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12 *Plaintiffs' Class Counsel*

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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-2541-CW

DECLARATION OF BRUCE L. SIMON IN  
 SUPPORT OF PLAINTIFFS' 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. 14-cv-0278-CW

Date: November 17, 2017  
 Time: 9:00 a.m.  
 Dept: Courtroom 2, 4th Floor  
 Judge: Hon. Claudia Wilken

COMPLAINT FILED: March 5, 2014

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1 I, Bruce L. Simon, hereby declare as follows:

2 1. I am a partner in the law firm of Pearson, Simon & Warshaw, LLP (“PSW”), co-  
3 counsel of record for Plaintiffs. I am admitted to practice before this Court, and I am a member in  
4 good standing of the bar of the State of California.

5 2. I am one of the attorneys principally responsible for the handling of this matter. I  
6 am personally familiar with the facts set forth in this declaration, and, if called as a witness, I  
7 could and would competently testify to the matters stated herein. I submit this declaration in  
8 support of Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Awards, filed herewith.

9 3. On August 22, 2014, this Court reaffirmed its prior June 18, 2014 appointment of  
10 PSW as Interim Co-Lead Class Counsel. (Dkt. 82.)

11 4. On December 4, 2015, this Court appointed PSW as Co-Lead Counsel for the  
12 injunctive relief classes in this litigation. (Dkt. 305.)

13 5. On February 16, 2016, I submitted a declaration in support of Plaintiffs’ damages  
14 class certification motion, in which I discussed the credentials and experience of my firm, and  
15 provided a firm resume. (Dkt. 349.) Attached hereto as **Exhibit A** is an updated firm resume.

16 6. Since submitting the February 2016 declaration, one particular firm  
17 accomplishment merits a special mention.

18 7. In *In re Credit Default Swaps Antitrust Litigation*, MDL No. 2476 (S.D.N.Y.)—an  
19 antitrust case in which my firm served as co-lead counsel—the Court granted final approval in  
20 April 2016 to a \$1.86 *billion* dollar settlement. This settlement is one of the largest civil antitrust  
21 settlements ever. In approving the settlement, Judge Cote stated the following at the fairness  
22 hearing:

23 I think there is a public policy that is important in this land to encourage top-tiered  
24 litigators to pursue challenging cases like this. Antitrust violations go to the heart of our  
25 economy. Our economic health and stability as a nation depend on the rule of law and  
26 trust in the fairness and transparency of our marketplace. These issues are interwoven. I  
27 think all of us can agree on that. All of us want to live in a country where law is respected,  
28 where the court system can be effectively used to reach justice, and where our  
marketplaces are places that have investor confidence, so people, when they put their  
money down, can trust that they're in a level playing field.

1 So, with that said, then, I approve this request for attorneys' fees. I've thought about it  
2 carefully, and I'm happy to do so. I'm also going to approve the request for payment of  
expenses.

3 (April 15, 2016 Fairness Hearing Tr. at 31:10-25.)

4 **PSW HAS PERFORMED SUBSTANTIAL WORK ON BEHALF OF THE CLASSES IN**  
5 **THIS MATTER**

6 8. My firm has taken an integral role in prosecuting this litigation, and has worked  
7 hand in hand with co-counsel Hagens Berman Sobol Shapiro LLP (“HB”).

8 **Pre-Filing Investigation and Work-Up**

9 9. As detailed in my declaration submitted in connection with the motion for lead  
10 counsel briefing (*see* Dkt. 50-4 at ¶¶ 4-14), PSW performed substantial work leading up to filing  
11 the first-filed case in this MDL, *Alston v. NCAA, et al.*, No. 14-cv-01011-CW ( N.D. Cal.)  
12 (“*Alston*”).

13 10. This investigation included (1) retaining experienced economic consultants, (2)  
14 researching the relationships between the NCAA and its conferences, (3) reviewing pertinent case  
15 law, (4) conducting informational interviews with current and former student athletes, (5)  
16 researching the NCAA and Conference Defendants’<sup>1</sup> positions regarding the issues of competitive  
17 balance and amateurism, (6) reviewing the NCAA’s constitution and other governing documents,  
18 and (7) reviewing the NCAA’s IRS Form 990 filings.

19 **Major Motion Practice**

20 11. After Plaintiffs filed their complaint, Defendants filed their motion to dismiss  
21 Plaintiffs’ claims. (Dkt. 89.) My firm, along with our co-lead counsel HB, spent considerable  
22 time researching the issues presented in Defendants’ motion and drafting Plaintiffs’ prevailing  
23 opposition brief.

24 \_\_\_\_\_  
25 <sup>1</sup> Defendants in this case include: (1) the National Collegiate Athletic Association (“NCAA”), (2)  
26 the Pac-12 Conference, (3) the Big Ten Conference, (4) the Big-12 Conference, (5) the  
27 Southeastern Conference, (6) the Atlantic Coast Conference, (7) the American Athletic  
28 Conference, (8) Conference USA, (9) the Mid-American Conference, (10) the Mountain West  
Conference, (11) the Sun Belt Conference, and (12) the Western Athletic Conference.

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1           12.     In addition, my firm was heavily involved in the motion for class certification  
2 under Rule 23(b)(3). My firm performed significant legal research in preparing the brief  
3 (especially on class-wide impact, class-wide damages, and Defendants’ purported offset defense),  
4 and my firm interfaced with Dr. Daniel Rascher as he prepared his reports. Moreover, my firm—  
5 along with HB and additional class counsel Pritzker Levine—helped orchestrate the numerous  
6 third-party subpoenas issued to NCAA member institutions in order to acquire data on which Dr.  
7 Rascher relied in his report. Furthermore, I personally helped prepare Dr. Rascher for his  
8 deposition.

9           **Discovery**

10           13.     PSW has helped spearhead all phases of the discovery process.

11           14.     As most complex antitrust cases do, this case has involved a large number of  
12 depositions. Plaintiffs have taken more than 50 depositions in the case.

13           15.     My firm has played a prominent role in these depositions. The depositions PSW  
14 has taken include:

- 15           • 30(b)(6) depositions of five of the eleven Conference Defendants (the Southeastern  
16 Conference, the Atlantic Coast Conference, the Western Athletic Conference, the  
17 Mountain West Conference, and the American Athletic Conference)
- 18           • Depositions of several former and current Commissioners of Conference  
19 Defendants (e.g., former Southeastern Conference Commissioner Mike Slive;  
20 current Atlantic Coast Conference Commissioner John Swofford; and current  
21 American Athletic Conference Commissioner Michael Aresco)
- 22           • Depositions of former employees of the NCAA
- 23           • Deposition of Mary Willingham—the whistleblower who helped to reveal an  
24 academic fraud scandal at the University of North Carolina at Chapel Hill

25           16.     I personally took the depositions of former NCAA executive David Berst, Atlantic  
26 Coast Conference Commissioner John Swofford, and the 30(b)(6) representative of the Atlantic  
27 Coast Conference.

28

1           17. In order to maximize the recovery to the classes (and to minimize costs), my firm  
2 has leanly staffed depositions and all other projects.<sup>2</sup> Senior associates at my firm took many of  
3 the depositions for our firm by themselves. This must be compared to Defendants, who routinely  
4 staffed the defense of depositions with numerous lawyers (often times, numerous senior lawyers).

5           18. For example, at the deposition of former NCAA executive Greg Shaheen, the  
6 deposing attorney from my firm, Ben Shiftan, appeared alone for Plaintiffs. On the defense side,  
7 however, *five* different lawyers appeared in person. The NCAA was represented in person by four  
8 different lawyers (a partner and an associate from one of its law firms (Schiff Hardin, LLP), an  
9 associate from one of its other law firms (Skadden, Arps, Slate, Meagher & Flom, LLP), and an  
10 in-house counsel from the NCAA), while the Southeastern Conference was represented in person  
11 by a partner from one of its law firms.<sup>3</sup>

12           19. My firm has also been active in the defense of class representative depositions,  
13 either defending or helping prepare each of the four damages class representatives for their  
14 depositions.

15           20. Furthermore, PSW has been instrumental throughout the written discovery process.  
16 My firm has helped respond to Defendants' interrogatories and Defendants' requests for  
17 production of documents to Plaintiffs, both by interfacing with Plaintiffs to acquire the  
18 information requested by Defendants, and by drafting the discovery responses themselves. For  
19 example, PSW took the lead on preparing the 45-page set of responses to the NCAA's contention  
20 interrogatories directed at critical issues in the case (e.g., less restrictive alternatives).

21           21. My firm also has helped prepare affirmative discovery requests to Defendants and  
22 subpoenas to third-party NCAA member institutions.

23  
24  
25 <sup>2</sup> Throughout this case, Plaintiffs' counsel has focused on the most efficient path to results, not  
26 devoting resources to "nice to have" belt and suspender litigation.

27 <sup>3</sup> NCAA counsel's approach to staffing is perhaps best evidenced by the fact that the NCAA is  
28 currently represented by *four different law firms* in this case. (*See* Dkt. 662.)

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1 22. These discovery requests have yielded significant document productions, which  
2 PSW has helped review. Defendants’ document productions consisted of more than 550,000  
3 documents, and more than 2.8 *million* pages of documents. In addition, Plaintiffs received  
4 productions from various NCAA member institutions throughout the litigation. Reviewing these  
5 massive document productions was a major effort.

6 23. When discovery disputes have arisen during this case, my firm has been intimately  
7 involved in resolving such disputes where possible. For example, my firm was actively involved  
8 in the lengthy meet and confer process with Conference Defendants regarding obtaining their  
9 financials and media contracts. These meet and confers were ultimately successful, resulting in  
10 the production of Conference Defendant financial statements, television contracts, and sponsorship  
11 contracts—each of which was the subject of extensive questioning at depositions of Conference  
12 Defendant witnesses.

13 24. When meet and confer talks have broken down, PSW has litigated discovery issues  
14 before Judge Cousins. For example, PSW argued the motions to compel regarding (1) University  
15 of Notre Dame’s commercial contracts (including its television contract with NBC); and (2) the  
16 Pac-12’s documents pertaining to eSports.

17 **SETTLEMENT**

18 25. I have personally been involved, along with Steve Berman, in the hard-fought  
19 settlement discussions that persisted for several years. During these negotiations, the parties were  
20 confronted with numerous difficult and time-consuming issues. The negotiations have been  
21 arm’s-length at all times and have broken down on several different occasions before the parties  
22 were finally able to reach a settlement. I attended multiple in-person mediation sessions with  
23 Professor Eric Green and participated in telephone calls with the mediator as well.

24 26. Professor Eric Green is one of the top mediators in the country. The parties  
25 selected Professor Green to mediate this case because he has the skills and experience necessary to  
26 handle the complexity of the legal issues presented in this litigation.

27 27. Reaching a settlement in this case was no easy task, as it took nearly three years to  
28 reach a settlement with Defendants on the damages portion of this case. It was through the

1 diligent efforts of my firm and HB that an outstanding settlement was reached on behalf of the  
2 classes.

3 28. The settlement establishes a common fund of \$208,664,445.00—nearly single  
4 damages according to Dr. Rascher’s model at the time of settlement.

5 29. This settlement was the product of a thorough assessment and evaluation of the  
6 strengths and weaknesses of Plaintiffs’ case. Part of this assessment was the risks that all parties  
7 faced in going to trial.

8 30. It is anticipated that my firm will perform additional work in connection with this  
9 settlement. This work may include assisting in the preparation of the motion for final approval,  
10 attending the final approval hearing, and opposing objectors, if any.

11 **ATTORNEYS’ FEES ATTRIBUTABLE TO DAMAGES PART OF THE CASE**

12 31. As my firm does with all of its matters, my firm has kept contemporaneous,  
13 detailed time records ever since our pre-filing investigation into this matter began.

14 32. PSW billed this case at its usual and customary hourly billing rates. These hourly  
15 rates have been approved by courts presiding over actions brought by PSW. Several of these cases  
16 have been adjudicated in in the Northern District of California. *See, e.g., In re Warner Music*  
17 *Group Corp. Digital Downloads Litigation*, No. CV 12-0559 (N.D. Cal.) at Dkt. 116; *In re TFT-*  
18 *LCD (Flat Panel) Antitrust Litigation*, No. 07-md-08127 (N.D. Cal.) at Dkt. 4436.

19 33. Because only the damages part of this case has settled (and the injunctive portion of  
20 the case remains ongoing), my firm has calculated the specific attorneys’ fees and expenses  
21 attributable to the damages portion of the case.

22 34. To accomplish this task, my firm reviewed every time entry that has ever been  
23 billed to the file as of July 31, 2017, separating out all time that was exclusively connected to the  
24 injunctive relief portion of the case. For example, my firm separated out the following types of  
25 fee entries:

- 26 • Fees incurred in drafting Plaintiffs’ Rule 23(b)(2) certification motion.
- 27 • Fees incurred defending the depositions of injunctive relief class representatives.

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- 1 • Fees incurred in drafting and revising Plaintiffs’ recently-filed motion for summary
- 2 judgment (which—given that the damages case has settled—pertains only to the
- 3 injunctive relief portion of the case).

4 35. In addition, my firm separated out fees incurred in connection with the

5 concurrently-filed Motion for Attorneys’ Fees, Expenses, and Service Awards, and that time is not

6 included in our lodestar.

7 36. The time left after this exercise is the time that my firm believes accurately captures

8 the work that it performed in connection with the damages action (“the Damages Fees”).

9 37. The Damages Fees are the only fees that are being submitted as our lodestar at this

10 point in time.<sup>4</sup>

11 38. Attached hereto as **Exhibit B** is PSW’s total hours and lodestar for the Damages

12 Fees, computed at historical rates, from the inception of Plaintiffs’ investigation through July 31,

13 2017.

14 39. The total number of hours spent by PSW on the damages portion of this case during

15 this period of time was 7,899.35 with a corresponding lodestar of \$3,959,911.75. This summary

16 was prepared from contemporaneous, daily time records regularly prepared and maintained by

17 PSW. The lodestar amount reflected in Exhibit B is for work performed by the attorneys and

18 professional support staff at my law firm for the benefit of the classes.

19 40. The hourly rates for the attorneys and professional support staff in my firm

20 included in Exhibit B are applicable hourly rates in effect at the time the work was performed.

21 These rates are the same rates charged to hourly clients.

22 **EXPENSES ATTRIBUTABLE TO DAMAGES PART OF THE CASE**

23 41. In order to come up with expenses attributable to the damages part of the case, my

24 firm employed a similar methodology as outlined above in the fees section. Specifically, my firm

25

26 \_\_\_\_\_

27 <sup>4</sup> At a later date, Plaintiffs will seek attorneys’ fees for work performed in connection with the

28 injunctive relief portion of the case.



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1 reviewed all expenses that PSW has incurred through July 31, 2017 in connection with the case,  
2 separating out expenses that were exclusively connected to the injunctive relief portion of the case.

3 42. The expenses left after this exercise are the expenses that my firm believes  
4 accurately capture the expenses that my firm incurred in connection with the damages action (“the  
5 Damages Expenses”).

6 43. The Damages Expenses are the only costs that are being submitted at this point in  
7 time.<sup>5</sup>

8 44. Attached hereto as **Exhibit C** is my firm’s total Damages Expenses, from the  
9 inception of Plaintiffs’ investigation through July 31, 2017. These expenses are reflected in the  
10 books and records of my firm. This expense summary was prepared based on expense vouchers,  
11 check records, and other documents, and are an accurate record of the expenses.

12 45. Exhibit C shows a total of \$1,245,320.04 in Damages Expenses. These litigation  
13 expenses include expert costs, photocopying, travel-related expenses, deposition-related expenses,  
14 and mediation fees. The litigation expenses also include my firm’s proportionate contributions to  
15 the PSW-HB litigation fund. The two firms set this litigation fund up at the onset of the case in  
16 order to provide a joint fund for case expenses.

17 46. I believe the litigation expenses incurred were reasonable and necessary given the  
18 complex nature and scope of the case.

19 **EACH OF THE FOUR CLASS REPRESENTATIVES SHOULD RECEIVE A \$20,000**  
20 **SERVICE AWARD**

21 47. Each of the four damages class representatives—Shawne Alston, Nick Kindler,  
22 Afure Jemerigbe, and D.J. Stephens—should receive service awards in the amount of \$20,000.

23 48. Each of these class representatives has devoted time and energy into leading this  
24 large class action. The class representatives have searched for and produced documents, had  
25

26 \_\_\_\_\_  
27 <sup>5</sup> At a later date, Plaintiffs will seek reimbursement of expenses incurred in connection with the  
28 injunctive relief portion of the case.

1 deposition preparation sessions with counsel, sat for depositions, and otherwise conferred with  
2 counsel.

3 **CONCLUSION**

4 49. My firm dedicated all available resources to this case and negotiated an outstanding  
5 settlement. This settlement is a result of the great efforts that went into litigating this case.

6 50. PSW has prosecuted this litigation solely on a contingent-fee basis, and has been at  
7 risk that it would not receive any compensation for prosecuting claims against the Defendants.

8 51. My firm has not undertaken some additional legal work as a result of its  
9 representation of Plaintiffs.

10 52. Based on my experience in this settlement process—in conjunction with my overall  
11 experience litigating complex antitrust class actions for most of my 36 year career—I believe that  
12 the Settlement Agreement is fair, reasonable, and adequate, and in the best interests of the classes.  
13 This outstanding result was based on the combined efforts of my firm and HB.

14 I declare under penalty of perjury under the laws of the United States of America that the  
15 foregoing is true and correct.

16 Executed on September 6, 2017 at San Francisco, California

17  
18 By: \_\_\_\_\_ */s/ Bruce L. Simon*  
19 BRUCE L. SIMON

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# **EXHIBIT A**



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Pearson, Simon & Warshaw, LLP (“PSW”) is an AV-rated civil litigation firm with offices in Los Angeles and San Francisco. The firm specializes in complex litigation, including state coordination cases and federal multi-district litigation. Its attorneys have extensive experience in antitrust, securities, consumer protection, and unlawful employment practices. The firm handles national and multi-national class actions that present cutting edge issues in both substantive and procedural areas. PSW attorneys understand how to litigate difficult and large cases in an efficient and cost-effective manner, and they have used these skills to obtain outstanding results for their clients, both through trial and negotiated settlement. They are recognized in their field for excellence and integrity, and are committed to seeking justice for their clients.

**CASE PROFILES**

PSW attorneys currently hold, or have held, a leadership role in the following representative cases:

- *In re Credit Default Swaps Antitrust Litigation*, Southern District of New York, MDL No. 2476. PSW attorneys recently served as co-lead counsel and represented the Los Angeles County Employee Retirement Association (“LACERA”) in a class action on behalf of all purchasers and sellers of Credit Default Swaps (“CDS”) against twelve of the world’s largest banks. The lawsuit alleged that the banks, along with other defendants who controlled the market infrastructure for CDS trading, conspired for years to restrain the efficient trading of CDS, thereby inflating the cost to trade CDS. The alleged antitrust conspiracy resulted in billions of dollars in economic harm to institutional investors such as pension funds, mutual funds, and insurance companies who used CDS to hedge credit risks on their fixed income portfolios. After nearly three years of litigation and many months of intensive settlement negotiations, PSW helped reach a settlement with the defendants totaling \$1.86 billion plus injunctive relief. On April 15, 2016, the Honorable Denise L. Cote granted final approval to the settlement, which is one of the largest civil antitrust settlements in history.
- *In re TFT-LCD (Flat Panel) Antitrust Litigation*, Northern District of California, MDL No. 1827. PSW served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict

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litigation arising from the price-fixing of thin film transistor liquid crystal display (“TFT-LCD”) panels. Worldwide, the TFT-LCD industry is a multi-billion dollar industry, and many believe that this was one of the largest price-fixing cases in the United States. PSW helped collect over \$405 million in settlements before the case proceeded to trial against the last remaining defendant, Toshiba Corporation and its related entities. PSW partner Bruce L. Simon served as co-lead trial counsel, successfully marshaled numerous witnesses, and presented the opening argument. On July 3, 2012, PSW obtained a jury verdict of \$87 million (before trebling) against Toshiba. PSW later settled with Toshiba and AU Optronics to bring the total to \$473 million in settlements. In 2013, California Lawyer Magazine awarded Mr. Simon a California Lawyer of the Year Award for his work in the *TFT-LCD* case.

- *In re Potash Antitrust Litigation (No. II)*, Northern District of Illinois, MDL No. 1996. PSW partner Bruce L. Simon served as interim co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of potash sold in the United States. After the plaintiffs defeated a motion to dismiss, the defendants appealed, and the Seventh Circuit Court of Appeals agreed to hear the case *en banc*. Mr. Simon presented oral argument to the *en banc* panel and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court’s opinion is one of the most significant regarding the scope of international antitrust conspiracies. *See Minn-Chem, Inc. v. Agrium Inc.*, 683 F. 3d 845 (7th Cir. 2012).
- *In re Lithium Ion Batteries Antitrust Litigation*, Northern District of California, MDL No. 2420. PSW attorneys serve as interim co-lead counsel for the direct purchaser plaintiffs and represent the Liquidating Trustee for the Circuit City Stores, Inc. Liquidating Trust in this multidistrict class action litigation arising from the price-fixing of lithium ion batteries. The case involves allegations of collusive activity by a cartel made up of the world’s largest manufacturers of lithium ion batteries, which are used in everything from cellular phones to cameras, laptops, and tablet computers. PSW filed one of the earliest cases on behalf of the direct purchasers and successfully argued before the Joint Panel on Multidistrict Litigation for consolidation of the cases in the Northern District of California. PSW, along with its co-counsel, organized a leadership structure of three firms, winning appointment by Judge Gonzalez Rogers as co-lead counsel for the putative class of direct purchasers on May 17, 2013.
- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation*, Southern District of New York, MDL No. 2542. In June 2014, Judge Vernon S. Broderick appointed PSW to serve as interim co-lead counsel on behalf of indirect purchaser plaintiffs in this multidistrict class action litigation. The case arises from the alleged unlawful monopolization of the

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United States market for single-serve coffee packs by Keurig Green Mountain, Inc. Keurig's alleged anticompetitive conduct includes acquiring competitors, entering into exclusionary agreements with suppliers and distributors to prevent competitors from entering the market, engaging in sham patent infringement litigation, and redesigning the single-serve coffee pack products in the next version of its brewing system to lock out competitors' products.

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.*, Northern District of California, Case No. 14-cv-0608. PSW attorneys currently serve as interim co-lead counsel in this putative nationwide class action and FLSA collective action on behalf of minor league baseball players who allege that Major League Baseball and its member franchises violate the FLSA and state wage and hour laws by failing to pay minor league baseball players minimum wage and overtime.
- *In re KIND LLC "Healthy and All Natural" Litigation*, Southern District of New York, MDL No. 2645. PSW partner Daniel L. Warshaw currently serves as interim co-lead counsel in this putative nationwide class action on behalf of consumers who allege that they purchased KIND snack bars that were falsely advertised as "all natural," "non-GMO," and/or "healthy."
- *In re Carrier IQ Consumer Privacy Litigation*, Northern District of California, MDL No. 2330. PSW attorneys currently serve as interim co-lead counsel in this putative nationwide class action on behalf of consumers who allege privacy violations arising from software installed on their mobile devices that was logging text messages and other sensitive information.
- *Sciortino, et al. v. PepsiCo, Inc.*, Northern District of California, Case No. 14-cv-0478. PSW attorneys served as interim co-lead counsel in this putative California class action on behalf of consumers who allege that PepsiCo failed to warn them that certain of its sodas contain excess levels of a chemical called 4-Methylimidazole in violation of Proposition 65 and California consumer protection statutes.
- *James v. UMG Recordings, Inc.*, Northern District of California, Case No. 11-cv-01613. PSW partner Daniel L. Warshaw served as interim co-lead counsel in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company UMG.
- *In re Warner Music Group Corp. Digital Downloads Litigation*, Northern District of California, Case No. 12-cv-00559. PSW attorneys served as interim co-lead counsel, with partner Bruce L. Simon serving as chairman of a five-firm executive committee, in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company Warner Music Group.

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- *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, Northern District of California, MDL No. 1486. PSW partner Bruce L. Simon served as co-chair of discovery and as a member of the trial preparation team in this multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Mr. Simon was responsible for supervising and coordinating the review of almost a terabyte of electronic documents, setting and taking depositions, establishing and implementing protocols for cooperation between the direct and indirect plaintiffs as well as the Department of Justice, presenting oral arguments on discovery matters, working with defendants on evidentiary issues in preparation for trial, and preparation of a comprehensive pretrial statement. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over \$325 million.
- *In re Methionine Antitrust Litigation*, Northern District of California, MDL No. 1311. PSW partner Bruce L. Simon served as co-lead counsel in this nationwide antitrust class action involving a conspiracy to fix prices of, and allocate the markets for, methionine. Mr. Simon was personally responsible for many of the discovery aspects of the case including electronic document productions, coordination of document review teams, and depositions. Mr. Simon argued pretrial motions, prepared experts, and assisted in the preparation of most pleadings presented to the Court. This action resulted in over \$100 million in settlement recovery for the Class.
- *In re Sodium Gluconate Antitrust Litigation*, Northern District of California, MDL No. 1226. PSW partner Bruce L. Simon served as class counsel in this consolidated antitrust class action arising from the price-fixing of sodium gluconate. Mr. Simon was selected by Judge Claudia Wilken to serve as lead counsel amongst many other candidates for that position, and successfully led the case to class certification and settlement.
- *In re Citric Acid Antitrust Litigation*, Northern District of California, MDL No. 1092. PSW partner Bruce L. Simon served as class counsel in antitrust class actions against Archer-Daniels Midland Co. and others for their conspiracy to fix the prices of citric acid, a food additive product. Mr. Simon was one of the principal attorneys involved in discovery in this matter. This proceeding resulted in over \$80 million settlements for the direct purchasers.
- *Olson v. Volkswagen of America, Inc.*, Central District of California, Case No. CV07-05334. PSW attorneys brought this class action lawsuit against Volkswagen alleging that the service manual incorrectly stated the inspection and replacement intervals for timing belts on Audi and Volkswagen branded vehicles equipped with a 1.8 liter turbo-charged engine. This case resulted in a nationwide class settlement.

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- *Swain et al. v. Eel River Sawmills, Inc. et al.*, California Superior Court, DR-01-0216. Bruce L. Simon served as lead trial counsel for a class of former employees of a timber company whose retirement plan was lost through management's investment of plan assets in an Employee Stock Ownership Plan. Mr. Simon negotiated a substantial settlement on the eve of trial resulting in a recovery of approximately 40% to 50% of plaintiffs' damages after attorneys' fees and costs.
- *In re Hawaiian and Guamanian Cabotage Antitrust Litigation*, Western District of Washington, MDL No. 1972. PSW partner Bruce L. Simon served as interim co-lead counsel for the plaintiffs in this multidistrict litigation arising from violations of the federal antitrust laws with respect to domestic ocean shipping services between the continental United States and Hawaii and/or between the continental United States and the Territory of Guam.
- *In re Homestore Litigation*, Central District of California, Master File No. 01-11115. PSW attorneys served as liaison counsel and class counsel for plaintiff CalSTRS in this securities class action. The case resulted in over \$100 million in settlements to the Class.
- *In re MP3.Com, Inc., Securities Litigation*, Southern District of California, Master File No. 00-CV-1873. PSW attorneys served as defense counsel in this class action involving alleged securities violations under Rule 10b-5.
- *In re Automotive Refinishing Paint Cases*, Alameda County Superior Court, Judicial Council Coordination Proceeding No. 4199. PSW attorneys served as class counsel with other law firms in this coordinated antitrust class action alleging a conspiracy by defendants to fix the price of automotive refinishing products.
- *In re Beer Antitrust Litigation*, Northern District of California, Case No. 97-20644 SW. PSW partner Bruce L. Simon served as primary counsel in this antitrust class action brought on behalf of independent micro-breweries against Anheuser-Busch, Inc., for its attempt to monopolize the beer industry in the United States by denying access to distribution channels.
- *In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation*, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4027. PSW partner Bruce L. Simon served as co-lead counsel for the public entity purchaser class in this antitrust action arising from the price-fixing of commercial sanitary paper products.
- *Hart v. Central Sprinkler Corporation*, Los Angeles County Superior Court, Case No. BC176727. PSW attorneys served as class counsel in this consumer class action arising



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from the sale of nine million defective fire sprinkler heads. This case resulted in a nationwide class settlement valued at approximately \$37.5 million.

- *Rueda v. Schlumberger Resources Management Services, Inc.*, Los Angeles County Superior Court, Case No. BC235471. PSW attorneys served as class counsel with other law firms representing customers of the Los Angeles Department of Water & Power (“LADWP”) who had lead leaching water meters installed on their properties. The Court granted final approval of the settlement whereby defendant would pay \$1.5 million to a *cy pres* fund to benefit the Class and to make grants to LADWP to assist in implementing a replacement program to the effected water meters.
- *In re Louisiana-Pacific Corp. Inner-Seal OSB Trade Practices Litigation*, Northern District of California, MDL No. 1114. PSW partner Bruce L. Simon worked on this nationwide product defect class action brought under the Lanham Act. The proposed class was certified, and a class settlement was finally approved by Chief Judge Vaughn Walker.
- *In re iPod nano Cases*, Los Angeles County Superior Court, Judicial Counsel Coordination Proceeding No. 4469. PSW attorneys were appointed co-lead counsel for this class action brought on behalf of California consumers who own defective iPod nanos. The case resulted in a favorable settlement.
- *Unity Entertainment Corp. v. MP3.Com*, Central District of California, Case No. 00-11868. PSW attorneys served as defense counsel in this class action alleging copyright infringement.
- *Vallier v. Jet Propulsion Laboratory*, Central District of California, Case No. CV97-1171. PSW attorneys served as lead counsel in this toxic tort action involving 50 cancer victims and their families.
- *Nguyen v. First USA N.A.*, Los Angeles County Superior Court, Case No. BC222846. PSW attorneys served as class counsel on behalf of approximately four million First USA credit card holders whose information was sold to third party vendors without their consent. This case ultimately settled for an extremely valuable permanent injunction plus disgorgement of profits to worthy charities.
- *Morales v. Associates First Financial Capital Corporation*, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4197. PSW attorneys served as class counsel in this case arising from the wrongful sale of credit insurance in connection with personal and real estate-secured loans. This case resulted in an extraordinary \$240 million recovery for the Class.

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- *In re AEFA Overtime Cases*, Los Angeles County Superior Court, Judicial Council Coordination Proceeding No. 4321. PSW attorneys served as class counsel in this overtime class action on behalf of American Express Financial Advisors, which resulted in an outstanding classwide settlement.
- *Khan v. Denny's Holdings, Inc.*, Los Angeles County Superior Court, Case No. BC177254. PSW attorneys settled a class action lawsuit against Denny's for non-payment of overtime wages to its managers and general managers.
- *Kosnik v. Carrows Restaurants, Inc.*, Los Angeles County Superior Court, Case No. BC219809. PSW attorneys settled a class action lawsuit against Carrows Restaurants for non-payment of overtime wages to its assistant managers and managers.
- *Castillo v. Pizza Hut, Inc.*, Los Angeles County Superior Court, Case No. BC318765. PSW attorneys served as lead class counsel in this California class action brought by delivery drivers who claimed they were not adequately compensated for use of their personally owned vehicles. This case resulted in a statewide class settlement.
- *Baker v. Charles Schwab & Co., Inc.*, Los Angeles County Superior Court, Case No. BC286131. PSW attorneys served as class counsel for investors who were charged a fee for transferring out assets between June 1, 2002 and May 31, 2003. This case resulted in a nationwide class settlement.
- *Eallonardo v. Metro-Goldwyn-Mayer, Inc.*, Los Angeles County Superior Court, Case No. BC286950. PSW attorneys served as class counsel on behalf a nationwide class of consumers who purchased DVDs manufactured by defendants. Plaintiffs alleged that defendants engaged in false and misleading advertising relating to the sale of its DVDs. This case resulted in a nationwide class settlement.
- *Gaeta v. Centinela Feed, Inc.*, Los Angeles County Superior Court, Case No. BC342524. PSW attorneys served as defense counsel in this class action involving alleged failures to pay wages, overtime, employee expenses, waiting time penalties, and failure to provide meal and rest periods and to furnish timely and accurate wage statements.
- *Leiber v. Consumer Empowerment Bv A/K/A Fasttrack*, Central District of California, Case No. CV 01-09923. PSW attorneys served as defense counsel in this class action involving copyrighted music that was made available through a computer file sharing service without the publishers' permission.

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- *Higgs v. SUSA California, Inc.*, Los Angeles County Superior Court Case No. BC372745. PSW attorneys are serving as co-lead class counsel representing California consumers who entered into rental agreements for the use of self-storage facilities owned by defendants. In this certified class action, plaintiffs allege that defendants wrongfully denied access to the self-storage facility and/or charged excessive pre-foreclosure fees.
- *Fournier v. Lockheed Litigation*, Los Angeles County Superior Court. PSW attorneys served as counsel for 1,350 residents living at or near the Skunks-Works Facility in Burbank. The case resolved with a substantial confidential settlement for plaintiffs.
- *Nasseri v. CytoSport, Inc.*, Los Angeles County Superior Court, Case No. 439181. PSW attorneys are serving as class counsel on behalf of a nationwide class of consumers who purchase CytoSport's popular protein powders, ready to drink protein beverages, and other "supplement" products. Plaintiffs allege that these supplements contain excessive amounts of lead, cadmium and arsenic in amounts that exceed Proposition 65 and negate CytoSport's health claims regarding the products.

PEARSON, SIMON & WARSHAW, LLP

## ATTORNEY PROFILES

### PARTNERS

#### CLIFFORD H. PEARSON

Clifford H. Pearson is a civil litigator and business lawyer focusing on complex litigation, class actions, and business law. In 2013 and 2016, Mr. Pearson was named by the *Daily Journal* as one of the Top 100 lawyers in California. He was instrumental in negotiating settlements that totaled \$473 million in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, an antitrust case in the Northern District of California that alleged a decade-long conspiracy to fix the prices of TFT-LCD panels, and over \$90 million in *In re Potash Antitrust Litigation*, an antitrust case in the Northern District of Illinois that alleged price fixing by Russian, Belarusian and North American producers of potash, a main ingredient used in fertilizer.

Before creating the firm in 2006, Mr. Pearson was a partner at one of the largest firms in the San Fernando Valley, where he worked for 22 years. There, he represented aggrieved individuals, investors and employees in a wide variety of contexts, including toxic torts, consumer protection and wage and hour cases. Over his 30-plus year career, Mr. Pearson has successfully negotiated substantial settlements on behalf of consumers, small businesses and companies. In recognition of his outstanding work on behalf of clients, Mr. Pearson has been regularly selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California). He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Pearson is an active member of the American Bar Association, Los Angeles County Bar Association, Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles and Association of Business Trial Lawyers.

#### **Current Cases:**

- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)

#### **Education:**

- Whittier Law School, Los Angeles, California – J.D. – 1981
- University of Miami, Miami, Florida – M.B.A. – 1978
- Carleton University, Ontario, Canada – B.A. – 1976

**PEARSON, SIMON & WARSHAW, LLP**

**Bar Admissions:**

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

**Professional Associations and Memberships:**

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

**BRUCE L. SIMON**

Bruce L. Simon has led Pearson, Simon & Warshaw, LLP to national prominence. Mr. Simon specializes in complex cases involving antitrust, consumer fraud, and securities laws. He has served as lead counsel in many business cases with national and global impact.

In 2013 and 2016, Mr. Simon was chosen by the *Daily Journal* as one of the Top 100 attorneys in California. In 2013, he received the California Lawyer of the Year award from *California Lawyer Magazine* and was selected as one of seven finalists for Consumer Attorney of the Year by Consumer Attorneys of California for his work in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). That year, Mr. Simon was included in the Top 100 of California's "Super Lawyers" and has been named a "Super Lawyer" every year since 2003. He has attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Simon was co-lead class counsel in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, a case that lasted over five years and resulted in \$473 million recovered for the direct purchaser plaintiffs. Mr. Simon served as co-lead trial counsel and was instrumental in obtaining an \$87 million jury verdict (before trebling). He presented the opening argument and marshalled numerous witnesses during the six-week trial.

More recently, Mr. Simon was co-lead class counsel in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default swaps market as a means of maintaining supracompetitive prices of bid/ask spreads. After three years of litigation and many months of intensive settlement negotiations, the parties in *CDS* reached a landmark settlement amounting to \$1.86 billion. It is one of the largest civil antitrust settlements in history.

Mr. Simon was also co-lead class counsel in *In re Potash Antitrust Litigation (II)*, MDL No. 1996 (N.D. Ill.), where he successfully argued an appeal of the district court's order denying

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the defendants' motions to dismiss to the United States Court of Appeals for the Seventh Circuit. Mr. Simon presented oral argument during an *en banc* hearing before the Court and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court's opinion is one of the most significant regarding the scope of international antitrust conspiracies.

**Current Cases:**

- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation* (S.D.N.Y.)
- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)

**Reported Cases:**

- *Minn-Chem, Inc. et al. v. Agrium Inc., et al.*, 683 F.3d 845 (7th Cir. 2012)

**Education:**

- University of California, Hastings College of the Law, San Francisco, California – J.D. – 1980
- University of California, Berkeley, California – A.B. – 1977

**Bar Admissions:**

- California
- Supreme Court of the United States
- Ninth Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

**Recent Publications:**

- Class Certification Procedure, Ch. V, ABA Antitrust Class Actions Handbook (3d ed.), (forthcoming)
- Reverse Engineering Your Antitrust Case: Plan for Trial Even Before You File Your Case, Antitrust, Vol. 28, No. 2, Spring 2014
- *The Ownership/Control Exception to Illinois Brick in Hi-Tech Component Cases: A Rule That Recognizes the Realities of Corporate Price Fixing*, ABA International Cartel Workshop February 2014
- *Matthew Bender Practice Guide: California Unfair Competition and Business Torts*, LexisNexis, with Justice Conrad L. Rushing and Judge Elia Weinbach (Updated 2013)

**PEARSON, SIMON & WARSHAW, LLP**

- *The Questionable Use of Rule 11 Motions to Limit Discovery and Eliminate Allegations in Civil Antitrust Complaints in the United States*, ABA International Cartel Workshop February 2012

**Professional Associations and Memberships:**

- California State Bar Antitrust and Unfair Competition Section, Advisor and Past Chair
- ABA Global Private Litigation Committee, Co-Chair
- ABA International Cartel Workshop, Steering Committee
- American Association for Justice, Business Torts Section, Past Chair
- Business Torts Section of the American Trial Lawyers Association, Past Chair
- Hastings College of the Law, Board of Directors (2003-2015), Past Chair (2009-2011)

**DANIEL L. WARSHAW**

Daniel L. Warshaw is a civil litigator and trial lawyer who focuses on complex litigation, class actions, and consumer protection. Mr. Warshaw has held a lead role in numerous state and federal class actions, and obtained significant recoveries for class members in many cases. These cases have included, among other things, antitrust violations, high-technology products, automotive parts and false and misleading advertising. Mr. Warshaw has also represented employees and employers in a variety of class actions, including wage and hour, misclassification and other Labor Code violations.

Mr. Warshaw played an integral role in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, where he negotiated the ESI protocol and managed a document review process that featured nearly 8 million documents in multiple languages and 136 reviewers. He currently serves as interim co-lead counsel in a series of groundbreaking class actions involving the alleged underpayment of royalties to artists, producers and directors in the music and film industries. These cases have received significant attention in the press, and Mr. Warshaw has been profiled by the *Daily Journal* for his work in the digital download music cases. In recognition of his outstanding work, Mr. Warshaw has been selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California) every year since 2005. He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Warshaw has assisted in the preparation of two Rutter Group practice guides: *Federal Civil Trials & Evidence* and *Civil Claims and Defenses*. Since 2012, Mr. Warshaw has served as the Chair of the Plaintiffs' Class Action Forum sponsored by Cambridge International Forums, Inc. The purpose of the Forum is to facilitate a high-level exchange of ideas and in-depth dialogue on class action litigation.

**Current Cases:**

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re KIND LLC "Healthy and All Natural" Litigation* (S.D.N.Y.)
- *In re Carrier IQ, Inc., Consumer Privacy Litigation* (N.D. Cal.)
- *Higgins v. Paramount Pictures Corp.* (and related cases) (LA Sup. Ct.)

**PEARSON, SIMON & WARSHAW, LLP**

**Education:**

- Whittier Law School, Los Angeles, California – J.D. – 1996
- University of Southern California – B.A. – 1992

**Bar Admissions:**

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

**Professional Associations and Memberships:**

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association, Executive Committee of the Litigation Section
- Plaintiffs' Class Action Forum, Chair



PEARSON, SIMON & WARSHAW, LLP

## OF COUNSEL

### NEIL SWARTZBERG

Neil Swartzberg, Of Counsel to Pearson, Simon & Warshaw, LLP, has significant litigation and counseling experience, with a track record of providing advice and representation to individuals and companies on a variety of technology, consumer and finance related matters. He has expertise in complex and commercial litigation, including in the intellectual property, consumer protection, antitrust, securities and class action context. Practicing in both federal and state courts, he has litigated price-fixing class actions, securities fraud suits and other consumer protection cases, as well as patent infringement, trade secret misappropriation and related intellectual property matters. Mr. Swartzberg also has experience negotiating licenses and similar agreements to resolve disputes in technology areas such the Internet, online banking, and telecommunications.

Mr. Swartzberg was a leading attorney in the Direct Purchaser Plaintiff class action *In re Static Random Access Memory (SRAM) Antitrust Litigation (N.D. Cal.)*. He was also actively involved in several other antitrust class actions, such as *In re International Air Transportation Surcharge Antitrust Litigation (N.D. Cal.)*, *Air Cargo Shipping Services Antitrust Litigation (E.D.N.Y.)*, *In re Cathode Ray Tube (CRT) Antitrust Litigation (N.D. Cal.)*, and *In re Optical Disk Drive (ODD) Antitrust Litigation (N.D. Cal.)*. He has represented patent owners and companies in infringement cases for patents covering video game controllers, Internet search functionality, secure mobile banking transactions, and telecommunications switches.

### Current Cases:

- *In Re CytRx Corporation Securities Litigation (C.D. Cal.)*
- *In re Lithium Ion Batteries Antitrust Litigation (N.D. Cal.)*
- *In re Broiler Chicken Antitrust Litigation (N.D. Ill.)*
- *In re: Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation (D. N.M.)*

### Education:

- University of California, Davis, School of Law, Davis, California – J.D. – 2001
- State University of New York, Buffalo, Buffalo, New York – M.A. – 1994
- Duke University, Durham, North Carolina – A.B. – 1991

### Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- Federal Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Pennsylvania

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**Publications and Presentations:**

- *The Hard Cell, Mobile banking and the Federal Circuit's "divided infringement" decisions*, Feb. 2013, Intellectual Property magazine, with Robert D. Becker.

**Professional Associations and Memberships:**

- American Bar Association

**Languages:**

- German (proficient)

PEARSON, SIMON & WARSHAW, LLP

## ASSOCIATES

### BOBBY POUYA

Bobby Pouya is a civil litigator and trial lawyer in the firm's Los Angeles office, focusing on complex litigation, class actions, and consumer protection. Mr. Pouya has been an attorney with Pearson, Simon & Warshaw since 2006, and has extensive experience in representing clients in a variety of contexts. He has served as a primary member of the litigation team in multiple cases that resulted in class certification or a classwide settlement, including cases that involved high-technology products, consumer safety and false and misleading advertising. Mr. Pouya's success has earned him recognition by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) every year since 2008.

Mr. Pouya has served as one of the attorneys representing direct purchaser plaintiffs in several MDL antitrust cases, including *In re Polyurethane Foam Antitrust Litigation* (N.D. Ohio) and *In re Fresh and Processed Potatoes Antitrust Litigation* (D. Idaho). Mr. Pouya is actively involved in the prosecution of *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.), and works closely with lead counsel on all aspects of litigation strategy. Mr. Pouya earned his Juris Doctorate from Pepperdine University School of Law in 2006, where he received a certificate in dispute resolution from the prestigious Straus Institute for Dispute Resolution and participated on the interschool trial and mediation advocacy teams, the Dispute Resolution Law Journal and the Moot Court Board.

#### Current Cases:

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *Higgins v. Paramount Pictures Corp.* (and related cases) (L.A. Sup. Ct.)
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)

#### Education:

- Pepperdine University School of Law, Malibu, California – J.D. – 2006
- University of California, Santa Barbara, California – B.A., with honors – 2003

#### Recent Publications:

- *Should Offers Moot Claims?*, Daily Journal, Oct. 10, 2014
- *Central District Local Rules Hinder Class Certification*, Daily Journal, April 9, 2013

#### Bar Admissions:

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

**PEARSON, SIMON & WARSHAW, LLP**

**Professional Associations and Memberships:**

- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association
- San Fernando Valley Bar Association

**VERONICA W. GLAZE**

Veronica W. Glaze is an associate in the firm's Los Angeles office, focusing on antitrust, consumer, and business litigation. Ms. Glaze was a member of the trial team in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, and was actively involved in representing the direct purchaser plaintiffs at all stages of the case. In 2013, Ms. Glaze was recognized by Consumer Attorneys of California as a finalist for its "Consumer Attorney of the Year" award for her work in the case. Ms. Glaze also worked on key aspects of the direct purchaser plaintiffs' case in *In re Potash Antitrust Litigation (II)*, an MDL antitrust case that alleged price fixing by Russian, Belarusian and North American producers of potash. While at Pearson, Simon, & Warshaw, Ms. Glaze has become particularly adept at managing the electronic review of documents at all stages of litigation. She has also gained extensive experience managing the review of foreign language documents and resolving discovery issues concerning the use of translations throughout the litigation process.

Ms. Glaze matriculated at Pomona College in Claremont, California and received her Bachelor of Arts in English Literature, with minors in Black Studies and Politics. She earned her Juris Doctorate in 2008 from Pepperdine University School of Law. While in law school, Mrs. Glaze was a member of Pepperdine's Moot Court Board and worked as a research assistant to Professor Carol A. Chase. Ms. Glaze is also a former law clerk for the Legal Aid Foundation of Los Angeles.

**Current Cases:**

- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *In re Cathode Ray Tube (CRT) Antitrust Litigation* (N.D. Cal.)
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)

**Education:**

- Pepperdine University School of Law, Malibu, California – J.D. – 2008
- Pomona College, Claremont, California – B.A. – 2004

**Bar Admissions:**

- California
- U.S. District Court, Northern District of California
- U.S. District Court, Central District of California

**PEARSON, SIMON & WARSHAW, LLP**

**Professional Associations and Memberships:**

- John M. Langston Bar Association, Board Member
- Black Women Lawyers Association of Los Angeles, Scholarship Committee Member
- Consumer Attorneys of California, Member
- Los Angeles County Bar Association, Member
- Consumer Attorneys Association of Los Angeles, Member
- San Fernando Valley Bar Association, Member

**Honors and Awards:**

- Consumer Attorneys of California's Consumer Attorney of the Year, award finalist, 2013
- John M. Langston Bar Association's President's Award, 2013

**MICHAEL H. PEARSON**

Michael H. Pearson is an associate in the firm's Los Angeles office, focusing on antitrust, personal injury, and business litigation. Mr. Pearson has represented clients in high-stakes personal injury, mass tort, and product liability cases.

Mr. Pearson received his Bachelor of Science degree from Tulane University in 2008, majoring in Finance with an Energy Specialization. He received his Juris Doctorate from Loyola Law School Los Angeles in 2011. Mr. Pearson is an active member in a number of legal organizations, including the American, Los Angeles County and San Fernando Valley Bar Associations, Consumer Attorneys of California, the Consumer Attorneys Association of Los Angeles and the Association of Business Trial Lawyers.

**Current Cases:**

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)

**Education:**

- Loyola Law School Los Angeles, Los Angeles, California – J.D. – 2011
- Tulane University, New Orleans, Louisiana – B.S., *magna cum laude* – 2008

**Bar Admissions:**

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

**Professional Associations and Memberships:**

- American Bar Association
- Association of Business Trial Lawyers

**PEARSON, SIMON & WARSHAW, LLP**

- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association
- San Fernando Valley Bar Association

**BENJAMIN E. SHIFTAN**

Benjamin E. Shiftan is a litigator in the firm's San Francisco office. Since joining the firm in 2014, Mr. Shiftan has focused on complex class action litigation, including antitrust, product defect, and consumer protection cases.

Prior to joining the firm, Mr. Shiftan litigated complex bad faith insurance cases for a national law firm. Before that, Mr. Shiftan served as a law clerk to the Honorable Peter G. Sheridan, United States District Court for the District of New Jersey, and worked for a mid-sized firm in San Diego.

Mr. Shiftan graduated from the University of San Diego School of Law in 2009. While in law school, he served as Lead Articles Editor of the San Diego International Law Journal and competed as a National Team Member on the Moot Court Board. Mr. Shiftan won the school's Paul A. McLennon, Sr. Honors Moot Court Competition. At graduation, he was one of ten students inducted into the Order of the Barristers. Mr. Shiftan graduated from the University of Virginia in 2006.

**Current Cases:**

- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (N.D. Cal.)

**Education:**

- University of San Diego School of Law, San Diego, CA – J.D. – 2009
- University of Virginia, Charlottesville, VA – B.A. – 2006

**Bar Admissions:**

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

**Professional Associations and Memberships:**

- San Francisco County Bar Association
- Consumer Attorneys of California

**PEARSON, SIMON & WARSHAW, LLP**

**MATTHEW A. PEARSON**

Matthew A. Pearson is an associate in the firm's Los Angeles office focusing on antitrust, personal injury, and business litigation. Mr. Pearson has represented clients in a variety of different matters, including toxic tort litigation, business litigation, products liability, and high-stakes personal injury matters.

Mr. Pearson received his Bachelor of Science degree from the University of Arizona in 2010, majoring in Business Management. He received his Juris Doctorate from Whittier Law School in 2013. Mr. Pearson is an active member in a number of legal organizations, including the American Bar Association, American Association for Justice, Association of Business Trial Lawyers, Consumer Attorneys Association of Los Angeles, Consumer Attorneys of California, and the Los Angeles County Bar Association.

**Current Cases:**

- *L.A. Taxi Cooperative, Inc., et al. v. Uber Technologies, Inc., et al.* (N.D. Cal.)

**Education:**

- Whittier Law School, California – J.D. – 2013
- University of Arizona: Eller College of Management – B.S.– 2010

**Bar Admissions:**

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

**Professional Associations and Memberships:**

- American Bar Association
- American Association for Justice
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

**ALEXANDER L. SIMON**

Alexander L. Simon is a litigator in the firm's San Francisco office. Since joining the firm as a law clerk in 2013 and an attorney in 2015, Mr. Simon has focused on complex class action litigation, including antitrust, product defect, and consumer protection cases.

Mr. Simon graduated from Loyola Law School in 2015. While in law school, he served as the Chief Production Editor of the *Loyola of Los Angeles Entertainment Law Review* from

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2014-2015. His comment titled *With Great Power Comes Great Responsibility: Gary Friedrich's Battle with Marvel For Artist Rights* was published by the law review that same year. In 2014, Mr. Simon also participated in Loyola Law School's Copyright Moot Court. Mr. Simon graduated from the University of California, Berkeley in 2009 where he was a member of Freshman Men's Crew during the 2005-2006 season. During his senior year of high school, he was the "two" seat of the Saint Ignatius College Preparatory Varsity 8 boat that won the US Rowing Youth Invitational National Championship.

**Current Cases:**

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)
- *L.A. Taxi Cooperative, Inc., et al. v. Uber Technologies, Inc., et al.* (N.D. Cal.)

**Education:**

- Loyola Law School, Los Angeles, California – J.D. – 2015
- University of California, Berkeley, Berkeley, California – B.A. – 2009

**Recent Publications:**

- *With Great Power Comes Great Responsibility: Gary Friedrich's Battle with Marvel For Artist Rights*, 35 Loy. L.A. Ent. L. Rev. 211 (2015)

**Bar Admissions:**

- California
- U.S. District Court, Southern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California

**Professional Associations and Memberships:**

- San Francisco County Bar Association
- California Young Lawyers Association

**Community Service:**

- Prime Time Mock Trial Coach at Ralph Waldo Emerson Middle School in Los Angeles (2014)
- Volunteer at the Theatre of Terror (2013) and Raymond Hill Mortuary (2014) Haunted Houses benefiting the South Pasadena Arts Council and South Pasadena Educational Foundation



**PEARSON, SIMON & WARSHAW, LLP**

**MEREDITH C. DOYLE**

Meredith C. Doyle is an associate in the firm's San Francisco office, focusing on antitrust, consumer, and business litigation.

Ms. Doyle earned her Bachelor of Arts degree, *cum laude*, from Claremont McKenna College in 2011, majoring in Government with a Leadership focus. She was a member of the varsity women's soccer team all four years, and contributed to two SCIAC League Championship wins. She received her Juris Doctorate from Pepperdine Law School in 2014. In law school, Ms. Doyle served as an Executive Editor of Pepperdine's *Dispute Resolution Law Journal* from 2013 to 2014. The Journal published her article, *Circles of Trust: Using Restorative Justice to Repair Organizations Marred by Sex Abuse*, in 2014. Ms. Doyle was also co-chair of Pepperdine Law School's Honor Board from 2013 to 2014. Ms. Doyle is an active member in a number of legal organizations, including the American Bar Association, Los Angeles County Bar Association, and the Association of Business Trial Lawyers.

**Current Cases:**

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal.)

**Education:**

- Pepperdine University School of Law, Los Angeles, California – J.D. – 2014
- Claremont McKenna College, Claremont, California – B.A., *cum laude* – 2011

**Bar Admissions:**

- California
- U.S. District Court, Southern District of California (pending)
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California (pending)

**Professional Associations and Memberships:**

- American Bar Association
- Association of Business Trial Lawyers
- Los Angeles County Bar Association
- San Francisco County Bar Association

# **EXHIBIT B**

**NCAA – GIA LITIGATION**  
**PEARSON, SIMON & WARSHAW, LLP**  
 Damages Hours and Lodestar  
 Inception of Investigation through July 31, 2017

NAME	TOTAL HOURS	HISTORICAL HOURLY RATE	LODESTAR
<b>ATTORNEYS</b>			
Clifford H. Pearson (P)	4.80	\$895	\$4,296.00
Clifford H. Pearson (P)	155.60	\$985	\$153,266.00
Clifford H. Pearson (P)	4.40	\$1,035	\$4,554.00
Bruce L. Simon (P)	2.00	\$835	\$1,670.00
Bruce L. Simon (P)	176.20	\$895	\$156,445.00
Bruce L. Simon (P)	361.00	\$985	\$355,585.00
Bruce L. Simon (P)	136.60	\$1,035	\$141,381.00
Daniel L. Warshaw (P)	.50	\$715	\$357.50
Daniel L. Warshaw (P)	5.10	\$775	\$3,952.50
Daniel L. Warshaw (P)	3.50	\$870	\$3,045.00
Aaron M. Sheanin (OC)	1.30	\$680	\$884.00
Aaron M. Sheanin (OC)	86.80	\$720	\$62,496.00
Aaron M. Sheanin (OC)	208.50	\$825	\$172,012.50
Aaron M. Sheanin (OC)	19.30	\$900	\$17,370.00
Thomas K. Boardman (A)	322.40	\$385	\$124,124.00
Benjamin E. Shiftan (A)	127.70	\$395	\$50,441.50
Benjamin E. Shiftan (A)	1544.10	\$495	\$764,329.50
Benjamin E. Shiftan (A)	259.00	\$520	\$134,680.00
Bobby Pouya (A)	.60	\$495	\$297.00
Bobby Pouya (A)	.30	\$635	\$190.50
William J. Newsom (A)	112.20	\$395	\$44,319.00
Alexander R. Safyan (A)	6.20	\$385	\$2,387.00
Alexander R. Safyan (A)	36.70	\$475	\$17,432.50
Robert G. Retana (OC)	4.10	\$720	\$2,952.00
Michael H. Pearson (A)	2.00	\$385	\$770.00
Michael H. Pearson (A)	313.50	\$475	\$148,912.50
Michael H. Pearson (A)	37.50	\$500	\$18,750.00
Matthew A. Pearson (A)	3.00	\$385	\$1,155.00
Matthew A. Pearson (A)	3.20	\$400	\$1,280.00
Alexander L. Simon (A)	319.80	\$350	\$111,930.00
Alexander L. Simon (A)	277.40	\$400	\$110,960.00
Alan Cyrlin (OC)	1,773.10	\$450	\$797,895.00
Alan Cyrlin (OC)	214.40	\$470	\$100,768.00
Veronica W. Glaze (A)	.50	\$520	\$260.00
Meredith C. Doyle (A)	188.60	\$350	\$66,010.00

<b>NAME</b>	<b>TOTAL HOURS</b>	<b>HISTORICAL HOURLY RATE</b>	<b>LODESTAR</b>
Meredith C. Doyle (A)	222.00	\$370	\$82,140.00
Ryan E. Mowry (A)	697.10	\$350	\$243,985.00
<b>TOTAL ATTORNEY BILLING</b>	<b>7631.00</b>		<b>\$3,903,283.00</b>
<b>NON-ATTORNEYS</b>			
Amanda C. Lunzer (PL)	61.20	\$175	\$10,710.00
Amanda C. Lunzer (PL)	93.25	\$225	\$20,981.25
Ellovene Grant (PL)	13.80	\$175	\$2,415.00
Ellovene Grant (PL)	27.90	\$225	\$6,277.50
Alexander L. Simon (LC)	72.20	\$225	\$16,245.00
<b>TOTAL NON-ATTORNEY BILLING</b>	<b>268.35</b>		<b>\$56,628.75</b>
<b>TOTAL:</b>		<b>7899.35</b>	<b>\$3,959,911.75</b>

(P) Partner  
(OC) Of Counsel  
(A) Associate  
(PL) Paralegal  
(LC) Law Clerk

# **EXHIBIT C**

**NCAA – GIA LITIGATION**  
**PEARSON, SIMON & WARSHAW, LLP**  
 Damages Expenses  
 Inception of Investigation through July 31, 2017

CATEGORY	AMOUNT INCURRED
Court Fees (Filing, etc.)	\$420.95
Arbitrators/Mediators	\$2,062.50
Experts/Consultants	\$92,800.58
Federal Express	\$2,143.36
Transcripts (Hearing, Deposition, etc.)	\$1,671.50
Computer Research	\$7,478.08
Photocopies – In House (\$0.20 per copy)	\$888.20
Photocopies – Outside	\$216.05
Postage	\$117.17
Telephone/Telecopier	\$2,135.12
Travel (Airfare, Ground Travel, Meals, Lodging, etc.)	\$37,342.61
Witness Fees	\$43.38
Litigation Fund	\$1,098,000.54
<b>TOTAL:</b>	<b>\$1,245,320.04</b>