Arlington Heights,” Loyola Law Journal (1995)
- › Editor, Loyola University Chicago Law Journal (1994-95)

NOTABLE CASES

- › **NCAA Student-Athlete Concussion Litigation**
- › **NCAA Student-Athlete Scholarship Cap Antitrust Litigation**
- › Nationwide class action alleging sexual harassment on behalf of 16,000 current and former female employees of a commercial property brokerage firm. The settlement required changes to human resource policies and a streamlined claims process that provided the potential for individual awards up to \$150,000 per class member.
- › Multiple cases against annuities insurers for targeting seniors with deferred annuities that lock seniors’ savings up for their lifetimes
- › **Actiq Off-Label Marketing Fraud**

PERSONAL INSIGHT

- › Beth is still “leaning in” with five kids while training for her tenth marathon.
- › Once interviewed Barry Sanders in the Detroit Lions locker room while working as a sports stringer at the Lansing State Journal.

**PARTNER****Jeff D. Friedman**

Mr. Friedman is extensively involved in the firm's representation of government entities, successfully recovering hundreds of millions of dollars.

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3000 office
(510) 725-3001 fax
jefff@hbsslaw.com

YEARS OF EXPERIENCE

> 22

PRACTICE AREAS

- > Consumer Rights
- > Antitrust Litigation
- > Privacy Rights
- > Securities Litigation

BAR ADMISSIONS

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

EDUCATION

- > Santa Clara University School of Law, J.D., magna cum laude, 1994
- > University of Washington, B.A., Political Science, 1991

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Specializing in class actions against some of the largest companies in the United States, Mr. Friedman litigates cases involving securities fraud, consumer protection and antitrust violations including litigation against technology companies and cutting-edge competition policy issues
- > Extensively involved in the firm's representation of government entities, successfully recovering hundreds of millions of dollars
- > Has taken and defended the depositions of dozens of the top economists in the United States concerning cartel behavior and statistical models relating to antitrust impact and damages. Mr. Friedman has also developed subject matter expertise in econometrics relating to regressions and economic theory proving pass-through of cartel overcharges through complex distribution channels.
- > Involved in firm's position as lead counsel on behalf of purchasers of millions of electronics products, including laptop computers and cell phones, against several multinational corporations alleged to have fixed the prices of lithium ion battery cells for more than a decade

RECOGNITION

- > Northern District of California Super Lawyer, 2013, 2014

EXPERIENCE

- > General Counsel, public fiber-optic component company in Silicon Valley
- > Assistant U.S. Attorney, Criminal Division, Central District of California (Los Angeles)
- > Clerk for the Honorable Manuel L. Real, U.S. District Court Judge, Central District of California

NOTABLE CASES

- > **In re Electronic Books Antitrust Litig., No. 11-md-02293 (DLC) (S.D.N.Y.)**
A nationwide class of e-book consumers allege five of the largest book publishers in the United States and Apple conspired to raise the prices of e-books and restrain competition.
- > **In re Optical Disk Drive Prods. Antitrust Litig., No. 3:10-md-2143 RS (N.D. Cal.)**
An action on behalf of consumers in more than two dozen states against the manufacturers of optical disk drives. The plaintiffs allege defendants conspired to increase the price of ODDs that were sold to original equipment manufacturers. Defendants' conduct allegedly caused millions of consumer electronics products, such as computers, to be sold at illegally inflated prices.

PARTNER**Jeff D. Friedman****› Pecover et al. v. Electronic Arts Inc., No. 3:08-cv-02820-CW (N.D. Cal.)**

A nationwide certified class of consumers who bought interactive football video games. Plaintiffs allege Electronic Arts entered into a series of exclusive licenses with football intellectual property owners, such as the NFL, in order to lock-up the market. A \$27 million settlement in the case has been agreed to by the parties, but awaits approval by the court.

› San Francisco Health Plan v. McKesson Corp., No. 1:08-CV-10843-PBS (D. Mass.); State of Utah v. McKesson Corp., No. CV 10-04743 SI (N.D. Cal.); The Commonwealth of Virginia v. McKesson Corp. et al., No. CV-11-02782 SI (N.D. Cal.); State of Oregon v. McKesson Corp., No. CV-11-5384-SI (N.D. Cal.)**› In re eBay Seller Antitrust Litigation**, action on behalf of millions of eBay sellers, claiming eBay monopolized the online auction market and attempted to monopolize the person-to-persons payment systems market (Paypal)**› Dell Inc. Bait-And-Switch Sales Litigation**, negotiated multimillion dollar settlement on behalf of nearly one million consumers

**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.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1961 office
(617) 482-3003 fax
kristenjp@hbsslaw.com

YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

- > Consumer Rights
- > RICO
- > Antitrust

BAR ADMISSIONS

- > Massachusetts
- > 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
- > Practice focuses combating waste, fraud and abuse in the healthcare industry
- > Personally appointed alternate lead counsel in the **In re New England Compounding Pharmacy Litigation Multidistrict Litigation (MDL 2419)**. During the nascent stages of the MDL, Ms. Johnson was appointed 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 produced by NECC.
- > Actively involved in **In re Nexium Antitrust Litigation** (D. Mass., MDL No. 2409); **In re Loestrin Antitrust Litigation** (D.R.I., MDL No. 2472); and **In re Celebrex Antitrust Litigation**, (E.D. Va. 14-cv-00361).

RECENT SUCCESS

- > Lead counsel for plaintiffs who contracted fungal infections from contaminated steroids compounded by New England Compounding Center (\$200+ million settlement)
- > One of four attorneys who presented and cross examined witnesses for the plaintiffs during the 2014 Nexium Antitrust trial
- > \$142 million civil RICO verdict against Pfizer for suppressing and manipulating results of scientific studies
- > Instrumental in the recent **Neurontin** marketing (\$350 million), **Prograf** antitrust (\$98 million), **Flonase** antitrust (\$150 million) and **Wellbutrin XL** antitrust (\$37.5 million, partial) settlements

RECOGNITION

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

LEGAL ACTIVITIES

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

PARTNER

Kristen A. Johnson

NOTABLE CASES

- › Neurontin class action marketing settlement (\$325 million)
- › In re Prograf Antitrust Litigation (\$98 million)
- › Pfizer Neurontin RICO Litigation (\$142 million jury verdict)
- › In re Flonase Antitrust Litigation (\$150 million settlement)
- › In re Nexium Antitrust Litigation (trial October 2014)
- › In re Prograf Antitrust Litigation (trial fall 2014)

**PARTNER**

Reed R. Kathrein

Mr. Kathrein represents institutional, government and individual investors in securities fraud, and corporate governance cases.

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3000 office
(510) 725-3001 fax
reed@hbsslw.com

YEARS OF EXPERIENCE

> 39

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

CURRENT ROLE

> Super Lawyer, Super Lawyers Magazine, 2007 - 2015

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

- › “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 Consumer, Ebay Consumer, LA Cellular Consumer, AOL Consumer, Tenet Consumer and Napster Consumer

PARTNER

Reed R. Kathrein

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

Recognized as a 2016 "Rising Star" in Illinois by Super Lawyers

CONTACT

455 N. Cityfront Plaza Drive
Suite 2410
Chicago, IL 60611

(708) 628-4963 office
(708) 628-4950 fax
dank@hbsslaw.com

YEARS OF EXPERIENCE

> 12

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
- > 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
- > Mr. Kurowski has litigated many aspects of cases throughout the country, often in consolidated multi-district litigation proceedings. His current work with the firm includes a variety of complex cases including:
 - Contesting a prominent financial company's deferred annuity sales practices in RICO litigation, including practices negatively impacting senior citizens.
 - Representing student-athletes in both 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.).
 - Representing student-athletes in antitrust litigation regarding the NCAA's Division I football scholarship policies.
 - Suing on behalf of a putative class of third-party payors of prescription cancer pain drugs allegedly marketed and sold for non-cancer/off-label uses.
 - Representing retail purchasers with consumer fraud claims against dietary supplement sellers and manufacturers.

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)

RECOGNITION

- > Illinois Rising Star, Super Lawyers Magazine, 2015, 2016

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

LEGAL ACTIVITIES

- > Seventh Circuit Electronic Discovery Pilot Program Committee
- > Member of American Association for Justice, Illinois State Bar Association, Chicago Bar Association
- > Investigator, Chicago Bar Association, Judicial Evaluation Committee

PARTNER

Daniel J. Kurowski

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. Before called to practice law, Dan's work included delivering flowers, selling architecture river cruise tickets and retailing compact discs... back when people still bought CDs.

**PARTNER****Thomas E. Loeser**

Mr. Loeser obtained judgments in cases that have returned tens of millions of dollars to hundreds of thousands of consumers and more than \$100 million to the government.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9337 office
(206) 623-0594 fax
toml@hbsslw.com

YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

- > Consumer Rights
- > False Claims Act/Qui Tam
- > Government Fraud
- > Corporate Fraud
- > Data Breach/Identity Theft and Privacy

BAR ADMISSIONS

- > California
- > Illinois
- > District of Columbia

COURT ADMISSIONS

- > District of Columbia
- > U.S. District Court for the District of Columbia
- > 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
- > U.S. District Court for the Western District of Washington
- > Ninth Circuit Court of Appeals

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 tens of millions of dollars to hundreds of thousands of consumers and more than \$100 million to the government

RECOGNITION

- > Martindale-Hubbell® AV Preeminent rating, 2015

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

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

PARTNER

Thomas E. Loeser

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

- › 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

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9304 office
(206) 623-0594 fax
robl@hbsslaw.com

PRACTICE AREAS

- › Complex Commercial Litigation
- › Health Care & Pharmaceuticals Litigation
- › Intellectual Property Litigation
- › Privacy Litigation
- › Antitrust Litigation
- › Securities Litigation
- › **Qui Tam** Litigation

BAR ADMISSIONS

- › Washington
- › 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**

Barbara Mahoney

Ms. Mahoney received her doctorate in philosophy from the Universität Freiburg (Germany), where she graduated magna cum laude.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9308 office
(206) 623-0594 fax
barbaram@hbsslaw.com

YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

- > Civil RICO
- > Consumer Rights
- > State False Claims

BAR ADMISSIONS

- > Washington
- > 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
- > Focused primarily on national class actions and pharmaceutical litigation
- > Extensively involved in several lawsuits against McKesson Corporation relating to allegations that the company engaged in a scheme that raised the prices of more than 400 brand-name prescription drugs. That litigation has resulted in two separate national class-action settlements for \$350 million and \$82 million and several settlements by individual Medicaid agencies. Ms. Mahoney is currently involved in related litigation on behalf of the commonwealth of Virginia and the state of Arizona.

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

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. Ms. Mahoney is fluent in German and reads Swedish and French.

**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

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9327 office
(206) 623-0594 fax
sean@hbsslaw.com

YEARS OF EXPERIENCE

> 24

PRACTICE AREAS

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

BAR 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.

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

- > *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*
- > *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

PARTNER

Sean R. Matt

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****Martin D. McLean**

Mr. McLean is a true trial attorney having tried more than 20 cases to verdict in various state and federal courts.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9359 office
(206) 623-0594 fax
marty@mhbsslaw.com

YEARS OF EXPERIENCE

> 13

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

- > Associate, 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 multi-million 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 with his wife.

**PARTNER****David P. Moody**

Mr. Moody has successfully secured many multi-million dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9323 office
(206) 623-0594 fax
davidm@hbsslaw.com

YEARS OF EXPERIENCE

> 23

PRACTICE AREAS

> Personal Injury Litigation
> Civil Rights

BAR ADMISSIONS

> Washington
> U.S. Supreme Court
> U.S. Court of Appeals, Ninth Circuit

EDUCATION

> George Washington University
School of Law, J.D., 1993
> University of Washington, B.A.,
1990

CURRENT ROLE

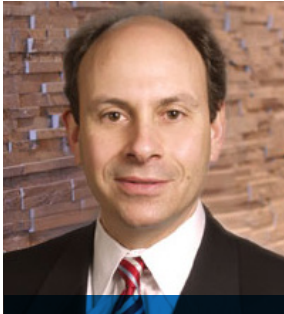
> Partner, Hagens Berman Sobol Shapiro LLP
> A trial attorney with a passion for representing children, the disabled, elderly and incapacitated citizens

NOTABLE CASES

- > Mr. Moody has secured many multi-million dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited, including:
- Largest jury verdict ever upheld against the State of Washington, DSHS (\$17.8 million)
 - Largest single-plaintiff settlement against the State of Washington, DSHS (\$8.8 million)
 - Largest recovery on behalf of three foster children (\$7.3 million)
 - Largest single-plaintiff settlement on behalf of a child in Snohomish County, Washington (\$5 million)
 - Largest judgment on behalf of an incapacitated child in Spokane County, Washington (\$4 million)
 - Judgment for a disabled woman in Santa Clara County, California (\$4 million)
 - Largest judgment ever obtained against Eastern State Hospital (\$3 million)
 - Largest judgment ever obtained against the State of Washington, Child Study and Treatment Center (\$3 million)
 - Judgment for a boy neglected and abused in Snohomish County, Washington (\$2.85 million)
 - Judgment for a girl neglected and abused in Pierce County, Washington (\$2.85 million)
 - Settlement on behalf of brain-injured infant abused in day care setting (\$2.84 million)
 - Largest single-plaintiff jury verdict on behalf of an incapacitated adult in Kitsap County, Washington (\$2.6 million)
 - Judgment in the amount of \$2.5 million for a client abused at Eastern State Hospital
 - Largest single-plaintiff settlement on behalf of a developmentally disabled male in eastern Washington (\$2.25 million)
 - Several additional settlements in excess of \$1 million

PERSONAL INSIGHT

David is proud to be a native Washingtonian and enjoys strong ties to the eastern side of the state. David's grandfather Jack Edward Moody was born and raised in Dayton, Washington, and David's great-grandfather Edward Maple Moody was the Sheriff of Columbia County, Washington. David's maternal grandmother, Eva Armstrong, was one of the first female graduates of Whitman College in Walla Walla, Washington.

**PARTNER****David S. Nalven**

Extensive experience in prosecution of antitrust, fraudulent marketing and unfair pricing claims against manufacturers of pharmaceutical products and medical devices, representing prescription drug wholesalers and retailers, health insurers and consumers in these matters

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 482-3700 office
(617) 482-3003 fax
davidn@hbsslaw.com

YEARS OF EXPERIENCE

> 31

PRACTICE AREAS

- > Pharmaceuticals and Medical Devices
- > Antitrust Litigation
- > Consumer Rights
- > Securities Litigation

BAR ADMISSIONS

- > Massachusetts
- > New York

EDUCATION

- > New York University School of Law, J.D., 1985; Senior Research Editor, Annual Survey of American Law; Recipient, Philip Cohen award for greatest contribution by an editor to Annual Survey of American Law
- > University of Pennsylvania, B.A., English, magna cum laude, 1980

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on prosecution of federal and multi-state class actions involving the pharmaceutical and medical device industries
- > Served in leadership roles in nationwide antitrust class actions against the manufacturers of Ovcon 35, OxyContin, Tricor, Wellbutrin XL, Toprol XL, Norvir, Doryx, Prograf, Nexium and others
- > Prosecuted fraudulent marketing class actions against the manufacturers of Serostim, Nexium, Actimmune and Zyprexa, as well as substantial matters against medical device manufacturers DePuy Spine, Inc. and Becton Dickinson
- > Worked extensively on the nationwide Average Wholesale Price Litigation and in the representation of the state of Connecticut in multiple prescription drug pricing matters

EXPERIENCE

- > Chief of Business and Labor Protection Bureau, Massachusetts Attorney General's Office, Commonwealth of Massachusetts, 1999-2004
- > Partner, Prince, Lobel & Tye, LLP, Boston, MA, 1991-1999
- > Private practice representing plaintiffs and defendants in civil and criminal business litigation, New York and Massachusetts, 1986-1991
- > Clerk to John R. Gibson, U.S. Court of Appeals for the Eighth Circuit, 1985-1986

NOTABLE CASES

- > Average Wholesale Price Litigation
- > Tricor Antitrust Litigation
- > Wellbutrin XL Antitrust Litigation
- > DePuy Spine Artificial Disc Litigation

**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

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9351 office
(206) 623-0594 fax
chriso@hbsslaw.com

YEARS OF EXPERIENCE

> 29

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Tax Law
- > Securities Litigation
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Washington
- > Arizona
- > 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** (\$206 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**

Shana E. Scarlett

*Northern California Super Lawyer, 2013 & 2014***CONTACT**

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3000 office
(510) 725-3001 fax
shanas@hbsslaw.com

YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

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

BAR ADMISSIONS

- > 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. District Court for the Central District of California
- > U.S. Court of Appeals, Second Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Federal Circuit

EDUCATION

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

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice is devoted entirely to representing plaintiffs in complex litigation, and primarily in the areas of antitrust and unfair competition
- > One of the team of litigators representing indirect purchaser plaintiffs in the **In re Optical Disk Drive Antitrust Litigation**, alleging a price-fixing conspiracy to stabilize the prices of optical disk drives throughout the United States, in violation of federal and state antitrust laws
- > One of the team of co-lead counsel representing indirect purchaser plaintiffs in the **In re Lithium Ion Batteries Antitrust Litigation**
- > Represents a class of consumers in the **In re Electronic Books Antitrust Litigation**, pending in the Southern District of New York, where attorneys from Hagens Berman Sobol Shapiro have worked closely with numerous State Attorneys General in representing the rights of consumers

RECOGNITION

- > Northern District of California Super Lawyer, 2013, 2014
- > Rising Star Award for Northern California, Super Lawyers, 2009, 2010, 2011

EXPERIENCE

- > Extensive experience representing shareholders in securities matters throughout the country
- > Represented investors against defendants in a variety of industries, such as pharmaceutical manufacturers, (**In re Impax Sec. Litig.**, **In re CV Therapeutics, Inc. Sec. Litig.**, **In re Alkermes Sec. Litig.**), Internet companies (including **In re Verisign, Inc.** and **In re Northpoint Communications Group, Inc. Sec. Litig.**) and other manufactured products (**Ryan v. Flowserve Corp.**)

LEGAL ACTIVITIES

- > Serves on executive committee of the Antitrust Section of the Bar Association of San Francisco

NOTABLE CASES

- > **In re Optical Disk Drive Antitrust Litigation**, MDL No. 2143
- > **In re Electronic Books Antitrust Litigation**, MDL No. 2293
- > **Pecover v. Electronic Arts, Inc.**, MDL No. 2420

**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 attempt to obtain justice for thalidomide victims.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9328 office
(206) 623-0594 fax
craigs@hbsslaw.com

YEARS OF EXPERIENCE

> 37

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

> 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

**PARTNER**

Ronnie Seidel Spiegel

Ms. Spiegel has played a key role in litigating some of the largest antitrust cases in history, working on all aspects of these cases from filing through trial.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9343 office
(206) 623-0594 fax
ronnie@hbsslaw.com

YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

> Antitrust Litigation

BAR ADMISSIONS

> Washington
> Pennsylvania
> U.S. District Court, Eastern District of Pennsylvania
> U.S. District Court, Western District of Washington

EDUCATION

> Temple University Beasley School of Law, J.D., Temple Law Review (Editorial Board), 1994
> Boston University, B.A., International Relations, 1990

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Extensive briefing and trial team experience in large antitrust price-fixing cases
> Specializes in managing large-scale discovery and database coordination
> Deep experience with foreign discovery, translation issues, and translation objection process
> Manager and coordinator of all-party, joint discovery effort in largest US antitrust case

EXPERIENCE

> Lead Antitrust Attorney and Manager of firm's North Carolina office, Spector Roseman Kodroff & Willis, Philadelphia, PA, Attorney, 1994-2000
> Business Law Instructor, Central Piedmont Community College, Charlotte, NC, 2000-2001

NOTABLE CASES

> In re Automotive Parts Antitrust Litigation
> In re Cathode Ray Tube (CRT) Antitrust Litigation
> In re TFT-LCD (Flat Panel) Antitrust Litigation
> In re Containerboard Antitrust Litigation
> In re DRAM Antitrust Litigation
> In re SRAM Antitrust Litigation
> In re Lithium Ion Batteries Antitrust Litigation
> In re Brand Name Prescription Drugs Antitrust Litigation
> In re NASDAQ Market-Makers Antitrust Litigation
> In re Vitamins Antitrust Litigation
> In re High Fructose Corn Syrup Antitrust Litigation
> In re Commercial Tissue Paper Antitrust Litigation
> In re Flat Glass Antitrust Litigation
> In re Linerboard Antitrust Litigation
> In re Air Cargo Antitrust Litigation
> In re Fasteners Antitrust Litigation
> In re Korean Air Antitrust Litigation
> In re Polyether Polyols Antitrust Litigation
> In re OSB Antitrust Litigation

LEGAL ACTIVITIES

> Member of the American Bar Association's Antitrust Section

PERSONAL INSIGHT

When not working, Ronnie is driving carpool for her three (very) busy teenage girls.

**PARTNER**

Shayne C. Stevenson

Since fighting against sweatshops and the exploitation of undocumented workers with the workers' rights organization he founded at Yale, Shayne has focused his legal career on prosecuting cases against individuals and businesses who victimize others by violence, deception and fraud.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9340 office
(206) 623-0594 fax
shaynes@hbsslaw.com

YEARS OF EXPERIENCE

> 16

PRACTICE AREAS

- > Whistleblower Law (False Claims Act, SEC, IRS, CFTC)
- > Appellate Litigation
- > Human Rights/Public Interest Law

BAR ADMISSIONS

- > Washington

CLERKSHIPS:

- > Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- > Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01

EDUCATION

- > Yale Law School, J.D., 2000
- > Gonzaga University, B.A., Philosophy and Political Science, Truman Scholar, summa cum laude (first-in-class), 1996

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads the firm's whistleblower practice
- > Litigated and argued cases in federal district courts and at the courts of appeal across the country and is handling whistleblower and other matters in several jurisdictions
- > His whistleblower practice includes, among other areas of focus, off-label promotion of drugs and medical devices, illegal kickbacks, Medicare and Medicaid reimbursement and coding abuse, home health care and hospice fraud, financial fraud, various forms of market manipulation, securities and bond market fraud, mortgage fraud, tax fraud, education fraud, defense industry and other government contractor fraud.
- > Experienced in handling False Claims Act and other whistleblower cases against some of America's largest financial companies, medical device and pharmaceutical companies, hospitals, mortgage companies and others
- > Currently handling **qui tam** litigation under the False Claims Act in several federal and state courts, while also handling whistleblower actions under the SEC, CFTC and IRS whistleblower programs
- > Litigates select human rights and other public interest matters, including litigation against the Rio Tinto mining conglomerate that reached the Supreme Court in 2013 in a suit under the Alien Tort Statute for war crimes and genocide on the island of Bougainville, in Papua New Guinea
- > Litigated and settled class-action cases on behalf of consumers and workers, and was previously a prosecutor who successfully tried several felony cases to juries and argued several cases in trial and appellate courts

RECENT SUCCESS

- > Mr. Stevenson handled the settlement of both False Claims Act whistleblower cases against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage fraud. First, whistleblower client Mr. Kyle Lagow (in **U.S. ex rel. Lagow v. Countrywide Financial Corp.**) received \$14,625,000 million for his help in sparking a Department of Justice investigation of Countrywide and Bank of America's fraudulent mortgage origination and appraisal practices. Second, whistleblower client Mr. Gregory Mackler (in **U.S. ex rel. Mackler v. Bank of America**) helped the Department of Treasury recover several million dollars from Bank of America for allegedly violating its agreement with the Department to properly administer the Home Affordable Mortgage Program (HAMP) for struggling homeowners.

PARTNER**Shayne C. Stevenson****EXPERIENCE**

- › King County Prosecuting Attorney's Office, Felony Prosecutor
- › U.S. Attorney's Office, District of Connecticut, Intern

PUBLICATIONS

- › Author, "The Honorable Betty B. Fletcher: A Tribute to a Legal Trailblazer," Federal Bar Association, November 2012

PRESENTATIONS

- › Speaker: "Financial Fraud," National Qui Tam Conference. Los Angeles, CA. Nov. 3-4, 2016
- › Speaker: "Representing Dodd-Frank Whistleblowers," Taxpayers Against Fraud Education Fund, Annual Conference. Washington, D.C. Nov. 16, 2015.
- › Speaker: "Secrets from the Plaintiff's Bar," Hospital and Health Care Law Conference. Seattle, WA. April 24, 2015.
- › Speaker: "False Claims in the Financial Sector," False Claims and Qui Tam Enforcement Conference. New York, New York. January 21-22, 2015.
- › Lecture: "Access to Civil Remedy," Business, Social Responsibility, & Human Rights, University of Washington School of Law. Seattle, Washington. November 4, 2014.
- › Speaker: "Enforcement of Financial Fraud," False Claims Act: National Qui Tam Conference. San Francisco, California. October 27-28, 2014.
- › Lecture: "Human Rights Law After Kiobel," University of Washington School of Law. Seattle, Washington. November 12, 2013.
- › Speaker: "Financial Fraud Enforcement," False Claims Act: All Points of View, National Conference. San Francisco, California. April 18-19, 2013.
- › Lecture: "Strategy after Kiobel and Bauman," International Human Rights Seminar, University of Washington School of Law. Seattle, Washington. April 17, 2013.
- › Lecture: "Alien Tort Statute and Human Rights Litigation," University of Washington School of Law. Seattle, Washington. November 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. March 23, 2012.

MEDIA INTERVIEWS

- › "What SEC Whistleblowers Should Know About Insider Trading," (Guest Column) ValueWalk, Oct. 20, 2016 [view »](#)
- › "SeaWorld Urges Judge to Toss Whale Abuse Class Action," Law360, Oct. 6, 2015 [view »](#)
- › "9th Circuit's FCA Ruling to Spark More Whistleblower Fights," Law360, July 9, 2015 [view »](#)
- › "Flash Crash' Case Gets Scrutinized," Automated Trader, May 4, 2015. [view »](#)
- › "Flash Crash Whistleblower May Get Millions of Dollars," Reuters, Apr. 23, 2015. [view »](#)
- › "'Flash Crash' Arrest Shakes Investors' Confidence," USA Today, Apr. 23, 2015. [view »](#)

PARTNER

Shayne C. Stevenson

- > "UK Trader Arrested Over 2010 Flash Crash," Financial Times, Apr. 22, 2015. [view »](#)
- > "'Flash Crash' Charges Filed," The Wall Street Journal (front-page), Apr. 21, 2015. [view »](#)
- > "UK Speed Trader Arrested," Reuters, Apr. 21, 2015. [view »](#)
- > "How a Mystery Trader May Have Caused the Flash Crash," Bloomberg, Apr. 21, 2015. [view »](#)
- > "CFTC, Feds Accuse UK HFT Trader of Role in Flash Crash," Law360, Apr. 21, 2015. [view »](#)
- > "BATS to Pay \$14 Million to Settle Direct Edge Order-Type Case: A Record Amount," The Wall Street Journal, Jan. 12, 2015. [view »](#)
- > "BATS Exchange to Pay Record \$14 Million SEC Fine," Reuters, Jan. 12, 2015. [view »](#)
- > "SEC Issues Largest Fine Ever to Exchange Over High-Frequency Trading Infractions," Value Walk, Jan. 12, 2015. [view »](#)
- > "IRS Releases Comprehensive Whistleblower Final Regs.," Standard Fed. Tax Reports, Aug. 14, 2014. [view »](#)
- > "Bank of America Whistleblower's Payday Lead to Calls for Reform," Law360, Aug. 6, 2014. [view »](#)
- > "UBS Whistleblower Ruling Reignites Arbitration Debate," Law360, Jan. 30, 2014. [view »](#)
- > "With \$2B J&J Deal, FCA Proves It's Still The Anti-Fraud King," Law360, Nov. 4, 2013. [view »](#)
- > "Bank of America Fraud Trial Spotlights Whistleblower Awards," Reuters, Sept. 27, 2013. [view »](#)
- > "FCPA Whistleblower Bounty May Turn Tide For SEC Program," Law360, Aug. 20, 2013. [view »](#)
- > "Whistleblower Attorneys Eye DOJ Fraud Theory for New Bounties," Law360, Aug. 7, 2013. [view »](#)
- > "SEC's Second Whistleblower Award is Tip of the Iceberg," Law360, June 14, 2013. [view »](#)
- > "UBS Ruling Allays Fear Factor for SEC Whistleblowers," Law360, May 22, 2013. [view »](#)
- > "Five Tips for Building Bridges with Whistleblowers," Law360, Mar. 20, 2013. [view »](#)
- > "For Superfast Stock Traders, a Way to Jump Ahead in Line," Wall St. Journal (front-page) Sept. 19, 2012. [view »](#)
- > "UBS Whistleblower Nets \$104 Million Award," CNN Money, Sept. 12, 2012. [view »](#)
- > "Whistleblower Takes Home \$14.5M in BoA Mortgage Deal," Law360, May 29, 2012. [view »](#)
- > "BoA Denied Homeowners Access to HAMP: Whistleblower," Law360, Mar. 7, 2012. [view »](#)
- > "Countrywide Inflated Home Values: Whistleblower Suit," Law360, Feb. 24, 2012. [view »](#)
- > "Killers of Somali Cabbie Get Longest Sentences Allowed," Seattle P-I, Mar. 24, 2006. [view »](#)

NOTABLE CASES

- > **U.S. ex rel. Lagow v. Bank of America, Eastern District of New York** (False Claims Act – FHA fraud)
- > **U.S. ex rel. Mackler v. Bank of America, Eastern District of New York** (False Claims Act – HAMP fraud)
- > **U.S. ex rel. Nowak v. Medtronic, Inc., District of Massachusetts** (False Claims Act – off-label marketing)
- > **U.S. ex rel. Kite v. Besler Consulting, et al., District of New Jersey** (False Claims Act – Medicare "outlier" fraud)
- > **U.S. ex rel. Polansky v. Pfizer, Inc., Eastern District of New York** (False Claims Act – off-label marketing)
- > **Sarei v. Rio Tinto, Central District of California** (Alien Tort Statute – international human rights litigation)
- > **Tittle v. United States Postal Service, Western District of Washington** (Privacy Act – employee class action)
- > **Hutchinson v. British Airways Plc, Eastern District of New York** (Montreal Convention – consumer class action)

**PARTNER**

Ivy Arai Tabbara

Ms. Tabbara worked on a multimillion dollar settlement for uninsured individuals against Tenet Healthcare.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9358 office
(206) 623-0594 fax
ivy@hbsslaw.com

YEARS OF EXPERIENCE

> 14

PRACTICE AREAS

> Antitrust
> Consumer Rights
> Environmental Law
> Employment Law
> Intellectual Property

BAR ADMISSIONS

> Washington

EDUCATION

> Georgetown University Law Center, J.D., Georgetown International Environment Law Review, 2000
> Princeton University, B.A., History, Certificate African-American Studies, cum laude, 1997

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Practice focuses on complex class-action lawsuits in the areas of antitrust, consumer protection, employment, environmental and product liability
> Also specializes in patent litigation

RECENT SUCCESS

> Baby Products Antitrust (\$35 million settlement)
> Bayer Combination Aspirin Consumer Fraud (\$15 million settlement)
> "Thomas the Tank Engine" Toys Lead Paint Products Liability (\$30 million settlement of federal and state cases)
> Tenet Healthcare Cases II for uninsured patients nationwide (multimillion-dollar recovery, including significant non-monetary relief such as discounted rates, financial counseling, reasonable payment schedules and uniform collection policies)

LEGAL ACTIVITIES

> Member, Federal Bar Association of the Western District of Washington; Trustee, 2009-2010

NOTABLE CASES

> **Domestic Drywall Antitrust Litigation** representing indirect and direct purchasers of wallboard in the United States
> **Checking Account Overdraft Litigation** representing banking customers whose accounts were allegedly charged repeated overdraft fees
> Patent litigation representing inventors in **Shinsedai v. Nintendo** (patent involving sports-themed motion control games in several Nintendo Wii games) and **Flatworld v. Apple** (patent involving the swipe function of all Apple products)
> **Optical Disk Drive Antitrust Litigation**
> **DRAM Antitrust Litigation**

PUBLICATIONS

> "The Silent Significant Minority: Japanese-American Women, Evacuation, and Internment During World War II," in **Women and War in the Twentieth Century: Enlisted with or Without Consent**, 1999

**PARTNER****Andrew M. Volk**

Worked extensively on consumer claims against Expedia resulting in the largest summary judgment award in Washington state history

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9371 office
(206) 623-0594 fax
andrew@hbsslaw.com

YEARS OF EXPERIENCE

> 25

PRACTICE AREAS

- > Patent Litigation
- > 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 consumer litigation, including automobile defect litigation against General Motors and Kia
- > Works on hotel tax collection cases against the major online travel companies (OTC). To date, the firm has achieved settlements on behalf of Brevard County, Florida and the village of Rosemont, Illinois, and a finding against the OTCs in administrative proceedings on behalf of the city of Denver, Colorado. that is currently on appeal
- > Extensively involved in ERISA cases for breach of fiduciary duties, including settlements of claims on behalf of employees of Enron, Washington Mutual Bank, General Motors, the Montana Power Company and Sterling Savings Bank

RECENT SUCCESS

- > Worked on 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.

EXPERIENCE

- > Mr. Volk was extensively involved in the 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

- > **Expedia Litigation** (\$134 million settlement)
- > **Tobacco Litigation** on behalf of States (resolved in \$206 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****Tyler S. Weaver**

Tyler has successfully represented clients and classes as far-ranging as securities investors, homeowners, patent holders, business owners and protestors.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9355 office
(206) 623-0594 fax
tyler@hbsslw.com

YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

- > Consumer Rights
- > Patent Litigation
- > Antitrust Litigation
- > Securities / Investor Fraud

BAR ADMISSIONS

- > Washington
- > Oregon

EDUCATION

- > University of California – Berkeley, Boalt Hall School of Law, J.D., 1996
- > University of Oregon, B.A., English, cum laude, 1992

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Litigates in a wide variety of practice areas; his cases have varied from litigation over the civil rights of protestors to securities fraud cases on behalf of investors to consumer protection litigation to patent litigation
- > Admitted to practice in Washington and Oregon, and has made numerous appearances in United States district courts and appellate courts, as well as the trial and appellate courts of the state of Washington

EXPERIENCE

- > Clerk, Honorable Justin L. Quackenbush in the U.S. District Court for the Eastern District of Washington, 1999-2001

NOTABLE CASES

- > **Bank of America Mortgage Modification Litigation** (ongoing litigation)
- > **Metropolitan Securities Litigation** (recovered \$38 million)
- > **Raytheon Securities Litigation** (recovered \$39 million)
- > **Diamond Parking Litigation** (recovered \$2.2 million)
- > **WTO Wrongful Arrest Litigation** (recovered \$1 million and non-monetary relief)

**PARTNER**

Garth Wojtanowicz

Named a "Rising Star" by Super Lawyers Magazine in 2006, 2007, 2010

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9326 office
(206) 623-0594 fax
garthw@hbsslaw.com

YEARS OF EXPERIENCE

> 16

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.

**PARTNER**

Jason A. Zweig

Mr. Zweig was a key member in the High Fructose Corn Syrup Antitrust Litigation which resulted in a \$531 million recovery—one of the largest antitrust and securities class actions in history.

CONTACT

555 Fifth Avenue
Suite 1700
New York, NY 10017

(212) 856-7227 office
(917) 210-3980 fax
jasonz@hbsslaw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

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

BAR ADMISSIONS

- > U.S. Department of Veterans Affairs
- > New York
- > U.S. District Court
 - Southern District of New York
 - Eastern District of New York
 - Eastern District of Michigan
 - Eastern District of Wisconsin
- > U.S. Court of Appeals
 - Second Circuit
 - Third Circuit

EDUCATION

- > Columbia Law School, J.D., Executive Editor for Columbia Journal of Environmental Law, 1998
- > Indiana University, B.S., 1995

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads the firm's New York office
- > Extensively experienced in representing plaintiffs in antitrust, securities, consumer and other complex litigation
- > Experience representing large entities in opt-out litigation, as well as plaintiffs in class-action litigation
- > Key member in some of the largest antitrust and securities class actions in history including the **High Fructose Corn Syrup Antitrust Litigation** which resulted in a \$531 million recovery
- > Leads the firm's representation of a number of airlines and other merchants who have opted out of the class in **In re Payment Card Interchange Fee and Merchant Discount Litigation**, MDL No. 1720 (E.D.N.Y.)
- > Leads the firm's efforts in the **New Jersey Tax Sales Certificates Antitrust Litigation**, an antitrust class action in which the firm has been appointed co-interim class counsel (more than \$8 million recovered)
- > Co-led the firm's representation of payphone owners who sued a large national telecommunications carrier over unpaid dial-around compensation

EXPERIENCE

- > Partner, Kaplan Fox & Kilsheimer LLP in New York, 2003-2010
- > Associate, Proskauer Rose LLP in New York where he practiced in all areas of civil and criminal litigation
- > Judicial intern to the Honorable Jed S. Rakoff, U.S. District Court Judge for the Southern District of New York

RECOGNITION

- > Rising Star, New York Super Lawyers Magazine, 2011 & 2013

PRESENTATIONS

- > "Class Action Settlements and Attorneys' Fees," Presentation to the Cleveland Metropolitan Bar Association, October 2008
- > "Class Actions in the Wake of AT&T v. Concepcion," Presentation to the New Jersey Association for Justice November 2011

PARTNER

Jason A. Zweig

LEGAL ACTIVITIES

- › The Association of the Bar of the City of New York
- › The American Bar Association Sections of Litigation, Antitrust Law and International Law
- › Advisory Board of the Cartel and Criminal Practice Committee of the ABA Section of Antitrust Law
- › The New York State Bar Association
- › The Indiana University Student Foundation Board of Associates
- › The Jewish Board of Family and Children's Services, Children & Adolescents in Residence Divisional Board
- › Former Co-Chair of the Young Lawyer's Division of the UJA Federation-New York

NOTABLE CASES

- › **Hill v. J.P. Morgan - Madoff-related Litigation** (\$218 million recovered)
- › **High Fructose Corn Syrup Antitrust Litigation** (\$531 million recovered)
- › **In re Air Cargo Antitrust Litigation** (Over \$500 million recovered—case still pending)
- › **In re Polyether Polyols Antitrust Litigation** (Over \$150 million recovered—case still pending)
- › **Hydrogen Peroxide Antitrust Litigation** (\$97 million recovered)
- › **Plastics Additives Antitrust Litigation** (\$46 million recovered)
- › **NBR Antitrust Litigation** (\$34 million recovered)
- › **Linens Antitrust Litigation** (\$11 million recovered)
- › **In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation** (\$475 million recovered)
- › **Merrill Lynch Research Reports Securities Litigation** (\$125 million recovered)
- › **Salomon Analyst Metromedia Litigation** (\$35 million recovered)

**SENIOR COUNSEL****Kevin K. Green**

Mr. Green is a career appellate lawyer. In addition to the federal system, he has argued in 10 different states and six state supreme courts. He also works with trial litigators on critical motions and issues likely to go on appeal.

CONTACT

701 B Street, Suite 1700
San Diego, CA 92101

(619) 929-3340 office
(619) 929-3337 fax
kevink@hbsslaw.com

YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Appellate
- > Consumer Rights
- > Securities
- > Employment Litigation

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > United States Supreme Court
- > United States Courts of Appeals for the Third, Seventh, Eighth, Ninth, Tenth and District of Columbia Circuits
- > United States District Courts for the Northern, Central, Eastern and Southern Districts of California

EDUCATION

- > Notre Dame Law School, J.D., 1995
- > University of California at Berkeley, B.A., 1989, with honors and distinction

CURRENT ROLE

- > Senior Counsel, Hagens Berman Sobol Shapiro
- > 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)

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

- > **Friedman v. AARP, Inc.**, 855 F.3d 1047 (9th Cir. 2017) (UCL claim stated that AARP unlawfully transacted insurance without license)
- > **George v. Urban Settlement Serv.**, 833 F.3d 1242 (10th Cir. 2016) (reinstating RICO class complaint against Bank of America)
- > **Garza v. Gama**, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reversing decertification of wage-and-hour class action)
- > **McCormack v. Cao**, 636 F. App'x 945 (9th Cir. 2016) (affirming "excellent result" valued at \$129 million for senior citizen class)
- > **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)
- > **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 entitled to attorney fees)

SENIOR COUNSEL

Kevin K. Green

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, now Chief Judge)

- **Ritt v. Billy Blanks Enters.**, 870 N.E.2d 212 (Ohio Ct. App. 2007) (reversing on class certification, leading to \$40 million settlement)
- **Lavie v. Procter & Gamble Co.**, 105 Cal. App. 4th 496 (2003) (leading precedent on California's reasonable consumer standard)

LEGAL ACTIVITIES

- Appellate Advisory Committee, Judicial Council of California (since 2013)
- Magistrate Judge Merit Selection Panel, Southern District of California (since 2013)
- Co-Chair, CAOC Amicus Curiae Committee (since 2011)
- Self-Help Working Group, Court Innovations Grant (2017)
- State Bar of California, Committee on Administration of Justice (2016-19)
- Working Group, San Diego Appellate Inn of Court (launched 2016)
- Co-Founder, Civil Appellate Self-Help Workshop (launched 2014)
- Appellate Court Committee, San Diego County Bar Association (Chair, 2010)
- State Bar of California, Committee on Appellate Courts (2006-09)

PUBLICATIONS

- **Amicus Curiae Update**, Forum (regular column for CAOC's periodical) (since 2012)
- **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)
- **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

- 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)
- Traynor 46th Annual Moot Court Competition (Semifinal Judge, Apr. 2015)
- University of San Diego School of Law (Legal Writing in Practice Seminar, Feb. 2015)
- 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)

SENIOR COUNSEL

Kevin K. Green

PERSONAL INSIGHT

Concerned a legal career meant taking life too seriously, Kevin spent several years after college blending work and travel. He taught English in Switzerland, toiled as a luggage porter in Australia and scaled a live volcano in Guatemala. He ran with the bulls at Pamplona before easing into a monastic life of appellate practice.

**OF COUNSEL****Gregory T. Arnold**

Led efforts on behalf of three law firms protecting the interests of more than 25,000 asbestos sufferers, resulting in the denial of the debtors' proposed plan of reorganization and a substantial payment to the claimants.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1954 office
(617) 482-3003 fax
grega@hbsslaw.com

YEARS OF EXPERIENCE

> 20

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

- > Of Counsel, 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
- > Works on the Direct Purchaser Class Action cases in Lipitor and Effexor

RECENT SUCCESS

- > Represented a variety of states, including the Commonwealth of Massachusetts, in their cases against the tobacco industry
- > Led efforts on behalf of three law firms protecting the interests of more than 25,000 asbestos sufferers, resulting in the denial of the debtors' proposed plan of reorganization and a substantial payment to the claimants
- > Prior bankruptcy experience included representing an Ad Hoc Committee of Trade Creditors in the **In re WorldCom** matter, resulting in a near 50% increase in the clients' recovery
- > Represented large groups of investors in litigation brought against offshore hedge funds, pursuing the recovery of hundreds of millions of dollars
- > Represented national and international clients on a full range of patent litigation issues, including proceedings before the International Trade Commission
- > Successful eminent domain trials, representing companies and individuals on a variety of labor and employment issues including non-compete agreements and various intellectual property matters

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 5 years of litigation, succeeded in forcing numerous changes to the proposed plan, including the voting methodology, amount of contribution and distributions. Pursued several interlocutory appeals throughout the case. 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

OF COUNSEL**Gregory Arnold**

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%.

> 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 Brown Rudnick's efforts in pursuing a 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 over \$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 multi-million 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 multi-million dollar commercial contract concerning sale of radiology equipment, including prevailing on counter-claim seeking to impose multi-million 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.

OF COUNSEL**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 ("STAA") 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.

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

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 623-7292 office
(206) 623-0594 fax
karlb@hbsslaw.com

YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

> Securities Litigation
> Investor Rights

BAR ADMISSIONS

> Washington

EDUCATION

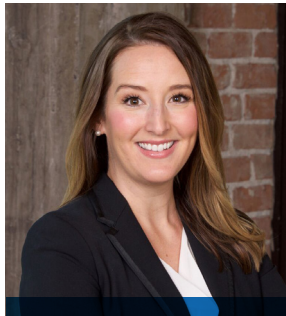
> Georgetown University Law Center, J.D.
> University of Virginia, B.S. Accounting, Certified Public Accountant

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****Molly A. Booker**

Ms. Booker has a depth of commercial litigation experience across a variety of industries including business litigation, financial services, trademark and business torts.

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

602-840-5900 office
602-840-3012 fax
mollyb@hbsslaw.com

YEARS OF EXPERIENCE

> 9

BAR ADMISSIONS

> Arizona

COURT ADMISSIONS:

- > U.S. District Court, District of Arizona
- > U.S. Court of Appeals for the 9th Circuit

EDUCATION

- > University of Arizona, James E. Rogers College of Law, J.D., Tucson, Arizona, 2007
- > University of Southern California, B.A., Summa Cum Laude, Phi Beta Kappa, Los Angeles, California, 2004

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Shareholder, Litigation Attorney, Ryley, Carlock & Applewhite, P.A., Phoenix, AZ, 2007 - 2016
- > Legal Intern, Federal Public Defender's Office Phoenix, Phoenix, AZ, Summer 2005

LEGAL ACTIVITIES

- > St. Mary's Food Bank Alliance, Advisory Board Member and Mission & Means Committee Member, 2014-Present
- > Arizona Asian American Bar Association, Member, 2009-Present
- > State Bar of Arizona Committee on Minorities and Women in the Law, Past Chair

PRESENTATIONS

- > "Current Legal Landscape," University of Arizona Law School Board of Visitors, Panelist, April 2014
- > "The Pen is Mightier than the Sword: Tips for Drafting and Enforcing Your Business Contracts," Better Business Bureau Accredited Business Seminar, August 2013
- > "Arbitration in Arizona and the Revised Uniform Arbitration Act," Better Business Bureau Accredited Business Seminar, June 2011
- > "How to Turn Your Summer Job Into a Full-Time Position," Arizona State University College of Law, Sponsored by the State Bar of Arizona Committee on Minorities and Women in the Law, April 2011
- > "Mechanics' and Materialmen's Liens: Understanding and Protecting Your Rights as a Contractor, Supplier, Property Owner, or Tenant," Better Business Bureau Legal Series Seminar, May 2009
- > "Lock It Up: Protecting Your Trade Secrets and Preventing Unfair Competition," Trade Secrets and Restrictive Covenants Seminar, September 2008

LANGUAGES

- > Spanish

PERSONAL INSIGHT

Molly enjoys athletic challenges and her favorite pastimes are soccer, cycling and running. Endurance is her forte, and with good fortune, because she is a mom to triplets. Molly also has a penchant for learning foreign languages. She is fluent in Spanish and lived in Madrid, Spain.

**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.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9346 office
(206) 623-0594 fax
markc@hbsslaw.com

YEARS OF EXPERIENCE

> 29

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 multi-million and multi-billion dollar antitrust and other complex fraud cases.

CONTACT

455 N. Cityfront Plaza Drive
Suite 2410
Chicago, IL 60611

(708) 628-4966 office
(708) 628-4950 fax
jeannie@hbsslaw.com

YEARS OF EXPERIENCE

> 20

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 multi-million and multi-billion 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, 2017
- > Illinois Super Lawyers, 2016

PRESENTATIONS

- > Basics of Accounting for Lawyers 2015, Practising Law Institute (PLI)
- > Basics of Accounting for Lawyers 2014, Practising Law Institute (PLI)
- > Preparing the Expert Witness for Deposition 2013, Pincus Professional Education

LANGUAGES

- > Cantonese (Chinese)
- > Mandarin (Chinese)

PERSONAL INSIGHT

Jeannie loves the outdoors — body surfing in the ocean, hiking in the mountains, running, or playing tennis with her husband and four children.

**OF COUNSEL****Philip J. Graves**

Mr. Graves brings to the firm more than 20 years of experience as a patent and intellectual property litigator, having represented companies in patent cases in many technical fields.

CONTACT

301 North Lake Ave., Suite 920
Pasadena, CA
91101

(213) 330-7147 office
(213) 330-7152 fax
phillipg@hbsslaw.com

YEARS OF EXPERIENCE

> 25

PRACTICE AREAS

> Intellectual Property

BAR ADMISSIONS

- > U.S. Supreme Court
- > Supreme Court of California
- > U.S. Court of Appeals, Federal Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Eastern District of California
- > U.S. District Court, Southern District of California

EDUCATION

- > Columbia University School of Law (J.D., 1990)
Harlan Fiske Stone Scholar
Writing and Research Editor,
Columbia Business Law Review
- > University of Washington (B.A., cum laude, 1987)
Phi Beta Kappa
Robert A. Dahl Award

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro, head of the firm's intellectual property practice
- > Practice focuses on intellectual property, including cases involving trademark infringement, copyright infringement, unfair competition and misappropriation of trade secrets

EXPERIENCE

- > Before joining Hagens Berman, Mr. Graves' practice focused on represented technology companies in patent cases involving network security, web-hosting, image capture, digital signature and encryption technologies, nano-scale manufacturing and biotech, among many other technical fields.

LEGAL ACTIVITIES

- > State Bar of California
- > Alaska Bar Association
- > Los Angeles Intellectual Property Law Association
 - 2015 Judges' Night, Chair
 - 2011 Spring Seminar, Chair
- > American Intellectual Property Law Association
- > Federal Circuit Bar Association

AWARDS & RECOGNITION

- > Pasadena Top Attorney, Pasadena Magazine (2016)
- > **40 Angelenos to Know in Intellectual Property Law**, Los Angeles Business Journal (2012)
- > Southern California Super Lawyers®, Intellectual Property Litigation, Business Litigation (2004-2016)

PUBLICATIONS

- > **Preparing to Defend a Section 337 Action: What District Court Litigators Need to Know**, Lead Author, New Matter (Fall 2014)
- > **Intellectual Property: It's Not Just for Specialists Anymore**, Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)
- > **Section 337: Whether to Respond or Default**, Lead Author, Intellectual Property Today (June 9, 2014)
- > **U.S. Patent Litigation under Section 337**, Presenter, Shijingshan Scientific and Technological Services Alliance/Beijing Intellectual Property Office/Zhongguancun Scientific and Technological Park, Beijing,

OF COUNSEL**Philip Graves**

China (May 6, 2014)

- › **Double Exposure: Keeping Your Confidential Information Out of the Public Eye in the Wake of Apple v. Samsung**, Lead Author, ABA Landslide Magazine (May/June 2013 Issue)
- › **Potential Ramifications of Already v. Nike**, Lead Author, Law360 (September 6, 2012)
- › **U.S. Patent Litigation Involving Pharmaceutical Patents**, Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- › **Developments in Trademark Law and the Internet: Domain Name Disputes**, Banner Ads, Pop-Ups, and Related Issues, Author, 2004 Intellectual Property Institute of the State Bar of California
- › **Damages in Copyright and Patent Infringement Actions**, Author, Intellectual Property Law Section of the Alaska Bar Association

NOTABLE CASES

- › **Stamps.com**, several patent infringement cases involving online postage generation and delivery, network security, digital signature and encryption technology. As lead trial counsel, obtained a jury verdict in Stamps.com's favor, avoiding over \$30 million in damages.
- › **Web.com Group**, patent infringement suits in Arizona and Texas concerning a variety of backend and client-facing content hosting and delivery functionalities, as well as several business litigation matters in California in which Mr. Graves obtained a dismissal of one suit on summary judgment and affirmance of another favorable judgment on appeal.
- › **Fotona d.d.**, a European manufacturer of medical lasers, in a patent infringement action involving dental laser surgery technology. Following a three day evidentiary hearing, Mr. Graves obtained a favorable resolution of the case and a full award of attorneys' fees for the client.
- › **Developer of motion capture technology**, breach of contract action involving rights in the technology. As lead trial counsel, obtained a verdict in favor of the client as well as an award of all of the client's attorneys' fees.
- › **Designer and importer of consumer electronics products**, represented in a patent infringement action venued in the International Trade Commission. The complainant dismissed its complaint on the eve of trial, following the filing of the parties' pretrial briefs and witness statements.
- › **Large publicly traded company**, in several patent infringement suits in California and Texas involving rapid prototyping technology.
- › **Technology development company**, represented in a patent infringement suit involving imaging systems used at tourist attractions and theme parks.
- › **Cosmetics company**, represented in consolidated suits alleging unfair competition and infringement of patents covering various prostaglandin analogs.

PERSONAL INSIGHT

Phil took a break from his judicial clerkship in 1991 to travel a war zone (Croatia, Serbia, Kosovo) and was chased down a mountainside by Kosovar rebels.

**OF COUNSEL****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****Michella A. Kras**

State Bar of Arizona President's Volunteer Service Award, 2010

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

(602) 224-2627 office
(602) 840-3012 fax
michellak@hbsslaw.com

YEARS OF EXPERIENCE

> 13

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****Ed Notargiacomo**

Mr. Notargiacomo is involved in a number of large class-action suits against large pharmaceutical manufacturers in both the consumer protection and antitrust areas.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 482-3700 x1960 office
(617) 482-3003 fax
ed@hbsslaw.com

YEARS OF EXPERIENCE

> 27

PRACTICE AREAS

- > Consumer Protection
- > Complex Commercial
- > Antitrust Litigation

BAR ADMISSIONS

- > Massachusetts
- > U.S. District Court, District of Massachusetts

EDUCATION

- > Boston University, J.D., with Honors, 1994, served on the Boston University Public Interest Law Review
- > Brown University, B.A., 1989

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex consumer, commercial and antitrust litigation

RECENT SUCCESS

- > **Relafen Antitrust Litigation** (\$85 million settlement)
- > **In re Lupron Marketing and Sales Practices Litigation** (\$150 million settlement)
- > **In re Pharmaceutical Manufacturers Average Wholesale Price Litigation** (\$300 million in settlements)
- > **In re Vytarin/Zetia Marketing, Sales Practices, and Products Liability Litigation** (\$80 million settlement)
- > **In re Flonase Antitrust Litigation** (\$150 million settlement)
- > **In re Wellbutrin Antitrust Litigation** (\$21 million settlement)
- > **In re Skelaxin Antitrust Litigation** (settlement pending)

EXPERIENCE

- > Served as Special Assistant Attorney General for Massachusetts in its suit against the tobacco industry to recoup funds expended to treat smoking-related illnesses
- > Helped represent Rhode Island, New Hampshire and Maine in their suits against the tobacco industry
- > Represented the city of Boston in its suit against gun manufacturers and distributors in order to force them to take responsibility for violence perpetrated with firearms that they negligently and illegally distributed in cities like Boston
- > Experience also includes consumer class actions against predatory lenders and employment litigation against a major retail chain, as well as intense involvement in high-profile impact litigation against cigarette manufacturers and the firearms industry
- > Lieff, Cabraser, Heimann & Bernstein, LLP, Boston, MA
Litigation of consumer class actions to redress major corporate misconduct. Co-lead effort on behalf of the City of Boston and the Boston Public Health Commission in suit against major firearms manufacturers in an effort to recover the cost of gun violence to the City of Boston and its citizens. Heavily involved in extended negotiations to settle municipal gun suits on behalf of the City of Boston. Engaged in the litigation of several suits against major pharmaceutical manufacturers for illegal activities that artificially inflate the price of prescription drugs paid by consumers.
- > Law Offices of Edward Notargiacomo, Boston, MA
Primary focus in civil litigation, including construction and contract claims, employment disputes as well as some personal injury. Represented clients in commercial and residential real estate conveyancing as well as advised clients on land use and zoning issues. Experience with mediation, arbitration and

OF COUNSEL**Ed Notargiacomo**

negotiation and settlement of a wide range of disputes. Drafted and negotiated contracts, commercial leases and settlement agreements. Provided aggressive representation to clients in construction and contract disputes, copyright actions, zoning and land use matters, and commercial and residential lease disputes.

- Brown, Rudnick, Freed & Gesmer, P.C., Boston, MA
Experience in real estate conveyancing and finance, including representation of international investment funds seeking to acquire investment grade commercial property in the United States. Provided legal representation in a wide range of practice areas including real estate development and complex real estate finance, zoning regulations, and commercial lease negotiation. Two years concentrating in commercial litigation, representing a wide range of business clients in state and federal courts.

PUBLICATIONS

- Boston University Public Interest Law Review, 1994

NOTABLE CASES

- **In re Relafen Antitrust Litigation** (\$85 million settlement)
- **In re Lupron Marketing and Sales Practices Litigation** (\$150 million settlement)
- **In re Pharmaceutical Manufacturers Average Wholesale Price Litigation** (\$300 million in settlements)
- **State of Connecticut v. Eli Lilly** (\$25 million settlement)
- Pfizer Neurontin Promotions Litigation (jury verdict and judgment for \$142 million)
- **In re Wellbutrin SR Antitrust Litigation**
- **In re Vytorin/Zetio Marketing, Sales Practices and Products Liability Litigation**
- **In re Flonase Antitrust Litigation**

PERSONAL INSIGHT

Ed once had a one-on-one lunch with Cher while working as an investigator for the public defender's office in Washington, D.C. Cher was researching her role as a public defense attorney in the movie Suspect. He also once owned a pot-bellied pig who could sit, play dead and turn in a circle on command (and for a tasty treat).

**OF COUNSEL****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

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9378 office
(206) 623-0594 fax
jerrodp@hbsslw.com

YEARS OF EXPERIENCE

> 15

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

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust and other fraud cases, including Animation Workers Antitrust, Batteries Antitrust and Nespresso Antitrust
- > 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
- > 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
- > Nespresso v. Ethical Coffee Co., 16-cv-0194 GMS (D. Del.): Represents counterclaimants, alleging Nespresso monopolized the single-serve coffee capsule market through predatory redesigns of their coffee machines
- > Melton v. Century Arms, 16-cv-21008 FAM (S.D. Fla.): Class-action case against assault rifle manufacturer for selling rifles with a defective safety level, causing rifles to discharge without warning
- > 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

OF COUNSEL**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.

**OF COUNSEL****Greer N. Shaw**

Greer works hard for every client, large and small, with integrity and creativity.

CONTACT

301 North Lake Ave.
Suite 920
Pasadena, CA 91101

(213) 330-7145 office
(213) 330-7152 fax
greers@hbsslaw.com

YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Complex Commercial
- > Intellectual Property
- > Patent Litigation
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation

BAR ADMISSIONS

- > California
- > Arizona
- > Massachusetts

COURT ADMISSIONS

- > U.S. Court of Appeals, Federal Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, First Circuit
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Eastern District of California
- > U.S. District Court, Southern District of California
- > U.S. District Court, District of Arizona

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

RECOGNITION

- > Southern California Super Lawyers®, Intellectual Property Litigation, 2014-2016

EXPERIENCE

- > Snell & Wilmer LLP, 2011-2015
- > Graves & Shaw LLP, 2009-2011
- > Kirkland & Ellis LLP, 2004-2009
- > Goodwin Procter LLP, 1998-2003
- > U.S. Court of Appeals, First Circuit, 1997-1998

LEGAL ACTIVITIES

- > Intellectual Property Owners Association; Litigation Committee (2014-2015)
- > Los Angeles Intellectual Property Law Association; Board of Directors (2012-2015)
- > USC Intellectual Property Institute; 2015 Planning Committee
- > The Judge Paul R. Michel Intellectual Property American Inn of Court; Reporter (2008-2009), Team Captain (2009, 2012); Program Chair (2012-2014)
- > American Intellectual Property Law Association

PRESENTATIONS

- > "Nautilus, Ariad, and Beyond; The Current State of § 112's Definiteness, Enablement, and Written Description Requirements in Litigation and Prosecution," Co-Presenter, Webinar produced by the State Bar of California, Patent Interest Group (March 18, 2015)
- > "LAIPLA Goes to Court - Settlement of IP Disputes," Moderator (with Hon. George Wu, Hon. Gary Feess (Ret.) and Hon. Suzanne Segal, U.S. District Court, Central District of California), presented by the Los Angeles Intellectual Property Law Association (January 13, 2015)
- > "Careers in Intellectual Property and Entertainment Law," Panelist, sponsored by the Los Angeles Intellectual Property Law Association and Pepperdine University School of Law (October 1, 2014)
- > "Intellectual Property: It's Not Just for Specialists Anymore," Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)

OF COUNSEL

Greer Shaw

- › U.S. District Court, District of Massachusetts
- › U.S. District Court, District of Nebraska
- › U.S. District Court, Eastern District of Texas

CLERKSHIPS:

- › Honorable Bailey Aldrich, United States Court of Appeals for the First Circuit

EDUCATION

- › Boston University School of Law, J.D., magna cum laude; Managing Editor, Boston University Law Review
- › University of California, Berkeley, B.A.

- › “Hot Topics for In-House Patent Practitioners,” Moderator, “Washington in the West 2014” conference, presented by Los Angeles Intellectual Property Law Association (January 24, 2014)
- › “Hot Topics and Notable Developments in IP Law,” Co-Presenter, Association of Corporate Counsel (Mountain West Chapter), Salt Lake City, UT (June 28, 2013)
- › “Design Patent Infringement 2013,” Co-Presenter, Webinar produced by The Knowledge Group, LLC (January 29, 2013)
- › “Litigating Patents in the Central District: Local Practices and the Patent Pilot Program from the Practitioner’s Perspective,” Moderator, Litigation Roundtable, Los Angeles Intellectual Property Law Association, Los Angeles, CA (May 30, 2012)
- › “U.S. Patent Litigation Involving Pharmaceutical Patents,” Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- › “Washington in the West Conference,” Chairperson, sponsored by Los Angeles Intellectual Property Law Association (February 14, 2012)
- › “Dual Actor Infringement: Drafting and Enforcing Telecommunication and Computer Science Claims Following BMC, Muniuction, SiRF and Akamai,” Panelist, Los Angeles Intellectual Property Law Association, 2011 Spring Seminar (June 4, 2011)
- › “IP Law – Where Do I Fit In?,” Panelist, Sponsored by The Palmer Center, the Los Angeles Intellectual Property Law Association, and the Pepperdine University Career Development Office (October 28, 2008)
- › “Patents & The Supreme Court,” Moderator, Panel presentation of the 10th Annual “Washington in the West” Conference presented by the Los Angeles Intellectual Property Law Association (January 31, 2007)
- › “Recent Developments In False Designation of Origin and Willful Patent Infringement,” Panelist, Fifth Annual Technology Law Conference, Pepperdine University School of Law, Sponsored by the Association of Corporate Counsel (June 25, 2004)

PERSONAL INSIGHT

When he is not helping clients who have been ripped off or wrongly accused, Greer enjoys scaling mountains, exploring canyons, and rappelling down waterfalls with the Altadena Mountain Rescue Team of the Los Angeles County Sheriff’s Department.

**OF COUNSEL****Nick Styant-Browne**

Served as lead counsel in the trial against Australia's major newspaper publishers, including "News," which resulted in the deregulation of the system of distribution of newspapers and magazines throughout Australia.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9373 office
(206) 623-0594 fax
nick@hbsslaw.com

YEARS OF EXPERIENCE

> 24

PRACTICE AREAS

- > Human Rights
- > Environmental Protection
- > Consumer Rights

BAR ADMISSIONS

- > Washington State Bar Association
- > Australian State Bars including Victoria, NSW, and WA
- > Supreme Court of Papua New Guinea

EDUCATION

- > University of Melbourne

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practiced class-action and multi-plaintiff litigation since 2001
- > Current projects include Rio Tinto Litigation for human rights and environmental abuses at the Panguna mine on the Pacific island of Bougainville
- > Has been lead counsel in both bench and jury class action trials in Federal Court

EXPERIENCE

- > Senior partner (one of five) at Australia's largest plaintiff law firm working on class actions, environmental litigation and antitrust litigation

LEGAL ACTIVITIES

- > Past elected member, Council of Greenpeace, Australia

NOTABLE CASES

- > Served as co-counsel on Australia's then-largest class action against a wholly owned subsidiary of Exxon, arising out of a gas plant explosion which shut down the gas supply to Melbourne and most of the State of Victoria for 10 days
- > **Rio Tinto Litigation**
Mr. Styant-Browne's practice has involved several projects in the Pacific Rim, acting principally on behalf of the indigenous peoples of poor developing Pacific nations claiming environmental and human rights abuses. His successes and passion for the causes of indigenous peoples have led to him being retained by the national governments of Pacific States including Tuvalu and the Kingdom of Tonga
- > **BHP Environmental Litigation**
Mr. Styant-Browne's meticulous outlining of the environmental devastation caused by the Ok Tedi mine in Papua New Guinea helped force mining companies adopt stricter environmental standards in developing countries
- > **Toyota Unintended Acceleration Litigation**
- > **Thalidomide Drug Litigation**

**OF COUNSEL****Nathaniel A. Tarnor**

Mr. Tarnor has litigated a wide variety of legal matters and takes pride in pursuing justice on behalf of his clients for as long as it takes to win.

CONTACT

555 Fifth Avenue
Suite 1700
New York, NY 10017

212-752-5455 phone
212-210-3980 fax
nathant@hbsslaw.com

YEARS OF EXPERIENCE

> 12

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 Ravoie 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**

Ashley A. Bede

Ms. Bede has successfully secured recoveries for clients in high-profile complex class actions, focusing on antitrust, consumer protection, and sports litigation.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9388 office
(206) 623-0594 fax
ashleyb@hbsslaw.com

YEARS OF EXPERIENCE

> 8

PRACTICE AREAS

> Consumer Protection

BAR ADMISSIONS

> Washington
> U.S. Court of Appeals, Ninth Circuit
> U.S. District Court, Western District of Washington
> U.S. District Court, Eastern District of Washington

EDUCATION

> Pepperdine University, School of Law J.D., cum laude, 2008
> Pepperdine University, Editor-in-Chief, Journal of Business, Entrepreneurship & The Law
> University of Southern California, B.A. with honors, cum laude, 2005

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Focuses on antitrust, consumer protection, and sports litigation

NOTABLE CASES

> **In re Electronic Books Antitrust Litigation**, successfully represented e-book consumers against Apple Inc. and other publishers for fixing the price of e-books, resulting in a \$400 million settlement.
> **In re NCAA Grant-In-Aid Antitrust Litigation**, representing college athletes against the NCAA and Division I Conferences, claiming these entities violated antitrust laws to cap the value of athletic scholarships far below what the free market would support.
> **Animation Workers Antitrust Litigation**, representing animators and other artistic workers against Pixar, Lucasfilm entities, The Walt Disney Company, Sony Pictures entities, and others, alleging these companies have conspired to restrain competition to deprive thousands of animators and other works of better compensation.

RECENT SUCCESS

> Part of a team that recently secured a settlement requiring Apple, Inc. to pay consumers \$400 million for its involvement in an alleged price-fixing scheme with e-books publishers.
> Ms. Bede was the key drafter of an amicus curiae brief in the Ninth Circuit Court of Appeals case **McCormack v. Hiedeman** in September 2012, on behalf of Legal Voice and other organizations. The Ninth Circuit adopted her analysis and research directly into its published opinion.

EXPERIENCE

> Associate, Perkins Coie LLP, 2008-2013
> Judicial Extern, United States Ninth Circuit Court of Appeals for the Hon. Arthur Alarcón
> Summer Associate, Ryan, Swanson, & Cleveland LLP
> Extern, Los Angeles County District Attorney's Office
> While in law school, Ms. Bede was the Editor-In-Chief of the Journal of Business, Entrepreneurship & the Law; the 2008 National Champion in the American Bar Association Labor and Employment Advocacy Competition; and received multiple academic scholarships.

LEGAL ACTIVITIES

> Committee Member, Diversity & Community Committee, University Prep Academy
> Member, Mother Attorneys Mentoring Association of Seattle
> Past President and past Vice President, Board of Directors, Eastside Legal Assistance Program
> Active pro bono practice, including repeated successful representation of domestic violence survivors in obtaining protection orders and dissolutions
> Coach of nationally competitive high school mock trial team

ASSOCIATE

Ashley A. Bede

PERSONAL INSIGHT

Ms. Bede was an internationally competitive springboard diver and coach, and now regularly runs marathons and half-marathons. She is also an avid sports fan, in particular college football, NFL, and NBA and WNBA.

**ASSOCIATE****Danielle Charles**

Ms. Charles is an investor and consumer rights attorney with a background in litigation and public entities.

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3038 office
(510) 725-3001 fax
daniellec@hbsslaw.com

YEARS OF EXPERIENCE

> 5

BAR ADMISSIONS

> California

PRACTICE AREAS

> Class Actions
> Complex Civil Litigation
> Consumer Rights
> Investor Fraud
> Securities

COURT ADMISSIONS

> U.S. District Court for the
Northern District of California
> U.S. District Court for the
Southern District of California

EDUCATION

> Harvard Law School, J.D.,
2012
> Columbia University, B.A.,
2009

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro

RECENT CASES

> BlackRock iShares ETF August 24, 2015 Flash Crash Litigation
> **Colman et al. v. Theranos, Inc., et al.**, Case Number: 5:16-cv-06822

ACTIVITIES

> Oakland NAACP – Legal Redress Chair
> Board Member, Conservatory of Vocal and Instrumental Arts, Oakland, CA

LEGAL ACTIVITIES

> Member, Alameda County Bar Association

PRESENTATIONS

> California School Boards Association – Annual Workshop for California Council of School Attorneys,
December 2015.

PERSONAL INSIGHT

When she's not working tirelessly to protect her clients' interests, Danielle enjoys biking, movies and action/RPG gaming.

**ASSOCIATE****Dawn Cornelius**

Ms. Cornelius is committed to protecting consumers from unfair and deceptive corporate practices, and has assisted in obtaining recoveries for homeowners, investors and protestors.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-7292 office
(206) 623-0594 fax
dawn@hbsslaw.com

BAR ADMISSIONS

> Washington

COURT ADMISSIONS

> U.S. District Court for
the Western District of
Washington

EDUCATION

> WSBA Law Clerk Program,
2014
> University of Washington, B.A.
Criminal Justice, 1992

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro
- > Practice focuses on class actions involving consumer-related claims, predatory lending practices, and claims on behalf of people harmed by pollution from neighboring power plants.

EXPERIENCE

- > Prior to becoming an attorney, Dawn worked as a senior paralegal at Hagens Berman for 20 years, managing cases and developing extensive civil procedure experience in jurisdictions across the United States.
- > Ms. Cornelius also worked in the legal department of Mercedes Benz U.S. International, Inc. in Tuscaloosa, Alabama, and for the firm of Oven, Gwynn & Strickland in Tallahassee, Florida.

NOTABLE CASES

- > Expedia Litigation, assisted in recovering \$134 million settlement for consumers
- > Little et al. v. Louisville Gas & Electric Co.: Part of team representing residents living next to a coal-fired powerplant emitting coal ash and dust containing toxic metals in violation of state regulations and federal law
- > In re Bank of America Home Affordable Modification Program (HAMP) Contract Litigation: Part of team representing homeownerstowhomthedefendantallegedlypromisedmortgagemodificationsaspartofa federal program
- > In re Checking Account Overdraft Litigation: Part of team representing banking customers whose accounts were allegedly charged repeated overdraft fees based on the way the banks manipulated transactions
- > WTO Wrongful Arrest Litigation: assisted in recovering \$1 million and non-monetary relief for protestors

PERSONAL INSIGHT

Dawn is a native Washingtonian, an avid hiker and music buff. For years, she covered the Washington Huskies football team for a local publication and remains a passionate football fan. Dawn also spends many summer vacations on the family farm, driving tractor.

**ASSOCIATE****John DeStefano**

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

CONTACT

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

(602) 224-2628 office
(602) 840-3012 fax
johnd@hbsslaw.com

PRACTICE AREAS

- › Consumer Protection
- › Commercial Litigation
- › Privacy Rights
- › Appellate Advocacy

BAR ADMISSIONS

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

EDUCATION

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

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP
- › Practice focuses on consumer and antitrust class actions as well as media and entertainment litigation

RECENT SUCCESS

- › Obtained court approval of \$400 million settlement to compensate Hyundai and Kia owners for misstatement of EPA fuel economy ratings. Settlement payments averaged \$353 for Hyundai owners and \$667 for Kia owners.
- › Obtained appellate reversal of judgment for defendant in multimillion-dollar business ownership dispute.

EXPERIENCE

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

RECOGNITION

- › Super Lawyers, Rising Star: Class Action/Mass Tort 2015, 2016
- › Arizona Foundation for Legal Services & Education, Top Pro Bono Attorneys in Arizona Award 2013

NOTABLE CASES

- › *In re Pre-Filled Propane Tank Antitrust Litigation*
- › *In re Hyundai & Kia Fuel Economy Litigation*
- › *Sheridan v. iHeartMedia; Sheridan v. Sirius XM and Pandora Media*
- › *Jim Brown v. Electronic Arts Inc.*
- › *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*
- › *Antonick v. Electronic Arts Inc.*
- › *In re Swift Transportation Co., Inc.*
- › Obtained a published reversal of a deportation order in a hotly disputed immigration appeal before the U.S. Court of Appeals for the Ninth Circuit (pro bono)
- › Represented an international human rights organization as amicus curiae in the U.S. Supreme Court case *Moloney v. United States*, opposing the enforcement of a foreign law enforcement subpoena for confidential academic research in the U.S. (pro bono)

ASSOCIATE

John DeStefano

LEGAL ACTIVITIES

- › American Association for Justice
- › Program Chair (current), Treasurer (past), Lorna Lockwood American Inn of Court
- › Volunteer Lawyers Program of Arizona

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.

**ASSOCIATE****Steve W. Fimmel**

Mr. Fimmel was a key member of the litigation team that won a judgment in Idaho Federal District Court involving claims exceeding \$400 million.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9362 office
(206) 623-0594 fax
stevef@hbsslaw.com

YEARS OF EXPERIENCE

> 26

PRACTICE AREAS

> Complex Litigation

BAR ADMISSIONS

> Washington
> U.S. District Court, Eastern District of Washington
> U.S. Court of Appeals, Ninth Circuit

EDUCATION

> Lewis & Clark Law School, J.D.
> University of Washington, B.A., Phi Beta Kappa

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Focuses on high-value, document-intensive cases

EXPERIENCE

> Attorney, Oles, Morrison, Rinker & Baker where he was a key member of the litigation team that won a judgment in Idaho Federal District Court involving claims exceeding \$400 million. The court sustained an unprecedented termination for default against the Lockheed-Martin Corporation for breach of contract to remediate a nuclear waste site at the Idaho National Engineering Laboratory.
> Associate, Hanford Litigation Office in Seattle representing Hanford downwinders

NOTABLE CASES

> LMITCO v. LMAES
> Hanford Downwinders Litigation

PERSONAL INSIGHT

In a previous life, Mr. Fimmel was a sports anchor and reporter for KHQ-TV, Spokane's NBC affiliate. Through his senior year at the University of Washington and while attending law school at Lewis & Clark in Portland, Steve was the sports play-by-play and color broadcaster for Seattle's KCTS-TV on Seattle Sounder and Washington Husky basketball telecasts.



ASSOCIATE

Rachel E. Freeman

Ms. Freeman 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

11 West Jefferson St.
Suite 1000
Phoenix, AZ 85003

(602) 224-2636 office
(602) 840-3012 fax
rachelf@hbsslaw.com

YEARS OF EXPERIENCE

> 5

PRACTICE AREAS

- > Complex Civil Litigation
- > Consumer Fraud
- > Mass Tort

BAR ADMISSIONS

- > Arizona

EDUCATION

- > Arizona State University, B.S., magna cum laude, 2007
- > Arizona State University
Sandra Day O'Connor College of Law, J.D., 2011

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex civil litigation and nationwide class actions, including consumer fraud and mass tort
- > Ms. Freeman worked on behalf of student-athlete plaintiffs in the highly publicized cases **Keller v. Electronic Arts** and **In re NCAA Student-Athlete Name and Likeness Licensing Litigation**. The cases allege that video game manufacturer Electronic Arts, the National Collegiate Athletic Association and the Collegiate Licensing Company violated state right of publicity laws and the NCAA's contractual agreements with student-athletes by using the names, images and likenesses of the student athletes in EA's NCAA-themed football and basketball video games.

RECENT SUCCESS

- > In March 2012, Ms. Freeman was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son from his burning home. The verdict is believed to be the largest in Columbiana County, Ohio history.

NOTABLE CASES

- > **Keller v. Electronic Arts Inc.**, U.S. Court of Appeals, Ninth Circuit, Case No. 10-15387
- > **In Re: NCAA Student-Athlete Name and Likeness Licensing Litigation**, U.S. District Court, ND Cal., Case No. 3:09-CV-01967-CW
- > **Antonick v. Electronic Arts, Inc.**, U.S. District Court, ND Cal., Case No. 3:11-CV-01543-CRB

PERSONAL INSIGHT

Ms. Freeman spent three years as a professional NFL cheerleader for the Arizona Cardinals and traveled with the squad to Iraq, Kuwait and the United Arab Emirates to perform for troops stationed overseas.

**ASSOCIATE**

Catherine Y.N. Gannon

Super Lawyers magazine has recognized Ms. Gannon as a "Rising Star" in Washington state in both 2016 and 2017.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9319 office
(206) 623-0594 fax
catherineg@hbsslaw.com

YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

- > Securities and Antitrust
- > Consumer Protection

BAR ADMISSIONS

- > Washington
- > New York
- > Southern District of New York
- > Eastern District of New York
- > Law Society of Upper Canada (Ontario)

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

- > Associate, 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

- > In re MyFord Touch Consumer Litigation
- > NCAA Grants-In-Aid Gap Antitrust Litigation

EXPERIENCE

- > Weil, Gotshal and Manges LLP, New York, New York, Securities Litigation and Corporate Governance Group
- > McCarthy Tétrault LLP, Toronto, Canada, Complex Commercial Litigation Group
- > Department of Finance, Government of Canada, International Trade and Finance group with an emphasis on economic and trade negotiations at the G-20, IMF and the Paris Club

LEGAL ACTIVITIES

- > Director, Board of Directors, Eastside Legal Assistance Program (ELAP)
- > Volunteer, Legal Voice
- > Volunteer, Disability Rights Washington
- > Broad pro bono practice with an emphasis on healthcare and disability rights. Successfully served as lead counsel seeking access to specialized education programs for autistic students in the New York City public school district and has repeatedly advocated for prisoners with mental health needs.

PUBLICATIONS

- > "Designing a New Playbook for the New Paradigm: Global Securities Litigation and Regulation," (2011) Harvard Law School Forum on Corporate Governance and Financial Regulation
- > "Legal Vulnerability of Bioethicists in Canada: Is a New Era Upon Us?" (2010) 30 Health Law in Canada 132
- > "The Threat of the Oppression Remedy to Reorganizing Insolvent Corporations," (2009) Annual Review of Insolvency Law 429 (with Stephanie Ben-Ishai)

PERSONAL INSIGHT

Ms. Gannon previously worked at leading law firms in both New York City and Toronto prior to joining Hagens Berman in Seattle. Outside of work, Ms. Gannon serves on the board of directors for the Eastside Legal Assistance Program, which provides pro bono civil legal services in the greater Seattle area. She has also volunteered with organizations such as Legal Voice, Disability Rights Washington, Advocates for Children of New York and The Innocence Project. A seasoned backpacker, Ms. Gannon once spent six months traveling to more than a dozen countries across five continents. She is fluent in French and can still pack a suitcase in less than 5 minutes.

**ASSOCIATE****Anthea D. Grivas**

Working on behalf of consumers, continuing a long-standing dedication to public interest legal advocacy.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9307 office
(206) 623-0594 fax
antheag@hbsslaw.com

YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

- > Consumer Protection
- > Anti-Trust
- > Civil and Human Rights

BAR ADMISSIONS

- > Washington

EDUCATION

- > University of Washington
School of Law, J.D., 2001
- > University of Washington, B.A.
Political Science, 1995

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Significant complex multi-party litigation experience with an emphasis on anti-trust price-fixing, product liability and nationwide class action cases on behalf of consumers. Ms. Grivas develops successful litigation theories and strategies, drafts legal motions and handles all aspects of large-scale multi-firm case discovery.
- > Ms. Grivas' contributions to the firm have included:
 - Member of **In re Automotive Parts Antitrust Litigation** team
 - Drafted interrogatories and discovery motions, managed multi-firm review and oversaw in-house deposition preparation in **In re Toyota Motor Corp. Sudden, Unintended Acceleration** matter
 - Extensive discovery work in an anti-trust case brought against several of the world's largest manufacturers of TFT-LCD products
 - Part of team working on class-action litigation brought by collegiate student athletes who suffered concussions/traumatic brain injuries
 - Litigation against a large, publicly traded medical waste disposal company on behalf of small businesses
 - Nationwide class-action cases brought by homeowners with catastrophic property damage claims against makers of water connectors
 - Litigation involving the world's largest fruit and vegetable company, claiming it misled consumers about its environmental record

RECENT SUCCESS

- > **In re Toyota Motor Corp. Sudden, Unintended Acceleration** – record settlement on behalf of auto purchasers
- > **In re TFT-LCD (Flat Panel) Antitrust Litigation** – settlement on behalf of TFT-LCD product purchasers
- > **Trabakoolas v. Watts Water Technologies, Inc.** – settlement on behalf of customers
- > **Dole Bananas** – settlement on behalf of local communities in Guatemala

RECOGNITION

- > Ms. Grivas has been recognized by the University of Washington's law school for her commitment to advocacy on behalf of the public interest, and was awarded the university's annual dean's list award for high scholarship.
- > Public Justice recognized the **In re Toyota Motor Corp. Sudden, Unintended Acceleration** team for its work on behalf of auto consumers.

ASSOCIATE**Anthea D. Grivas****EXPERIENCE**

- › Ms. Grivas has a long-standing dedication to legal advocacy on behalf of traditionally underrepresented groups. She is a former co-chair of an organization that helps prepare Violence Against Women Act self-petitions on behalf of survivors of domestic violence, has represented refugees with disabilities in INS administrative proceedings, worked as an advocate for families receiving Temporary Assistance for Needy Families benefits, and has visited womens' shelters to conduct public assistance trainings.
- › As a summer law clerk, Ms. Grivas worked on *Arc of Washington vs. Quasim*, a significant case brought on behalf of individuals with developmental disabilities. She was tasked with researching and constructing a legal argument against the state of Washington's claim of deliberative process privilege, and her work helped expose a state audit report containing what the *Seattle Post-Intelligencer* described as "damning revelations" regarding the state's limited oversight of services for disabled individuals.
- › Ms. Grivas also has a strong technical background, incorporating over a decade of electronic discovery institutional knowledge, and has seven years of experience in litigation impacting the software industry, including work in the compliance phase of *US v. Microsoft*.

LEGAL ACTIVITIES

- › Northwest Immigrant Rights Project
- › Solid Ground/Fremont Public Association
- › Public Interest Law Association
- › Women's Law Caucus
- › Immigrant Families Advocacy Project
- › American Civil Liberties Union of Washington
- › KCBA Neighborhood Legal Clinics program

PUBLICATIONS

- › Author, "An Unreal Dream: The Impact of DNA Technology on the American Criminal Justice System," (DeNovo, XVI.IV, 2002)

NOTABLE CASES

- › *Toyota Motor Corp. Sudden, Unintended Acceleration*
- › *In re TFT-LCD flat panel litigation*
- › *NCAA Concussions*

PERSONAL INSIGHT

Ms. Grivas is a lifelong musician who has performed at the Northwest Folklife Festival, Northwest Orchestra Festival, the Nippon Kan theater and as principal violinist and concertmaster with a local symphony orchestra.

**ASSOCIATE**

Jeffrey A. Lang

Over 10 years of experience focused exclusively on review of discovery.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9357 office
(206) 623-0594 fax
jeffl@hbsslaw.com

YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

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

BAR ADMISSIONS

- > Washington

EDUCATION

- > University of Puget Sound
School of Law, J.D.
- > University of Washington, B.A.

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Focuses on review of discovery in document intensive cases involving the firm's consumer protection, pharmaceutical fraud, antitrust and investor fraud litigation
- > 19 years of experience across a variety of practice areas
- > Focused on the review of discovery material since 2003

EXPERIENCE

- > Special project attorney, Preston Gates Ellis, where he was involved in the Microsoft Antitrust Litigation
- > Experienced in land-use, SEPA, and zoning and building compliance through his positions with Whalen & Company and the Law Offices of Dan Clawson

NOTABLE CASES

- > Microsoft Antitrust Litigation
- > E-books Antitrust Litigation
- > Average Wholesale Price Litigation
- > Oppenheimer Core Bond Fund & Champion Income Fund Litigation

PERSONAL INSIGHT

Jeff enjoys playing soccer, attending kickboxing classes, and working out.

**ASSOCIATE****Kristie A. LaSalle**

Ms. LaSalle graduated magna cum laude from Brooklyn Law School in 2012.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1951 office
(617) 482-3003 fax
kristiel@hbsslaw.com

YEARS OF EXPERIENCE

> 4

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
- > U.S. District Court for the District of Massachusetts
- > U.S. Tax Court
- > U.S. Court of Appeals, Third Circuit

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.

RECOGNITION

- > Order of the Barristers
- > Scholarly Journal Writing Award
- > John P. O'Boyle Memorial Endowed Scholarship, Carswell Scholarship, Dean's Merit Scholarship, Centennial Grant

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.
- > Prior to law school, Ms. LaSalle worked as a paralegal at a large Philadelphia law firm as a member of the legal team defending a pharmaceutical fraud class action.

PUBLICATIONS

- > Author, "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)
- > Author, "A Prescription for Change: Citizens United's Implications for Regulation of Off-Label Promotion of Prescription Pharmaceuticals," 19 J.L. Pol'y 867 (2011)

PERSONAL INSIGHT

Kristie filled her spare time during undergrad as a volunteer EMT in the suburbs of Philadelphia. She spent her days studying biology and chemistry, and her nights saving lives, running red lights and parallel parking a firetruck.

**ASSOCIATE**

Jessica R. MacAuley

Ms. MacAuley graduated cum laude from Northeastern University in 2005.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1967 office
(617) 482-3003 fax
jessicam@hbsslaw.com

YEARS OF EXPERIENCE

> 4

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

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide antitrust class actions and consumer fraud
- > Instrumental in reaching a \$98 million settlement for direct purchasers of the immunosuppressant, Prograf
- > Co-lead class counsel for direct purchasers **In re: Solodyn Antitrust Litigation**, a multi-district litigation challenging anticompetitive conduct by pharmaceutical drug makers
- > Represents health benefit providers in the Ketek class litigation, currently on appeal in the Second Circuit

RECOGNITION

- > 2015 "Rising Star," Massachusetts Super Lawyers Magazine

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.

NOTABLE CASES

- > **In re: Prograf 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.

**ASSOCIATE****Rio Pierce**

A magna cum laude graduate of Harvard Law School, Rio focuses his practice on ensuring fair and free markets for the benefit of consumers.

CONTACT

715 Hearst Ave.
Suite 202
Berkeley, CA 94710

(510) 725-3000 office
(510) 725-3001 fax
riop@hbsslaw.com

YEARS OF EXPERIENCE

> 3

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; 2013; **magna cum laude**
- > Duke University; 2005; **magna cum laude**

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

- > Achieved favorable settlements for group of 80 tenants in tort suit against landlords for slum housing conditions.

RECOGNITION

- > 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.

**ASSOCIATE****Christopher R. Pitoun**

Christopher R. Pitoun has focused on consumer litigation since graduating from law school and has gained broad experience representing individuals, municipalities and small businesses in all forms of complex litigation.

CONTACT

301 North Lake Ave.
Suite 920
Pasadena, CA 91101

(213) 330-7148 office
(213) 330-7152 fax
chrisp@hbsslaw.com

YEARS OF EXPERIENCE

> 6

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

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

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and other complex litigation

RECENT SUCCESS

- > Previous to joining Hagens Berman, Mr. Pitoun worked on a number of successful matters:
 - Represented a nationwide class of 300,000 homeowners against Viega/Vanguard Pex plumbing systems (\$68,000,000 settlement)
 - Represented direct purchasers of Zometa in MDL against Novartis Pharmaceuticals (\$25,000,000 settlement)

EXPERIENCE

- > Associate, Girardi Keese, 2011-2014, where he gained 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

LEGAL ACTIVITIES

- > American Association For Justice (AAJ)
- > Consumer Attorneys Association of Los Angeles (CAALA)

NOTABLE CASES

- > *Fiat Chrysler Gear Shifter Rollaway, Litigation*
- > *Countrywide Financial, et al. Pretextual Appraisal Litigation*
- > *EZconn Corp., Litigation*
- > *Schneider National Carriers, Inc., Litigation*

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"

**ASSOCIATE****Shelby R. Smith**

Shelby has dedicated her career to serving vulnerable victims of violent crimes.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9370 office
(206) 623-0594 fax
shelby@hbsslaw.com

YEARS OF EXPERIENCE

> 15

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
- > U.S. District Court, Western District of Washington

EDUCATION

- > Seattle University, J.D., Member, Public Interest Law Society, 2000
- > University of Washington, B.A., cum laude, Sociology, 1996

CURRENT ROLE

- > Associate, 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

- > GM Ignition Switch Recall
- > In re MyFord Touch Consumer Litigation
- > Thalidomide Drug Litigation
- > Walen v. PSU

EXPERIENCE

- > Litigation associate, Williams Kastner, where she planned and executed a civil caseload involving defense of physicians, hospitals, dentists and other healthcare providers. While at Williams Kastner, Ms. Smith developed successful litigation strategies, handled case discoveries, secured depositions, managed trial preparation, drafted and argued legal motions, and conducted voir dire and jury trials.
- > Prior to working at Hagens Berman, Ms. Smith worked for 10 years at the King County Prosecuting Attorney's Office, working on cases in a diverse set of areas, including the sexual assault, violent crime, district court, domestic violence, felony filing and special drug units. During her 10 years as a prosecutor, Ms. Smith tried over 100 felony jury trials. She spent five years in the Domestic Violence Unit and Special Assault Unit where she handled hundreds of cases involving physical and sexual abuse of children and adults.

LEGAL ACTIVITIES

- > Consistent commitment to pro bono work and services for victims of domestic violence and sexual assault

PERSONAL INSIGHT

Shelby Smith was born and raised in Seattle, and graduated from Garfield High School—which also boasts Quincy Jones and Jimi Hendrix as alums. She has a passion for live music and fashion, and has never met a sport she did not enjoy competing in: while raising three daughters and practicing law, Shelby plays on competitive indoor and outdoor soccer teams, and runs at least one marathon and two half-marathons every year.

**ASSOCIATE**

Kiersten A. Taylor

Ms. Taylor joined the firm in 2016, bringing with her deep experience representing creditors in intersecting bankruptcy and multi-district litigation proceedings related to mass torts and pyramid schemes.

CONTACT

55 Cambridge Parkway
Suite 301
Cambridge, MA 02142

(617) 475-1956 office
(617) 482-3003 fax
tom@hbsslaw.com

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

- › Massachusetts

COURT ADMISSIONS

- › U.S. Bankruptcy Court
- › U.S. District Court for the District of Massachusetts

EDUCATION

- › J.D., Harvard Law School, June 2011
- › B.A., Yale University, May 2008

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- › Prior to joining Hagens Berman, Ms. Taylor was an associate attorney at Brown Rudnick LLP

LEGAL ACTIVITIES

- › Boston Bar Association
- › Women's Bar Association

PERSONAL INSIGHT

In her spare time, Ms. Taylor enjoys staying active by running and doing yoga, as well as reading and cooking.

**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.

CONTACT

1918 8th Avenue
Suite 3300
Seattle, WA 98101

(206) 268-9398 office
(206) 623-0594 fax
jessicat@hbsslaw.com

YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

- > Commercial Litigation
- > Class Actions

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

- > Conducting internal investigations on behalf of financial services company into compliance with business conduct rules such as trade allocation and trade errors
- > Defending mobile merchandiser against consumer class actions filed throughout the country alleging unauthorized charges to cell phone customers
- > Representing health insurance providers in a multidistrict antitrust suit consolidated in the Northern District of Alabama
- > Represented chemical manufacturer in trade secret and contract case against competitor. Won temporary restraining order in Michigan state court.
- > Defended international hospitality company in contract suit challenging its national sales program

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:

ASSOCIATE

Jessica Thompson

- "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)
- "Supreme Court Rejects Attempt by Class Action Plaintiff to Plead Around Federal Court Jurisdiction," (Mar. 22, 2013)

PERSONAL INSIGHT

Jessica comes from a working-class Baltimore family. Though she has dutifully relearned the pronunciation of words like water (not "wooder") and wash (not "warsh"), she continues to inquire about "dem O's" and refuses to participate in the singing of "Shout" at the seventh-inning stretch. It's an abomination.

**ASSOCIATE****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

455 N. Cityfront Plaza Drive
Suite 2410
Chicago, IL 60611

(708) 628-4962 office
(708) 628-4950 fax
markv@hbsslaw.com

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.