

1 Betsy C. Manifold (182450)
 manifold@whafh.com
 2 Rachele R. Byrd (190634)
 3 byrd@whafh.com
 4 Alex J. Tramontano (276666)
 tramontano@whafh.com
 5 **WOLF HALDENSTEIN ADLER**
 6 **FREEMAN & HERZ LLP**
 7 750 B Street, Suite 1820
 8 San Diego, CA 92101
 9 Telephone: 619/239-4599
 Facsimile: 619/234-4599

10 *Class Counsel for the End Payer Plaintiffs*

11 [Additional counsel appear on signature page]

12
 13 UNITED STATES DISTRICT COURT
 14 SOUTHERN DISTRICT OF CALIFORNIA

15 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
 16 PRODUCTS ANTITRUST)
 17 LITIGATION) **END PAYER PLAINTIFFS' BRIEF**
 18) **IN SUPPORT OF THEIR**
 19) **MOTION FOR ATTORNEYS'**
 20) **FEES AND COSTS**

21 _____) DATE: November 22, 2024
 22 This Document Relates to:) TIME: 1:30 p.m.
 23 End Payer Plaintiffs Class Track) JUDGE: Hon. Dana M. Sabraw
 24) COURT: 13A (13th Floor)
 25)
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1 **I. INTRODUCTION**

2 Class Counsel for the End Payer Plaintiffs (“EPPs”), Wolf Haldenstein Adler
3 Freeman & Herz LLP, respectfully submits this brief in support of the EPPs’ motion
4 for an award of reasonable attorneys’ fees, reimbursement of litigation expenses, and
5 modest incentive awards for each Class Representative (tiered in relation to their time
6 and service in this case).

7 To bring more than nine years of hard-fought litigation to a close, Class
8 Counsel have presented the Court with two final settlements, which the Court
9 preliminarily approved on August 23, 2024. ECF No. 3302. Subject to the Court’s
10 final approval, these proposed settlements, with a combined cash value of
11 \$136,000,000 and in addition to the previously approved COSI Partial Settlement,
12 will provide total settlement cash benefits of \$152,200,000 to the EPP consumers.¹
13 As the Court is well aware, Class Counsel and their co-counsel devoted significant
14 time and substantial resources to this lengthy, complex, and highly successful antitrust
15 litigation, and the settlements provide a substantial benefit to the EPPs. This
16 exceptional recovery arose only from Class Counsel’s skillful and dedicated litigation
17 of this complex case.

18 The Court previously approved a partial settlement with COSI that ultimately
19 yielded \$16.2 million in settlement benefits to the EPPs. ECF No. 2871. As part of
20 the partial settlement with COSI, the Court previously approved an Expense Award
21 of \$4,155,027.67 to reimburse Class litigation costs incurred as of May 2021. ECF
22 No. 2872 at 4:17-19. Class Counsel did not request a Fee Award in connection with
23 the COSI partial settlement, continuing to prosecute the case vigorously with their
24 fees entirely at risk. *Id.* at 2:19-22; ECF 2827, Ex. F (Class Notice) at 48, 52. Class
25 Counsel reserved their right to seek an award of attorneys’ fees from any monies
26 recovered from the Non-Settling Defendants (*i.e.*, StarKist and the Lion Companies)

27
28 ¹ See EPPs’ Motion for Preliminary Approval of Class Action Settlements [ECF No. 3286] at 7 (“MPA”) (all abbreviated and capitalized terms are as defined in the MPA).

1 and to include the monies received from the COSI partial settlement in any subsequent
2 fee request. *Id.*; 2845-1 at 4 n.6.

3 For the excellent result they have achieved, EPPs’ counsel seek reimbursement
4 of their additional out-of-pocket expenses in the amount of \$1,618,489.24 and an
5 award of attorneys’ fees in the amount of \$48,320,739.40, which is 33% of the net
6 cash settlement amount after deducting *all* expenses awarded by the Court. While a
7 slight upward departure from the 9th Circuit’s 25% fee benchmark, an award of 33%
8 of the net recovery for the Consumer Class is amply supported by the time and effort
9 expended by counsel for the EPPs and by the tremendous settlements achieved, and
10 represents a *negative* multiplier of 0.82 on their time expended over nine years in this
11 hard-fought litigation.² Class Counsel propose to withdraw the payment of any Fee
12 Award over time in proportion to the receipt of settlement monies from the
13 Defendants. *See* § IV.D below.

14 In addition, counsel for the EPPs seek reimbursement of \$1,618,489.24 in
15 additional expenses incurred since May 2021 to prosecute this case to its successful
16 conclusion. *Id.* EPPs request that \$206,379.11 of that amount be returned to COSI to
17 reimburse it for administration costs that will be common to the proposed new
18 settlements and the prior COSI partial settlement. ECF No. 3286-2 at 4, ¶7.

19 The proposed fee and expense request is consistent with other fee and expense
20 awards in this District and the Ninth Circuit generally. Furthermore, the request is fair
21 and reasonable considering the outstanding settlement obtained, the substantial efforts
22 by Class Counsel, and the considerable litigation risks faced by Class Counsel at every
23 stage of this nine-year old complex antitrust litigation.

24 **II. FACTUAL BACKGROUND AND PROCEDURAL HISTORY**

25 _____
26 ² Counsel for the EPPs have excluded all time spent seeking appointment of lead
27 counsel and all time spent seeking an award of fees and expenses from their time
28 submitted in support of the fee application. *See* Declaration of Mark C. Rifkin in
Support of the End Payer Plaintiffs’ Motion for Fees and Costs (“Rifkin Decl.”), ¶¶
9-10.

1 Having presided over this complex litigation for many years, the Court is well
2 familiar with the factual background and procedural history of the case. A summary
3 of relevant events is included in the accompanying Declaration of Betsy C. Manifold
4 (“Manifold Decl.”) in Support of the EPPs’ Motion for Preliminary. Only key events
5 are highlighted here.

6 **A. Lead Counsel Coordinated and Conducted Substantial Discovery**

7 Wolf Haldenstein was appointed by the Court as the EPPs’ Interim Lead
8 Counsel on March 24, 2016, and was tasked with several important responsibilities,
9 including the duty to conduct and oversee the prosecution of all aspects of the Action
10 for the EPP Classes, to retain and work with experts and consultants, and to coordinate
11 and supervise the conduct of other counsel for the EPPs to ensure that the litigation
12 was conducted effectively and efficiently. *See* ECF No. 119. As Class Counsel, Wolf
13 Haldenstein also was given the duty to collect and review lodestar and expense
14 information from all counsel for the EPPs and to allocate fees and expenses among
15 all counsel for the EPPs in the event of a successful outcome. *Id.*

16 **B. Class Certification Was Hard-Fought and the Decision Widely
17 Cited**

18 Notably, class certification of the EPP Consumer Classes was especially hard-
19 fought, involving three highly respected economists retained by Plaintiffs, Dr. Russel
20 Mangum (DPPs), Dr. Michael Williams (CFPs); and Dr. David Sunding (EPPs), and
21 countered by two equally respected economists hired by Defendants, Dr. John
22 Johnson and Dr. Laila Haider. Manifold Decl., ¶31; ECF No. 2846-2 at ¶12. EPP
23 Class Counsel prepped and defended 16 individual EPP Class Representative
24 depositions. Manifold Decl., ¶31. On January 14-16, 2019, the Court conducted a
25 three-day evidentiary hearing on class certification. *Id.*, ¶32. The Court ultimately
26 certified a Cartwright Act Class consisting of all persons and entities who resided in
27 one of the states identified in the EPPs’ operative complaint and indirectly purchased
28 Packaged Tuna in consumer-sized cans or pouches produced by any Defendant during
the period June 1, 2011 through July 1, 2015 (the “Class Period”). ECF No. 1931 at

1 46. The Court also certified a statewide damages class for each State identified in the
2 operative complaint. *Id.* The Court appointed Wolf Haldenstein as Class Counsel. *Id.*
3 at 58-59.

4 The Court’s class certification decision withstood extensive appeals in the
5 Ninth Circuit, resulting in a comprehensive decision that has become the nation’s
6 leading antitrust class certification order, having been cited no fewer than 994 times
7 by district courts throughout the United States. Manifold Decl., ¶33. The Supreme
8 Court denied a petition for *certiorari* from the Ninth Circuit’s decision. *Id.*

9 **C. Expert Discovery and Successful Dispositive Motions**

10 In preparation for trial, EPPs engaged two experts: Dr. Sunding (economist)
11 and Adoria Lim (forensic accountant). Manifold Decl., ¶34. The Defendants hired
12 seven experts: Dr. Randal Heeb (economist), Dr. Michael Moore (economist), Gary
13 Kleinrichert (accountant), Andres Lerner (economist), Janusz Ordover (economist),
14 Robert Daines (law professor), and Ilya A. Strebulaev (private equity professor). *Id.*
15 Extensive expert discovery concluded on February 23, 2023. ECF No. 2980.

16 After the close of discovery, in September 2019, the seven Defendants, three
17 Plaintiff Classes, and 53 Direct Action Plaintiffs who remained in the case filed
18 various dispositive motions and engaged in substantial briefing. Wolf Haldenstein
19 played a substantial and leading role in organizing, coordinating, drafting, and filing
20 the documents associated with over twenty (20) dispositive motions. Manifold Decl.,
21 ¶35. Plaintiffs filed four motions for partial summary judgment [ECF Nos. 1976,
22 1993, 2009, 2035] and three narrow *Daubert* motions [ECF Nos. 1970, 1987, 2034],
23 including a motion for summary judgment motion filed by the EPPs against StarKist,
24 which the Court granted on liability. Defendants filed thirteen dispositive motions:
25 ten joint motions for summary judgment [ECF No. 1973, 1992, 1998, 1999, 2001,
26 2007, 2010, 2015, 2023, 2025] and three *Daubert* motions [1967, 1981, 1984].

27 Plaintiffs largely prevailed on the *Daubert* and summary judgment motions.
28 Manifold Decl., ¶37.

1 **D. Preparations for Trial Were Substantially Complete**

2 Preparations for the trial scheduled to begin on July 16, 2024, were
3 substantially complete when the proposed settlements were reached. The extensive
4 trial preparation included numerous motions *in limine* filed by all parties, the Local
5 Rule 16.1(f) meeting held on June 3, 2024, the preparation of joint jury instructions,
6 which Plaintiffs presented to the Court along with their respective supplemental
7 instructions and objections on May 31, 2024, and preparation of the proposed Pre-
8 Trial Order, which Class Counsel lodged with the Court on June 14, 2024, in
9 anticipation of a final Pretrial Conference on June 21, 2024. Virtually all pre-trial
10 proceedings were completed before these settlements were reached.

11 In sum, as amply reflected in more than 3,300 docket entries filed by the parties
12 and entered by the Court over the last nine years, this MDL has been vigorously,
13 efficiently, and successfully litigated by Class Counsel at every stage of the
14 proceedings. The EPP Class has been extremely well represented by Class Counsel
15 and the other counsel for the Consumer Class throughout these proceedings.

16 **III. THE SETTLEMENTS**

17 **A. Partial COSI Settlement Was Previously Approved by the Court**

18 The COSI “icebreaker” settlement was the first settlement between the EPPs
19 and any Defendant. It adds \$16,200,000 to the Total Settlement Benefits of
20 \$152,200,000.³ In granting final approval to the COSI partial settlement, the Court

21 _____
22 ³ Under the COSI Settlement Agreement, the Maximum Settlement Amount was \$20
23 million. ECF No. 2552-3 at 8. Under Paragraph 11(b) and 18, up to \$5 million could
24 be used to cover the reasonable costs of the Settlement Notice and administration of
25 the \$15 million Settlement Fund. Since the reasonable costs of the Settlement Notice
26 were less than \$5 million, the difference will be refunded to COSI. *Id.* at 14 and 15.
27 The COSI settlement required COSI to pay certain notice and administration, from
28 which COSI has requested reimbursement for \$206,379.11 in administrative costs
incurred in 2024 that are being shared with the proposed StarKist and Lion
settlements. ECF 3286 at 7 n.2. Thus, the actual amount of the COSI settlement is
\$16.2 million.

1 noted “that significantly, Settlement Class Counsel have not requested any attorney
2 fees, just reimbursement of actual litigation costs and expenses.” ECF No. 2871 at 14.
3 At that time, counsel for the EPPs reserved their rights to request attorneys from future
4 settlements with the Non-Settling Defendants (StarKist and the Lion Companies) and
5 to base their request upon the *total* settlement amounts obtained from *all* settling
6 parties. *Id.*

7 **B. StarKist and the Lion Companies Settled Just Weeks Before Trial**

8 The parties made notable attempts to settle the matter throughout the litigation.
9 Since mid-2019, Class Counsel engaged in several informal settlement discussions
10 and many more formal settlement negotiations (most presided over with extreme care
11 and exceptional skill by Magistrate Judge Michael S. Berg) with counsel for the
12 Settling Defendants. ECF No. 3286-2 at 7-9 ¶¶ 17, 18, 22 (including Bumble Bee). In
13 particular, the EPPs and StarKist participated in multiple settlement conferences with
14 Judge Berg on October 4, 2023, April 25, 2024, May 22, May 23, 2024, and June 3,
15 2024. *Id.* at ¶¶ 20, 21. With the oversight and guidance of Judge Berg, and with most
16 pre-trial proceedings complete and the July 16, 2024, trial looming, the EPPs and
17 StarKist finally reached a settlement-in-principle in the amount of \$130 million on
18 June 3, 2024.

19 The EPPs and the Lion Companies also attended a joint settlement conference
20 before Judge Berg on August 7, 2023. ECF No. 3286-2 at ¶ 23. Counsel for the EPPs
21 and for the Lion Companies continued to conduct informal and formal settlement
22 negotiations, including a lengthy but unsuccessful formal mediation with Judge
23 Michael Weinstein (retired). On June 17, 2024, nearly a year after beginning the
24 settlement process and with the trial imminent, the EPPs again met with the Lion
25 Companies (and their principals and insurers) in a day-long settlement conference
26 with Judge Berg. The settlement conference resulted in the parties reaching a
27 \$6,000,000 settlement-in-principle, but only after the Lion Companies’ and its
28

1 founders' financial condition were carefully and thoroughly evaluated by Class
2 Counsel and by Judge Berg. *Id.*, ¶ 24.

3 **C. Preliminary Approval of the Proposed Settlements**

4 Based on this ample record, the Court found that the proposed settlements were
5 the result of arms'-length negotiations. ECF No. 3302 at 4. After carefully reviewing
6 the monetary terms, the Settlement Class definitions, and the releases provided for in
7 both settlement agreements, the Court granted preliminary approval "as each is likely
8 to be finally approved after the Fairness Hearing." *Id.* at 7.

9 **D. Settlement Terms and Payment Schedule**

10 Complete copies of both the StarKist Settlement Agreement and the Lion
11 Settlement Agreement are attached to the Manifold Decl. as Exhibits 1 and 2,
12 respectively. *See* ECF No. 3286-2 at 19-46 ("StarKist Settlement Agreement") and
13 47-72 ("Lion Settlement Agreement"). The Preliminary Approval Motion provided a
14 detailed summary of the key terms in both settlements and is available (along with all
15 the exhibits) on the Settlement Website. *See* ECF No. 3286-1 at 13-15.⁴

16 *StarKist.* The StarKist Settlement provides that StarKist will pay \$130 million
17 in cash over a period of time ranging from 30 days after preliminary approval
18 (September 19, 2024) to 500 days after preliminary approval (January 6, 2026). ECF
19 No. 3286-2 at 26, ¶ 1.24, App'x A; Manifold Decl., ¶14. The first payment of \$32
20 million was paid on September 19, 2024, within 30 days after preliminary approval
21 on August 21, 2024. *Id.* The second payment of \$18 million from StarKist is due
22 prior to the Fairness Hearing on November 22, 2024. ECF No. 3286-2 at 26, ¶ 1.24.
23 The remaining settlement payments by StarKist are fixed on certain dates following
24 preliminary approval. *Id.* For the Court's convenience, the payment schedule is set
25 forth in Appendix A at the end of this Memorandum.

26
27 _____
28 ⁴ Once the final approval motion is filed on or before November 15, 2024, the motion
and all supporting papers also will be posted on the settlement website, concurrently
with the filing. ECF No. 3302 at 19.

1 *Lion Companies*. Under the terms of the Lion Settlement Agreement, the Lion
2 Companies have deposited \$3 million in the Settlement Fund Escrow. ECF No. 3286-
3 2 (Lion SA) at 54, ¶ 1.22; Manifold Decl., ¶15. The final \$3 million will be deposited
4 within 45 days after final approval of the settlement. *Id.*, App’x A attached hereto.

5 The payment terms for the settlement monies and their timing is relevant here
6 because, to share the burden of the delayed payment and the small risk of non-
7 payment with the EPP Class, Class Counsel propose (*see* §IV.D. below) that the
8 attorneys’ fees awarded to them by the Court will be paid out to them over time in
9 proportion to the monies actually received from the Settling Defendants.

10 **IV. CLASS COUNSEL ARE ENTITLED TO A FEE AWARD**

11 Counsel for the EPPs seek attorneys’ fees in the amount of \$48,320,739.40,
12 which is 33% of the net settlement fund of \$146,426,833.09 (after deducting expenses
13 of \$5,773,516.91). The requested fee is \$10,338,011 *less* than the total lodestar of
14 EPPs’ counsel in the amount of \$58,658,750.84 expended in diligent service of the
15 Consumer Class over nine years and represents a *negative multiplier* of 0.82 on their
16 professional time.

17 **A. Applicable Legal Standard Governing the Award of Attorney Fees**
18 **in Common Fund Cases**

19 District courts may award reasonable attorney’s fees and expenses from the
20 settlement of a class action upon motion under Federal Rules of Civil Procedure 23(h)
21 and 54(d)(2). Counsel who successfully represent a class and produce a benefit for
22 the class members are entitled to be compensated for their services. As the Supreme
23 Court has held, “a litigant or a lawyer who recovers a common fund for the benefit of
24 persons other than himself or his client is entitled to a reasonable attorneys’ fee from
25 a fund as a whole.” *Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980); *see also*
26 *Mills v. Elec. Auto-Lite Co.*, 396 U.S. 375, 393 (1970). In *Blum v. Stenson*, 465 U.S.
27 886, 900 n.16 (1984), the Supreme Court recognized that under the common fund
28 doctrine, a reasonable fee may be based “on a percentage of the fund bestowed on the

1 class.” The purpose of the common fund doctrine is that “those who benefit from the
2 creation of the fund should share the wealth with the lawyers whose skill and effort
3 helped create it.” *In re Washington Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291,
4 1300 (9th Cir. 1994). *See also Boeing*, 444 U.S. at 478 (“persons who obtain the
5 benefit of a lawsuit without contributing to its costs are unjustly enriched at the
6 successful litigants’ expense.”)

7 The common fund doctrine is fully consistent with the strong public policy
8 favoring vigorous enforcement of unfair competition laws. Courts have recognized
9 the importance of private litigation as an effective enforcement of antitrust laws. *See*
10 *Pillsbury v. Conboy*, 459 U.S. 248, 262-63 (1983). Antitrust laws are best served by
11 ensuring that private action “will be an ever-present threat to deter anyone
12 contemplating business behavior in violation of the antitrust laws.” *Perma Life*
13 *Mufflers, Inc. v. Int’l Parts Corp.*, 392 U.S. 134, 139 (1968).

14 In the Ninth Circuit, there are two primary methods used to calculate attorneys’
15 fees: the lodestar method and the percentage-of-recovery method. “Whether to use
16 one method over the other is in the court’s discretion; however, the use of the
17 percentage method in common fund cases appears to be dominant.” *Ahlman v. Barnes*,
18 No. SA-CV-20-835 (JGB), 2022 WL 16957837, at *4 (C.D. Cal. Sept. 12, 2022). *See*
19 *also Six (6) Mexican Workers v. Arizona Citrus Growers*, 904 F.2d 1301, 1311 (9th
20 Cir. 1990) (courts regularly award fees as a percent-of-the recovery in common fund
21 cases). The percentage-of-the-fund method is generally recognized as the superior
22 method of calculating attorneys’ fees in common fund settlements like this one
23 because it “aligns the interests of class counsel and the class, rather than rewarding
24 attorneys for hours spent on cases, as the lodestar method does.” *In re Brooktree Secs.*
25 *Litig.*, 915 F. Supp. 193, 196 (S.D. Cal. 1996).

26 Under the percentage-of-the-fund approach, the district court awards a
27 percentage of the fund created by the attorneys’ efforts as their attorneys’ fee. *Stanger*
28 *v. China Elec. Motor, Inc.*, 812 F.3d 734, 738 (9th Cir. 2016) (“*Stanger*”). The

1 percentage-of-recovery for fee computation purposes is based on the total amount of
2 that fund made available. *Boeing*, 444 U.S. at 479-80. Cases in the Ninth Circuit often
3 treat 25% as the benchmark percentage. *See, e.g., In re Google Inc. Street View Elec.*
4 *Commc’ns Litig.*, 21 F.4th 1102, 1120 (9th Cir. 2021); *Asner v. SAG-AFTRA Health*
5 *Fund*, No. 2:20-cv-10914, 2023 WL 6984582, at *12 (C.D. Cal Oct. 19, 2023),
6 *reconsideration denied*, 2023 WL 8529996 (Dec.7, 2023).

7 However, courts in this Circuit and elsewhere often permit an upward departure
8 from the benchmark due to the results achieved, the inherent complexities of the legal
9 issues involved, and the risks assumed by attorneys involved. *See In re Lidoderm*
10 *Antitrust Litig.*, MDL No. 2521, 2018 WL 4620695, at *4 (N.D. Cal. Sept. 20, 2018)
11 (“As to the fifth factor, a fee award of one-third is within the range of awards in this
12 Circuit.”); *see also Larsen v. Trader Joe’s Co.*, No. 11-cv-05188, 2014 WL 3404531,
13 at *9 (N.D. Cal. July 11, 2014) (citing multiple cases awarding fees of 32% or
14 greater); *In re Pac. Enters. Sec. Litig.*, 47 F.3d 373, 379 (9th Cir. 1995) (affirming
15 award of one-third); *Carlin v. DairyAmerica, Inc.*, 380 F. Supp. 3d 998, 1023 (E.D.
16 Cal. 2019) (finding an attorney’s fees award of one-third reasonable because of the
17 case complexity, lengthy procedural history, and class wide results) (collecting cases
18 awarding 33% in attorneys’ fees).⁵

19 **B. The Requested 33% Fee Award is Reasonable Under the**
20 **Percentage-of-Recovery Method**

21 In common fund cases, “[s]election of benchmark or any other rate must be
22 supported by the findings that take into account all of the circumstances of the case.”
23 *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048 (9th Cir. 2002); *Ziegler v. GW*

24 ⁵ For cases outside of this Circuit, *see, e.g., In re Pork Antitrust Litig.*, No. 18-1976,
25 2022 WL 4238416, at *7 (D. Minn. Sept. 14, 2022) (awarding 33% of the settlement
26 as attorney fees in consumer indirect purchaser action); *In re Keurig Green Mountain*
27 *Single-Serve Coffee Antitrust Litig.*, No. 14-md-02542, 2021 WL 2328431, at *1
28 (S.D.N.Y. June 7, 2021) (awarding one-third of a \$31 million settlement fund as
attorneys’ fee in indirect purchaser action); *In re Aggrenox Antitrust Litig.*, No. 3:14-
MD-2516, 2018 WL 10705542, at *5 (D. Conn. July 19, 2018) (same).

1 *Pharm, PLC.*, No. 21-cv-1019, 2024 U.S. Dist. LEXIS 52979, at *19 (S.D. Cal. Mar.
2 25, 2024)(awarding one-third).⁶ Counsel for the EPPs seek a fee of 33% of the net
3 settlement fund. While slightly higher than the 25% “benchmark,” the \$48,320,739.40
4 requested fee is \$10,338,011.44 *less* than the total lodestar of EPP’s counsel and
5 represents a *negative multiplier* of 0.82 on their professional time expended over nine
6 years.

7 In setting an appropriate percentage fee, courts typically analyze the following
8 non-exhaustive factors: the results achieved for the class; the risks of litigation; the
9 skill, experience, and performance of counsel (both sides); and the contingent nature
10 of the fee. *In re: Cathode Ray Tube (CRT) Antitrust Litig.*, MDL No. 1917, 2016 WL
11 4126533, at *4 n.8 (N.D. Cal. Aug. 3, 2016) (“CRT”) (providing discussion on why
12 these factors apply in the percentage of recovery context, in addition to lodestar
13 analysis), *dismissed sub nom. In re Cathode Ray Tube (CRT) Antitrust Litig.*, No. 16-
14 16368, 2017 WL 3468376 (9th Cir. Mar. 2, 2017); *see also Stanger*, 812 F. 3d at 740.
15 All four factors support the 33% fee request here.

16 **1. Class Counsel Achieved Excellent Results**

17 Results are the primary factor in determining the reasonableness of an
18 attorney’s fee request. *In re Omnivision Techs., Inc.*, 559 F. Supp. 2d 1036, 1046
19 (N.D. Cal. 2008). The total settlement benefit achieved for the Consumer Class is
20 \$152,200,000. By any measure, the indirect purchaser settlement achieved here
21 represents an excellent result.

22 Regression modeling by the EPPs’ expert, Dr. David Sunding, showed single
23 damages of approximately \$224 million for the entire EPP Class.⁷ When trebled
24 (which is not automatic in all state law indirect purchaser cases), this is approximately

25 _____
26 ⁶ In considering whether a fee request is appropriate, courts typically consider similar
27 fees in comparable cases. *Vizcaino*, 290 F.3d at 1048 (comparable fees is a factor to
28 be considered). “[A] one-third fee is standard in complex antitrust cases” such as this
one. *In re Flonase Antitrust Litig.*, 291 F.R.D. 93, 104 (E.D. Pa. 2013).

⁷ *See* Expert Report of David Sunding, dated February 16, 2019, p. 17, Table 2.

1 \$672 million. Based on the maximum single damages of \$224 million for the entire
2 conspiracy period, a total recovery of \$152.2 million is *nearly 68% of the maximum*
3 *single damages* and over 20% of the maximum treble damages. It is larger than the
4 penalty amount recovered by the government in the criminal case and substantially
5 higher (in absolute dollars) than the recovery by the DPPs in their direct action against
6 StarKist. *See* DPP Fee Brief at 14:1-6 (ECF No. 3312-1). The EPPs’ recovery also is
7 comparable to the DPPs’ percentage recovery as well. *See id.*

8 Here, a 68% recovery of single damages is meaningful and exceeds the usual
9 range of recovery of 30-40% which is typical. *See Rodriguez v. West Publ’g Corp.*,
10 563 F.3d 948, 954 (9th Cir. 2009) (finding a settlement that was approximately 30%
11 of the estimated damages before trebling fair, adequate, and reasonable); *accord*
12 *Edwards v. Nat’l Milk Producers Fed’n*, No. 11-cv-04766-JSW, 2017 WL 3616638,
13 at *3 (N.D. Cal. June 26, 2017) (finding a settlement representing approximately 30%
14 of the total estimated single damages fair and reasonable). Obtaining nearly 68% of
15 single damages, particularly in a case where single damages are as high as they were
16 in this case, is an excellent result and warrants the approval of the requested 33%
17 attorneys’ fee award.

18 2. The Risks of Complex Litigation Were High

19 Class Counsel endured significant risk in pursuing this litigation. *See Vizcaino*,
20 290 F.3d at 1048 (degree of risk assumed and complexity relevant to reasonableness
21 of fee request); *Stanger*, 812 F. 3d at 740 (including risk of litigation as a factor in
22 determining whether requested fees are reasonable). Antitrust class actions are
23 particularly complex matters and inherently risky. *See In re NCAA Ath. Grant-In-Aid*
24 *Cap Antitrust Litig.*, No. 4:14-cv-02758-CW, 2017 WL 6040065, at *4 (N.D. Cal.
25 Dec. 6, 2017) (noting that “antitrust class action is arguably the most complex action
26 to prosecute. The legal and factual issues involved are always numerous and uncertain
27 in outcome.” (internal quotation omitted)).

28

1 With over 3,300 entries, the Court’s docket reflects the complexities and risk
2 of this nine-year old antitrust litigation, which survived multiple appeals, motions for
3 reconsideration, *Daubert* challenges, evidentiary hearings, and disputes as to jury
4 instructions, admissible evidence, and witnesses at trial. Although Class Counsel
5 believe that the EPP Class claims had substantial merit, the risk and expense necessary
6 to prosecute their claims through trial, and subsequent appeal were significant, and
7 the inherent difficulties and delay in any final resolution for a multistate antitrust
8 litigation like this case are substantial and well-known. *See, e.g., Torrissi v. Tucson*
9 *Elec. Power Co.*, 8 F.3d 1370, 1376 (9th Cir. 1993) (approving settlement based in
10 part on “inherent risks of litigation”).

11 Given the criminal convictions and guilty pleas by COSI, StarKist, and Bumble
12 Bee, liability as to the plea period (November 2011 to December 2013) was strong.
13 However, Bumble Bee was bankrupt and the claims against the parent companies
14 were vigorously disputed and not part of the criminal investigation by the DOJ.
15 StarKist and the Lion Companies vigorously disputed the scope, duration, and effect
16 of the conspiracy. Manifold Decl., ¶41. The EPPs faced added complexities and risks
17 at trial because, as consumers, they needed to prove liability for a multistate
18 Cartwright Act Class claim and multiple individual state law claims as well as proving
19 a pass-through of the overcharge to consumers. Those risks rise the longer litigation
20 progresses. *In re TFT-LCD (Flat Panel) Antitrust Litig.*, No. M:07-cv-01827, 2012
21 WL 13209696, at *4 (N.D. Cal. Nov. 9, 2012) (finding counsel entitled to a fee award
22 above the 25% benchmark because counsel had litigated for more than six years,
23 which compounded the litigation risk).⁸

24 Another substantial risk was proving damages at trial through an expert
25 economist, an inherently uncertain process fraught with conflicting expert testimony.

26 ⁸ The timing of the settlement and reduction of trial expense is also a relevant factor.
27 *See Koenig v. Lime Crime, Inc.*, No. CV 16-503 PSG (JEMX), 2018 WL 11358228,
28 at *6 (C.D. Cal. Apr. 2, 2018) (finding that settlement minimized litigation cost and
that going to trial would significantly increase cost and attorney’s fees sought).

1 Achieving maximum damages was based on two key assumptions: the jury would
2 believe the EPPs’ expert (not the Defendants’ expert) and would award full damages
3 for the entire Class Period and for all the repealer act states. The reaction of a jury, or
4 even a judge, to such complex and disputed expert testimony is highly unpredictable,
5 and in a battle of the experts a jury could find either no damages or just a fraction of
6 the damages sought. *Dexter’s LLC v. Gruma Corp.*, No. 23-cv-212, 2023 WL
7 8790268, at *4 (S.D. Cal. Dec. 19, 2023) (“The court shall consider the vagaries of
8 litigation and compare the significance of immediately recovery by way of the
9 compromise to the mere possibility of relief in the future, after protracted and
10 expensive litigation.”) (quoting *Nat’l Rural Telecomms Coop. v. DIRECTV, Inc.*,
11 221 F.R.D. 523, 526 (C.D. Cal. 2004)).

12 Even a jury verdict is no assurance of success. Antitrust cases with complex
13 expert econometric modeling and treble damages face the very real risks of reversal
14 at trial, after verdict and on appeal, and this case was no exception. *In re National*
15 *Football League’s Sunday Ticket Antitrust Litig.*, 2:15-md-02668-PSG, Judgment
16 (C.D. Cal. Aug. 20, 2024) (ECF No. 1542), is a cautionary tale. From June 5 through
17 June 26, 2024, the Court presided over a jury trial of antitrust claims against the NFL
18 by a commercial class and a residential class of DirecTV subscribers to the NFL
19 Sunday Ticket. *Id.* at 2. The NFL defendants moved for judgment under Rule 50(a)
20 at the close of the plaintiffs’ case, which the Court denied. *Id.* On June 27, 2024, the
21 jury returned a verdict in Plaintiffs’ favor, finding that NFL Defendants had violated
22 the Sherman Act and awarded the commercial class nearly \$100 million and the
23 residential class over \$4.6 billion in damages. Thereafter, based on the Court’s own
24 view of the plaintiffs’ experts, the Court granted judgment for the defendants as a
25 matter of law and vacated both verdicts. *Id.*

26 Even if successful at trial, the EPPs were concerned that post-trial events would
27 threaten any verdict they obtained. In addition to post-trial motions, the EPPs faced a
28 significant risk that they would be unable to collect or enforce their judgment against

1 either Dongwon Industries Co., Ltd. or the Lion Companies, all foreign defendants
2 who might not have sufficient assets in the United States to satisfy the judgment, and
3 that StarKist might not have sufficient assets itself to satisfy the judgment. *See*
4 *Stanger*, 812 F.3d at 740 (assessing reasonableness can include weighing “the risk of
5 nonpayment” and “the difficulty and risks inherent in litigating against defendants in
6 a [foreign nation]”). The litigation risks at trial, on appeal, and after a judgment were
7 all very real here.

8 **3. The Skill Required and the Quality of the Work Justify** 9 **the Request**

10 The experience, skill, and reputation of counsel also is relevant to the
11 reasonableness of an attorney’s fee request. *See In re Animation Workers Antitrust*
12 *Litig.*, No. 3:14-CV-4062 LHK, 2016 WL 6663005, at *7 (N.D. Cal. Nov. 11, 2016)
13 (finding relevance in the plaintiff’s nationally recognized antitrust and class action
14 litigation in assessing counsel’s fee petition); *CRT*, 2016 WL 4126533, at *4 (finding
15 relevance in counsel’s 30 years of experience in antitrust cases and the experience of
16 the other participating law firms); *LCD*, 2012 WL 13209696, at *4 (finding that
17 counsel’s skills and experience in antitrust warranted an upward adjustment from the
18 25% benchmark).

19 This multistate antitrust litigation involved significant factual investigations,
20 research, complex econometric modeling, representation of over 65 Class
21 Representatives, coordination among multiple plaintiff groups, tens of millions of
22 documents, 200 depositions and related criminal and bankruptcy proceedings. As a
23 result of Counsel’s skill and expertise, this case has become a model for econometric
24 regression modeling in complex antitrust matters, particularly when it comes to what
25 an expert has shown related to antitrust injury at class certification.⁹

26 The proposed settlements were hard-fought, negotiated at arm’s-length against

27 ⁹ *See* Mac Newton, *Fishy Class Certification: A Packaged Tuna Antitrust Case and a*
28 *Shift in Class Certification Standards*, 88 MO. L. REV. (2023),
<https://scholarship.law.missouri.edu/mlr/vol88/iss2/14>.

1 highly experienced opposing counsel and only achieved after extensive face-to-face
2 settlement meetings and on the very eve of trial. ECF No. 3286-2, ¶¶ 17-24. The
3 difficulty of achieving such a settlement against such experienced and motivated
4 opposing counsel (Latham & Watkins and Sullivan Cromwell) is substantial. *See, e.g.*
5 *Fernandez v. Corelogic Credco, LLC*, No. 20-cv-1262, 2024 WL 3209391, at * 16
6 (S.D. Cal. June 24, 2024) (analyzing whether defense counsel was “experienced and
7 quality”); *In re Heritage Bond Litig.*, No. 02-ML1475 DT, 2005 WL 1594403, at *20
8 (C.D. Cal. June 10, 2005) (“The Court also notes that the quality of opposing counsel
9 is important in evaluating the quality of Plaintiff’s counsel’s work.”)

10 Class Counsel is a nationally recognized antitrust and class action law firm with
11 considerable expertise representing indirect purchaser plaintiff classes in antitrust
12 matters. Manifold Decl., ¶45. Such qualifications also should be taken into account
13 when evaluating an appropriate fee award. *See Fernandez*, 2024 WL 3209391, at *16
14 (approving a fee award based in part on the experience of counsel); *see also Vitamins*
15 *Antitrust Litig.*, No. 99-197, MDL 1285, 2001 WL 34312839, at *11 (D.D.C. July 16,
16 2001) (“[T]he attorneys involved are among some of the most highly skilled in the
17 country with extensive experience in similar class action litigation . . . The experience,
18 skill and professionalism of counsel and the performance and quality of opposing
19 counsel all weigh in favor of the requested fee.”). Therefore, the skill required and
20 quality of work in the present case weigh in favor of the requested fee award. Manifold
21 Decl., Ex. 2 at 4, 5 (Judge Berg stating, “[I]t is my recommendation that the District
22 Court consider an upward departure from the presumptively reasonable benchmark
23 fee of 25% in common fund cases” and finding that “an award at [one-third] is
24 warranted.”)

25 **4. The Contingent Fee Nature and Financial Burden Carried by**
26 **Class Counsel Also Supports the Fee Request**

27 The contingent nature of Class Counsel’s representation further supports the
28 fee request. *See In re Lithium Ion Batteries Antitrust Litig.*, No. 13-md-02420-YGR,
2018 WL 3064391, at *1 (N.D. Cal. May 16, 2018) (“attorneys’ fees requested were

1 reasonable and entirely contingent upon success – Plaintiffs' Counsel risked time and
2 effort and advanced costs with no ultimate guarantee of compensation”). Similarly,
3 Class Counsel litigated this case on a wholly contingent basis with no guarantee of
4 payment and recovery only if they were successful. Courts recognize the need to
5 reward plaintiffs’ counsel because of the risk of non-payment they face.

6 Here, the Court should not overlook the real risks faced by Class Counsel in
7 accepting a large scale complicated and time-consuming antitrust action. Antitrust
8 cases inevitably require a tremendous investment of time, energy, and resources.
9 Class Counsel were ready to make, and did make an investment of over \$5.7 million,
10 with the very real possibility of an unsuccessful outcome. The demands and risks
11 involved can readily deter participation by traditional class action firms. The fact that
12 significant financial burden was carried for such an extended period supports the
13 reasonableness of the requested fee percentage. *See Vizcaino*, 290 F.3d at 1050
14 (“These burdens [years of litigation, significant financial expenses, foregoing other
15 work] are relevant circumstances.”) (citations omitted).

16 **C. Lodestar Cross-Check Confirms that the Requested Fee Is**
17 **Reasonable**

18 Although not required, courts often apply a lodestar “cross-check” on the
19 reasonableness of the fee calculated as a percentage of the fund. *In re Online DVD-*
20 *Rental Antitrust Litig.*, 779 F.3d 934, 949 (9th Cir. 2015); *Johnson v. MGM Holdings,*
21 *Inc.*, 943 F.3d 1239, 1242 (9th Cir. 2019) (encouraging the use of the cross-check
22 method). Lodestar is generally the “number of hours reasonably expended on the
23 litigation multiplied by a reasonable hourly rate.” *Hensley v. Eckerhart*, 461 U.S. 424,
24 433 (1983). To calculate lodestar, courts “multiply[] the number of hours the
25 prevailing party reasonably expended on the litigation (as supported by adequate
26 documentation) by a reasonable hourly rate for the region and for the experience of
27 the lawyer.” *Online DVD*, 779 F.3d at 949 (internal quotation omitted). “A lodestar
28 cross-check does not require ‘mathematical precision’ or ‘bean-counting,’ and the
court ‘may rely on summaries submitted by the attorneys and need not review actual

1 billing records.” *In re Optical Disk Drive Prods. Antitrust Litig.*, No. 10-md-02143-
2 RS, 2021 WL 4124159, at *2 (N.D. Cal. Sept. 9, 2021) (citing *In re Rite Aid Corp.*
3 *Sec. Litig.*, 396 F.3d 294, 307 (3rd Cir. 2005)). Courts may “use a rough calculation
4 of the lodestar as a cross-check to assess the reasonableness of the percentage award.”
5 *Fernandez v. Victoria Secret Stores, LLC*, No. CV 06-04149 MMM SHX, 2008 WL
6 8150856, at *9 (C.D. Cal. July 21, 2008).

7 The lodestar for the services performed by Class Counsel in this case results in
8 a negative multiplier.¹⁰ Class Counsel expended a total of 74,280.59 hours litigating
9 this case following the appointment of lead counsel on March 24, 2016 for a total
10 lodestar of \$58,658,750.84. Rifkin Decl., ¶15. The total lodestar is greater than the
11 percentage fee award that Class Counsel requests. The requested fee of 33% of
12 \$146,426,483 is \$48,320,739.40, which is just 82% of their reduced lodestar. The
13 **negative** multiplier of 0.82 supports the reasonableness of the percentage fee request.
14 *Schiller v. David’s Bridal, Inc.*, No. 1:10-cv-00616, 2012 WL 2117001, at *23 (E. D.
15 Cal. June 11, 2012) (acknowledging reasonableness when “[n]otwithstanding [a]
16 reduction in hourly rates . . . the resulting lodestar . . . is still greater than the
17 percentage fee award counsel requests.”)

18 There is no question that the requested fee award of 33% is reasonable based
19 on a lodestar cross-check.

20 **D. Class Counsel Propose the Fee Award Be Net of Expenses and Paid**
21 **Over Time In Proportion to Settlement Monies Received**

22 Class Counsel propose that any fees be awarded net of expenses and be paid

23 _____
24 ¹⁰ Wolf Haldenstein provides summary hour and lodestar information in the
25 accompanying Declaration of Mark C. Rifkin. Firm-by-firm breakdown of hours and
26 lodestar by timekeeper are included in the additional declarations filed concurrently
27 herewith and submitted for each firm that completed work on this case. At the request
28 of Class Counsel, two of the firms representing EPPs, Kralowec Law Group and
Oliver Bell Law Group, that performed specific limited tasks in the Action agreed to
submit their lodestars at hourly rates below their regularly hourly rates. The total
lodestar for EPPs’ counsel includes their time at those reduced hourly rates.

1 over time at the same rate as settlement monies are received from StarKist and the
2 Lion Companies. *See* App’x B (attached hereto).

3 *First*, Class Counsel propose to “net out” and pay reasonable costs and
4 expenses in the amount of \$5,773,516.91, which consists of \$4,155,027.67 in
5 expenses previously awarded in the COSI partial settlement plus \$1,618,489.24 in
6 additional expenses now being sought (if they are approved by the Court) from the
7 total value of the cash settlement of \$152.2 million. Assuming the Court grants the
8 additional expense request in full, the total amount of \$5,773,516.91 in expenses will
9 be deducted from the total EPP Class settlement amount of \$152,200,000, leaving a
10 net settlement fund of \$146,426,483 (the “Net Settlement Amount”). EPPs’ counsel
11 seek an attorneys’ fee award equal to 33% of the Net Settlement Amount, in the
12 amount of \$48,320,739.40.¹¹

13 *Second*, subject to the Court’s approval, Class Counsel will pay the attorneys’
14 fee award over time to coincide with the receipt of settlement monies from StarKist
15 and the Lion Companies in proportion to the settlement funds as they are actually
16 received from Defendants. Rifkin Decl., ¶ 16. *See* App’x B. While not required, and
17 while Class Counsel would be reasonably justified in taking their *entire* attorneys’ fee
18 from the cash on hand at the time of the fee award, Class Counsel are prepared to
19 share the burden of the delayed payment with the EPP Class and believe the short
20 delay and the small risk of non-payment is warranted here.

21 To date, Class Counsel have received \$32,000,000 from StarKist and
22 \$3,000,000 from the Lion Companies, which they are holding together with the
23 \$12,000,000 already received from COSI¹² in escrow as a qualified settlement fund.

24 _____
25 ¹¹ If the Court awards less than \$1,618,489.24 in additional expenses, Class Counsel
26 will adjust the net calculation to reflect the expenses actually awarded by the Court
and will calculate the 33% accordingly. Rifkin Decl., ¶20.

27 ¹² The COSI Partial Settlement was for up to a maximum of \$20 million. Of that
28 amount, COSI unconditionally agreed to pay \$15 million to the EPP Classes. To date,
COSI has paid \$10 million of that amount plus \$2,042,830 for notice and
(continued...)

1 Manifold Decl., ¶¶14-15. StarKist must pay another \$18,000,000 into the Net
2 Settlement Fund on the date of the Final Hearing. *See* App’x A. The remaining \$70
3 million will be paid between November 23, 2024, and January 5, 2026. *See id.*

4 The StarKist Settlement Agreement and the Lion Settlement Agreement both
5 permit Class Counsel to be paid attorneys’ fees awarded by the Court five days
6 following entry of the Court’s award of fees and costs. *See* ECF No. 3286-2 at 40,
7 ¶14.1; at 68, ¶14.1. At that time, assuming the Court promptly approves the settlement
8 and grants the additional expense request in full, the total amount of settlement
9 proceeds on hand will be approximately \$65,042,830 (including interest earned on the
10 settlement proceeds already paid to Class Counsel). Rifkin Decl., ¶ 21. After
11 deducting \$5,773,516.91 for allowed expenses, the resulting 33% attorneys’ fee on
12 that amount (\$59,269,313.09) will be \$19,558,873.30, which Class Counsel will be
13 permitted to take five days following the Court’s award of fees and costs as permitted
14 by the Settlement Agreements.¹³ ECF No. 3286-2 at 40, ¶14.1; at 68, ¶14.1.
15 Thereafter, Class Counsel will withdraw a proportionate 33% share as their Court-
16 awarded attorneys’ fees from each subsequent payment from StarKist and the Lion
17 Companies as they are received. *Id.*

18 **V. EXPENSES ARE REASONABLE AND SHOULD BE REIMBURSED**

19 Class Counsel respectfully request reimbursement for their additional litigation
20 costs and expenses in the amount of \$1,618,489.24 incurred to prosecute this case
21 since May 2021. Rifkin Decl., ¶ 17. They also respectfully request that \$206,379.11

22 _____
23 administration costs. Manifold Decl., ¶ 8. The balance of the settlement payment from
24 COSI is due to be paid on or before 30 days prior to distribution of the Net Settlement
25 Fund to EPP Class members. *Id.* In addition, COSI has paid \$206,379.11 in
26 administration costs incurred in 2024, which will be returned to it. That sum will be
27 credited against the settlement payment balance still owed to the EPP Classes under
28 the payment terms of the settlement. *Id.*, ¶¶9-10.

¹³ That calculation will be changed proportionately if the Court reduces either the amount of expenses to reimburse or the amount of attorneys’ fees to award to EPPs’ counsel. Rifkin Decl., ¶ 20.

1 of that amount be returned to COSI in the form of a credit against its remaining
2 payment obligation as reimbursement for administration costs that were common to
3 both the COSI Partial Settlement and the proposed StarKist and Lion Companies
4 settlements. *Id.*; ECF 2386-2 at 2-4 (¶¶ 5-8). After approving the COSI Partial
5 Settlement, the Court separately approved an Expense Award of \$4,155,027.67. ECF
6 No. 2872 at 2. Since that date, Class Counsel have advanced \$1,618,489.24 in
7 additional reasonable expenses for which they now seek reimbursement. Rifkin Decl.,
8 ¶17. Under the common fund doctrine, Class Counsel are entitled to be reimbursed
9 for all reasonable out-of-pocket expenses and costs incurred to prosecute the claims
10 and obtain a settlement. *In re Apple Inc. Device Performance Litig.*, 50 F.4th 769,
11 785-86 (9th Cir. 2022) (fundamental purpose is to spread a party’s burden of litigation
12 expenses among those who benefitted); *Fernandez*, 2024 WL 3209391, at *21.

13 These expenses are in line with those approved by courts in this Circuit and are
14 all the type of expenses routinely charged to hourly paying clients. *See, e.g., In re*
15 *LendingClub Sec. Litig.*, No. C 16-02627 WHA, 2018 WL 4586669, at *3 (N.D. Cal.
16 Sept. 24, 2018) (expenses such as expert and consultant fees, court fees, travel and
17 lodging costs, legal research fees, and copying expenses were reasonable and
18 recoverable); *Carlin*, 380 F. Supp. 3d at 1023-24; *Harris v. Marhoefer*, 24 F.3d 16,
19 19 (9th Cir. 1994) (approving expenses normally charged to paying client). Details
20 concerning the expenses incurred are listed in the accompanying declarations.
21 Accordingly, Class Counsel respectfully requests that litigation costs and expenses
22 incurred since May 2021 in the amount of \$1,618,489.24 be reimbursed.

23 **VI. SERVICE AWARDS SHOULD BE APPROVED**

24 Throughout nine years of litigation, the individual Class Representatives
25 remained devoted to their duties and actively participated in the litigation. EPPs
26 request a total Service Award in the amount of \$294,000. The monies will be
27 distributed to the sixty-seven (67) Class Representatives and three Illinois plaintiffs
28 based on a tier system reflecting the extent of time and work that each put into the

1 case. *See* ECF No. 3286-2, ¶¶ 25-29. A chart of the Tier Breakdown by Class
2 Representative is attached hereto as App’x C for the convenience of the Court and
3 Settlement Class Members. The requested Service Award amount is insignificant
4 (0.19%) in light of the Total Benefit Amount (\$152.2 million).

5 The requested tiered Service Awards reflect the Class Representatives’ specific
6 contributions to this case. All of the forty-five (45) Class Representatives who
7 participated in discovery and provided multiple Class standing declarations will
8 receive a service award of \$3,000 (Tier 1) for a total of \$135,000. *Id.* For the fourteen
9 (14) Class Representatives who sat for a deposition as part of the class certification
10 process, the higher award of \$6,000 is requested for a total of \$84,000. *Id.* For the
11 eight (8) Class Representatives who were deposed more than once (EPP Drew
12 Gorman), functioned as a plaintiff representative in the Bumble Bee bankruptcy
13 proceedings or were previously deposed and then prepped and prepared to appear at
14 trial, the highest award of \$9,000 is appropriate for a total of \$72,000. *Id.*

15 Courts routinely grant service awards for class representatives. *Rodriguez*, 563
16 F.3d at 958-59. Incentive awards are intended to compensate class representatives for
17 work done on behalf of the class, to make up for financial or reputational risk
18 undertaken in bringing the action, and to recognize their willingness to function as
19 private attorneys general. *Id.* There is no bright line minimum or maximum for service
20 awards, they “typically range from \$2,000 to \$10,000.” *Bellinghausen v. Tractor*
21 *Supply Co.*, 306 F.R.D. 245, 267 (N.D. Cal. 2015) (collecting cases discussing award
22 amounts); *Online DVD*, 779 F.3d at 943 (affirming approval of “incentive awards of
23 \$5,000 each for nine class representatives” as “well within the usual norms of ‘modest
24 compensation’ paid to class representatives.” (citations omitted)). The Service
25 Awards requested are well within the usual norms and should be approved.

26 **VII. THE COURT SHOULD APPROVE THE REASONABLE**
27 **SETTLEMENT ADMINISTRATION AND NOTICE COSTS**

28 Courts allow for reimbursement of reasonable settlement administration fees

1 and costs and any costs associated with providing class notice. *See Online DVD*, 779
2 F.3d at 953. The Settlement Notice Plan, approved by the Court, was robust and
3 provided notice (in various forms) to Settlement Class Members via email, U.S. Mail,
4 posting on the Settlement Website and by digital and print publication. ECF No. 3313-
5 1, ¶¶4-20; ECF No. 3302 at 12-19. The digital and print efforts alone reached more
6 than 70% of potential Settlement Class Members. *Id.*, ¶26.

7 The costs of a robust notice program to a large consumer class is substantial.
8 For this reason, StarKist advanced \$1 million and Lion Companies agreed to pay up
9 to \$200,000 to cover the costs of notice administration. Manifold Decl., ¶59. ECF
10 No. 3302 at 15 (“an interim distribution of \$1.2 million for notice costs prior to the
11 Fairness Hearing is appropriate and is approved under the terms provided in the
12 Settlement Agreements”). As of October 18, 2024, JND has incurred reasonable
13 expenses in the amount of \$726,702.30, slightly below the estimates provided to the
14 Court. Manifold Decl., ¶59. As permitted by the terms of settlements agreements,
15 Class Counsel has paid JND for these reasonable costs of notice administration. *Id.*
16 ECF No. 3302 at 15; ECF No. 3286-2 at 29, ¶5.3 and at 58, ¶5.3 (advanced Notice
17 Costs not recoverable by the Settling Defendants).

18 JND has provided an estimate for the costs of processing claims, running fraud
19 analysis, and dispersing the Distribution Funds of \$2.1 million to \$5.8 million. ECF
20 No. 3302 at 19; ECF No. 3286-2 at 15-16, ¶41. The range is dependent on the number
21 of claims received. *Id.* For example, the estimated range of processing from 500,000
22 to 2,000,000 claims could range from \$1.3 million or over \$5 million. *Id.* Settlement
23 Class Counsel request permission to pay the periodic costs and expenses of claims
24 processing out of the Settlement Fund and, due to the delayed distribution of the
25 Settlement Funds to authorized claimants, will file periodic reports as directed by the
26 Court to update the Court as to the status and estimated costs for the Distribution Plan.

27
28

1 **VIII. CONCLUSION**

2 For the foregoing reasons, the EPPs respectfully request that, in conjunction
3 with Final Approval of the proposed settlements, the Court grant their request for
4 attorneys’ fees in the amount of \$48,320,739.40, award reimbursement of their
5 additional litigation expenses in the amount of \$1,618,489.24, and approve service
6 awards to the named Class Representatives in the total amount of \$294,000.

7 Dated: October 25, 2024

8 By: s/ Betsy C. Manifold
9 Betsy C. MANIFOLD

10 **WOLF HALDENSTEIN ADLER**
11 **FREEMAN & HERZ LLP**
12 Betsy C. MANIFOLD
13 RACHELE R. BYRD
14 ALEX J. TRAMONTANO
15 750 B Street, Suite 1820
16 San Diego, CA 92101
17 Telephone: 619/239-4599
18 Facsimile: 619/234-4599
19 manifold@whafh.com
20 byrd@whafh.com
21 tramontano@whafh.com

22 **WOLF HALDENSTEIN ADLER**
23 **FREEMAN & HERZ LLP**
24 MARK C. RIFKIN
25 THOMAS H. BURT
26 270 Madison Avenue
27 New York, New York 10016
28 Telephone: 212/545-4600
Facsimile: 212/545-4653
rifkin@whafh.com
burt@whafh.com

WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLC
CARL MALMSTROM
111 West Jackson, Suite 1700

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Chicago, IL 60604
Telephone: 312/984-0000
Facsimile: 312/212-4401
malmstrom@whafh.com

Class Counsel for the End Payer Plaintiffs

4878-0242-7890v1

APPENDIX A

In Re: Packaged Seafood Products Antitrust Litigation,
Case No. 15-MD-2670 DMS (MSB) (S.D. Cal.)

StarKist Payment Schedule:

Date	Event/Deadline	Additional Amount Due	Total Amount
8/23/2024 (Friday)	Preliminary Approval	N/A	N/A
9/22/2024 (Sunday)	30 days after Preliminary Approval	\$32,000,000.00	\$32,000,000.00
11/22/2024 (Friday)	Anticipated Final Approval Date	\$18,000,000.00	\$50,000,000.00
2/19/2025 (Wednesday)	180 days after Preliminary Approval	\$15,000,000.00	\$65,000,000.00
4/20/2025 (Sunday)	240 days after Preliminary Approval	\$12,000,000.00	\$77,000,000.00
6/19/2025 (Thursday)	300 days after Preliminary Approval	\$11,000,000.00	\$88,000,000.00
8/18/2025 (Monday)	360 days after Preliminary Approval	\$11,000,000.00	\$99,000,000.00
10/17/2025 (Friday)	420 days after Preliminary Approval	\$11,000,000.00	\$10,000,000.00
12/16/2025 (Tuesday)	480 days after Preliminary Approval	\$10,000,000.00	\$120,000,000.00
1/05/2026 (Monday)	500 days after Preliminary Approval	\$10,000,000.00	\$130,000,000.00

See ECF No. 3285-2 (StarKist Settlement Agreement) at 26, Paragraph 1.24.

Lion Payment Schedule:

Date	Event/Deadline	Additional Amount Due	Total Amount
8/23/2024 (Friday)	Preliminary Approval	N/A	N/A
9/22/2024 (Sunday)	30 days after Preliminary Approval	\$3,000,000.00	\$ 3,000,000.00
11/22/2024 (Friday)	Anticipated Final Approval date	N/A	N/A
1/6/2025 (Monday)	45 days after Final Approval	\$3,000,000.00	\$6,000,000.00

See ECF No. 3285-2 (Lion Companies Settlement Agreement) at 54, Paragraph 1.22

COSI Payment Schedule:

Date	Event/Deadline	Additional Amount Due	Total Amount
Sunday, March 27, 2022	60 days after Preliminary Approval	\$ 5,000,000.00	\$ 5,000,000.00
Sunday, August 14, 2022	30 days after Final Approval	\$5,000,000.00	\$10,000,000.00
Sunday, August 14, 2022	30 days after Final Approval	\$ 5,000,000.00	\$15,000,000.00
Monday, January 5, 2026	30 days prior to Distribution	\$5,000,000.00	\$20,000,000.00

See ECF No. 2846-2 (Partial (COSI) Settlement) at 23, Paragraph 11(d).

APPENDIX B

Calculations: Fee Award Be Paid Over Time Proportional to Settlement Monies

Total Money Received at or before Final Approval: \$65,042,830.00 (total)

- \$50,000,000 from StarKist
- \$3,000,000 from Lion
- \$12,042,830.00 from COSI

**Total Costs to be Presently Netted Out or Already Paid from COSI:
\$5,773,516.91 (total)**

- -\$4,155,027.67 for Approved Expenses (per ECF 2872)
- -\$1,618,489.24 for Costs/Expenses since 4/2022 (Net Expenses from Mot. for Preliminary Approval)

\$65,042,830.00	(Total Money at Final Approval)
<u>- \$5,773,516.91</u>	(Total Costs & Expenses)
\$59,269,313.09	(Total Fund at Final Approval after netting out costs)

Fees received at final approval: \$19,558,873.30

- 33% of \$59,269,313.09 (Total Fund at Final Approval after netting out costs)
= \$19,558,873.30

Fees received post-final approval: \$29,040,000.00

- \$26,400,000.00 (33% of all remaining payments from StarKist)
- \$1,650,000.00 (33% of all remaining payments from COSI)
- \$990,000.00 (33% of all remaining payments from Lion)

Combined Attys Fees Total: \$48,320,739.40

- \$19,558,873.30 (at final approval) + \$29,040,000.00 (post-final approval) =
\$48,320,739.40 (Total Fees Award)

Est. Remaining Balance of Funds at the time of Distribution: \$98,948,573.70

- The costs of administering the settlement fund, processing claims will be paid out of this figure. (Est. at \$1,300,000.00 to \$5,000,000.00.)
- Any Service Awards to award to Class Representatives will be paid out of this amount (\$294,000.00 requested).

APPENDIX C

CLASS REPRESENTATION SERVICE AWARDS TIER CHART

	Tier 1	Tier 2	Tier 3
# of Plfs	46	14	8
Individual Award	\$3,000	\$6,000	\$9,000
Total Award	\$138,000	\$84,000	\$72,000
List of Plaintiffs in Each Tier	Adams, Louise Alidad, Nay Bartling, Jessica Blumstein, Barbara Buenning, Barbara Caldwell, Scott Canterbury, Jade Christensen, Casey Cooper, Jody Daniels, Sundé Depperschmidt, Brian Dravid, Vivek Etten, Rob Felix Garcia, Ana Gabriela Frick, John Garner, Kathleen Gipson, Stephanie Grant, Tina Hughes, Tya Jackson, Amy Jacobus, Marissa Johnson, Danielle Johnston, Zenda Juetten, Michael Kratky, Steven Lingnofski, Kathy McMahan, Katherine Mey, Diana Milliner, Liza Montoya, Laura Peck, Kirsten Perron, Elizabeth Peters, Valerie Peychal, John	Bowman, Melissa Buff, Michael Durand (f/k/a Gore), Kathy Eason (f/k/a Craig), Kim Emery, Gloria Gutierrez, Edgardo Lown, Carla Musgrave, Rick Norris, Corey Pels, John Skaff, Rob Stearns, Greg Vander Laan, Bonnie Wiese, Julie	Birnbaum, Gay Childs, Laura Gorman, Andrew Hall, Lisa Hudson, Mary Nelson, Jennifer Olson, Barbara Twitchell, Elizabeth

	Rickman, Audra Rodriguez, Erica San Agustin, Joelyna A. Sartori, Amber Simoens, Rebecca Lee Stiller, Nancy Todd, Christopher Trent, John Warren, Nigel Willoughby III, Thomas Zwirlein, Dan		
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1 BETSY C. MANIFOLD (182450)
manifold@whafh.com
2 RACHELE R. BYRD (190634)
3 byrd@whafh.com
4 ALEX J. TRAMONTANO (276666)
tramontano@whafh.com
5 **WOLF HALDENSTEIN ADLER**
6 **FREEMAN & HERZ LLP**
7 750 B Street, Suite 1820
8 San Diego, CA 92101
9 Telephone: 619/239-4599
Facsimile: 619/234-4599

10 *Class Counsel for the End Payer Plaintiffs*

11 [Additional counsel appear on signature page]

12 UNITED STATES DISTRICT COURT
13
14 SOUTHERN DISTRICT OF CALIFORNIA

15 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
16 PRODUCTS ANTITRUST)
17 LITIGATION) **END PAYER PLAINTIFFS’**
18) **NOTICE OF MOTION AND**
19) **MOTION FOR ATTORNEYS’**
20) **FEES AND COSTS**

21 _____) DATE: November 22, 2024
22 This Document Relates to:) TIME: 1:30 p.m.
23 End Payer Plaintiffs Class Track) JUDGE: Hon. Dana M. Sabraw
24) COURT: 13A (13th Floor)
25)
26)
27)
28)

1 **TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 **PLEASE TAKE NOTICE** that on November 22, 2024 at 1:30 p.m., the End
4 Payer Plaintiff Class (collectively, the “End Payer Plaintiffs” or “EPPs”) will move
5 the Court for an award of attorneys’ fees (\$48,320,739.40), and reimbursement of
6 litigation expenses (\$1,618,489.24) for EPP Class Counsel in conjunction with its
7 ruling on final approval of the proposed class action settlements between EPPs and
8 Defendants StarKist Co. and Dongwon Industries Co., Ltd. and Defendants Lion
9 Capital LLP, Lion Capital (Americas), Inc., and Big Catch Cayman LP. EPPs also
10 seek modest incentive awards ranging from \$3,000.00 to \$9,000.00 (aggregate total
11 of \$294,000.00) for each of the Class Representatives from the settlement fund for
12 their respective tiers of service in this case.

13 This Motion is based on the accompanying brief, the supporting declarations,
14 the record and any further briefing in this matter, and the arguments at the hearing of
15 this Motion, if any. A proposed order is being submitted contemporaneously with this
16 Motion. This notice, the brief in support, the concurrently filed declarations, and
17 supporting papers will be posted to the dedicated settlement website.

18 Dated: October 25, 2024

By: s/ Betsy C. Manifold
BETSY C. MANIFOLD

20 **WOLF HALDENSTEIN ADLER**
21 **FREEMAN & HERZ LLP**
22 BETSY C. MANIFOLD
23 RACHELE R. BYRD
24 ALEX J. TRAMONTANO
25 750 B Street, Suite 1820
26 San Diego, CA 92101
27 Telephone: 619/239-4599
28 Facsimile: 619/234-4599
manifold@whafh.com
byrd@whafh.com
tramontano@whafh.com

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**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

MARK C. RIFKIN
THOMAS H. BURT
270 Madison Avenue
New York, New York 10016
Telephone: 212/545-4600
Facsimile: 212/545-4653
rifkin@whafh.com
burt@whafh.com

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLC**

CARL MALMSTROM
111 West Jackson, Suite 1700
Chicago, IL 60604
Telephone: 312/984-0000
Facsimile: 312/212-4401
malmstrom@whafh.com

Class Counsel for the End Payer Plaintiffs

4878-0242-7890v1

1 Betsy C. Manifold (182450)
manifold@whafh.com
2 Rachele R. Byrd (190634)
byrd@whafh.com
3 Alex J. Tramontano (276666)
tramontano@whafh.com
4 **WOLF HALDENSTEIN ADLER**
5 **FREEMAN & HERZ LLP**
750 B Street, Suite 1820
6 San Diego, CA 92101
7 Telephone: 619/239-4599
8 Facsimile: 619/234-4599

9 *Proposed Settlement Class Counsel for the End Payer Plaintiffs*

10 [Additional counsel appear on signature page]

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13
14 IN RE: PACKAGED SEAFOOD
PRODUCTS ANTITRUST
15 LITIGATION

) Case No.: 15-MD-2670 DMS (MSB)

) **DECLARATION OF BETSY C.**
) **MANIFOLD IN SUPPORT OF END**
) **PAYER PLAINTIFFS' MOTION**
) **FOR FINAL APPROVAL OF**
) **CLASS ACTION SETTLEMENTS**
) **AND MOTION FOR FEES AND**
) **COSTS**

16
17
18
19 _____
This Document Relates to:

20
21 End Payer Plaintiffs Class Track

)
) DATE: November 22, 2024
) TIME: 1:30pm
) JUDGE: Hon. Dana M. Sabraw
) COURT: 13A (13th floor)
)
)
)

1 I, Betsy C. Manifold, declare as follows:

2 1. I am an attorney duly licensed to practice before all the courts of the State
3 of California. I am a member of the law firm Wolf Haldenstein Adler Freeman & Herz
4 LLP (“Wolf Haldenstein”), Class Counsel for End Payer Plaintiffs (“EPPs” or
5 “Consumers”). I submit this declaration in support of End Payer Plaintiffs’ Motion for
6 Final Approval of Class Action Settlements and Motion for Fees and Costs. I have
7 personal knowledge of the matters stated herein and, if called upon, I could and would
8 competently testify thereto.

9 **OVERVIEW**

10 2. To bring nearly a decade of hard-fought litigation to a close, Class
11 Counsel present the Court with two final settlements, which the Court preliminarily
12 approved on August 23, 2024. ECF No. 3302. The Settling Defendants are StarKist
13 Co. and its parent Dongwon Industries Co., Ltd. (“DWI”) (collectively “StarKist”)
14 and Lion Capital LLP, Lion Capital (Americas), Inc., and Big Catch Cayman LP)
15 (collectively “Lion” or the “Lion Companies”). Subject to the Court’s final approval,
16 these two proposed settlements, with a combined cash value of \$136 million, plus an
17 earlier partial settlement with Defendant Chicken of the Sea and its parent Thai Union
18 Group (“Partial COSI Settlement”) which adds another \$16.2 million, the total
19 settlement benefits are \$152.2 million.

20
21 3. The StarKist and Lion Companies Settlement Agreements were
22 extensively negotiated at arms’-length by counsel experienced in antitrust class
23 actions. Class Counsel were ready and willing to try this antitrust litigation to verdict.
24 It was only due to the extraordinary efforts of United States Magistrate Judge Michael
25 S. Berg, who oversaw multiple heated mediation sessions between the settling parties
26 in April, May, June, and July 2024, that these settlements were achieved – literally on
27 the eve of a trial set to start on July 16, 2024. The total settlement benefits of
28

1 \$152,200,000 represent over 68% of maximum single damages and 2.3 times StarKist
2 single damages (\$56 million) as calculated by the EPPs' expert, Professor David
3 Sunding. This is an excellent outcome for the previously certified Consumer Classes
4 (defined below).

5 4. As described below, the nine-year trajectory of this litigation includes a
6 hotly disputed class certification process, extensive discovery with tens of millions of
7 documents and over 200 depositions, ending with multiple summary judgment
8 motions and trial preparations. Trial preparation was substantially complete. It is the
9 view of experienced Settlement Class Counsel that the Settlement Agreements are
10 fair, adequate, and reasonable, are in the best interests of the Consumer Classes and
11 warrant final approval.

12 5. Separately, Class Counsel will move for an award of reasonable
13 attorneys' fees, reimbursement of litigation expenses, and modest incentive awards
14 (tiered in relation to their time and service in this case). Class Counsel devoted
15 significant time and substantial resources to this lengthy, complex, and highly
16 successful antitrust litigation. The exceptional recovery of \$152,200,000 arose from
17 Class Counsel's skillful and dedicated litigation of this complex case. A detailed
18 analysis of the time and expenses incurred in this litigation is set forth in the
19 Declaration of Mark C. Rifkin in Support of EPPs' Motion for Fees and Costs, filed
20 concurrently with the separate Fee Motion.

21
22 **PARTIAL COSI SETTLEMENT**

23 6. Incorporated by reference is the detailed History of the Litigation in the
24 EPPs' Motion for Final Approval (ECF No. 2552-1 at 7-14) which describes the
25 context and terms of the earlier Partial COSI Settlement. The key terms and conditions
26 of the COSI Settlement as to any Fee and Expense Award sought by the EPPs and
27 Class Counsel remain unchanged. *Jt. Stip.*, ¶8, citing ECF 2552-3 at 18 and 19.
28 ***However, the EPPs and Class Counsel elected unilaterally not to seek***

1 *reimbursement of attorney fees solely from the COSI Defendants or the COSI*
2 *Settlement Fund.* Instead, EPPs moved for reimbursement of their reasonable and
3 necessary litigation costs and expenses in the amount of \$4,155,027.57. Settlement
4 Class Counsel reserved its rights to seek reimbursement of attorney fees from any
5 monies recovered from the Non-Settling Defendants whether by order, judgment,
6 settlement, or trial and to base any such request for fees on the total Settlement amount.
7 *Id.* Settlement Class Counsel now respectfully request that any Attorney Fee Award
8 be based on the Total Settlement Fund.

9
10 7. On July 15, 2022, the Court finally approved the Partial COSI Settlement.
11 ECF No. 2871. Under the Partial COSI Settlement Agreement, the Maximum
12 Settlement Amount was \$20 million. ECF No. 2552-3 at 8. Under Paragraphs 11(b)
13 and 18, up to \$5 million could be used to cover the reasonable costs of the Settlement
14 Notice and administration (“Administrative Costs Fund”) of the \$15 million
15 Settlement Fund. Under the COSI Settlement Agreement, since the reasonable costs
16 of Settlement Notice and administration were less than \$5 million, the difference is
17 now credited back to the COSI Defendants. *Id.* at 14 and 15. The Court also approved
18 an Expense Award for Class Counsel in the amount of \$4,155,027.67 for
19 reimbursement of specific, reasonable, and necessary out of pocket litigation costs
20 incurred as of May 2021.” ECF No. 2872 at 4:17-19.

21 8. As to the \$15 million Settlement Fund, the first distribution of \$5,000,000
22 was received on July 1, 2020 and the second distribution of \$5,000,000 was received
23 within 30 days after Final Approval in August 2022. The final \$5,000,000 “will be
24 paid within 30 days prior to the distribution of the Distribution Funds to the
25 Authorized Claimants.” ECF No. 2846-2 at 23. Based on the timing of the monies to
26 be paid under the StarKist Settlement Agreement, distribution is likely to occur in
27 early 2026.

28 9. In accordance with the Partial COSI Settlement, EPPs further request that

1 \$206,379.11 be distributed to COSI out of the Total Settlement Fund as a
2 reimbursement for 2024 administrative costs paid out of the \$5 million Administrative
3 Costs Fund. These costs were common to all of the settlements. As part of the Partial
4 COSI Settlement, the parties agreed that COSI would pay for the notice and
5 administration of its own settlements, but if subsequent settlements or judgments were
6 achieved, the costs of notice and administration would be borne by the later settling
7 parties. *See* ECF No. No.2552-3 at 14 and 15 (Partial COSI Agreement) at ¶18(b)(ii)
8 (“If, subsequent to the date of this Agreement, a settlement is made with any other
9 Defendant in the Action, or an amount for the Classes collected is from any judgment,
10 the Plaintiffs shall apply to the Court, after consultation with the COSI Defendants’
11 Counsel, for an award allocation for notice and administration from the amounts
12 available from the subsequent settlement or judgments”).

13
14 10. The \$206,379.11 reimbursement request reflects the amount that EPPs
15 have spent on claims and administration between April 2024 and July 2024. COSI
16 contends that this request understates the amount to which it is entitled, which COSI
17 believes is any expenditures that benefitted later settlements, such as setting up a
18 website, developing a plan, and creating accurate contact information for claimants
19 and would be greater than the amount requested. The amount requested is relatively
20 modest compared to the nearly \$1.4 million in notice and administration costs already
21 covered by the COSI Settlement.

22 11. COSI acknowledges that some expenditures—such as notice unique to its
23 settlement—do not overlap and COSI has not requested reimbursement of these
24 amounts. However, the requested reimbursement would most directly benefit the
25 proposed settlements, since they were made shortly before the settlements were
26 reached, and as a matter of expediency EPPs believe that this is a fair benchmark for
27 COSI’s reimbursement request. EPPs believe that this request is reasonable under the
28 terms of the COSI Settlement.

1 **THE STARKIST AND LION SETTLEMENT AGREEMENTS**

2 12. Complete copies of both the StarKist Settlement Agreement and the Lion
3 Companies Settlement Agreement are attached to the Declaration of Betsy C.
4 Manifold in Support of EPPs’ Motion for Preliminary (“Preliminary Approval
5 Motion”) as Exhibits 1 and 2, respectively. *See* ECF No. 3285-2 at 19-46 (“StarKist
6 Settlement Agreement”) and 47-72 (“Lion Settlement Agreement”). The Preliminary
7 Approval Motion provided a detailed summary of the key terms in both settlements
8 and is available (along with all the exhibits) on the Settlement Website. *See* ECF No.
9 3286-1 at 13-15.

10 13. Once the EPPs’ Motion for Final Approval of Class Action is filed on or
11 before November 15, 2024, the motion and all supporting papers will be posted on the
12 Settlement Website (<https://www.tunaendpurchasersettlement.com>) concurrently
13 with the filing. Similarly, once the Motion for Fees and Costs is filed on or before
14 October 25, 2024, the papers will also be posted on the Settlement Website.

15 **StarKist Settlement Agreement**

16 14. The StarKist Settlement Agreement provides that StarKist will pay \$130
17 million in cash over a period of time ranging from 30 days after preliminary approval
18 (September 19, 2024) to 500 days after preliminary approval (January 6, 2026). ECF
19 No. 3286-1 at 26, ¶ 1.24. The first payment of \$32 million was paid on September 19,
20 2024, within 30 days after preliminary approval on August 21, 2024. The second
21 payment of \$18 million from Starkist is due prior to the Fairness Hearing on
22 November 22, 2024. ECF No. 3286-1 at 26, ¶ 1.24. The remaining settlement
23 payments by Starkist are fixed on certain dates following preliminary approval. *Id.*
24 For the Court’s convenience, the payment schedule is set forth in Appendix A attached
25 to the EPPs’ Motion for Fees and Costs.

26 **Lion Settlement Agreement**

27 15. Under the terms of the Lion Settlement Agreement, the Lion Companies
28

1 have deposited \$3 million in the Settlement Fund Escrow. ECF No. 3286-1 (Lion SA)
2 at 55, ¶ 1.22). The final \$3 million will be deposited within 45 days after final approval
3 of the settlement. *Id.*, App’x A.
4

5 **SETTLEMENT NEGOTIATIONS CONDUCTED AT ARMS’-LENGTH**

6 16. The parties made notable attempts to settle throughout the litigation.
7 Since mid-2019, Class Counsel engaged in several informal settlement discussions
8 and many more formal settlement negotiations (most presided over with extreme care
9 and exceptional skill by Magistrate Judge Michael Berg) with counsel for the Settling
10 Defendants.
11

12 **Settlement Discussions with StarKist**

13 17. The EPPs and StarKist participated in multiple settlement conferences
14 with Magistrate Berg on October 4, 2023, April 25, 2024, May 22, May 23, 2024, and
15 June 3, 2024. With the oversight and guidance of Magistrate Berg, and with most pre-
16 trial proceedings complete and the July 16, 2024 trial looming, the EPPs and StarKist
17 finally reached a settlement-in-principle in the amount of \$130 million on June 3,
18 2024.

19 **Settlement discussions with the Lion Companies**

20 The EPPs and the Lion Companies also attended a joint settlement conference
21 before Magistrate Berg on August 7, 2023. ECF 3286-2 at ¶ 23. Counsel for the EPPs
22 and for the Lion Companies continued to conduct informal and formal settlement
23 negotiations, including a lengthy but unsuccessful formal mediation with Judge
24 Michael Weinstein (retired).

25 18. On June 17, 2024, nearly a year after beginning the settlement process
26 and with the trial imminent, the EPPs again met with the Lion Companies (and their
27 principals and insurers) in a day-long settlement conference with Magistrate Berg. The
28 settlement conference culminated in the parties reaching a \$6,000,000 settlement-in-

1 principle, but only after the Lion Companies’ and its founders’ financial condition
2 were carefully evaluated by Class Counsel and by Magistrate Berg.

3 **PRELIMINARY APPROVAL GRANTED**

4 19. Based on this ample record, the Court found that the proposed settlements
5 were the result of arms’ length negotiations. ECF No. 3302 at 4. After carefully
6 reviewing the monetary terms, the Settlement Class definitions, and the releases
7 provided for in both settlement agreements, the Court granted preliminary approval
8 “as each is likely to be finally approved after the Fairness Hearing.” *Id.* at 7.

9 **RELEVANT LITIGATION SUMMARY**

10 20. On August 24, 2015, the EPPs filed a class action complaint alleging an
11 antitrust conspiracy by the three domestic tuna brands and their parent companies.¹
12 Once the MDL was established, Wolf Haldenstein became instrumental in organizing
13 the indirect consumer cases and plaintiffs; and on behalf of fifty-four (54) EPPs, filed
14 a consolidated class action complaint in this Court alleging an antitrust conspiracy in
15 the packaged seafood industry. ECF No. 149. The consolidated complaint followed
16 the announcement by the Department of Justice (“DOJ”) of an investigation into the
17 packaged seafood industry. *See* ECF No. 2846-2 at ¶5.

18 21. As a result of the DOJ investigation, COSI admitted Sherman Act
19 violations, sought leniency (thereby admitting criminal liability), and cooperated with
20 both the DOJ and civil claimants by providing evidence against StarKist and Bumble
21 Bee. ECF No. 2846-2 at ¶5. Although the DOJ intervened and the MDL was stayed
22 temporarily [ECF No. 137], Wolf Haldenstein coordinated with the other Classes on
23 a Protective Order [ECF No. 167] and continued to investigate and advance the case
24 forward.
25

26
27
28

¹ *See Mathews v. Bumble Bee Foods*, 15-CV-01878 (JLB), filed August 24, 2015 (S.D. Cal.); ECF No. 1 (Transfer Order for MDL No. 2670).

1 **Appointment of Interim Lead Counsel**

2 22. On March 24, 2016, the Court appointed Wolf Haldenstein as the EPPs’
3 Interim Lead Counsel. ECF No. 119. Wolf Haldenstein was tasked with the following
4 responsibilities:

- 5 a. to brief and argue motions and file opposing briefs in proceedings
6 initiated by other parties, and to present (by a designee) to the Court
7 and opposing parties the position of all EPPs for all matters arising
8 during all pretrial and trial proceedings;
- 9 b. to designate attorneys to act as spokespersons at pretrial
10 conferences;
- 11 c. to conduct or coordinate discovery on behalf of the EPPs consistent
12 with the requirements of the Federal Rules of Civil Procedure,
13 including the preparation of joint interrogatories, requests for
14 production of documents, requests for admissions, and the
15 examination of witnesses in depositions;
- 16 d. to designate an attorney to enter into stipulations with opposing
17 counsel necessary for the conduct of the litigation;
- 18 e. to monitor the activities of co-counsel and to implement procedures
19 to ensure that schedules are met and unnecessary expenditures of
20 time and funds by counsel are avoided;
- 21 f. to collect time, lodestar, and expense reports from each of the law
22 firms working on behalf of the class of EPPs, including paralegals
23 and any other staff members whose time is expected to be included
24 in any fee petition;
- 25 g. to ensure that work assignments are not given to any firm that has
26 not promptly submitted its time and expense records or paid its
27 assessments;
- 28 h. to sign any consolidated complaint, motions, briefs, discovery
requests or objections, subpoenas, stipulations, or notices on behalf
of the class of EPPs or those EPPs filing particular papers;
- i. to conduct all pre-trial, trial, and post-trial proceedings on behalf of
the class of EPPs;
- j. to employ and consult with experts;
- k. to call meetings of the law firms representing the class of EPPs

1 when deemed appropriate and to assign work to these law firms;

2 l. to conduct settlement negotiations with defense counsel on behalf
3 of the class of EPPs;

4 m. to assure that all counsel for the EPPs are kept informed of the
5 progress of this litigation;

6 n. to appoint an executive committee to assist Interim Lead Counsel
7 in litigating the EPP actions; and

8 o. to allocate fees and expenses among all counsel for the EPPs.

9 ECF No. 119 (“Order Appointing Interim Lead Counsel”) at 7-8.

10 As directed by the Court, to avoid unnecessary expenditures of time and
11 expense, in submitting this fee request, Class Counsel exercised the necessary billing
12 discretion in reviewing records submitted by the EPPs’ counsel. Class Counsel deleted
13 any unproductive time and expenditures to ensure that all fees requested are fair and
14 reasonable. Rifkin Decl., ¶10. The time and expense records reviewed by Class
15 Counsel and the declarations submitted as part of this fee request show the significant
16 work performed in preparing this complex, often novel, antitrust case for trial – all for
17 the benefit of the Class.

18
19 **Substantial Discovery Was Conducted**

20 23. Once the DOJ stay was lifted, Lead Counsel pushed for the production
21 of DOJ documents from the related criminal convictions. ECF No. 2846-2 at ¶8.
22 Defendants produced over two million pages of documents as a result of these efforts.
23 *Id.* Wolf Haldenstein efficiently reviewed these critical documents in order to support
24 substantial and expanded new allegations in six successive amended consolidated
25 complaints. ECF Nos. 149, 337, 512, 888, 1208, and 1461.

26 24. Wolf Haldenstein efficiently coordinated with other plaintiffs’ counsel to
27 harmonize the pleading details as to the nature and scope of Defendants’ anti-
28 competitive conduct which resulted in successively stronger and more detailed

1 amended complaints and in opinions denying, in large part, Defendants' Motion(s) to
2 Dismiss. *See* ECF Nos. 283 and 295.

3 25. Here, the conspiratorial conduct consisted, in part, of certain illegal
4 agreements among Bumble Bee, COSI and StarKist to fix prices. To prove
5 Defendants' conduct was anti-competitive required Lead Counsel to pursue their
6 claims against all three manufacturers concurrently. As a result of this joint conduct,
7 Class Counsel vigorously pursued discovery against all three defendants, which as
8 discussed below, was instrumental in reaching an early ice-breaker settlement with
9 COSI. Lead Counsel effectively worked with other plaintiffs to take over 200
10 depositions and to serve more than twenty third-party subpoenas in order to collect
11 pricing data from market participants. ECF No. 2846-2 at ¶10. In total, millions of
12 pages of documents were produced and then reviewed by EPPs' counsel.

13 26. In addition to suing Bumble Bee, StarKist and COSI, EPPs also sued their
14 parent companies and affiliated entities. These entities were *not* prosecuted by the
15 DOJ. All denied any liability for the actions of their subsidiaries and affiliates. Having
16 served, received and reviewed new discovery from the Lion Companies, Class
17 Counsel uncovered new facts about these entities and their participation in the
18 conspiracy. Class Counsel immediately moved to amend the scheduling order in order
19 to add the Lion Companies (ECF No. 769) which the Court granted. *See* ECF No. 884
20 at 12. Class Counsel's efforts provided an opportunity for the EPP Class members to
21 recover \$6 million from the Lion Companies, since Bumble Bee sold its assets in the
22 bankruptcy proceedings. *See* ECF No. 2279 at ¶2, Ex. A (sale of assets).

24

25 **Multiple Motions to Dismiss Followed by An Answers**

26 27. After several rounds of motions to dismiss, each brought separately by
27 different Defendant groups against different plaintiff tracks, Defendants answered the
28 operative EPP Complaint [ECF No. 1461]. *See* Answers, ECF Nos. 1562, 1602, 1603,

1 1690, 1691 and 2639. All of the state law claims in the operative Complaint were
2 found to be timely or tolled by either the Discovery Rule or Fraudulent Concealment.
3 *See* ECF No. 295 at 99-101 citing the Court’s State Law Statute of Limitations
4 Compendium.

5 **Coordination of Plaintiff Tracks for Case Management**

6 28. Class Counsel also effectively coordinated with all plaintiff tracks on
7 case management related issues. Judge Sammartino requested that Wolf Haldenstein’s
8 San Diego-based partner, Betsy Manifold, act as the local liaison between the
9 Plaintiffs’ tracks and the Court with regard to communications as to dates, scheduling,
10 and other logistics. All time scheduling or organizational issues which have arisen in
11 the case, including coordinating, drafting, and preparing Status Reports, have been
12 coordinated among the Plaintiffs by Wolf Haldenstein.

13 **Monitoring of Criminal Case**

14 29. Class Counsel’s work also included monitoring the parallel criminal
15 litigation for guilty pleas, sentencing hearings, and criminal convictions. Defendants
16 Bumble Bee and StarKist pled guilty to a criminal conspiracy to violate federal
17 antitrust laws under the Sherman Act, 15 U.S.C. §1, on August 4, 2017, and November
18 14, 2017. *See* ECF No. 2654. Several executives of Defendant StarKist and Bumble
19 Bee pleaded guilty to participating in the conspiracy in 2017, and Bumble Bee’s Chief
20 Executive Officer was tried and convicted by jury on December 3, 2019 for his role
21 in the conspiracy. *Id.*

22 30. When StarKist challenged the fine owed to the government in connection
23 with the criminal sentencing in the case of *United States v. StarKist Co.*, No. 18-cr-
24 0513-EMC (N.D. Cal) (“*StarKist Criminal Case*”), arguing that it would not have the
25 funds to pay the civil plaintiffs if forced to pay the full \$100 million fine, the EPPs
26 moved with the DPPs to be heard under the Crime Victim’s Rights Act. Class Counsel
27 attended multiple hearings and submitted several briefs. Ultimately, the criminal court
28

1 found that StarKist had an ability to pay the criminal fine over a staged period of time.
2 Class Counsel’s participation in these proceedings provided a benefit to the Class
3 members.

4 **Challenges of Class Certification**

5 31. All three Classes filed motions for class certification in May of 2018. *See*
6 ECF No. 1130 (EPP Motion for Class Certification). Three respected economists from
7 different shops offered declarations in support of the Class motions: Dr. Russel
8 Mangum (“Mangum”) (DPPs), Dr. Michael Williams (“Williams”) (CFPs), and Dr.
9 David Sunding (“EPPs). Defendants countered with two experts, both from
10 Edgeworth Economics: Dr. John Johnson (“Johnson”) and Dr. Laila Haider (“Haider”)
11 (responding to Sunding and Williams). ECF No. 2846-2 at ¶12. As part of class
12 discovery, Class Counsel prepped and defended 16 individual EPP depositions. In
13 opposing class certification, not a single Class Representative was challenged on
14 standing or adequacy by Defendants. ECF No. 1931 (Class Order) at 47, 58 (adequacy
15 of Class Representatives uncontested).
16

17 32. On January 14-16, 2019, the parties participated in a three-day
18 evidentiary hearing re: class certification, which involved nine briefs, nine
19 declarations, five experts, hundreds of exhibits, and resulted in a 59-page Class Order
20 [ECF No. 1931]. *See* ECF Nos. 1128-30, 1411, 1702-04, 1749. The Court ultimately
21 certified a Cartwright Act Class consisting of all persons and entities who resided in
22 one of the states identified in the EPPs’ operative complaint, “who indirectly
23 purchased Packaged Tuna in cans or pouches, smaller than forty ounces for end
24 consumption and not for resale, produced by any Defendant” during the period June
25 1, 2011 through July 1, 2015 (the “Class Period”). ECF No. 1931 at 46. The Court
26 also certified a statewide damages class for each State identified in the operative
27 complaint. *Id.* The Court appointed Wolf Haldenstein as Class Counsel. *Id.* at 58-59.
28

1 33. In 2019, Defendants appealed the Class Order pursuant to Fed. R. Civ. P.
2 23(f). ECF No. 2246. On April 6, 2021, a Ninth Circuit panel vacated the Class Order
3 and remanded the case so that the trial court could decide which expert was more
4 persuasive on the issue of the number of uninjured class members in each class. *Olean*
5 *Wholesale Grocery Coop. Inc. v. Bumble Bee Foods, LLC*, 993 F.3d 774 (9th Cir.
6 2021) (“*Olean I*”). A rehearing *en banc* was granted on August 3, 2021. *Olean*
7 *Wholesale Grocery Coop. Inc. v. Bumble Bee Foods, LLC*, 5 F.4th 950 (9th Cir. 2021).
8 The *en banc* court affirmed the District Court’s Class Order in full. *Olean Wholesale*
9 *Grocery Coop. Inc. v. Bumble Bee Foods, LLC*, 31 F.4th 651 (9th Cir. 2022) (“*Olean*
10 *II*”). According to Westlaw Citing References, *Olean II* has been cited 994 times as
11 of October 21, 2024 and has become the leading antitrust class certification order in
12 district court proceedings throughout the United States.

13
14 **Expert Discovery**

15 34. In preparation for trial, EPPs engaged two experts: Dr. David Sunding
16 (economist) and Adoria Lim (forensic accountant). The Defendants hired seven
17 experts: Dr. Randal Heeb (economist), Dr. Michael Moore (economist), Gary
18 Kleinrichert (accountant), Andres Lerner (economist), Janusz Ordover (economist),
19 Robert Daines (law professor), and Ilya A. Strebulaev (private equity professor).
20 Extensive expert discovery concluded in February 23, 2023. ECF No. 2980.

21 **Dispositive Motions: Partial Summary Judgement Granted**

22 35. After the close of discovery, in September 2019, the seven Defendants,
23 three Plaintiff Classes, and 53 direct action plaintiffs who remained in the MDL filed
24 various dispositive motions and engaged in substantial briefing. Wolf Haldenstein
25 played a substantial and leading role in organizing, coordinating, drafting, and filing
26 the documents associated with over twenty (20) dispositive motions.

27 36. Out of the four motions for partial summary judgment [ECF Nos. 1976,
28 1993, 2009, 2035] and three *Daubert* motions [ECF Nos. 1970, 1987, 2034] filed by

1 the various Plaintiffs, the EPPs filed one summary judgment motion against StarKist,
2 which the Court granted on liability. ECF Nos. 1993, 2654. The Court found that
3 StarKist engaged in the price-fixing conspiracy from as early as November 2011 and
4 continuing to December 2023 and that “the conspiracy had an actual effect on the
5 market.” *See* ECF No. 2654 at 32 (Order); ECF No. 2750 at 32-33 (Amended Order).
6 Plaintiffs’ Motion for Summary Judgment as to Bumble Bee, which the EPPs joined,
7 was denied as moot because Bumble Bee filed for bankruptcy. ECF No. 2286.

8 37. At the same time, Defendants filed thirteen dispositive motions: ten joint
9 motions for summary judgment [ECF No. 1973, 1992, 1998, 1999, 2001, 2007, 2010,
10 2015, 2023, 2025] and three *Daubert* motions [1967, 1981, 1984]. As to the six
11 summary judgment motions opposed by the EPPs, all were largely denied or
12 withdrawn. Three summary judgment motions were denied completely. *See* ECF Nos.
13 2809 (gear claims), 2761 (fraudulent concealment), and 2873 (private label claims).
14 DWI’s summary judgment motion was withdrawn after it was fully briefed. As to the
15 Defendants’ Motion for Summary Judgment re: Certain State Law Claims [ECF No.
16 1992], the Court generally denied the motion but excised South Carolina claimants
17 from the Cartwright Act Class. ECF No. 2925 at 16. The Lion Companies’ earlier
18 motion for summary judgment [ECF No. 1992] was renewed (after discovery was re-
19 opened) and denied except as to Big Catch. *See* ECF Nos. 3036 (Motion), 3103
20 (Order). As to the *Daubert* motions directed to EPPs’ experts, Adoria Lim (forensic
21 accountant) and Dr. David Sunding (economist) [ECF Nos. 1969, 1984, 3037, 3066],
22 all were denied. ECF Nos. ECF Nos. 3134, 3146, 3154.
23

24 38. As to the *Daubert* motions directed to EPPs’ experts, Adoria Lim
25 (forensic accountant) and Dr. David Sunding (economist) [ECF Nos. 1969, 1984,
26 3037, 3066], all were denied. ECF Nos. ECF Nos. 3134, 3146, 3154.
27

28 **Preparations for Trial Substantially Complete**

39. Preparations for the trial scheduled to begin on July 16, 2024, were

1 substantially complete when the proposed settlements were reached. In May 2024, the
2 parties filed and served their motions in limine. ECF No. 3124, 3189-94, 3197, 3200-
3 3206. On May 22, 2024, the Court considered and ruled on those motions. ECF No.
4 3244. The parties held the Local Rule 16.1(f) meeting on June 3, 2024. Class Counsel
5 presented their joint jury instructions to the Court along with their respective
6 supplemental instructions and objections on May 31, 2024. ECF No. 3251-3255. On
7 June 14, 2024, Class Counsel lodged the proposed Pre-Trial Order with the Court in
8 anticipation of a final Pretrial Conference on June 21, 2024. ECF No. 3259.

9
10 40. As reflected in more than 3,300 docket entries filed by the parties and
11 entered by the Court over the last nine years, this MDL has been vigorously,
12 efficiently, and successfully litigated by Class Counsel at every stage of the
13 proceedings. The EPP Class has been extremely well represented by Class Counsel
14 and the other counsel for the Consumer Class throughout these proceedings.

15 **TRIAL AND APPEAL RISKS FACED BY CLASS COUNSEL**

16 41. Given the criminal convictions, guilty pleas, and admissions by COSI,
17 StarKist, and Bumble Bee, Class Counsel believed that liability as to the plea period
18 (November 2011 to December 2013) was strong. However, Bumble Bee was bankrupt
19 and the claims against the parent companies were vigorously disputed and not part of
20 the criminal investigation by the DOJ. Starkist and the Lion Companies vigorously
21 disputed the scope, duration, and effect of the conspiracy.

22 42. The EPPs faced added complexities and risks at trial because, as
23 consumers, they needed to prove liability for a multistate Cartwright Act Class claim
24 and multiple individual state law claims as well as proving a pass-through of the
25 overcharge to consumers. Those risks rise the longer litigation progresses.

26 **The Risk of Expert Testimony at Trial and On Appeal**

27 43. Another substantial risk was proving damages at trial through an expert
28 economist, an inherently uncertain process fraught with conflicting expert testimony.

1 Achieving maximum damages was based on two key assumptions: the jury would
2 believe the EPPs' expert (not the Defendants' expert) and would award full damages
3 for the entire Class Period and for all the repealer act states. The reaction of a jury, or
4 even a judge, to such complex and disputed expert testimony is highly unpredictable,
5 and in a battle of the experts a jury could find either no damages or just a fraction of
6 the damages sought.

7 44. Even a jury verdict is no assurance of success. Antitrust cases with
8 complex expert econometric modeling and treble damages face the very real risks of
9 reversal at trial, after verdict and on appeal, and this case was no exception. Even if
10 successful at trial, Class Counsel was concerned that post-trial events would threaten
11 any verdict they obtained. In addition to post-trial motions, the EPPs faced a
12 significant risk that they would be unable to collect or enforce their judgment against
13 either Dongwon or the Lion Companies, all foreign defendants who might not have
14 sufficient assets in the United States to satisfy the judgment, and that Starkist might
15 not have sufficient assets itself to satisfy the judgment.
16

17 **SKILL AND REPUTATION OF CLASS COUNSEL**

18 45. Wolf Haldenstein Adler Freeman & Herz ("Wolf Haldenstein") is a
19 nationally recognized antitrust and class action law firm with considerable expertise
20 representing indirect purchaser plaintiff classes in antitrust matters. *See* Wolf
21 Haldenstein Resume, attached as Exhibit 1. Such qualifications should also be taken
22 into account when evaluating an appropriate fee award. Wolf Haldenstein has
23 extensive experience in similar class actions litigation.

24 **SERVICE AWARDS ARE WARRENTED HERE**

25 46. The individual EPPs played a vital role in this litigation, including
26 providing answers to interrogatories, appearing for deposition, providing declarations
27 re: class standing, and preparing to appear at trial this July. Each of them has been
28 personally involved throughout this nine-year litigation, and they all support the

1 proposed Settlements.

2 47. These individual plaintiffs remained devoted to their duties as Class
 3 Representatives and available to participate in this case for over nine years. This
 4 devotion to duty warrants specific service awards in amounts that reflect their specific
 5 contributions to the case.

6 48. The total service awards requested will be \$294,000 which is
 7 insignificant (0.19%) in light of the substantial total settlement amount (\$152.2
 8 million). The Service Award tiers for the Class Representatives break down as
 9 follows: \$3,000 (Tier 1); \$6,000 (Tier 2); and \$9,000 (Tier 3). As the chart below
 10 reflects, there are 45 Tier 1 EPPs with an award of \$3,000 each resulting in a total of
 11 \$135,000. There are 14 Tier 2 EPPs with an award of \$6,000 each resulting in a total
 12 of \$84,000. There are 8 Tier 3 EPPs with an award of \$9,000 each, totaling \$72,000.
 13

	Tier 1	Tier 2	Tier 3
# of Plaintiffs	45	14	8
Individual Award	\$3,000	\$6,000	\$9,000
Total Award	\$135,000	\$84,000	\$72,000
List of Plaintiffs in Each Tier	Adams, Louise Alidad, Nay Bartling, Jessica Blumstein, Barbara Buenning, Barbara Caldwell, Scott Canterbury, Jade Christensen, Casey Cooper, Jody Daniels, Sundé Depperschmidt, Brian Dravid, Vivek Etten, Rob Felix Garcia, Ana Gabriela Frick, John Garner, Kathleen Gipson, Stephanie Grant, Tina Hughes, Tya	Bowman, Melissa Buff, Michael Durand (f/k/a Gore), Kathy Eason (f/k/a Craig), Kim Emery, Gloria Gutierrez, Edgardo Lown, Carla Musgrave, Rick Norris, Corey Pels, John Skaff, Rob Stearns, Greg Vander Laan, Bonnie Wiese, Julie	Birnbaum, Gay Childs, Laura Gorman, Andrew Hall, Lisa Hudson, Mary Nelson, Jennifer Olson, Barbara Twitchell, Elizabeth

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	Tier 1	Tier 2	Tier 3
	Jackson, Amy Jacobus, Marissa Johnson, Danielle Johnston, Zenda Juetten, Michael Kratky, Steven Lingnofski, Kathy McMahan, Katherine Mey, Diana Milliner, Liza Montoya, Laura Peck, Kirsten Perron, Elizabeth Peters, Valerie Peychal, John Rickman, Audra Rodriguez, Erica San Agustin, Joelyna A Sartori, Amber Simoens, Rebecca Lee Stiller, Nancy Todd, Christopher Trent, John Warren, Nigel Willoughby III, Thomas E. Zwirlein, Dan		

49. The total amount for all three tiers is \$291,000. All of the Class Representatives who participated in discovery and provided multiple class standing declarations will receive a service award of \$3,000 (Tier 1). For the Class Representatives who sat for deposition as part of the class certification process, the EPPs request a higher award of \$6,000 (Tier 2). For the Class Representatives who were deposed more than once (EPP Drew Gorman), acted as the plaintiff representation in the Bumble Bee bankruptcy proceeding, or were prepared to appear at trial in July, the EPPs will seek an award of \$9,000 in recognition of the more significant time, effort and expense devoted to this litigation.

50. Claims were also filed on behalf of three individual Illinois plaintiffs

1 Sally Bredberg, Elizabeth Davis-Berg, and Amy Joseph (the “Illinois Plaintiffs”). The
2 Illinois Plaintiffs participated in discovery and were available throughout the litigation
3 and remained available in the event that class claims might be permitted under Illinois
4 law. To date, Illinois does not permit class recovery for antitrust claims under state
5 law, so any recovery is individual. To compensate them for their services, the EPPs
6 recommend a service award of \$1,000 each for a total of \$3,000. With the addition of
7 the Illinois Plaintiffs’ Service Awards, the total request is \$294,000.
8

9
10 **AGREEMENTS REQUIRED TO BE IDENTIFIED (FED. R. CIV. P. 23(e)(3))**

11 51. All the terms of the proposed Settlement Agreements are contained
12 within the respective Settlement Agreements attached as Exhibits 1 (StarKist
13 Settlement Agreement) and Exhibit 2 (the Lion Companies Settlement Agreement) to
14 the Declaration of the Betsy C. Manifold in Support of EPPs’ Motion for Preliminary
15 Approval of Class Actions Settlements. ECF No. 3286-2 at 19-72. There have been
16 *no* changes since Preliminary Approval.

17 **PROPOSED NOTICE AND CLAIMS DISTRIBUTION PROCESS**

18 52. EPPs also retained JND to handle the settlement claim process and
19 administration. JND is a nationally recognized claim administration firm that has
20 successfully handled processing millions of claims for large consumer classes in
21 complex class actions. *See* ECF No. 2552-6 (reciting JND’s background and class
22 action claims administration experience).

23 **Notice Plan Reached 70% of the Settlement Class Members**

24 53. JND’s robust Notice Plan had a reach of 70% of the likely Settlement
25 Class Members and more based on Mailed Notice. This is a remarkable reach
26 considering the following challenges: the Settlement Class consists of over 100
27 million consumers who purchased mostly 5 ounce cans of Tuna; the earliest of the
28 purchases took place over 10 years ago, from June 1, 2011 through July 1, 2015;

1 records of purchases from retailers have long become stale, if they exist at all, and
2 most consumers do not have records of grocery purchases that long ago; and some
3 Class Members have moved or aged or passed away.

4
5 **Distribution Plan**

6 54. Each Authorized Claimant in the Total Settlement Class shall receive a
7 *pro rata* share of the Distribution Funds as described in the Settlement Class Notice.
8 Distribution Funds refers to the Total Settlement Fund (\$152.2 million), less notice
9 and administration costs, and any attorneys' fees, cost and litigation expense and
10 Service Awards awarded by the Court. Payments to Authorized Claimants will not be
11 immediately distributed but held until all of the following occur: final approval of the
12 settlements, all monies paid by the Settling Defendants as required by the Settlement
13 Agreements; and, finally, all appeals are exhausted. Based on Class Counsel's best
14 estimates, distribution is likely to occur in early 2026 for the reasons described below.

15
16 55. Distribution cannot begin until more than eighteen months after
17 preliminary approval is granted based on the StarKist payment schedule. So, the last
18 settlement monies will be paid in about January 2026. If there are no appeals or any
19 and all appeals are exhausted, it is estimated that distribution could begin as soon as
20 practicable in early 2026. The Settlement Class Notice asks the Settlement Class
21 Members to "please be patient." With the costs of claims administration, it is more
22 efficient to delay distribution until all of the steps described above are completed. A
23 partial distribution is cost prohibitive in this case.

24 56. JND will distribute payments as specified on the claimant's Claim Form.
25 ECF No. *See*, Ex. H (Claim Form). When mailing or e-mailing a payment (such as a
26 check or PayPal), JND will send the distribution to the address or email provided by
27 the claimant on the Claim Form. *Id.* As noted in the Claim Form (and Settlement Class
28 Notices), if the total final payment of a particular claim is less than \$5.00, no

1 distribution will be made to the Authorized Claimant. *See* Ex. H, ¶ 8 (“**What can I**
2 **get from the StarKist and Lion Companies Settlements?**”). It is typical to provide
3 for such a *de minimis* claim threshold so that the costs of administration are not out of
4 proportion to the size of the claim payment.

5 57. If the proposed settlements are finally approved, the Settlement Class
6 Members are expected to receive approximately \$24.50 for every 200 cans purchased
7 (approximate number of cans if you purchased packaged tuna weekly during the
8 Settlement Class Period).

9 **Claims Process: Access To Online Filing For Claim Forms**

10 58. The digital ads included an embedded link and the print ad a QR code,
11 both of which allow Settlement Class Members to receive more information about the
12 StarKist and Lion Companies Settlements as well as complete and file an on-line
13 Claim Form. The same Claim Process was approved by the Court in the COSI
14 Settlement. *See* ECF No. 2781. The Settlement Notice documents also provide a toll-
15 free number to contact JND with any questions. *Id.* If a Settlement Class Member is
16 either unable or unwilling to file a claim on-line, she may request a printed claim form
17 and either return it via United States Mail (post-marked before the Claims Cut-off
18 date) or create a pdf of the completed Claim Form and e-mail it (before the Claims
19 Cut-off Date) to JND.

20 **INTERIM DISTRIBUTION OF MONIES TO CLAIMS ADMINISTRATOR**

21 59. The cost of a robust notice program to a large consumer class is
22 substantial. For this reason, StarKist agreed to advance \$1,000,000 and the Lion
23 Companies agreed to pay up to \$200,000 to cover the costs of notice administration.
24 When it granted preliminary approval of the settlements, the Court found that
25 agreement to be appropriate, and approved the advancement of these costs to the
26 Claims Administrator under the terms of both Agreements. ECF No. 3302 at 15 (“an
27 interim distribution of \$1.2 million for notice costs prior to the Fairness Hearing is
28

1 appropriate and is approved under the terms provided in the Settlement Agreements”).
2 As of October 18, 2024, JND Legal Administration LLC (“JND”) has incurred
3 reasonable expenses in the amount of \$726,702.30, slightly below the estimates
4 provided to the Court. As permitted by the terms of proposed Settlements Agreements,
5 Class Counsel will advance JND for these reasonable costs of notice administration.
6 ECF No. 3302 at 15; ECF No. 3286-2 at 29, ¶5.3 and at 58, ¶ 5.3 (advanced Notice
7 Costs not recoverable by the Settling Defendants). Defendants’ remaining payments
8 into the Settlement Fund will be made as provided by their respective Settlement
9 Agreements, as discussed *infra*.

10 **ESTIMATED CLAIMS ADMINISTRATION COST**

11 60. Due to the potential volume of claims to be processed and monies to be
12 distributed, the costs of the Distribution Plan are significant. The Distribution Plan
13 includes a case-site website and a contact center. Distribution costs include Claims
14 Processing, Deficiency Notices, Distribution Services via PayPal, and U.S. Mail
15 including the necessary follow up for any undeliverable items, Project Management
16 Time (distribution reports, tax return preparation). Even the estimated postage could
17 be almost \$800,000 if over one million claims need to be mailed. The costs will vary
18 significantly based on the number of claims received and the percentage of fraudulent
19 claims to be rejected. For example, the estimated range of processing from 500,000 to
20 2,000,000 claims could range from \$1.3 million to over \$5 million. Due to the
21 substantial cost of this process, if the StarKist and Lion Companies Settlement
22 Agreements are finally approved, Settlement Class Counsel will periodically petition
23 the Court for permission to pay the periodic costs and expense of the claims processing
24 and distribution out of the Total Settlement Fund.
25

26 **EXHIBITS**

27 61. Attached hereto is the following:

28 **Exhibit 1** Resume of the Wolf Haldenstein Adler Freeman & Herz LLP

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Exhibit 2 Statement in Support of Settlement Agreements Between the Direct Purchaser Plaintiffs and the End Purchaser Plaintiffs and StarKist Co., Dongwon Industries Co., Ltd, Lion Capital LLP, and Lion Capital (Americas), Inc. dated July 12, 2024 by the Honorable Michael S. Berg, United States Magistrate.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 25th day of October, 2024 at San Diego, California.

 /s/ Betsy C. Manifold
BETSY C. MANIFOLD

4870-8780-363

EXHIBIT 1



PROVIDING EXEMPLARY LEGAL SERVICES SINCE 1888

FIRM RESUME

Founded in 1888, Wolf Haldenstein Adler Freeman & Herz LLP is a full service law firm specializing in complex litigation in federal and state courts nationwide. The firm's practice includes litigation, both hourly and contingent, in securities, antitrust, wage & hour, consumer fraud, false marketing, ERISA, and general and commercial matters, whistleblower, false claim, trust & estate, corporate investigation, and white collar matters, and FINRA arbitration. The Firm has a particular specialty in complex class action and other representative litigation – including investor, shareholder, antitrust, ERISA, consumer, employee, and biotechnology matters – under both federal and state law.

Wolf Haldenstein's total practice approach distinguishes it from other firms. Our longstanding tradition of a close attorney/client relationship ensures that each one of our clients receives prompt, individual attention and does not become lost in an institutional bureaucracy. Our team approach is at the very heart of Wolf Haldenstein's practice. All of our lawyers are readily available to all of our clients and to each other. The result of this approach is that we provide our clients with an efficient legal team having the broad perspective, expertise and experience required for any matter at hand. We are thus able to provide our clients with cost effective and thorough counsel focused on our clients' overall goals.

270 MADISON AVENUE
NEW YORK, NY 10016
TELEPHONE: 212-545-4600
TELECOPIER: 212-686-0114
WWW.WHAFH.COM

SYMPHONY TOWERS
750 B STREET, SUITE 1820
SAN DIEGO, CA 92101
TELEPHONE: 619-239-4599
TELECOPIER: 619-234-4599

111 WEST JACKSON
SUITE 1700
CHICAGO, IL 60604
TELEPHONE: 312-984-0000
TELECOPIER: 312-214-3110



THE FIRM

Wolf Haldenstein has been recognized by state and federal courts throughout the country as being highly experienced in complex litigation, particularly with respect to securities, consumer, ERISA, FLSA and state overtime and expense deductions, and antitrust class actions and shareholder rights litigation.

Among its colleagues in the plaintiffs' bar, as well as among its adversaries in the defense bar, Wolf Haldenstein is known for the high ability of its attorneys, and the exceptionally high quality of its written and oral advocacy.

The nature of the Firm's activities in both individual and representative litigation is extremely broad. In addition to a large case load of securities fraud and other investor class actions, Wolf Haldenstein has represented classes of corn and rice farmers in connection with the devaluation of their crops; canned tuna consumers for tuna companies' violations of antitrust laws; merchants compelled to accept certain types of debit cards; insurance policyholders for insurance companies' deceptive sales practices; victims of unlawful strip searches under the civil rights laws; and various cases involving violations of Internet users' on-line privacy rights.

The Firm's experience in class action securities litigation, in particular public shareholder rights under state law and securities fraud claims arising under the federal securities laws and regulations is particularly extensive. The Firm was one of the lead or other primary counsel in securities class action cases that have recouped billions of dollars on behalf of investor classes, in stockholder rights class actions that have resulted in billions of dollars in increased merger consideration to shareholder classes, and in derivative litigation that has recovered billions of dollars for corporations.

Its pioneering efforts in difficult or unusual areas of securities or investor protection laws include: groundbreaking claims that have been successfully brought under the Investment Company Act of 1940 regarding fiduciary responsibilities of investment companies and their advisors toward their shareholders; claims under ERISA involving fiduciary duties of ERISA trustees who are also insiders in possession of adverse information regarding their fund's primary stockholdings; the fiduciary duties of the directors of Delaware corporations in connection with change of control transactions; the early application of the fraud-on-the-market theory to claims against public accounting firms in connection with their audits of publicly traded corporations; and the application of federal securities class certification standards to state law claims often thought to be beyond the reach of class action treatment.



JUDICIAL COMMENDATIONS

Wolf Haldenstein has repeatedly received favorable judicial recognition. The following representative judicial comments over the past decade indicate the high regard in which the Firm is held:

- *In re Empire State Realty Trust, Inc. Investor Litig.*, No. 650607/2012 (Sup. Ct. N.Y. Co.) – On May 2, 2013, Justice O. Peter Sherwood praised the Firm in its role as chair of the committee of co-lead counsel as follows: "It is apparent to me, having presided over this case, that class counsel has performed in an excellent manner, and you have represented your clients quite well. You should be complimented for that." In awarding attorneys' fees, the Court stated that the fee was "intended to reward class counsel handsomely for the very good result achieved for the Class, assumption of the high risk of Plaintiffs prevailing and the efficiency of effort that resulted in the settlement of the case at an early stage without protracted motion practice." May 17, 2013 slip. op. at 5 (citations omitted).
- *Roberts v. Tishman Speyer*, 13 N.Y.3d 270 (N.Y. 2009) – On April 9, 2013, Justice Richard B. Lowe III praised the Firm's efforts as follows: "[W]hen you have challenging cases, the one thing you like to ask for is that the legal representation on both sides rise to that level. Because when you have lawyers who are professionals, who are confident, who are experienced, each of you know that each side has a job to do [. . .] I want to tell you that I am very satisfied with your performance and with your, quite frankly, tenacity on both sides. And it took six years, but look at the history of the litigation. There were two appeals all of the way to the Court of Appeals [. . .] And then look at the results. I mean, there are dissents in the Court of Appeals, so that shows you the complexity of the issues that were presented in this litigation [. . .] [I]t shows you effort that went into this and the professionalism that was exhibited [. . .] So let me just again express my appreciation to both sides."
- *K.J. Egleston L.P. v. Heartland Industrial Partners, et al.*, 2:06-13555 (E.D. Mich.) – where the Firm was Lead Counsel, Judge Rosen, at the June 7, 2010 final approval hearing, praised the Firm for doing "an outstanding job of representing [its] clients," and further commented that "the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition they enjoy."



- *Klein, et al. v. Ryan Beck Holdings, Inc., et al.*, 06-cv-3460 (DAB) (S.D.N.Y. 2010) – where the Firm was Lead Counsel, Judge Deborah A. Batts described the Firm’s successful establishment of a settlement fund as follows: “[a] miracle that there is a settlement fund at all.” Judge Batts continued: “As I said earlier, there is no question that the litigation is complex and of a large and, if you will, *pioneering magnitude* ...” (Emphasis added).
- *Parker Friedland v. Iridium World Communications, Ltd.*, 99-1002 (D.D.C.) – where the Firm was co-lead counsel, Judge Laughrey said (on October 16, 2008), “[a]ll of the attorneys in this case have done an outstanding job, and I really appreciate the quality of work that we had in our chambers as a result of this case.”
- *In re Dynamic Random Access Memory Antitrust Litigation*, MDL-02-1486 (N.D. Cal.) – where the Firm was co-lead counsel, Judge Hamilton said (on August 15, 2007), “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. The percentages, as you have outlined them, do put this [case] in one of the upper categories of results of this kind of [antitrust] class action. I am aware of the complexity . . . I thought that you all did an exceptionally good job of bringing to me only those matters that really required the Court’s attention. You did an exceptionally good job at organizing and managing the case, assisting me in management of the case. There was excellent coordination between all the various different plaintiffs’ counsel with your group and the other groups that are part of this litigation. . . . So my conclusion is the case was well litigated by both sides, well managed as well by both sides.”
- *In re Comdisco Sec. Litigation*, 01 C 2110 (N.D. Ill. July 14, 2005) – Judge Milton Shadur observed: “It has to be said . . . that the efforts that have been extended [by Wolf Haldenstein] on behalf of the plaintiff class in the face of these obstacles have been exemplary. And in my view [Wolf Haldenstein] reflected the kind of professionalism that the critics of class actions . . . are never willing to recognize. . . . I really cannot speak too highly of the services rendered by class counsel in an extraordinary difficult situation.”
- *Good Morning to You Productions Corp. v. Warner/Chappell Music, Inc.*, No. CV 13-04460-GHK (MRWx) (C.D. Cal., Aug. 16, 2016) – Judge George H. King



stated: "Not all, or perhaps even most, plaintiffs' class counsel could have litigated this case as successfully as did class counsel against such a fierce and exceptionally accomplished opponent."

- *Bokelman et al. v. FCH Enterprises, Inc.*, (Case No. 1:18-cv-209, D. Haw., May 3, 2019): Judge Robert J. Bryan said, "I've been impressed by the quality of the work you've done throughout here, and that is reflected, I think, in the fact that no one has objected to the settlement."

RECENT NOTEWORTHY RESULTS

Wolf Haldenstein's performance in representative litigation has repeatedly resulted in favorable results for its clients. The Firm has helped recover ***billions of dollars*** on behalf of its clients in the cases listed below. Recent examples include the following:

- On May 13, 2019, in *Apple Inc. v. Pepper*, No. 17-204, the Supreme Court affirmed a decision by the Ninth Circuit Court of Appeals holding that iPhone purchasers have standing to sue Apple for monopolizing the market for iPhone apps in this longstanding antitrust class action. Wolf Haldenstein has been Lead Counsel for the plaintiffs since 2007. The case was commenced in federal district court in Oakland. The Supreme Court's decision clears the way for the plaintiffs to proceed on the merits of their claim.
- On June 11, 2018, the United States Supreme Court issued a highly anticipated decision in *China Agritech, Inc. v. Michael H. Resh, et al.* Wolf Haldenstein represented the plaintiffs/respondents, having commenced the action on behalf of aggrieved shareholders of *China Agritech* after two prior cases had failed at the class certification stage.
- *In re Genetically Modified Rice Litigation*, MDL 1811 (E.D. Mo.) - Wolf Haldenstein represented U.S. rice farmers in this landmark action against Bayer A.G. and its global affiliates, achieving a global recovery of \$750 million. The case arose from the contamination of the nation's long grain rice crop by Bayer's experimental and unapproved genetically modified Liberty Link rice.
- *Roberts v. Tishman Speyer*, 13 N.Y.3d 270 (N.Y. 2009) - a class action brought on behalf of over 27,500 current and former tenants of New York City's iconic Stuyvesant Town and Peter Cooper Village housing complexes. On April 9, 2013, Justice Richard B. Lowe III of the New York Supreme Court finally



approved settlement of the action, which totals over \$173 million, sets aside \$68.75 million in damages, re-regulates the apartments at issue, and sets preferential rents for the units that will save tenants significant monies in the future. The settlement also enables the tenants to retain an estimated \$105 million in rent savings they enjoyed between 2009 and 2012. **The settlement is by many magnitudes the largest tenant settlement in United States history.**

- *In re Empire State Realty Trust, Inc. Investor Litig.*, Index No. 650607/2012 – The firm served as Chair of the Executive Committee of Co-Lead Counsel for the Plaintiffs in a class action settlement finally approved on May 2, 2013 that provides for the establishment of a \$55 million settlement fund for investors, in addition to substantial tax deferral benefits estimated to be in excess of \$100 million.
- *American International Group Consolidated Derivative Litigation*, Civil Action No. 769-VCS (Del. Ch.) The Firm acted as co-lead counsel and the settlement addressed claims alleging that the D&O Defendants breached their fiduciary duties to the Company and otherwise committed wrongdoing to the detriment of AIG in connection with various allegedly fraudulent schemes during the 1999-2005 time period.
- *In re Bank of America Corp. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation*, Master File No. 09 MD 2058 (S.D.N.Y.) (firm was co-lead counsel in parallel derivative action pending in Delaware (*In Re Bank of America Stockholder Derivative Litigation*, C.A. No. 4307-CS (Del. Ch.)) (increase of settlement cash recovery from \$20 million to \$62.5 million).
- *The Investment Committee of the Manhattan and Bronx Service Transit Operating Authority Pension Plan v. JPMorgan Chase Bank, N.A.*, 1:09-cv-04408-SAS (S.D.N.Y.) (class recovered \$150 million).
- *In re Tremont Sec. Law, State Law and Insurance Litig.*, No. 08-civ-11117 (TPG) (SDNY) (class recovered \$100 million). The firm was court-appointed co-lead counsel in the Insurance Action, 08 Civ. 557, and represented a class of persons who purchased or otherwise acquired Variable Universal Life (“VUL”) insurance policies or Deferred Variable Annuity (“DVA”) policies issued by Tremont International Insurance Limited or Argus International Life Bermuda Limited from May 10, 1994 - December 11, 2008 to the extent the investment



accounts of those policies were exposed to the massive Ponzi scheme orchestrated by Bernard L. Madoff through one or more Rye funds.

- *In re Initial Public Offering Securities Litigation*, 21 MC 92 (SAS) (S.D.N.Y.) (class recovered \$586 million). Wolf Haldenstein served as Co-Lead Counsel of one of the largest securities fraud cases in history. Despite the United States Court of Appeals for the Second Circuit's decision to vacate the district court's class certification decision, on remand, counsel for plaintiffs were able to press on to a settlement on April 1, 2009, ultimately recovering in excess of a half-billion dollars.



FIRM PRACTICE AREAS

CLASS ACTION LITIGATION

Wolf Haldenstein is a leader in class and derivative action litigation and is currently or has been the court-appointed lead counsel, co-lead counsel, or executive committee member in some of the largest and most significant class action and derivative action lawsuits in the United States. For example, the class action *Roberts v. Tishman Speyer*, 13 N.Y.3d 270 (N.Y. 2009) was recently described by a sitting member of the U.S. House of Representatives as the greatest legal victory for tenants in her lifetime. In *Roberts*, the Firm obtained a victory in the New York Court of Appeals requiring the reregulation of thousands of apartment units in the Stuyvesant Town complex in Manhattan, New York. Many of the firm's other successful results are summarized within.

PRIVATE ACTIONS FOR INSTITUTIONAL INVESTORS

In addition to its vast class action practice, the Firm also regularly represents institutional clients such as public funds, investment funds, limited partnerships, and qualified institutional buyers in private actions. The Firm has represented institutional clients in non-class federal and state actions concerning a variety of matters, including private placements, disputes with investment advisors, and disputes with corporate management.

The Firm has also acted as special counsel to investors' committees in efforts to assert and advance the investors' interests without resorting to litigation. For example, the Firm served as Counsel to the Courtyard by Marriott Limited Partners Committee for several years in its dealings with Host Marriott Corporation, and as Special Counsel to the Windsor Park Properties 7 and 8 limited partners to insure the fairness of their liquidation transactions.

ANTITRUST LITIGATION

Wolf Haldenstein is a leader in antitrust and competition litigation. The Firm actively seeks to enforce the federal and state antitrust laws to protect and strengthen the rights and claims of businesses, organizations, Taft-Hartley funds, and consumers throughout the United States. To that end, Wolf Haldenstein commences large, often complex, antitrust and trade regulation class actions and other cases that target some of the most powerful and well-funded corporate interests in the world. Many of these interests exert strong influence over enforcement policy that is in the hands of elected officials, so that private enforcement provides the only true assurance that unfair and



anticompetitive conduct will be duly scrutinized for compliance with the law. These cases frequently bring to light concealed, unlawful behavior such as price fixing, monopolization, market allocation, monopoly leveraging, essential facilities, tying arrangements, vertical restraints, exclusive dealing, and refusals to deal. Wolf Haldenstein's Antitrust Practice Group has successfully prosecuted numerous antitrust cases and aggressively advocates remedies and restitution for businesses and investors wronged by violations of the antitrust laws. For example, in *In re DRAM Antitrust Litigation*, No. 02-cv-1486 (PJH) (N.D. Cal.) the firm successfully prosecuted an antitrust case resulting in a \$315 million recovery. Many of the firm's successful results are summarized within.

Wolf Haldenstein attorneys currently serve as lead counsel, co-lead counsel, or as executive committee members in some of the largest and most significant antitrust class action lawsuits. The firm was most recently appointed lead counsel in the Salmon Antitrust Indirect Litigation pending in the U.S. District Court for the Southern District of Florida.

OVERTIME AND COMPENSATION CLASS ACTIONS

Wolf Haldenstein is a leader class action litigation on behalf of employees who have not been paid overtime or other compensation they are entitled to receive, or have had improper deductions taken from their compensation. These claims under the federal Fair Labor Standards Act and state labor laws allege improper failure to pay overtime and other wages, and improper deductions from compensation for various company expenses. Wolf Haldenstein has served as lead or co-lead counsel, or other similar lead role, in some of the most significant overtime class actions pending in the United States, and has recovered hundreds of millions of dollars in recovered wages for its clients. For example, in *LaVoice v. Citigroup Global Markets, Inc.*, Case No. C 07-801 (CW) (N.D. Cal.) a \$108 million settlement was secured for the class. Many of the firm's other successful wage and hour results are summarized within.

SUBSTANTIAL RECOVERIES IN CLASS ACTION AND DERIVATIVE CASES IN WHICH WOLF HALDENSTEIN WAS LEAD COUNSEL OR HAD ANOTHER SIGNIFICANT ROLE

- *In re Beacon Associates Litigation*, Master File No. 09 Civ. 0777 (LBS) (S.D.N.Y.) (**\$219 million** settlement in this and related action).
- *Roberts v. Tishman Speyer*, No. 100956/2007 (Sup. Ct. N.Y. Cty.) (**\$173 Million** settlement).



- *In re Mutual Fund Investment Litigation*, MDL No. 1586 (D. Md.) (derivative counsel in consolidated cases against numerous mutual fund companies involved in market timing resulting in class/derivative settlements totaling more than **\$300 million**).
- *Inland Western Securities Litigation*, Case No. 07 C 6174 (N.D. Ill.) (settlement value of shares valued between **\$61.5 million** and **\$90 million**).
- *In re Direxion Shares ETF Trust*, No. 09-Civ-8011 (KBF) (S.D.N.Y.) (class recovered **\$8 million**).
- *In re BankAmerica Corp. Securities Litigation*, MDL Docket No. 1264 (JFN) (E.D. Mo.) (class recovered **\$490 million**).
- *In re Dynamic Random Access Memory Antitrust Litigation*, (MD-02 1486 (N.D. Cal.) (class recovered **\$325 million**).
- *In re MicroStrategy, Inc. Securities Litigation*, Civ. No. 00-473-A (E.D. Va.) (class recovered **\$160 million** in cash and securities).
- *Kurzweil v. Philip Morris Cos.*, 94 Civ. 2373, 94 Civ. 2546 (S.D.N.Y.) (securities fraud) (class recovered **\$116.5 million** in cash).
- *In re Starlink Corn Products Liability Litigation*, (N.D. Ill.) (class recovered **\$110 million**).
- *In Computer Associates 2002 Class Action Sec. Litigation*, 2:02-CV-1226 (E.D.N.Y.) (**\$130 million** settlement in this and two related actions).
- *In re Sepracor Inc. Securities Litigation*, Civ. No. 02-12338 (MEL) (D. Mass.) (classes recovered **\$52.5 million**).
- *In re Transkaryotic Therapies, Inc., Securities Litigation*, C.A. No. 03-10165-RWZ (D. Mass) (class recovered **\$50 million**).
- *In re Iridium Securities Litigation*, C.A. No. 99-1002 (D.D.C.) (class recovered **\$43 million**).



- *In re J.P. Morgan Chase Securities Litigation*, MDL No. 1783 (N.D. Ill.) (settlement providing for adoption of corporate governance principles relating to potential corporate transactions requiring shareholder approval).
- *LaVoice v. Citigroup Global Markets, Inc.*, Case No. C 07-801 (CW) (N.D. Cal.) (**\$108 million** settlement).
- *Steinberg v. Morgan Stanley & Co., Inc.*, Case No. 06-cv-2628 (BEN) (S.D. Cal.) (**\$50 million** settlement).
- *Poole v. Merrill Lynch, Pierce, Fenner & Smith Inc.*, Case No. CV-06-1657 (D. Or.) (**\$43.5 million** settlement).
- *In re Wachovia Securities, LLC Wage and Hour Litigation*, MDL No. 07-1807 DOC (C.D. Cal.) (**\$39 million** settlement).
- *In re Wachovia Securities, LLC Wage and Hour Litigation (Prudential)*, MDL No. 07-1807 DOC (C.D. Cal.) (**\$11 million** settlement).
- *Basile v. A.G. Edwards, Inc.*, 08-CV-00338-JAH-RBB (S.D. Cal.) (**\$12 million** settlement).
- *Miguel Garcia, et al. v. Lowe's Home Center, Inc. et al.* – Case No. GIC 841120 (Barton) (Cal. Sup. Ct, San Diego) (co-lead, **\$1.65 million** settlement w/ average class member recovery of \$5,500, attorney fees and cost awarded separately).
- *Neil Weinstein, et al. v. MetLife, Inc., et al.* – Case No. 3:06-cv-04444-SI (N.D. Cal) (co-lead, **\$7.4 million** settlement).
- *Creighton v. Oppenheimer*, Index No. 1:06 - cv - 04607 - BSJ - DCF (S.D.N.Y.) (**\$2.3 million** settlement).
- *Klein v. Ryan Beck*, 06-CV-3460 (DAB)(S.D.N.Y.) (**\$1.3 million** settlement).
- *In re American Pharmaceutical Partners, Inc. Shareholder Litigation*, Consolidated C.A. No. 1823-N (Del. Ch. Ct.) (**\$14.3 million** settlement).
- *Egleston v. Collins and Aikman Corp.*, 06-cv-13555 (E.D. Mich.) (class recovered **\$12 million**).



- *In re Merrill Lynch & Co., Inc. Global Technology Fund Securities Litigation*, 02 CV 7854 (JFK) (SDNY); and *In re Merrill Lynch & Co., Inc. Focus Twenty Fund Securities Litigation*, 02 CV 10221 (JFK) (SDNY) (class recovered **\$39 million** in combined cases).
- *In re CNL Hotels & Resorts, Inc. Securities Litigation*, No. 6:04-cv-1231 (Orl-31) (class recovered **\$35 million**, and lawsuit also instrumental in **\$225 million** benefit to corporation).
- *In re Cablevision Systems Corp. Shareholder Derivative Litigation*, Master File No. 06-CV-4130-DGT-AKT (**\$34.4 million** recovery).
- *In re Monster Worldwide, Inc. Stock Option Derivative Litigation*, Master File No. 06cv4622 (S.D.N.Y.) (**\$32 million** recovery and corporate governance reforms).
- *Berger v. Compaq Computer Corp.*, Docket No. 98-1148 (S.D. Tex.) (class recovered **\$29 million**).
- *In re Arakis Energy Corporation Securities Litigation*, 95 CV 3431 (E.D.N.Y.) (class recovered **\$24 million**).
- *In re E.W. Blanche Holdings, Inc. Securities Litigation*, Civ. No. 01-258 (D. Minn.) (class recovered **\$20 million**).
- *In re Globalstar Securities Litigation*, Case No. 01-CV-1748 (SHS) (S.D.N.Y.) (class recovered **\$20 million**).
- *In re Luxottica Group S.p.A. Securities Litigation*, No. CV 01-3285 (E.D.N.Y.) (class recovered **\$18.25 million**).
- *In re Musicmaker.com Securities Litigation*, CV-00-2018 (C.D. Cal.) (class recovered **\$13.75 million**).
- *In re Comdisco Securities Litigation*, No. 01 C 2110 (MIS) (N.D. Ill.) (class recovered **\$13.75 million**).
- *In re Acclaim Entertainment, Inc., Securities Litigation*, C.A. No. 03-CV-1270 (E.D.N.Y.) (class recovered **\$13.65 million**).



- *In re Concord EFS, Inc. Securities Litigation*, No. 02-2097 (MA) (W.D. Tenn) (class recovered **\$13.25 million**).
- *In re Bausch & Lomb, Inc. Securities Litigation*, 01 Civ. 6190 (CJS) (W.D.N.Y.) (class recovered **\$12.5 million**).
- *In re Allaire Corp. Securities Litigation*, 00-11972 (D. Mass.) (class recovered **\$12 million**).
- *Bamboo Partners LLC v. Robert Mondavi Corp.*, No. 26-27170 (Cal. Sup. Ct.) (class recovered **\$10.8 million**).
- *Curative Health Services Securities Litigation*, 99-2074 (E.D.N.Y.) (class recovered **\$10.5 million**).
- *City Partnership Co. v. Jones Intercable*, 99 WM-1051 (D. Colo.) (class recovered **\$10.5 million**).
- *In re Aquila, Inc.*, (ERISA Litigation), 04-865 (W.D. Mo.) (**\$10.5 million** recovery for the class).
- *In re Tenfold Corporation Securities Litigation*, 2:00-CV-652 (D. Utah) (class recovered **\$5.9 million**).
- *In re Industrial Gas Antitrust Litigation*, 80 C 3479 and related cases (N.D. Ill.) (class recovered **\$50 million**).
- *In re Chor-Alkalai and Caustic Soda Antitrust Litigation*, 86-5428 and related cases (E.D. Pa.) (class recovered **\$55 million**).
- *In re Infant Formula Antitrust Litigation*, MDL No. 878 (N.D. Fla.) (class recovered **\$126 million**).
- *In re Brand Name Prescription Drugs Antitrust Litigation*, No. 1:94-cv-00897, M.D.L. 997 (N.D. Ill.) (class recovered **\$715 million**).
- *Landon v. Freel*, M.D.L. No. 592 (S.D. Tex.) (class recovered **\$12 million**).
- *Holloway v. Peat, Marwick, Mitchell & Co.*, No. 84 C 814 EU (N.D. Okla.) (class recovered **\$38 million**).



- *In re The Chubb Corp. Drought Insurance Litigation*, C-1-88-644 (S.D. Ohio) (class recovered **\$100 million**).
- *Wong v. Megafoods*, Civ-94-1702 (D. Ariz.) (securities fraud) (class recovered **\$12.25 million**).
- *In re Del Val Financial Corp. Securities Litigation*, 92 Civ 4854 (S.D.N.Y.) (class recovered **\$11.5 million**).
- *In re Home Shopping Network Shareholders Litigation*, Consolidated Civil Action No. 12868, (Del. Ch. 1995) (class recovered **\$13 million**).
- *In re Paine Webber Limited Partnerships Litigation*, 94 Civ 8547 (S.D.N.Y.) (class recovered **\$200 million**).
- *In re Bristol-Meyers Squibb Co. Securities Litigation*, 92 Civ 4007 (S.D.N.Y.) (class recovered **\$19 million**).
- *In re Spectrum Information Technologies Securities Litigation*, CV 93-2245 (E.D.N.Y.) (class recovered **\$13 million**).
- *In re Chase Manhattan Securities Litigation*, 90 Civ. 6092 (LJF) (S.D.N.Y.) (class recovered **\$17.5 million**).
- *Prostic v. Xerox Corp.*, No. B-90-113 (EBB) (D. Conn.) (class recovered **\$9 million**).
- *Steiner v. Hercules*, Civil Action No. 90-442-RRM (D. Del.) (class recovered **\$18 million**).
- *In re Ambase Securities Litigation*, 90 Civ 2011 (S.D.N.Y.) (class recovered **\$14.6 million**).
- *In re Southmark Securities Litigation*, CA No. 3-89-1402-D (N.D. Tex.) (class recovered **\$70 million**).
- *Steiner v. Ideal Basic Industries, Inc.*, No. 86-M 456 (D. Colo. 1989) (securities fraud) (class recovered **\$18 million**).
- *Tucson Electric Power Derivative Litigation*, 2:89 Civ. 01274 TUC. ACM (corporation recovered **\$30 million**).



- *Alleco Stockholders Litigation*, (Md. Cir. Ct. Pr. Georges County) (class recovered **\$16 million**).
- *In re Revlon Group, Inc. Shareholders Litigation*, No. 8362 (Del. Ch.) (class recovered **\$30 million**).
- *In re Taft Broadcasting Company Shareholders Litigation*, No. 8897 (Del. Ch.) (class recovered **\$20 million**).
- *In re Southland Corp. Securities Litigation*, No. 87-8834-K (N.D.Tex.) (class recovered **\$20 million**).
- *In re Crocker Bank Securities Litigation*, CA No. 7405 (Del. Ch.) (class recovered **\$30 million**).
- *In re Warner Communications Securities Litigation*, No. 82 Civ. 8288 (JFK) (S.D.N.Y.) (class recovered **\$17.5 million**).
- *Joseph v. Shell Oil*, CA No. 7450 (Del. Ch.) (securities fraud) (class recovered **\$200 million**).
- *In re Flight Transportation Corp. Securities Litigation*, Master Docket No. 4-82-874, MDL No. 517 (D. Minn.) (recovery of over **\$50 million**).
- *In re Whittaker Corporation Securities Litigation*, CA000817 (Cal. Super. Ct., Los Angeles County) (class recovered **\$18 million**).
- *Naevus International, Inc. v. AT&T Corp.*, C.A. No. 602191/99 (N.Y. Sup. Ct.) (consumer fraud) (class recovered **\$40 million**).
- *Sewell v. Sprint PCS Limited Partnership*, C.A. No. 97-188027/CC 3879 (Cir. Ct. for Baltimore City) (consumer fraud) (class recovered **\$45.2 million**).
- *In re Vytorin/Zetia Marketing, Sales Practices and Products Liability Litigation*, 2:08-cv-285 (D.N.J.) (class recovered **\$41.5 million**).
- *Egleston v. Verizon*, No. 104784/2011 (N.Y. Sup. Ct.) – Wolf Haldenstein represented a class of New York Verizon Centrex customers in an action against Verizon stemming from overbilling of certain charges. The Firm secured a settlement with a total value to the Class of over **\$5 million**, which



provided, among other things, each class member with full refunds of certain disputed charges, plus interest.

- *Zelouf Int'l Corp. v. Nahal Zelouf*, Index No. 653652/2014 (Sup. Ct. N.Y. Co. 2015). In an important trial decision following an appraisal proceeding triggered by the freeze-out merger of a closely-held corporation, which also included shareholder derivative claims, Justice Kornreich of the New York Supreme Court refused to apply a discount for lack of marketability to the minority interest in the former corporation and found that the insiders stole more than \$14 million dollars; the minority shareholder recovered over **\$9 million**.
- *Zelouf Int'l Corp. v. Zelouf*, 45 Misc.3d 1205(A) (Sup. Ct. N.Y. Co., 2014). The Court rejected application of a discount for lack of marketability and awarded a **\$10,031,438.28** judgment following an eleven day bench trial in the Commercial Division of the Supreme Court of the State of New York (New York County) on the value of a minority interest in a closely held corporation.
- *Thompson et al. v. Bethpage Federal Credit Union et al.*, No. 2:17-cv-00921-GRB (E.D.N.Y.) (**\$3.6 million** settlement)



REPRESENTATIVE REPORTED OPINIONS SINCE 1990 IN WHICH WOLF
HALDENSTEIN WAS LEAD COUNSEL OR HAD ANOTHER SIGNIFICANT ROLE

FEDERAL APPELLATE AND DISTRICT COURT OPINIONS

- *Apple Inc. v. Pepper*, 139 S. Ct. 1514 (2019)
- *Hymes v. Bank of America*, 408 F. Supp. 3d 171 (E.D.N.Y. 2019)
- *In re Packaged Seafood Prods. Antitrust Litig.*, 332 F.R.D. 308 (S.D. Cal. 2019)
- *China Agritech, Inc. v. Resh*, 138 S. Ct. 1800 (2018)
- *In re Packaged Seafood Prods. Antitrust Litig.*, 242 F. Supp. 3d 1033 (S.D. Cal. 2017)
- *DeFrees v. Kirkland*, 2012 U.S. Dist. LEXIS 52780 (C.D. Cal. Apr. 11, 2012).
- *In re Beacon Associates Litig.*, 282 F.R.D. 315 (S.D.N.Y. 2012).
- *Messner v. Northshore University HealthSystem*, 669 F.3d 802, No. 10-2514 (7th Cir. Jan. 13, 2012).
- *In re Text Message Antitrust Litigation*, 630 F.3d, 622 (7th Cir. 2010).
- *In re Apple & ATTM Antitrust Litig.*, 2010 U.S. Dist. LEXIS 98270 (N.D. Cal. July 8, 2010).
- *In re Beacon Associates Litig.*, 745 F. Supp. 2d 386 (S.D.N.Y. 2010)
- *Freeland v. Iridium World Communications Ltd.*, 545 F. Supp. 2d 59 (D.D.C. 2008).
- *In re Apple & AT&TM Antitrust Litig.*, 596 F. Supp. 2d 1288 (N.D. Cal. 2008).
- *Harzewski v. Guidant Corp.*, 489 F.3d 799 (7th Cir. 2007).
- *In re JP Morgan Chase & Co. Securities Litigation*, No. 06 C 4674, 2007 U.S. Dist. LEXIS 93877 (N.D. Ill. Dec. 18, 2007).
- *Schoenbaum v. E.I. Dupont De Nemours and Co.*, 2007 WL 2768383 (E.D. Mo. Sept. 20, 2007).



- *Jeffries v. Pension Trust Fund*, 99 Civ. 4174 (LMM), 2007 U.S. Dist. LEXIS 61454 (S.D.N.Y. Aug. 20, 2007).
- *Klein v. Ryan Beck*, 06-Civ. 3460 (WCC), 2007 U.S. Dist. LEXIS 51465 (S.D.N.Y. July 13, 2007).
- *Cannon v. MBNA Corp.* No. 05-429 GMS, 2007 U.S. Dist. LEXIS 48901 (D. Del. 2007).
- *In re Aquila ERISA Litig.*, 237 F.R.D. 202 (W.D. Mo. 2006).
- *Smith v. Aon Corp.*, 238 F.R.D. 609 (N.D. Ill. 2006).
- *In re Sepracor Inc. Securities Litigation*, 233 F.R.D. 52 (D. Mass. 2005).
- *In re Transkaryotic Therapies, Inc. Securities Litigation*, No. 03-10165, 2005 U.S. Dist. LEXIS 29656 (D. Mass. Nov. 28, 2005).
- *In re Luxottica Group, S.p.A. Securities Litigation*, 2005 U.S. Dist. LEXIS 9071 (E.D.N.Y. May 12, 2005).
- *In re CNL Hotels & Resorts, Inc. Securities Litigation*, 2005 U.S. Dist. LEXIS 38876, No. 6:04-cv-1231-Orl-31KRS (M.D. Fla. May 9, 2005).
- *Johnson v. Aegon USA, Inc.*, 355 F. Supp. 2d 1337 (N.D. Ga. 2004).
- *Freeland v. Iridium World Communications, Ltd.*, 99-1002, 2004 U.S. Dist. LEXIS 33018 (D.D.C. Aug. 31, 2004).
- *In re Acclaim Entertainment, Inc. Securities Litigation*, 03-CV-1270 (E.D.N.Y. June 22, 2004).
- *In re Sepracor Inc. Securities Litigation*, 308 F. Supp. 2d 20 (D. Mass. 2004).
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- *In re Pharmatrak, Inc. Privacy Litig.*, 2003 U.S. App. LEXIS 8758 (1st Cir. May 9, 2003).
- *In re PerkinElmer, Inc. Securities Litigation*, 286 F. Supp. 2d 46 (D. Mass. 2003).



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- *Kurzweil v. Philip Morris Cos.*, 94 Civ. 2373 (MBM), 2001 U.S. Dist. LEXIS 83 (S.D.N.Y. Jan. 9, 2001).
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- *In re Newell Rubbermaid, Inc., Securities Litigation*, Case No. 99 C 6853, 2000 U.S. Dist. LEXIS 15190 (N.D. Ill. Oct. 2, 2000).
- *Stanley v. Safeskin Corp.*, Case No. 99 CV 454 BTM (LSP), 2000 U.S. Dist. LEXIS 14100, Fed. Sec. L. Rep. (CCH) P91, 221 (S.D. Cal. Sept. 18, 2000).
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- *Yuan v. Bayard Drilling Technologies, Inc.*, 96 F. Supp. 2d 1259 (W.D. Okla. 1999).
- *In re Spyglass, Inc. Securities Litigation*, No. 99 C 512, 1999 U.S. Dist. LEXIS 11382 (N.D. Ill. July 20, 1999).
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- *Blue Cross & Blue Shield of N.J., Inc. v. Philip Morris, Inc.*, 98 CV 3287, 1999 U.S. Dist. LEXIS 11363 (E.D.N.Y. June 1, 1999).
- *Carley Capital Group v. Deloitte & Touche, L.L.P.*, 1:97-CV-3183-TWT, 1999 U.S. Dist. LEXIS 1368, Fed. Sec. L. Rep. (CCH) P90, 429 (N.D. Ga. Jan. 19, 1999).
- *Longman v. Food Lion, Inc.*, 186 F.R.D. 331 (M.D.N.C. 1999).
- *Wright v. Ernst & Young LLP*, 152 F.3d 169 (2d Cir. 1998).
- *Romine v. Compuserve Corp.*, 160 F.3d 337 (6th Cir. 1998).
- *Felzen v. Andreas*, 134 F.3d 873 (7th Cir. 1998).
- *Walsingham v. Biocontrol Technology, Inc.*, 66 F. Supp. 2d 669 (W.D. Pa. 1998).
- *Sturm v. Marriott Marquis Corp.*, 26 F. Supp. 2d 1358 (N.D. Ga. 1998).



- *Carley Capital Group v. Deloitte & Touche, L.L.P.*, 27 F. Supp. 2d 1324 (N.D. Ga. 1998).
- *In re MobileMedia Securities Litigation*, 28 F.Supp.2d 901 (D.N.J. 1998).
- *Weikel v. Tower Semiconductor, Ltd.*, 183 F.R.D. 377 (D.N.J. 1998).
- *In re Health Management Systems Securities Litigation*, 97 Civ. 1865 (HB), 1998 U.S. Dist. LEXIS 8061 (S.D.N.Y. May 27, 1998).
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- *Carley Capital Group v. Deloitte & Touche, L.L.P.*, 1:97-cv-3183-TWT, 1998 U.S. Dist. LEXIS 23222 (N.D. Ga. Feb. 10, 1998).
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- *Dresner Co. Profit Sharing Plan v. First Fidelity Bank, N.A.*, 95 Civ. 1924 (MBM), 1996 U.S. Dist. LEXIS 17913 (S.D.N.Y. Dec. 3, 1996).
- *Simon v. American Power Conversion Corp.*, 945 F. Supp. 416 (D.R.I. 1996).
- *TII Industries, Inc.*, 96 Civ. 4412 (SAS), 1996 U.S. Dist. LEXIS 14466 (S.D.N.Y. Oct. 1, 1996).
- *In re TCW/DW North American Government Income Trust Securities Litigation*, 941 F. Supp. 326 (S.D.N.Y. Oct. 1, 1996).
- *In re Painewebber Ltd. Partnership Litigation*, 94 Civ. 8547 (SHS), 1996 U.S. Dist. LEXIS 9195 (S.D.N.Y. June 28, 1996).
- *In re Tricord Systems, Inc., Securities Litigation*, Civil No. 3-94-746, 1996 U.S. Dist. LEXIS 20943 (D. Minn. April 5, 1996).
- *In re Painewebber Limited Partnership Litigation*, 94 Civ. 8547 (SHS), 1996 U.S. Dist. LEXIS 1265 (S.D.N.Y. Feb. 6, 1996).
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- *Stepak v. Addison*, 20 F.3d 398 (11th Cir. 1994).
- *Zitin v. Turley*, [1991 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 96,123 (D. Ariz. June 20, 1994).



- *In re Southeast Hotel Properties Limited Partnership Investor Litigation*, 151 F.R.D. 597 (W.D.N.C. 1993).
- *County of Suffolk v. Long Island Lighting Co.*, 907 F.2d 1295 (2d Cir. 1990).

NOTABLE STATE COURT OPINIONS

- *William Hughes, Jr. v. Xiaoming Hu, et al. [In re Kandi Technologies Group]*, C.A. No. 2019-0112-JTL (Del. Ch. April 27, 2020).
- *Eshaghian v. Roshanzamir*, 179 A.D.3d 596 (N.Y. App. Div. 1st Dep't 2020).
- *Cohen v. Saks, Inc.*, 169 A.D.3d 515 (N.Y. App. Div. 1st Dep't 2019).
- *Bartis v. Harbor Tech, LLC*, 147 A.D.3d 52 (N.Y. App. Div. 2d Dep't 2016).
- *Zelouf Int'l Corp. v. Zelouf*, 47 Misc. 3d 346 (N.Y. Sup. Ct. 2014).
- *McWilliams v. City of Long Beach*, 56 Cal. 4th 613 (2013).
- *Roberts v. Tishman Speyer*, 89 A.D.3d 444 (N.Y. App. Div. 1st Dep't 2011).
- *Ardon v. City of Los Angeles*, 52 Cal. 4th 241 (2011).
- *Roberts v. Tishman Speyer*, 13 N.Y.3d 270 (N.Y. 2009).
- *In re Tyson Foods, Inc., Consolidated Shareholder Litigation*, 919 A.2d 563 (Del. Ch. 2007).
- *Naevus Int'l v. AT&T Corp.*, 283 A.D.2d 171, 724 N.Y.S.2d 721 (2001).
- *In re Western National Corp. Shareholders Litigation*, Consolidated C.A. No. 15927, 2000 Del. Ch. LEXIS 82 (May 22, 2000).
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- *In re Marriott Hotel Properties II Limited Partnership Unitholders Litigation*, Consolidated C.A. No. 14961, 1997 Del. Ch. LEXIS 128 (Sept. 17, 1997).
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- *Paramount Communications, Inc. v. QVC Network, Inc.*, 637 A.2d 34 (Del. Super. Ct. 1994).



ATTORNEY BIOGRAPHIES

The qualifications of the attorneys in the Wolf Haldenstein Litigation Group are set forth below and are followed by descriptions of some of the Firm's attorneys who normally practice outside the Litigation Group who contribute significantly to the class action practice from time to time.

PARTNERS

MARK C. RIFKIN: *admitted:* New York; Pennsylvania; New Jersey; U.S. Supreme Court; U.S. Courts of Appeals for the Second, Third, Fifth, and D.C. Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, the Eastern and Western Districts of Pennsylvania, the District of New Jersey, the Eastern District of Wisconsin and the Western District of Michigan. *Education:* Princeton University (A.B. 1982); Villanova University School of Law (J.D. 1985). Contributor, Packel & Poulin, *Pennsylvania Evidence* (1987).

A highly experienced securities class action and shareholder rights litigator, Mr. Rifkin has recovered hundreds of millions of dollars for victims of corporate fraud and abuse in federal and state litigation across the country. Since 1990, Mr. Rifkin has served as lead counsel, co-lead counsel, or trial counsel in many class and derivative actions in securities, intellectual property, antitrust, insurance, consumer and mass tort litigation throughout the country.

Unique among his peers in the class action practice, Mr. Rifkin has extensive trial experience. Over the past thirty years, Mr. Rifkin has tried many complex commercial actions in federal and state courts across the country in class and derivative actions, including *In re National Media Corp. Derivative Litig.*, C.A. 90-7574 (E.D. Pa.), *Upp v. Mellon Bank, N.A.*, C.A. No. 91-5229 (E.D. Pa.), where the verdict awarded more than \$60 million in damages to the Class (later reversed on appeal, 997 F.2d 1039 (3d Cir. 1993)), and *In re AST Research Securities Litigation*, No. 94-1370 SVW (C.D. Cal.), as well as a number of commercial matters for individual clients, including *Zelouf Int'l Corp. v. Zelouf*, Index No. 653652/2013 (N.Y. Sup. Ct. 2015), in which he obtained a \$10 million judgment for his client.

Mr. Rifkin also has extensive appellate experience. Over thirty years, Mr. Rifkin has argued dozens of appeals on behalf of appellants and appellees in several federal appellate courts, and in the highest appellate courts in New York, Pennsylvania, New Jersey, and Delaware.



Mr. Rifkin has earned the AV®-Preeminent rating by Martindale-Hubbell® for more than 20 years, and has been selected for inclusion in the New York Metro SuperLawyers® listing since 2010. In 2014, Mr. Rifkin was named a “Titan of the Plaintiff’s Bar” by Law360®.

In 2015, Mr. Rifkin received worldwide acclaim for his role as lead counsel for the class in *Good Morning To You Productions Corp. v. Warner/Chappell Music, Inc.*, No. CV 13-04460-GHK (MRWx), in federal court in Los Angeles, successfully challenging the copyright to “Happy Birthday to You,” the world’s most famous song. In recognition of his historic victory, Mr. Rifkin was named a Trailblazer in Intellectual Property by the National Law Journal in 2016. In 2018, Mr. Rifkin led a team of lawyers from Wolf Haldenstein who represented the plaintiffs in *We Shall Overcome Foundation, et al. v. The Richmond Organization, Inc., et al.*, No. 16-cv-02725-DLC (S.D.N.Y.), which successfully challenged the copyright to “We Shall Overcome,” called the “most powerful song of the 20th century” by the Librarian of Congress.

Mr. Rifkin lectures frequently to business and professional organizations on a variety of securities, shareholder, intellectual property, and corporate governance matters. Mr. Rifkin is a guest lecturer to graduate and undergraduate economics and finance students on corporate governance and financial disclosure topics. He also serves as a moot court judge for the A.B.A. and New York University Law School. Mr. Rifkin appears frequently in print and broadcast media on diverse law-related topics in corporate, securities, intellectual property, antitrust, regulatory, and enforcement matters.

BETSY C. MANIFOLD: *admitted:* Wisconsin; New York; California; U.S. District Courts for the Western District of Wisconsin, Eastern and Southern Districts of New York, and Northern, Central and Southern Districts of California. *Education:* Elmira College; Middlebury College (B.A., *cum laude*, 1980); Marquette University (J.D., 1986); New York University. Thomas More Scholar. Recipient, American Jurisprudence Award in Agency. Member: The Association of the Bar of the City of New York. Languages: French.

Ms. Manifold served as co-lead counsel in the following cases to recovery on behalf of employees: *Miguel Garcia, et al. v. Lowe’s Home Center, Inc. et al.* – Case No. GIC 841120 (Barton) (Cal. Sup. Ct, San Diego) (\$1.65 million settlement w/ average class member recovery of \$5,500, attorney fees and cost awarded separately) and *Neil Weinstein, et al.*



v. MetLife, Inc., et al. – Case No. 3:06-cv-04444-SI (N.D. Cal) (\$7.4 million settlement). Ms. Manifold also served as co-lead counsel in the following derivative actions: *In re Atmel Corporation Derivative Litigation*, Master File No. CV 06-4592-JF (N.D. Cal.) (\$9.65 million payment to Atmel) and *In re Silicon Storage Technology Inc. Derivative Litig.*, Case No. C 06-04310 JF (N.D. Cal.) (cash payment and re-pricing of options with a total value of \$5.45 million). Ms. Manifold also worked as lead counsel on the following class action: *Lewis v. American Spectrum Realty*, Case No. 01 CC 00394, Cal. Sup. Ct (Orange County) (\$6.5 million settlement).

BENJAMIN Y. KAUFMAN: *admitted:* New York, United States Supreme Court, United States Court of Appeals for the Fourth Circuit, Southern, Northern and Eastern Districts of New York, District of New Jersey; and District of Colorado. *Education:* Yeshiva University, B.A.; Benjamin N. Cardozo School of Law, Yeshiva University, J.D; New York University, Stern School of Business, M.B.A. Mr. Kaufman focuses on class actions on behalf of defrauded shareholders, investors, and consumers. Mr. Kaufman has extensive experience in complex class actions representing clients including institutional investors such as public and labor pension funds, labor health and welfare benefit funds, as well as private individuals and funds who suffered losses due to corporate fraud. Mr. Kaufman also has extensive experience litigating complex commercial cases in state and federal court.

Mr. Kaufman's successful securities litigations include *In re Deutsche Telekom AG Securities Litigation*, No. 00-9475 (S.D.N.Y.), a complex international securities litigation requiring evidentiary discovery in both the United States and Europe, which settled for \$120 million. Mr. Kaufman was also part of the team that recovered \$46 million for investors in *In re Asia Pulp & Paper Securities Litigation*, No. 01-7351 (S.D.N.Y.); and \$43.1 million in *Freeland v. Iridium World Communications, Ltd.*, No. 99-1002 (D.D.C.).

Mr. Kaufman's outstanding representative results in derivative and transactional litigations include: *In re Trump Hotels Shareholder Derivative Litigation*, No. 96-cv-7820 (S.D.N.Y.) (in settlement Trump personally contributed some of his holdings and the company adopted corporate reforms); *Southwest Airlines Derivative Litigation (Carbon County Employee Retirement System v. Kelly)* (Dist. Ct. Dallas Cnty., Tex.) (derivative matter that resulted in significant reforms to the air carrier's corporate governance and safety and maintenance practices and procedures for the benefit of the company and its shareholders); *Lynn v. Tennessee Commerce Bancorp, Inc., et al.*, No. 3:12-cv-01137 (M.D. Tenn.) (\$2.6 million settlement); *In re ClubCorp Holdings Shareholder Litigation*, No. A-17-758912-B (D. Nev.) (\$5 million settlement and corporate therapeutics). Mr. Kaufman



also argued the appeal in *In re Converse Technology, Inc. Derivative Litig.*, 56 A.D.3d 49 (1st Dep't 2008) which led to the seminal New York Appellate Division opinion clarifying the standards of demand futility in New York and *In re Topps Company, Inc. Shareholders Litigation* which resulted in a 2007 decision vindicating the rights of shareholders to pursue claims in the most relevant forum notwithstanding the state of incorporation. Mr. Kaufman has also lectured and taught in the subjects of corporate governance as well as transactional and derivative litigation.

In addition, Mr. Kaufman has represented many corporate clients in complex commercial matters, including complex copyright royalty class actions against music companies. *Puckett v. Sony Music Entertainment*, No. 108802/98 (Sup. Ct. N.Y. Cnty.); *Shropshire v. Sony Music Entertainment*, No. 06-3252 (S.D.N.Y.), and *The Youngbloods v. BMG Music*, No. 07-2394 (S.D.N.Y.). In *Mich II Holdings LLC v. Schron*, No. 600736/10 (Sup. Ct. N.Y. Cnty.), Mr. Kaufman represented certain prominent real estate investors and successfully moved to dismiss all claims against those defendants. Mr. Kaufman has also represented clients in arbitrations and litigations involving oppressed minority shareholders in closely held corporations.

Currently, Mr. Kaufman represents clients in a wide array of matters, including shareholders of a large cooperative complex alleging breach of fiduciary duty by the board of directors and property manager; purchasers of New York City taxi medallions in a class action pending in New York Supreme Court, Queens County; a New York art gallery in an action against several European insurers over insurance coverage for paintings seized while on exhibit; and shareholders of Saks, Inc. alleging that the board of directors and its investment advisor sold the company for inadequate consideration. *Cohen v. Saks*, 169 A.D.3d 51 (1st Dep't 2019).

Prior to joining Wolf Haldenstein, and prior to joining Milberg LLP in 1998, Mr. Kaufman was a Court Attorney for the New York State Supreme Court, New York County (1988-1990) and Principal Law Clerk to Justice Herman Cahn of the Commercial Division of the New York State Supreme Court, New York County (1990-1998).

Mr. Kaufman is an active member of the Commercial and Federal Litigation Section of the New York State Bar Association, the International Association of Jewish Lawyers and Jurists and the Jewish Lawyers Guild in which he serves as a Vice President. Mr. Kaufman was the Dinner Chair at the Jewish Lawyers Guild Annual Dinner in 2017, 2018, and 2019. Mr. Kaufman is a member of the Board of Trustees of Congregation



Beth Sholom in Lawrence, NY and was a member of the Board of Trustees of the Hebrew Academy of the Five Towns and Rockaways from 2015-2019.

Mr. Kaufman has been recognized by SuperLawyers® each year since 2012.

THOMAS H. BURT: *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts of New York, Eastern District of Michigan. *Education:* American University (B.A. 1993); New York University (J.D. 1997). Articles Editor with New York University Review of Law and Social Change. Mr. Burt is a litigator with a practice concentrated in securities class actions and complex commercial litigation. After practicing criminal defense with noted defense lawyer Jack T. Litman for three years, he joined Wolf Haldenstein, where he has worked on such notable cases as *In re Initial Public Offering Securities Litigation*, No. 21 MC 92 (SAS) (S.D.N.Y.) (a novel and sweeping amalgamation of over 300 class actions which resulted in a recovery of \$586 million); *In re MicroStrategy Securities Litigation*, No. 00-473-A (E.D. Va.) (recovery of \$192 million); *In re DRAM Antitrust Litigation*, No. 02-cv-1486 (PJH) (N.D. Cal.) (antitrust case resulting in \$315 million recovery); *In re Computer Associates 2002 Class Action Securities Litigation*, No. 02-cv-1226 (TCP) (E.D.N.Y.) (settled, together with a related fraud case, for over \$133 million); *K.J. Egleston L.P. v. Heartland Industrial Partners, et al.*, 2:06-13555 (E.D. Mich.) (recovery included personal assets from former Reagan Administration budget director David A. Stockman); and *Parker Friedland v. Iridium World Communications, Ltd.*, 99-1002 (D.D.C.) (recovery of \$43.1 million). Mr. Burt has spoken on several occasions to investor and activist groups regarding the intersection of litigation and corporate social responsibility. Mr. Burt writes and speaks on both securities and antitrust litigation topics. He has served as a board member and officer of the St. Andrew's Society of the State of New York, New York's oldest charity.

RACHELE R. BYRD: *admitted:* California; U.S. District Courts for the Southern, Northern, Central and Eastern Districts of California, the Northern District of Illinois, and the Eastern District of Michigan; U.S. Court of Appeals for the Ninth Circuit; U.S. Supreme Court. *Education:* Point Loma Nazarene College (B.A., 1994); University of California, Hastings College of the Law (J.D. 1997). Member: State Bar of California. Ms. Byrd is located in the firm's San Diego office and practices corporate derivative and class action litigation including securities, consumer, privacy and security, antitrust, employment and general corporate and business litigation. Ms. Byrd has played a significant role in litigating numerous class and derivative actions, including *Engquist v. City of Los Angeles*, No. BC591331 (Los Angeles Super. Ct.) (gas tax refund action that recently settled for \$32.5 million and injunctive relief, valued at a minimum of \$24.5



million over 3 years and \$81.8 million over 10 years, following certification of the class and on the eve of a hearing on the parties' cross-motions for summary judgment); *Ardon v. City of Los Angeles*, 52 Cal.4th 241 (2011) (telephone tax refund action against the City of Los Angeles that settled for \$92.5 million after a successful appeal and a groundbreaking opinion from the California Supreme Court); *McWilliams v. City of Long Beach*, Cal. Supreme Ct. No. S202037, 2013 Cal. LEXIS 3510 (April 25, 2013) (telephone tax refund action that settled for \$16.6 million after a successful appeal and another groundbreaking opinion from the California Supreme Court); *Granados v. County of Los Angeles*, BC361470 (Los Angeles Super. Ct.) (telephone tax refund action that settled for \$16.9 million following class certification and a successful appeal); *In re: Zoom Video Communications, Inc. Privacy Litigation*, No. 5:20-cv-0291 (N.D. Cal.) (member of Plaintiffs' Steering Committee; settled for \$85 million); *In re Robinhood Outage Litigation*, No. 20-cv-01626-JD (N.D. Cal.) (member of Plaintiffs' Executive Committee); *In re Apple iPhone Antitrust Litigation*, No. 4:11-cv-06714-YGR (N.D. Cal.) (ongoing antitrust class action on behalf of consumers against Apple over its monopolization of the iOS applications aftermarket that secured a favorable opinion in the U.S. Supreme Court: *Apple Inc. v. Pepper*, 139 S. Ct. 1514 (2019)); *Defrees v. Kirkland, et al.*, 11-04272 (JLS) (C.D. Cal.) (\$12.2 million settlement reached in derivative action on the eve of trial); *Bokelman et al. v. FCH Enterprises, Inc.*, No. 18-00209-RJB-RLP (D. Haw.) (settled data breach class action; final approval granted May 3, 2019); *Carrera Aguallo, et al. v. Kemper Corp., et al.*, No. 1:21-cv-01883 (N.D. Ill.) (settled data breach class action where Ms. Byrd was Interim Co-Lead Counsel; final approval granted March 18, 2022); *In re: Scripps Health Data Incident Litigation*, San Diego Super. Ct. No. 37-2021-00024103-CU-BT-CTL (ongoing data breach class action where Wolf Haldenstein is co-lead counsel); *Hinds v. Community Medical Centers, Inc.*, No. STK-CV-UNPI-2021-10404 (San Joaquin Super. Ct.) (ongoing data breach class action where Wolf Haldenstein is co-lead counsel); *Christofferson v. Creation Entertainment, Inc.*, No. 19STCV11000 (Los Angeles Super. Ct.) (settled data breach class action; final approval granted on June 29, 2021); *In re: Hanna Andersson and salesforce.com Data Breach Litig.*, No. 3:20-cv-00812-EMC (N.D. Cal.) (settled data breach class action; final approval granted on June 25, 2021); *Gaston v. FabFitFun, Inc.*, No. 2:20-cv-09534-RGK-E (C.D. Cal.) (settled data breach class action; final approval granted on December 6, 2021); *Rossi v. Claire's Stores*, No. 1:20-cv-05090 (N.D. Ill.) (settled data breach class action; preliminary approval granted March 28, 2022); *Riggs v. Kroto, Inc., D/B/A/ iCanvas*, No. 1:20-cv-5822 (N.D. Ill.) (settled data breach class action; final approval granted on October 29, 2021); *Thomas v. San Diego Family Care*, San Diego Super. Ct. No. 37-2021-00026758-CU-BT-CTL (settled data breach class action; preliminary approval granted April 13, 2022); *Miller v. CSI Financial, LLC*, No. 37-



2021-00030263-CU-BT-CT (San Diego Super. Ct.) (recently settled data breach class action); *Fields v. The Regents of the University of California*, Alameda Superior Court No. RG21107152 (ongoing data breach class action); *In re Arthur J. Gallagher Data Breach Litigation*, No. 1:21-cv-04056 (N.D. Ill.) (ongoing); *In re: CaptureRx Data Breach Litigation*, No. 5:21-cv-00523-OLG (W.D. Tex.) (settled data breach class action; preliminary approval granted March 3, 2022).

MATTHEW M. GUINEY: *admitted:* New York State; United States Supreme Court; United States Courts of Appeals for the Second, Third and Ninth Circuits; U.S. District Courts for the Southern and Eastern District of New York and numerous others. *Education:* The College of William & Mary (B.A. in Government and Economics 1998); Georgetown University Law Center (J.D. 2002). Mr. Guiney's primary areas of practice are securities class actions under the Securities Act of 1933 and the Exchange Act of 1934, complex commercial litigation, Employee Retirement Income Security Act (ERISA) actions on behalf of plan participants, Fair Labor Standards Act of 1938 actions concerning overtime payment, and fiduciary duty actions under various state laws. Mr. Guiney has helped recover hundreds of millions of dollars for victims of corporate fraud and abuse in federal and state litigation across the country. Mr. Guiney was on the merits briefs at the United States Supreme Court on behalf of the plaintiffs/respondents in *Apple Inc. v. Pepper*, No. 17-204, 587 U.S. ___ (2019) where the Court affirmed plaintiffs' antitrust standing under *Illinois Brick*. Mr. Guiney also represented plaintiffs/respondents at the United States Supreme Court in *China Agritech v. Resh*, 584 U.S. __ (2018), where the Court addressed tolling in the class action context. Mr. Guiney also initially served as counsel of record and briefed opposition to petition for writ of certiorari, and argued and achieved a precedential reversal of motion to dismiss in a published opinion at the United States Court of Appeals for the Ninth Circuit in *Resh v. China Agritech*, No. 15-5543, 2017 U.S. App. LEXIS 9029 (9th Cir. May 24, 2017).

Some of Mr. Guiney's notable results on behalf of investors include: *Mallozzi v. Industrial Enterprises of America, Inc., et al.*, 1:07-cv-10321-DLC (S.D.N.Y.) (\$3.4 million settlement on behalf of shareholders); *In re Luxottica Group S.p.A. Securities Litigation*, No. CV 01-3285 (JBW) (MDG) (E.D.N.Y.) (\$18.5 million settlement on behalf of shareholders); *In re MBNA Corp. ERISA Litigation*, Master Docket No. 05-429 (GMS), (D. Del) (\$4.5 million settlement on behalf of plan participants).

MALCOLM T. BROWN: *admitted:* United States District Courts for the Eastern, Northern, and Southern Districts of New York; District of New Jersey; and Eastern



District of Pennsylvania; United States Court of Appeals for the Second Circuit. **Education:** University of Pennsylvania (B.A., Political Science 1988) and Rutgers University School of Law (J.D. 1994). Mr. Brown's primary areas of practice are securities, derivative, M&A litigation and consumer class actions. Recent notable decisions include: *Siegmund v. Bian*, 2019 U.S. Dist. LEXIS 19349 (S.D. Fla. Feb. 6, 2019); *Siegmund v. Bian*, 2018 U.S. Dist. LEXIS 55724, 2018 U.S. Dist. LEXIS 55725 (April 2, 2018); *Johnson v. Ford Motor Co.*, 309 F.R.D. 226 (S.D. W. Va. 2015); *Thomas v. Ford Motor Co.*, 2014 U.S. Dist. LEXIS 43268 (D.S.C. Mar. 31, 2014); *In re Merkin Sec. Litig.*, 2015 U.S. Dist. LEXIS 178084 (S.D.N.Y. Aug. 24, 2015). Prior to joining Wolf Haldenstein, Mr. Brown was a business litigation attorney who represented financial institutions, corporations and partnerships and advised clients on business disputes, reorganizations, dissolutions and insurance coverage matters.

Mr. Brown is a member of the National Association of Pension Plan Attorneys and the National Black Lawyers, and a Fellow of the American Bar Foundation.

SPECIAL COUNSEL

JUSTICE HERMAN CAHN: *admitted:* New York. **Education:** Harvard Law School and a B.A. from City College of the City University of New York. Justice Herman Cahn was first elected as Judge of the Civil Court of the City of New York in 1976. He subsequently served as an Acting Justice of the Supreme Court from 1980 until 1992, when he was elected to the Supreme Court. Throughout his decades on the bench, he principally handled civil cases, with the exception of 1981 until 1987, when he presided over criminal matters. Justice Cahn was instrumental in the creation of, and a founding Justice in, the Commercial Division within the New York State Supreme Court. He served as a Justice of the Commercial Division from its inception in 1993.

Among his most notable recent cases are the consolidated cases stemming from the Bear Stearns merger with JP Morgan (*In re Bear Stearns Litigation*); litigation regarding the America's Cup Yacht Race (*Golden Gate Yacht Club v. Société Nautique de Genève*); litigation stemming from the attempt to enjoin the construction of the new Yankee Stadium (*Save Our Parks v. City of New York*); and the consolidated state cases regarding the rebuilding of the World Trade Center site (*World Trade Center Properties v. Alliance Insurance; Port Authority v. Alliance Insurance*).

Justice Cahn is a member of the Council on Judicial Administration of the Association of the Bar of the City of New York. He has also recently been appointed to the



Character and Fitness Committee of the Appellate Division, First Department. He is on the Register of Mediators for the United States Bankruptcy Court, Southern and Eastern Districts of New York.

Before ascending the bench, Justice Cahn practiced law in Manhattan. He was first admitted to the New York bar in 1956. He is admitted to practice in numerous courts, including the New York State courts, the Southern District of New York and the United States Supreme Court.

OF COUNSEL

DANIEL W. KRASNER: *admitted:* New York; Supreme Court of the United States; U.S. Courts of Appeals for the Second, Third, Fourth, Sixth, Eighth, Ninth, Tenth, and Eleventh Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, Central District of Illinois, and Northern District of Michigan. *Education:* Yale Law School (LL.B., 1965); Yeshiva College (B.A., 1962). Mr. Krasner is of counsel at Wolf Haldenstein. He began practicing law with Abraham L. Pomerantz, generally credited as the "Dean of the Class Action Bar." He founded the Class Litigation Group at Wolf Haldenstein in 1976.

Mr. Krasner received judicial praise for his class action acumen as early as 1978. *See, e.g., Shapiro v. Consolidated Edison Co.*, [1978 Transfer Binder] Fed. Sec. L. Rep. (CCH) & 96,364 at 93,252 (S.D.N.Y. 1978) ("in the Court's opinion the reputation, skill and expertise of . . . [Mr.] Krasner, considerably enhanced the probability of obtaining as large a cash settlement as was obtained"); *Steiner v. BOC Financial Corp.*, [1980 Transfer Binder] Fed. Sec. L. Rep. (CCH) & 97,656, at 98,491.4, (S.D.N.Y. 1980) ("This Court has previously recognized the high quality of work of plaintiffs' lead counsel, Mr. Krasner"). The New York Law Journal referred to Mr. Krasner as one of the "top rank plaintiffs' counsel" in the securities and class action fields. In connection with a failed 1989 management buyout of United Airlines, Mr. Krasner testified before Congress.

More recently, Mr. Krasner has been one of the lead attorneys for plaintiffs in some of the leading Federal multidistrict cases in the United States, including the IPO Litigation in the Southern District of New York, the Mutual Fund Market Timing Litigation in the District of Maryland, and several Madoff-related litigations pending in the Southern District of New York. Mr. Krasner has also been lead attorney in several precedent-setting shareholder actions in Delaware Chancery Court and the New York Court of Appeals, including *American International Group, Inc. v. Greenberg*, 965 A.2d 763 (Del. Ch. 2009) and the companion certified appeal, *Kirschner v. KPMG LLP*, Nos. 151, 152, 2010



N.Y. LEXIS 2959 (N.Y. Oct. 21, 2010); *Teachers' Retirement System of Louisiana and City of New Orleans Employees' Retirement System, derivatively on behalf of nominal defendant American International Group, Inc., v. PricewaterhouseCoopers LLP*, No. 152 (New York, October 21, 2010); *In re CNX Gas Corp. S'holders Litig.*, C.A. No. 5377-VCL, 2010 Del. Ch. LEXIS 119 (Del. Ch., May 25, 2010); *In re CNX Gas Corp. S'holders Litig.*, C.A. No. 5377-VCL, 2010 Del. Ch. LEXIS 139, (Del. Ch. July 5, 2010), appeal refused, 2010 Del. LEXIS 324, 2010 WL 2690402 (Del. 2010).

Mr. Krasner has lectured at the Practicing Law Institute; Rutgers Graduate School of Business; Federal Bar Council; Association of the Bar of the City of New York; Rockland County, New York State, and American Bar Associations; Federal Bar Council, and before numerous other bar, industry, and investor groups.

PETER C. HARRAR: *admitted;* New York; United States Court of Appeals for the Fourth Circuit and the United States District Courts for the Southern and Eastern Districts of New York. *Education:* Columbia Law School (J.D. 1984); Princeton University, Phi Beta Kappa, *magna cum laude*. Mr. Harrar is of counsel at the firm and has extensive experience in complex securities and commercial litigation on behalf of individual and institutional clients.

He has represented investment funds, hedge funds, insurance companies and other institutional investors in a variety of individual actions, class actions and disputes involving mortgage-backed securities and derivative instruments. Examples include *In re EMAC Securities Litigation*, a fraud case concerning private placements of securitized loan pools, and *Steed Finance LDC v. LASER Advisors, Inc.*, a hybrid individual and class action concerning the mispricing of swaptions.

Over the years, Mr. Harrar has also served as lead or co-lead counsel in numerous securities class and derivative actions throughout the country, recovering hundreds of millions of dollars on behalf of aggrieved investors and corporations. Recent examples are some of the largest recoveries achieved in resolution of derivative actions, including *American International Group Consolidated Derivative Litigation* (\$90 million), and *Bank of America/Merrill Derivative Litigation* (\$62.5 million).

JEFFREY G. SMITH: *admitted:* New York; California; Supreme Court of the United States; U.S. Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Circuits; U.S. Tax Court; U.S. District Courts for the Southern and Eastern Districts of New York, Southern, Central and Northern Districts of California and the Districts of Colorado and Nebraska. *Education:* Woodrow Wilson School of



Public and International Affairs, Princeton University (M.P.A., 1977); Yale Law School (J.D., 1978); Vassar College (A.B., *cum laude generalis*, 1974). At Yale Law School, Mr. Smith was a teaching assistant for the Trial Practice course and a student supervisor in the Legal Services Organization, a clinical program. Member: The Association of the Bar of the City of New York; New York State and American (Section on Litigation) Bar Associations; State Bar of California (Member: Litigation Section); American Association for Justice. Mr. Smith has frequently lectured on corporate governance issues to professional groups of Fund trustees and investment advisors as well as to graduate and undergraduate business student groups, and has regularly served as a moot court judge for the A.B.A. and at New York University Law School. Mr. Smith has substantial experience in complex civil litigation, including class and derivative actions, tender offer, merger, and takeover litigation. Mr. Smith is rated "AV" by Martindale Hubble and, since its inception in 2006, has been selected as among the top 5% of attorneys in the New York City metropolitan area chosen to be included in the Super Lawyers Magazine.

ROBERT ALTCHILER: *Education:* State University of New York at Albany (B.S., Finance/Marketing, 1985); The George Washington University (JD, 1988).

Robert's practice focuses primarily in the areas of White Collar criminal investigations, corporate investigations, entertainment, litigation, and general corporate counseling. Robert's diverse practice had developed as a result of his extensive international business contacts and relationships in the entertainment world, in the United States and the United Kingdom. Robert had successfully defended cases and resolved matters spanning the most complex entertainment controversies, to virtually any imaginable complex criminal or corporate matter.

Robert has successfully defended individuals and corporations in a wide array of multifaceted investigations in areas such as mortgage fraud, securities fraud, tax fraud, prevailing wage, money laundering, Bank Secrecy Act, embezzlement, bank and wire fraud, theft of trade secrets, criminal copyright infringement, criminal anti-counterfeiting, Foreign Corrupt Practices Act (FCPA), International Traffic In Arms Regulations (ITAR), racketeering, continuing criminal enterprises, and circumvention of trade restrictions, among many others. Robert also specializes in non-criminal investigations relating to various topics, including finding money allegedly being hidden by individuals, ascertaining the identities of individuals actually involved in corporate matters (when a client believes those identities are being concealed), and



running undercover “sting” operations as part of civil and commercial litigation support.

Because of Robert's significant business contacts in the United Kingdom, and the United States, he is frequently called upon to assist clients in various forms of complex business matters, both domestic and international. Robert's clients look to him as a trusted, experienced, creative, fearless hand who has demonstrated an ability to navigate even the most difficult and desperate situations. Robert prides himself on his ability to develop aggressive creative winning strategies for his clients even when the clients believe their circumstances are hopeless.

In 1988, Robert started his legal career as a prosecutor in New York City, where he prosecuted a wide array of cases and headed up a variety of different investigations. As a prosecutor, he presented hundreds of cases to grand juries, and ran numerous investigations. In addition to trying several dozen serious cases, ranging from murder to fraud to narcotics violations, he also ran wiretap and grand jury investigations involving money laundering and other financial crimes, as well as a wiretap and investigation concerning a plot to assassinate a prominent NYC judge. Upon leaving the government, Robert began focusing on defending individuals and entities under government investigation and/or indictment. Early in private practice he defended numerous law enforcement officers under administrative and criminal scrutiny, in courts and administrative proceedings. His particular area of practice permitted Robert to further develop and strengthen his already close ties to law enforcement.

In addition to his practice, Robert has been an adjunct law professor at Pace University Law School since 1998, where he teaches trial advocacy, a course designed to teach law students how to be trial lawyers via a curriculum including the mock trial of a murder case. Robert is also a faculty member of the EATS Program run by Stetson Law School, an acclaimed program designed to teach law school trial advocacy professors creative and innovative pedagogical methods. Robert has also been a featured participant and lecturer at Cardozo Law School's acclaimed Intensive Trial Advocacy Program in New York City, and has also taught at Yale Law School. Robert's trial advocacy teaching requires him to constantly integrate new developments in communication theory and trial techniques into his teaching methods. Given the changing way students (and prospective jurors) communicate and digest information (via Twitter, Instagram and Snapchat, for example) Robert is a recognized leader at integrating neuroscientific principles into his teaching. By actively participating in the weekly trials his students



conduct in class, and by frequently demonstrating methods, he is able to continually adapt his own communication skills and integrate cutting-edge developments into his own practice.

Robert is Special Advisor to the Dean of the Mt. Sinai School of Nursing, an adjunct professor at the school, a member of the Board of Trustees and the Chair of the Board of Trustees Nominations Committee. In his role as Special Advisor, Robert is tasked with counselling the Dean on innovative pedagogical methods designed to facilitate teaching Narrative Care and other topics. Robert instructs faculty on various topics, and will be teaching courses at the school in the immediate future.

Robert graduated from the George Washington University Law School (formerly, The National Law Center), where he began his career as an advocate by conducting administrative hearings and trials during his second and third year. Prior to GW, Robert graduated with honors from the Business School at the State University of New York at Albany in 1985. He is also a 1996 graduate of the National Criminal Defense College and a 1997 graduate of the National Institute for Trial Advocacy's Harvard Teacher Training Program. Robert has also made dozens of television appearances on Fox, Court TV, and Tru TV, providing legal commentary on televised trials, and participating in discussions related to pertinent issues.

JENNY YOUNG DU PONT: *admitted:* New York; Massachusetts; District of Columbia; U.S. Supreme Court. *Education:* Princeton University (A.B. *cum laude*); Georgetown University Law Center/School of Foreign Service (J.D./M.S.F.S. *magna cum laude*); Order of the Coif; *Georgetown Law Journal*, Notes and Comments Editor.

Ms. du Pont has extensive experience representing domestic and international companies ranging in size from small privately-held firms to large public companies in a variety of corporate, investment, banking, insurance, finance, and employment matters. Ms. du Pont began her legal career at two AmLaw 100 firms in Washington, D.C. and London, U.K. and a decade later moved into in-house counsel roles, first with Plymouth Rock Assurance Corporation in Boston, MA, and later with Millennium Management, LLC in New York. Ms. du Pont also advises and presents on issues related to family businesses, family offices, and managing wealth transfer across generations.

In addition to her legal experience, Ms. du Pont has significant experience in the non-profit sector. Ms. du Pont was President and CEO of The Garden Conservancy in Cold



Spring, New York and Executive Director of Miracle House of New York, Inc., and has acted a legal and strategic advisor to a variety of for profit and non-profit entities in New York. For more than 20 years, Ms. du Pont also has been a director, trustee, and officer for a broad range of educational, cultural, scientific, and service non-profit entities. Ms. du Pont served for a number of years as a Trustee of Phillips Exeter Academy, in Exeter, NH, and as a member and Vice Chair of the Warrant Committee for the Town of Dover in Massachusetts. She is currently a Director of the American Friends of the British Museum and of the American Patrons of the National Galleries and Library of Scotland, serves as an Advisory Council member for the Untermyer Gardens Conservancy in Yonkers, NY and the Sing Sing Prison Museum Master Narrative Project, in Ossining, NY, and is chair of the Advisory Council for the Conservation Law Foundation in Boston, MA.

KATE MCGUIRE: *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts of New York. *Education:* University of California at Santa Cruz (B.A. 1995), Georgetown University Law Center (J.D., 1998); Member: *Georgetown Immigration Law Journal*.

Ms. McGuire has extensive experience prosecuting complex litigation. Her work encompasses consumer and data protection class actions, securities class and derivative shareholder cases and nationwide antitrust suits.

She is a member of the Firm's Consumer Protection practice group and, in that context, has worked intensively to protect classes of consumers under a range of state and federal laws. Recently, she served as a member of the co-lead counsel team in *Simerlein et al. v. Toyota Motor Corporation et al.*, 3:17-CV-01021-VAB (D. Conn.), representing more than a million owners of Sienna minivans in litigation that settled for class-wide benefits valued at between \$30 and \$40 million. Presently, she serves on a team representing plaintiffs in multi-district litigation against Fisher-Price and Mattel, relating to Rock 'n Play infant sleepers which are alleged to be dangerous and misleadingly marketed. She has also served as a member of the firm's lead or co-counsel teams in other consumer protection cases, including litigation based upon allegations of misrepresentations and omissions concerning the purported safety of electronic cigarettes.

Ms. McGuire has also represented plaintiffs with respect to the protection of their civil rights. For example, she represented a blind plaintiff in a suit under the Americans with Disability Act against a major trading online trading company, and represented a



group of minority business owners in federal civil rights litigation concerning disparate treatment which settled for significant governance therapeutics.

CARL MALMSTROM: *admitted:* Illinois; Minnesota; United States Court of Appeals for the Seventh Circuit; Northern and Southern Districts of Illinois; Northern District of Indiana; District of Minnesota; Eastern District of Missouri; Western District of New York. *Education:* University of Chicago (A.B., Biological Sciences, 1999; A.M., Social Sciences, 2001); The University of Hawai'i at Manoa (M.A., Anthropology, 2004); Loyola University Chicago School of Law (J.D., 2007). Prior to joining the firm, Mr. Malmstrom worked for the City of Chicago Department of Law in the Municipal Prosecutions Division; he is a member of the Chicago Bar Association. Mr. Malmstrom has substantial experience litigating complex class actions in several practice areas, including antitrust, consumer fraud, and data security. Representative cases in which he has represented plaintiffs include *Bokelman et al. v. FCH Enterprises, Inc.*, Case No. 1:18-cv-209 (D. Haw.), involving customers of Zippy's Restaurants in Hawaii whose personal data was stolen by hackers, *In re: Experian Data Breach Litigation*, Case No. 8:15-cv-1592 (C.D. Cal.); *Freeman-Hargis v. Taxi Affiliation Services, LLC*, Case No. 2016-CH-02519 (Cir. Ct. Cook Cty.), involving customers of several taxi services in Chicago who were unlawfully charged fees for using credit cards in taxis.

ASSOCIATES

PATRICK DONOVAN: *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts of New York; United States Court of Appeals for the Second and Fourth Circuits. *Education:* Iona College (B.A., Business Management, 2007); St. John's University School of Law (J.D. 2011). Mr. Donovan's primary areas of focus are securities, derivative and M&A litigation.

LILLIAN GRINNELL: *admitted:* New York; United States District Courts for the Southern and Eastern Districts of New York; United States Court of Appeals for the Federal Circuit. *Education:* Bryn Mawr College (A.B., Philosophy and Political Science, 2016); New York University Law School (J.D. 2019). Prior to joining Wolf Haldenstein, Ms. Grinnell served as an Excelsior Service Fellow with the Consumer Protection and Financial Enforcement Division of the NYS Department of Financial Services.

ROURKE DONAHUE: *admitted:* New York. *Education:* University of North Carolina at Chapel Hill (B.A., Philosophy, 2017), Honors Program; Georgetown University Law Center (J.D. 2020). Prior to joining the firm, Mr. Donahue clerked for the Hon. Timothy P. Lydon, Presiding Judge of Equity, at the New Jersey Superior Court in Trenton, New



Jersey. In law school, Mr. Donahue interned at the Department of Justice's Civil Division, Christie's Auction House, and Manhattan Legal Services and served as the Administrative Editor of the *Georgetown Environmental Law Review*.

ALEX J. TRAMONTANO: *admitted:* California; U.S. District Courts for the Southern, Central and Eastern Districts of California; United States Court of Appeals for the Ninth Circuit. *Education:* University of Massachusetts, Amherst (B.A., Political Science and Legal Studies, *cum laude*, 2008); California Western School of Law (J.D., 2011). Mr. Tramontano's primary areas of focus are securities, anti-trust, unfair and deceptive practices, civil rights and data breach related class actions. Prior to joining Wolf Haldenstein, Mr. Tramontano worked as an associate at an AmLaw 100 firm, as well as other regional law firms in southern California. Mr. Tramontano has over a decade of litigation experience defending and prosecuting complex actions on behalf of individuals and businesses in both Federal and State courts. Mr. Tramontano began his legal career as a Police Cadet at the University of Massachusetts Amherst. He went on to law school and joined the San Diego District Attorney's Office as a Certified Legal Intern before transitioning to private practice.

FERDEZA ZEKIRI: *admitted:* California; U.S. District Court for the Central District of California. *Education:* Gonzaga University (B.A., Criminal Justice and Psychology, 2017); University of California, Los Angeles School of Law (J.D. 2020). In law school, Ms. Zekiri served as a Managing Editor of the UCLA School of *Law's Journal of Environmental Law & Policy*, and worked as a research assistant for the UCLA Law Library. Prior to joining Wolf Haldenstein, Ms. Zekiri was an associate attorney at Talkov Law where she primarily focused on real estate litigation.

PARAPROFESSIONALS

GREGORY STONE: *Education:* University of Pennsylvania (B.S., Economics, 1979); University of California, Los Angeles (MBA, 1983). Mr. Stone is the Firm's Director of Case and Financial Analysis. He assists partners and associates in identifying and researching potential federal class action securities, derivative litigation and merger & acquisition (M&A) litigation. Mr. Stone has worked with leading securities class action firms in an analytical and investigative role for over 18 year throughout the United States, and has an extensive professional background in the accounting and investment professions. He plays a key role in new case development, including performing investigations into potential securities fraud class actions, derivative and other



corporate governance related actions. By using a broad spectrum of financial news and legal industry research tools, Mr. Stone analyzes information that helps identify and support the theories behind the firm's litigation efforts.

NON-DISCRIMINATION POLICIES

Wolf Haldenstein does not discriminate or tolerate harassment against any employee or applicant because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, or alienage or citizenship status and designs its hiring practices to ensure that minority group members and women are afforded equal employment opportunities without discrimination. The Firm is in compliance with all applicable Federal, State, County, and City equal employment opportunity laws.

Wolf Haldenstein is proud of its long history of support for the rights of, and employment opportunities for, women, the disadvantaged, and minority group persons, including the participation in civil rights and voter registration activities in the South in the early 1960s by partners of the Firm; the part-time employment of disadvantaged youth through various public school programs; the varied *pro bono* activities performed by many of the Firm's lawyers; the employment of many women and minority group persons in various capacities at the Firm, including at the partner level; the hiring of ex-offenders in supported job training programs; and the use of minority and women-owned businesses to provide services and supplies to the Firm.

270 MADISON AVENUE
NEW YORK, NY 10016
TELEPHONE: 212-545-4600
TELECOPIER: 212-545-4653
WWW.WHAFH.COM

SYMPHONY TOWERS
750 B STREET, SUITE 1820
SAN DIEGO, CA 92101
TELEPHONE: 619-239-4599
TELECOPIER: 619-234-4599

111 WEST JACKSON
SUITE 1700
CHICAGO, IL 60604
TELEPHONE: 312-984-0000
TELECOPIER: 312-214-3110





EXHIBIT 2

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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE: PACKAGED SEAFOOD
PRODUCTS ANTITRUST
LITIGATION**

This document relates to:

Direct Purchaser Plaintiff Class
End Purchaser Plaintiff Class

Case No. 15-MD-2670 DMS (MSB)
MDL No. 2670

**STATEMENT IN SUPPORT OF
SETTLEMENT AGREEMENTS
BETWEEN DIRECT
PURCHASER PLAINTIFFS
AND END PURCHASER
PLAINTIFFS AND STARKIST
CO., DONGWON INDUSTRIES
CO., LTD., LION CAPITAL
LLP, AND LION CAPITAL
(AMERICAS), INC.**

1 In support of the settlement agreements between the certified classes of Direct
2 Purchaser Plaintiffs (“DPPs”) and End Purchaser Plaintiffs (“EPPs”) on the one hand
3 and Lion Capital LLP and Lion Capital (Americas), Inc. (collectively “Lion
4 Defendants¹”) and StarKist Co. and Dongwon Industries Co., Ltd. (collectively
5 “StarKist and DWI Defendants”) on the other hand,² I, Magistrate Judge Michael S.
6 Berg, state as follows:

7 1. One of my responsibilities on the bench is to oversee settlement
8 conferences in civil matters. I have overseen many settlement conferences, involving
9 many different types of legal disputes, and involving many different counsel. This
10 antitrust litigation (the “Action”) has turned out to be one of the most time-consuming
11 and interesting settlements that I have mediated to date. The legal issues involved in
12 this multidistrict antitrust litigation include the interplay of state and federal law, and
13 the settlement dynamic involved a complex interplay of multiple tracks of plaintiffs,
14 financial limitations, collectability of judgments in foreign nations, and the reality
15 that StarKist pled guilty to an antitrust violation, while its affiliated or parent
16 company, Dongwon Industries Co., Ltd., did not. The quality of the attorneys, and
17 their advocacy, was excellent.

18 2. DPPs and EPPs together participated in a mediation session with the Lion
19 Defendants before me on August 7, 2023. *See* ECF No. 3101. No settlement was
20 reached at that time, but I was able to assess the parties’ positions and I encouraged
21 them to keep an open mind to settlement as the case progressed.

22 3. Over time, I have held numerous settlement conferences with the various
23 parties in this Action, including settlement conferences between EPPs and the
24 StarKist and DWI Defendants on October 4, 2023, April 25, 2024, May 22, 2024,

25 ¹ Big Catch Cayman, L.P., a former Lion Defendant, was previously dismissed with prejudice
26 by the Court.

27 ² This statement incorporates the definitions of Direct Purchaser Plaintiffs, Settlement Class,
28 Defendants, and Settlement Amount from Direct Purchaser Plaintiffs’ Motion for Preliminary
Approval.

1 May 23, 2024, and May 29, 2024; between DPPs and StarKist on May 29, 2024 and
2 June 3, 2024; and between DPPs and EPPs together with the Lion Defendants on
3 August 22, 2023 and June 17, 2024. *See* ECF Nos. 3106, 3125, 3176, 3243, 3245,
4 3248, 3249, 3256, 3267.

5 4. On June 3, 2024, DPPs and the StarKist and DWI Defendants reached an
6 agreement in principle to settle the case during a mediation session that I oversaw.
7 Two agreements were reached during this session. First, with respect to the
8 Settlement Class, the parties agreed to resolve the claims in exchange for
9 \$58,750,000 in cash and product, comprising \$32,650,000 in cash and \$26,100,000
10 in product. The DPP Class will receive product over a three-year period. In exchange,
11 the DPP Class will release all claims that they did assert, or could have asserted, in
12 this Action. I find this to be an excellent settlement based on my understanding of
13 the legal and factual issues involved in the case, the StarKist and DWI Defendants’
14 financial situation, the difficulty of collecting a judgment in the courts of a foreign
15 nation, the claims of the DPP Class, the damages exposure involved, and the practical
16 benefits of settling the matter rather than continuing to litigate. The parties and their
17 counsel were unusually well prepared to present their positions given the proximity
18 of the trial, the nearly nine years of work that they had undertaken to prepare for it,
19 and the amount in dispute.

20 5. On June 3, 2024, EPPs and the StarKist and DWI Defendants also
21 reached an agreement in principle to settle the case during a mediation session that I
22 oversaw. The parties agreed to resolve the claims in exchange for \$130,000,000 in
23 cash. The EPP Class will receive payments over an 18-month period beginning with
24 the date of preliminary approval of the settlement. In exchange, the EPP Class will
25 release all claims that they did assert, or could have asserted, in this Action. I find
26 this to be an excellent settlement based on my understanding of the legal and factual
27 issues involved in the case, the StarKist and DWI Defendants’ financial situation, the
28 legal and factual difficulties caused by bringing state antitrust and consumer law

1 claims under the laws of multiple states, the difficulty of collecting a judgment in the
2 courts of a foreign nation, the claims of the EPP Class, the damages exposure
3 involved, and the practical benefits of settling the matter rather than continuing to
4 litigate. The parties and their counsel were unusually well prepared to present their
5 positions given the proximity of the trial, the nearly nine years of work that they had
6 undertaken to prepare for it, and the amount in dispute.

7 6. In addition, the StarKist and DWI Defendants ultimately recognized the
8 benefits that counsel for the DPP and EPP Classes provided to the parties over the
9 course of the litigation. This included coordinating the various tracks of plaintiffs in
10 order to streamline the litigation and the settlement process, and I observed these
11 efforts firsthand over the past year as well. 15 U.S.C. § 15(a) provides a prevailing
12 plaintiff with a statutory right to recover attorneys' fees and costs. Separately, counsel
13 for the DPPs previously moved for a set-aside order recognizing their work on behalf
14 of parties that have since opted out of the DPP class. *See* ECF No. 2446. The StarKist
15 and DWI Defendants have separately agreed to compensate DPPs' Counsel at
16 Hausfeld LLP based on a percentage of the settlements that the StarKist Defendants
17 had achieved with the various Direct Action Plaintiffs that had opted-out of the DPP
18 Class and that had settled their claims separately. I oversaw these negotiations, and I
19 find them to be an appropriate and fair resolution of DPPs' Counsel's demands
20 pursuant to 15 U.S.C. § 15(a).

21 7. On June 17, 2024, DPPs and EPPs reached an agreement in principle
22 with the Lion Defendants to resolve the claims made in the Action during a mediation
23 session over which I presided. Counsel for the parties were again exceptionally well
24 prepared to conduct the mediation, which I understand followed similar mediation
25 attempts between the Lion Defendants, DPPs, and EPPs before two skilled, private
26 mediators, the Hon. Daniel Weinstein (Ret.) and Amb. David Carden (Ret.) of JAMS.
27 Principals for the Lion Defendants, including Lyndon Lea and Graham Tester, were
28 present and active during the mediation session over which I presided, as well as

1 during prior mediations. During the mediation, I fully evaluated Lion’s financial
2 condition, as did counsel for DPPs and EPPs. Proffers were made directly by the Lion
3 Defendants of their financial performance, and the audited financial statements of the
4 company were reviewed. Additional discussions about the financial capacity of the
5 Lion Defendants and their principal members were had. The nine-hour mediation
6 session concluded with an agreement that the Lion Defendants pay \$6 million to the
7 DPP Class and \$6 million to the EPP Class to resolve the claims against them. I was
8 fully involved in these settlement discussions, and I find the settlements to be an
9 excellent result for the parties involved, given the financial realities and serious
10 questions about the collectability of any judgment that might be obtained.

11 8. Over the course of the last year, I have found that Class Counsel for DPPs
12 and EPPs have been fully prepared to either litigate this case to conclusion, or to
13 settle it on fair and reasonable terms. I have evaluated their written and oral advocacy
14 and find it to be excellent. In addition, I have personally noted their ability to work
15 together constructively and with other tracks of plaintiffs’ counsel, and with counsel
16 for the various Defendants to find helpful ways forward within the complex
17 framework of direct and indirect recoveries under state and federal law, and in
18 situations where some or all direct purchaser class members have opted out of the
19 DPP Class as to one defendant or another. Under the unusual circumstances of this
20 case, it is my recommendation that the District Court consider an upward departure
21 from the presumptively reasonable benchmark fee of 25% in common fund cases.
22 *See Asner v. SAG-AFTRA Health Fund*, No. 220CV10914, 2023 WL 6984582, at *12
23 (C.D. Cal. Oct. 19, 2023), *reconsideration denied*, No. 220CV10914, 2023 WL
24 8529996 (C.D. Cal. Dec. 7, 2023) (“In the Ninth Circuit, 25% of a common fund is
25 considered a presumptively reasonable amount of attorneys’ fees when using the
26 percentage-of-recovery method.”). Many antitrust courts, in this circuit and others,
27 provide for an upward departure due to the inherent complexity of the legal issues
28 involved and the risk assumed by the attorneys’ involved. *See In re Lidoderm*

1 *Antitrust Litig.*, MDL No. 2521, 2018 WL 4620695, at *4 (N.D. Cal. Sept. 20, 2018)
2 (“As to the fifth factor, a fee award of one-third is within the range of awards in this
3 Circuit.”); *see also Larsen v. Trader Joe’s, Inc.*, No. 11-cv-05188, 2014 WL
4 3404531, at *9 (N.D. Cal. July 11, 2014) (citing multiple cases awarding fees of 32%
5 or greater); *In re Pac. Enters. Sec. Litig.*, 47 F.3d 373, 379 (9th Cir. 1995) (affirming
6 award of 33%). For cases outside of this circuit, *see, e.g., In re Pork Antitrust Litig.*,
7 No. 18-1776, 2022 WL 4238416, at *7 (D. Minn. Sept. 14, 2022) (awarding 33% of
8 settlement fund as attorneys’ fees in consumer indirect purchaser action); *In re*
9 *Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, No. 14-md-02542, 2021
10 WL 2328431, at *1 (S.D.N.Y. June 7, 2021) (awarding 33 1/3% of a \$31 million
11 settlement fund as attorneys’ fees in indirect purchaser action); *In re Aggrenox*
12 *Antitrust Litig.*, No. 3:18-MD-00850, 2018 WL 10705542, at *5 (D. Conn. July 19,
13 2018) (awarding 33 1/3% of a settlement fund as attorneys’ fees in indirect purchaser
14 action); *In re Flonase Antitrust Litig.*, 291 F.R.D. 93, 103 (E.D. Pa. 2013)
15 (“*Flonase*”) (awarding 33 1/3% of a settlement fund as attorneys’ fees indirect
16 action).

16 9. “[A] one-third fee award is standard in complex antitrust cases[,]”
17 *Flonase*, 291 F.R.D. at 104, and from my perspective as the mediator, Hausfeld LLP
18 achieved exceptional results for the class, and was burdened by litigating the Action
19 for nearly nine years. *See In re Online DVD-Rental Antitrust Litig.*, 779 F.3d 934,
20 954-55 (9th Cir. 2015) (explaining that the factors for assessing a request for
21 attorneys’ fees that was calculated using the percentage-of-recovery method are “the
22 extent to which class counsel achieved exceptional results for the class, whether the
23 case was risky for class counsel, whether counsel’s performance generated benefits
24 beyond the cash settlement fund, the market rate for the particular field of law (in
25 some circumstances), the burdens class counsel experienced while litigating the case
26 (e.g., cost, duration, foregoing other work), and whether the case was handled on a
27 contingency basis”). Here, an award at this level is warranted in light of the

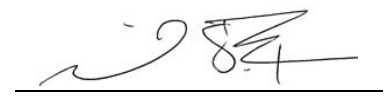
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complexity of the issues that have been litigated both in the District Court, where approximately thirteen motions to dismiss were briefed and resolved, motions for reconsideration and/or judgment under Fed. R. Civ. Proc. 54(b) were briefed and decided favorably to plaintiffs, and approximately seventeen motions for summary judgment were resolved in a manner that was largely favorable to the DPP Class. Moreover, it is my view that DPP and EPP Class Counsel were fully prepared to try this case prior to settlement, and that they had done the work necessary to maximize the chances of success for the DPP and EPP Classes had it been necessary to litigate it to conclusion. Finally, complex legal issues concerning class certification were litigated in this Court and in the Ninth Circuit. In fact, DPP and EPP Class Counsel obtained an *en banc* decision from the Ninth Circuit that clarifies the standard for class certification in the context of antitrust cases, which is widely cited in this Circuit and others. For all of these reasons, an award of 33.3% of the DPP Settlement Amount is reasonable here.

10. Moreover, as to the separate payment of fees to DPP Class Counsel at Hausfeld LLP in connection with claims that StarKist resolved with Direct Action Plaintiffs that opted out of the DPP class, this case involved work by Class Counsel beyond the common fund, and was undertaken within a statutory framework that provides for the payment of fees to a successful plaintiff. I find this arms'-length separate payment to be reasonable under the circumstances of this case.

Date: July 12, 2024

Respectfully submitted,



Honorable Michael S. Berg
United States Magistrate Judge

1 Betsy C. Manifold (182450)
2 manifold@whafh.com
3 Rachele R. Byrd (190634)
4 byrd@whafh.com
5 Alex J. Tramontano (276666)
6 tramontano@whafh.com
7 **WOLF HALDENSTEIN ADLER**
8 **FREEMAN & HERZ LLP**
9 750 B Street, Suite 1820
10 San Diego, CA 92101
11 Telephone: 619/239-4599
12 Facsimile: 619/234-4599

13 *Class Counsel for the End Payer Plaintiffs*

14 [Additional counsel appear on signature page]

15 UNITED STATES DISTRICT COURT
16 SOUTHERN DISTRICT OF CALIFORNIA

17 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
18 PRODUCTS ANTITRUST)
19 LITIGATION) **DECLARATION OF MARK C.**
20) **RIFKIN IN SUPPORT OF END**
21) **PURCHASER PLAINTIFFS’**
22) **MOTION FOR ATTORNEYS’**
23) **FEES AND COSTS**

24)
25)
26)
27)
28)
This Document Relates to:) DATE: November 22, 2024
End Payer Plaintiffs Class Track) TIME: 1:30 p.m.
JUDGE: Hon. Dana M. Sabraw
COURT: 13A (13th Floor)

1 I, Mark C. Rifkin, declare as follows:

2 1. I am an attorney duly licensed to practice before all the courts of the
3 States of New York, New Jersey, and Pennsylvania, and before the Supreme Court of
4 the United States and many other federal Courts of Appeals and District Courts. I am
5 also admitted to practice *pro hac vice* in this Court. I am the managing partner of the
6 law firm Wolf Haldenstein Adler Freeman & Herz LLP (“Wolf Haldenstein”), Class
7 Counsel for End Purchaser Plaintiffs (“EPPs”). I submit this declaration in support of
8 End Payer Plaintiffs’ Motion for Attorneys’ Fees, Costs, Expenses and Service
9 Awards. I have personal knowledge of the matters stated herein and, if called upon, I
10 could and would competently testify thereto.

11 2. Since 2016, my firm and I have been responsible for litigating this action
12 as Class Counsel for the EPP Classes, including, among many other tasks, managing
13 and coordinating the team of contributing attorneys who assisted in drafting
14 complaints in this matter, litigating the matter through the discovery, law and motion,
15 expert discovery, and preparing for trial.

16 3. On August 28 2015, we filed a proposed class action lawsuit on behalf
17 of our clients Evelyn Olive, Sterling King, Paul Berger, Sally Crnkovich, Jessica
18 Breitbach, Marc Blumstein, Louise Adams, Brian Levy, John Trent, Tina Grant,
19 Jennifer A. Nelson, and Elizabeth Twitchell, against Bumble Bee Foods LLC,
20 StarKist Company, Tri-Union Seafoods LLC, and King Oscar, Inc., in this Court, the
21 Southern District of California and assigned Case No. 15-CV-1909. That action was
22 consolidated with other similar actions filed in various jurisdictions nationwide into
23 this multidistrict litigation (the “Action”).

24 4. I am the principal antitrust trial counsel at Wolf Haldenstein and have
25 practiced civil litigation on behalf of consumers and individuals nationwide since
26 1990. The firm generally employs twenty-five attorneys practicing in the areas of
27 antitrust, unfair competition law, securities, copyright, and data privacy. As part of
28 my responsibility as managing partner of the firm, I oversee the antitrust practice

1 group, specifically related to consumer protection and antitrust class action matters.
2 Attached hereto as **Exhibit 1** is the Wolf Haldenstein Firm resume.

3 5. Wolf Haldenstein’s attorneys have a long history of successfully
4 handling class actions across a range of industries, including antitrust cases. I bring
5 substantial experience in complex litigation matters with a history of litigating in an
6 efficient and practical manner, including as Lead or Co-Lead Class Counsel in
7 numerous class actions. *See Exhibit 1* at 18-26.

8 6. I have an extensive background in antitrust and consumer protection
9 class action litigation. I have litigated more than a dozen antitrust and unfair
10 competition class actions across the country. Most notably, I am currently lead
11 counsel for the plaintiffs in one of the nation’s largest antitrust cases, *In re Apple*
12 *iPhone Antitrust Litigation*, No. 4:11-cv-06714-YGR-TSH (N.D. Cal.). In addition, I
13 served as lead or co-lead counsel in *In re Keurig Green Mountain Single-Serve Coffee*
14 *Antitrust Litig.*, No. 14-md-02542-VSB-SLC (S.D.N.Y.); and *In Re: Eyewear*
15 *Antitrust Litigation*, No. 1:24-cv-04826-MKV (S.D. N.Y.) (Co-Lead Counsel).

16 7. My firm has been involved in every aspect of this Action as Court-
17 appointed Class Counsel, including: litigating numerous motions to dismiss; filing six
18 Consolidated Amended Class Action Complaints; briefing class certification,
19 including a three-day evidentiary hearing; opposing and bringing multiple motions
20 for summary judgment; millions of pages of discovery (reviewed, tagged and
21 analyzed and utilized); preparation for and taking the depositions of one hundred and
22 181 individuals, and over 200 days of depositions; drafting and opposing *Daubert*
23 motions; drafting, opposing and arguing multiple motions *in limine*; negotiating and
24 briefing regarding proposed jury instructions; designating deposition transcripts for
25 trial; selecting, meeting, and conferring regarding trial exhibits and the Pre-Trial
26 Order; negotiating settlements, attending mediations and settlement conferences, and
27 finalizing settlements; preparing and presenting the settlements for preliminary and
28

1 final approval; and in preparing this filing and the concurrently filed motion papers in
 2 support of final approval of the last two settlements in this case.

3 8. The hours spent by the attorneys and paralegal professionals of Wolf
 4 Haldenstein working on the Action, as well as their current hourly rates as of October
 5 1, 2024, and their corresponding lodestar amounts, are as follows:

6

7 **Wolf Haldenstein Lodestar**

8 Timekeeper	9 Current Rate	10 Hours	11 Lodestar
12 Daniel W. Krasner, 13 Partner	\$1,055	22.3	\$23,526.50
14 Fred T. Isquith, 15 Partner	\$1,005	4,548.2	\$4,570,941.00
16 Mark C. Rifkin, 17 Partner	\$1,200	882.2	\$1,058,640.00
18 Betsy C. Manifold, 19 Partner	\$950	6,343.5	\$6,026,325.00
20 Thomas H. Burt, 21 Partner	\$850	7,787.1	\$6,619,035.00
22 Rachele R. Byrd, 23 Partner	\$850	322.8	\$274,380.00
24 Randall S. Newman, 25 Partner	\$720	39.8	\$28,656.00
26 Kate M. McGuire, 27 Of Counsel	\$615	67.8	\$41,697.00
28 Marisa C. Livesay, Sr. Associate	\$540	1,818.7	\$982,098.00
Carl V. Malmstrom, Of Counsel	\$580	1,502.4	\$871,392.00
Brittany DeJong, Associate	\$475	223.8	\$106,305.00
Veronica Bosco, Associate	\$360	25.3	\$9,108.00
Lillian Grinnell, Associate	\$395	33.9	\$13,390.50
Alex Tramontano, Sr. Associate	\$500	3,759.2	\$1,879,600.00

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Ferdeza Zekiri, Associate	\$375	212.7	\$79,762.50
James A. Cirigliano, Head Paralegal	\$375	548.6	\$205,725.00
Jillaine E. Gill, Paralegal	\$325	743.5	\$241,637.50
Victoria Lepesant, Paralegal	\$315	19.6	\$6,174.00
Alexandra Loutsenhizer, Paralegal	\$255	512.2	\$130,611.00
Kerri Warren, Paralegal	\$220	68.7	\$15,114.00
Michele Mitchell, Paralegal	\$255	22.7	\$5,788.50
Jasmin Rangel- Hernandez, Paralegal	\$225	98.7	\$22,207.50
Sam Smith, Summer Associate	\$250	19.3	\$4,825.00
David I. Weinstein, Summer Associate	\$295	16.5	\$4,867.50
Windy Loritsch, Paralegal	\$240	207.1	\$49,704.00
Elizabeth Allen, Paralegal	\$255	83.1	\$21,190.50
Kathryn M. Cabrera, Paralegal	\$300	873.7	\$262,110.00
Amanda Salas, Paralegal	\$210	33.3	\$6,993.00
Patrick Horan, Paralegal	\$235	30.0	\$7,050.00
Elle Chaseton, Sr. Paralegal	\$350	34.4	\$12,040.00
Ethan Tramontano, IT & Trial Support	\$200	268.9	\$53,780.00
TOTALS:		31,170.0	\$23,634,674.00

9. I have excluded 237.0 hours of time, with a lodestar value of

1 \$185,828.50, which was the time spent by the attorneys and paralegals of my firm on
2 the disputed lead counsel motion, from the total time and lodestar of my firm
3 submitted in support of the fee application. While I believe the time spent by my firm
4 was productive for the EPP Classes, I have directed all EPPs' counsel requesting an
5 award of attorneys' fees to exclude that time from their submissions and, in the
6 interest of fairness, I have done so for my firm as well.

7 10. In addition, after reviewing all the remaining time expended by the
8 attorneys and paralegals of my firm on the matter, I excluded 446.7 additional hours
9 of time, with a lodestar value of \$338,636.50, which, in the exercise of my billing
10 judgment and discretion, I determined were not productive for the EPP Classes. While
11 I believe the time records accurately reflect the time spent by the attorneys and
12 paralegals of my firm working on the matter, I believe this additional time should not
13 be included in support of the fee application.

14 11. Based on my review of the time expended by my firm, and in light of my
15 decades of experience in similar antitrust class actions, I believe the remaining
16 31,170.0 hours of time expended by my firm, with a total lodestar value of
17 \$23,634,674.00, were actually and productively spent by the attorneys and paralegals
18 of my firm on the matter, and the work performed by them provided substantial value
19 for the EPP Classes.

20 12. These records were prepared from contemporaneous, daily time records
21 regularly prepared and maintained by each firm in its usual course and manner. Wolf
22 Haldenstein maintains detailed records regarding the amount of time spent by its own,
23 and by and each other firms' professionals. The lodestar calculation is based on each
24 firms' current billing rates. These records are available for review at the request of the
25 Court.

26 13. In my judgment and based on my experience in complex class action
27 litigation and other litigation, the number of hours expended, and the services
28 performed by my firm, were reasonable and necessary for my firm's representation

1 of Plaintiffs, in coordination with other counsel working on the matter, and I approved
 2 the tasks and the hours spent on each task.

3 14. I have general familiarity with the range of hourly rates typically charged
 4 by plaintiffs’ class action counsel specifically in the field of unfair competition and
 5 antitrust in the geographical area where my firm practices and throughout the United
 6 States, both on a current basis and historically. From that basis, I am able to conclude
 7 that the rates charged by my firm and those contributing to this matter under my
 8 leadership are commensurate with those prevailing in the market for such legal
 9 services furnished in complex class action litigation such as this. My firm’s hourly
 10 rates were most recently approved by the following Courts:

- 11 • *Bowdle v. King’s Seafood Co., LLC*, No. 8:21-cv-01784-CJC (C.D. Cal.,
 12 Feb. 13, 2023);
- 13 • *American Jetter & Plumbing, Inc., et al. v. State Compensation Insurance*
 14 *Fund*, No. 19-st-cv-36307 (Cal. Superior Ct., Los Angeles);
- 15 • *In re Dynamic Random Access Memory Antitrust Litigation*, MDL-02-1486
 16 (N.D. Cal.); and
- 17 • *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, No. 14-
 18 md-02542-VSB-SLC, Doc. No. 1395 (S.D.N.Y. June 7, 2021).

19 15. The table below shows all hours expended by each contributing law
 20 firm’s on the Action, and their corresponding lodestar, are as follows:

ALL FIRMS’ TOTAL LODESTAR			
Firm Name	Average Hourly Rate	Total Hours	Lodestar
Ademi & O’Reilly LLP	\$635	1,139.30	\$723,822.50
Bailey & Glasser, LLP	\$753	79.70	\$59,998.74
Blood Hurst & O’Reardon, LLP	\$356	11.00	\$3,920.00
BoiesBattin LLP	\$629	4,604.80	\$2,897,128.50
Bottini & Botini, Inc.	\$589	974.20	\$573,702.20
Casey Gerry Schenk Francavilla Blatt & Penfield, LLP	\$883	2,601.60	\$2,296,429.50

1	Finkelstein Thompson, LLP	\$656	105.50	\$69,214.00
2	Fred Isquith, Jr.	\$650	41.40	\$26,910.00
3	Gainey McKenna & Egleston	\$651	941.98	\$613,463.35
4	Greenwich Legal Associates LLC	\$735	429.20	\$315,400.00
5	Gross Klein PC	\$792	8.35	\$6,609.55
6	Gustafson Gluek, PLLC	\$845	2,694.75	\$2,277,118.75
7	Hulett Harper Stewart	\$930	2,037.05	\$1,894,824.25
8	Law Office of Jerald M. Stein	\$600	21.73	\$13,040.00
9	Kirby McInerney LLP	\$937	4,373.00	\$4,099,450.00
10	Kralowec Law Group	\$700	648.00	\$453,600.00
11	Levi & Korsinsky	\$738	144.00	\$106,212.50
12	Lockridge Grindel Nauen PLLP	\$870	8,278.60	\$7,204,636.00
13	Lovell Stewart	\$475	568.24	\$269,968.50
14	Miller Pitt Feldman & McAnally PC	\$272	42.60	\$11,591.00
15	Miller Shah	\$397	259.20	\$102,875.00
16	Nicholas & Tomasevic	\$520	506.40	\$263,241.00
17	Oliver Law Group	\$700	179.04	\$125,328.00
18	Paskowitz Law Firm P.C.	\$795	9.50	\$7,552.50
19	Pomerantz LLP	\$532	74.15	\$39,475.00
20	Pritzker Levine	\$1,017	4,430.00	\$4,505,145.50
21	Randall S. Newman P.C.	\$790	527.60	\$416,804.00
22	Safirstein Law LLC	\$748	9.20	\$6,880.00
23	Safirstein Metcalf	\$497	724.50	\$359,951.00
24	Sullivan Hill	\$540	4.40	\$2,376.00
25	Thrash Law Firm	\$686	1,227.80	\$842,502.50
26	Zelle LLP	\$841	4,279.00	\$3,596,955.50
27	Zimmerman Law Offices	\$741	1,074.80	\$796,779.00
28	Zoll & Kranz	\$442	93.20	\$41,172.50
	Wolf Haldenstein	\$758	31,170.00	\$23,634,674.00
	TOTALS:	\$790	74,280.59	\$58,658,750.84

1 True and correct copies of the declarations submitted by each law firm contributing
 2 to the lodestar are attached as **Exhibits 2 through 34** to this declaration.

3 16. In the exercise of my judgment as Class Counsel, I have determined that
 4 it would be in the best interest of the Consumers for counsel to be paid the attorneys’
 5 fee award over time to coincide with the receipt of settlement monies by the from
 6 StarKist and the Lion Companies in proportion to the settlement funds as they are
 7 actually received from Defendants, and Class Counsel will pay them accordingly.

8 17. The total outstanding additional costs and expenses incurred in litigating
 9 the Action, plus an estimate of the additional expenses associated with the final
 10 settlement hearing that my firm expects to incur, are \$1,618,489.24, as follows:

Cost Category	Cost Amount
Class Notice Costs	\$389,732.22
Data Hosting	\$15,845.65
Expert Services	\$29,925.00
Mock Trial Services	\$72,400.00
Bank Fees	\$545.25
Mediation	\$10,296.25
U.S. Supreme Court Specialist	\$65,219.59
Expert Fees	\$429,317.08
Court Reporting and Deposition Service	\$44,802.09
Subtotal of Unreimbursed WHAFH Direct Costs:	\$1,058,083.13
COSI Reimbursement for Notice and Admin Costs Related to 2024 Settlements	\$206,379.11
Direct Expenses – All EPP Firms	\$348,027.00
Projected Additional Expenses (WHAFH)	\$6,000.00
TOTAL:	\$1,618,489.24

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 28 18. I believe these costs were fair, reasonable, and necessarily incurred to

1 prosecute the Action diligently to its successful conclusion.

2 19. Throughout the litigation, my firm and I made every effort to operate as
3 efficiently as possible and to oversee and coordinate the work performed by other
4 EPPs' counsel to avoid unnecessary duplication of effort and to minimize the costs
5 expended to prosecute the Action to its successful conclusion.

6 20. If the Court awards less than \$1,618,489.24 in additional expense or
7 reduces the amount of attorneys' fees to award to EPPs' counsel, Class Counsel will
8 adjust the net calculation to reflect the expenses actually awarded by the Court and
9 will calculate the attorneys' fee accordingly.

10 21. My firm and I have overseen the settlement proceeds received by Class
11 Counsel from COSI, StarKist, and the Lion Companies so far. The settlement escrow
12 account currently holds \$47,042,830 (which includes interest earned on the settlement
13 proceeds already paid to Class Counsel). If StarKist timely makes its next settlement
14 payment on November 22, 2023, the amount of settlement proceeds on hand on that
15 date will be approximately \$65,042,830.

16

17 Dated: October 25, 2024

By: 
MARK C. RIFKIN

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22 4887-7655-9090v1

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EXHIBIT 1



PROVIDING EXEMPLARY LEGAL SERVICES SINCE 1888

FIRM RESUME

Founded in 1888, Wolf Haldenstein Adler Freeman & Herz LLP is a full service law firm specializing in complex litigation in federal and state courts nationwide. The firm's practice includes litigation, both hourly and contingent, in securities, antitrust, wage & hour, consumer fraud, false marketing, ERISA, and general and commercial matters, whistleblower, false claim, trust & estate, corporate investigation, and white collar matters, and FINRA arbitration. The Firm has a particular specialty in complex class action and other representative litigation – including investor, shareholder, antitrust, ERISA, consumer, employee, and biotechnology matters – under both federal and state law.

Wolf Haldenstein's total practice approach distinguishes it from other firms. Our longstanding tradition of a close attorney/client relationship ensures that each one of our clients receives prompt, individual attention and does not become lost in an institutional bureaucracy. Our team approach is at the very heart of Wolf Haldenstein's practice. All of our lawyers are readily available to all of our clients and to each other. The result of this approach is that we provide our clients with an efficient legal team having the broad perspective, expertise and experience required for any matter at hand. We are thus able to provide our clients with cost effective and thorough counsel focused on our clients' overall goals.

270 MADISON AVENUE
NEW YORK, NY 10016
TELEPHONE: 212-545-4600
TELECOPIER: 212-686-0114
WWW.WHAFH.COM

SYMPHONY TOWERS
750 B STREET, SUITE 1820
SAN DIEGO, CA 92101
TELEPHONE: 619-239-4599
TELECOPIER: 619-234-4599

111 WEST JACKSON
SUITE 1700
CHICAGO, IL 60604
TELEPHONE: 312-984-0000
TELECOPIER: 312-214-3110



THE FIRM

Wolf Haldenstein has been recognized by state and federal courts throughout the country as being highly experienced in complex litigation, particularly with respect to securities, consumer, ERISA, FLSA and state overtime and expense deductions, and antitrust class actions and shareholder rights litigation.

Among its colleagues in the plaintiffs' bar, as well as among its adversaries in the defense bar, Wolf Haldenstein is known for the high ability of its attorneys, and the exceptionally high quality of its written and oral advocacy.

The nature of the Firm's activities in both individual and representative litigation is extremely broad. In addition to a large case load of securities fraud and other investor class actions, Wolf Haldenstein has represented classes of corn and rice farmers in connection with the devaluation of their crops; canned tuna consumers for tuna companies' violations of antitrust laws; merchants compelled to accept certain types of debit cards; insurance policyholders for insurance companies' deceptive sales practices; victims of unlawful strip searches under the civil rights laws; and various cases involving violations of Internet users' on-line privacy rights.

The Firm's experience in class action securities litigation, in particular public shareholder rights under state law and securities fraud claims arising under the federal securities laws and regulations is particularly extensive. The Firm was one of the lead or other primary counsel in securities class action cases that have recouped billions of dollars on behalf of investor classes, in stockholder rights class actions that have resulted in billions of dollars in increased merger consideration to shareholder classes, and in derivative litigation that has recovered billions of dollars for corporations.

Its pioneering efforts in difficult or unusual areas of securities or investor protection laws include: groundbreaking claims that have been successfully brought under the Investment Company Act of 1940 regarding fiduciary responsibilities of investment companies and their advisors toward their shareholders; claims under ERISA involving fiduciary duties of ERISA trustees who are also insiders in possession of adverse information regarding their fund's primary stockholdings; the fiduciary duties of the directors of Delaware corporations in connection with change of control transactions; the early application of the fraud-on-the-market theory to claims against public accounting firms in connection with their audits of publicly traded corporations; and the application of federal securities class certification standards to state law claims often thought to be beyond the reach of class action treatment.



JUDICIAL COMMENDATIONS

Wolf Haldenstein has repeatedly received favorable judicial recognition. The following representative judicial comments over the past decade indicate the high regard in which the Firm is held:

- *In re Empire State Realty Trust, Inc. Investor Litig.*, No. 650607/2012 (Sup. Ct. N.Y. Co.) – On May 2, 2013, Justice O. Peter Sherwood praised the Firm in its role as chair of the committee of co-lead counsel as follows: "It is apparent to me, having presided over this case, that class counsel has performed in an excellent manner, and you have represented your clients quite well. You should be complimented for that." In awarding attorneys' fees, the Court stated that the fee was "intended to reward class counsel handsomely for the very good result achieved for the Class, assumption of the high risk of Plaintiffs prevailing and the efficiency of effort that resulted in the settlement of the case at an early stage without protracted motion practice." May 17, 2013 slip. op. at 5 (citations omitted).
- *Roberts v. Tishman Speyer*, 13 N.Y.3d 270 (N.Y. 2009) – On April 9, 2013, Justice Richard B. Lowe III praised the Firm's efforts as follows: "[W]hen you have challenging cases, the one thing you like to ask for is that the legal representation on both sides rise to that level. Because when you have lawyers who are professionals, who are confident, who are experienced, each of you know that each side has a job to do [. . .] I want to tell you that I am very satisfied with your performance and with your, quite frankly, tenacity on both sides. And it took six years, but look at the history of the litigation. There were two appeals all of the way to the Court of Appeals [. . .] And then look at the results. I mean, there are dissents in the Court of Appeals, so that shows you the complexity of the issues that were presented in this litigation [. . .] [I]t shows you effort that went into this and the professionalism that was exhibited [. . .] So let me just again express my appreciation to both sides."
- *K.J. Egleston L.P. v. Heartland Industrial Partners, et al.*, 2:06-13555 (E.D. Mich.) – where the Firm was Lead Counsel, Judge Rosen, at the June 7, 2010 final approval hearing, praised the Firm for doing "an outstanding job of representing [its] clients," and further commented that "the conduct of all counsel in this case and the result they have achieved for all of the parties confirms that they deserve the national recognition they enjoy."



- *Klein, et al. v. Ryan Beck Holdings, Inc., et al.*, 06-cv-3460 (DAB) (S.D.N.Y. 2010) – where the Firm was Lead Counsel, Judge Deborah A. Batts described the Firm’s successful establishment of a settlement fund as follows: “[a] miracle that there is a settlement fund at all.” Judge Batts continued: “As I said earlier, there is no question that the litigation is complex and of a large and, if you will, *pioneering magnitude* ...” (Emphasis added).
- *Parker Friedland v. Iridium World Communications, Ltd.*, 99-1002 (D.D.C.) – where the Firm was co-lead counsel, Judge Laughrey said (on October 16, 2008), “[a]ll of the attorneys in this case have done an outstanding job, and I really appreciate the quality of work that we had in our chambers as a result of this case.”
- *In re Dynamic Random Access Memory Antitrust Litigation*, MDL-02-1486 (N.D. Cal.) – where the Firm was co-lead counsel, Judge Hamilton said (on August 15, 2007), “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. The percentages, as you have outlined them, do put this [case] in one of the upper categories of results of this kind of [antitrust] class action. I am aware of the complexity . . . I thought that you all did an exceptionally good job of bringing to me only those matters that really required the Court’s attention. You did an exceptionally good job at organizing and managing the case, assisting me in management of the case. There was excellent coordination between all the various different plaintiffs’ counsel with your group and the other groups that are part of this litigation. . . . So my conclusion is the case was well litigated by both sides, well managed as well by both sides.”
- *In re Comdisco Sec. Litigation*, 01 C 2110 (N.D. Ill. July 14, 2005) – Judge Milton Shadur observed: “It has to be said . . . that the efforts that have been extended [by Wolf Haldenstein] on behalf of the plaintiff class in the face of these obstacles have been exemplary. And in my view [Wolf Haldenstein] reflected the kind of professionalism that the critics of class actions . . . are never willing to recognize. . . . I really cannot speak too highly of the services rendered by class counsel in an extraordinary difficult situation.”
- *Good Morning to You Productions Corp. v. Warner/Chappell Music, Inc.*, No. CV 13-04460-GHK (MRWx) (C.D. Cal., Aug. 16, 2016) – Judge George H. King



stated: "Not all, or perhaps even most, plaintiffs' class counsel could have litigated this case as successfully as did class counsel against such a fierce and exceptionally accomplished opponent."

- *Bokelman et al. v. FCH Enterprises, Inc.*, (Case No. 1:18-cv-209, D. Haw., May 3, 2019): Judge Robert J. Bryan said, "I've been impressed by the quality of the work you've done throughout here, and that is reflected, I think, in the fact that no one has objected to the settlement."

RECENT NOTEWORTHY RESULTS

Wolf Haldenstein's performance in representative litigation has repeatedly resulted in favorable results for its clients. The Firm has helped recover ***billions of dollars*** on behalf of its clients in the cases listed below. Recent examples include the following:

- On May 13, 2019, in *Apple Inc. v. Pepper*, No. 17-204, the Supreme Court affirmed a decision by the Ninth Circuit Court of Appeals holding that iPhone purchasers have standing to sue Apple for monopolizing the market for iPhone apps in this longstanding antitrust class action. Wolf Haldenstein has been Lead Counsel for the plaintiffs since 2007. The case was commenced in federal district court in Oakland. The Supreme Court's decision clears the way for the plaintiffs to proceed on the merits of their claim.
- On June 11, 2018, the United States Supreme Court issued a highly anticipated decision in *China Agritech, Inc. v. Michael H. Resh, et al.* Wolf Haldenstein represented the plaintiffs/respondents, having commenced the action on behalf of aggrieved shareholders of *China Agritech* after two prior cases had failed at the class certification stage.
- *In re Genetically Modified Rice Litigation*, MDL 1811 (E.D. Mo.) - Wolf Haldenstein represented U.S. rice farmers in this landmark action against Bayer A.G. and its global affiliates, achieving a global recovery of \$750 million. The case arose from the contamination of the nation's long grain rice crop by Bayer's experimental and unapproved genetically modified Liberty Link rice.
- *Roberts v. Tishman Speyer*, 13 N.Y.3d 270 (N.Y. 2009) - a class action brought on behalf of over 27,500 current and former tenants of New York City's iconic Stuyvesant Town and Peter Cooper Village housing complexes. On April 9, 2013, Justice Richard B. Lowe III of the New York Supreme Court finally



approved settlement of the action, which totals over \$173 million, sets aside \$68.75 million in damages, re-regulates the apartments at issue, and sets preferential rents for the units that will save tenants significant monies in the future. The settlement also enables the tenants to retain an estimated \$105 million in rent savings they enjoyed between 2009 and 2012. **The settlement is by many magnitudes the largest tenant settlement in United States history.**

- *In re Empire State Realty Trust, Inc. Investor Litig.*, Index No. 650607/2012 – The firm served as Chair of the Executive Committee of Co-Lead Counsel for the Plaintiffs in a class action settlement finally approved on May 2, 2013 that provides for the establishment of a \$55 million settlement fund for investors, in addition to substantial tax deferral benefits estimated to be in excess of \$100 million.
- *American International Group Consolidated Derivative Litigation*, Civil Action No. 769-VCS (Del. Ch.) The Firm acted as co-lead counsel and the settlement addressed claims alleging that the D&O Defendants breached their fiduciary duties to the Company and otherwise committed wrongdoing to the detriment of AIG in connection with various allegedly fraudulent schemes during the 1999-2005 time period.
- *In re Bank of America Corp. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation*, Master File No. 09 MD 2058 (S.D.N.Y.) (firm was co-lead counsel in parallel derivative action pending in Delaware (*In Re Bank of America Stockholder Derivative Litigation*, C.A. No. 4307-CS (Del. Ch.)) (increase of settlement cash recovery from \$20 million to \$62.5 million).
- *The Investment Committee of the Manhattan and Bronx Service Transit Operating Authority Pension Plan v. JPMorgan Chase Bank, N.A.*, 1:09-cv-04408-SAS (S.D.N.Y.) (class recovered \$150 million).
- *In re Tremont Sec. Law, State Law and Insurance Litig.*, No. 08-civ-11117 (TPG) (SDNY) (class recovered \$100 million). The firm was court-appointed co-lead counsel in the Insurance Action, 08 Civ. 557, and represented a class of persons who purchased or otherwise acquired Variable Universal Life (“VUL”) insurance policies or Deferred Variable Annuity (“DVA”) policies issued by Tremont International Insurance Limited or Argus International Life Bermuda Limited from May 10, 1994 - December 11, 2008 to the extent the investment



accounts of those policies were exposed to the massive Ponzi scheme orchestrated by Bernard L. Madoff through one or more Rye funds.

- *In re Initial Public Offering Securities Litigation*, 21 MC 92 (SAS) (S.D.N.Y.) (class recovered \$586 million). Wolf Haldenstein served as Co-Lead Counsel of one of the largest securities fraud cases in history. Despite the United States Court of Appeals for the Second Circuit's decision to vacate the district court's class certification decision, on remand, counsel for plaintiffs were able to press on to a settlement on April 1, 2009, ultimately recovering in excess of a half-billion dollars.



FIRM PRACTICE AREAS

CLASS ACTION LITIGATION

Wolf Haldenstein is a leader in class and derivative action litigation and is currently or has been the court-appointed lead counsel, co-lead counsel, or executive committee member in some of the largest and most significant class action and derivative action lawsuits in the United States. For example, the class action *Roberts v. Tishman Speyer*, 13 N.Y.3d 270 (N.Y. 2009) was recently described by a sitting member of the U.S. House of Representatives as the greatest legal victory for tenants in her lifetime. In *Roberts*, the Firm obtained a victory in the New York Court of Appeals requiring the reregulation of thousands of apartment units in the Stuyvesant Town complex in Manhattan, New York. Many of the firm's other successful results are summarized within.

PRIVATE ACTIONS FOR INSTITUTIONAL INVESTORS

In addition to its vast class action practice, the Firm also regularly represents institutional clients such as public funds, investment funds, limited partnerships, and qualified institutional buyers in private actions. The Firm has represented institutional clients in non-class federal and state actions concerning a variety of matters, including private placements, disputes with investment advisors, and disputes with corporate management.

The Firm has also acted as special counsel to investors' committees in efforts to assert and advance the investors' interests without resorting to litigation. For example, the Firm served as Counsel to the Courtyard by Marriott Limited Partners Committee for several years in its dealings with Host Marriott Corporation, and as Special Counsel to the Windsor Park Properties 7 and 8 limited partners to insure the fairness of their liquidation transactions.

ANTITRUST LITIGATION

Wolf Haldenstein is a leader in antitrust and competition litigation. The Firm actively seeks to enforce the federal and state antitrust laws to protect and strengthen the rights and claims of businesses, organizations, Taft-Hartley funds, and consumers throughout the United States. To that end, Wolf Haldenstein commences large, often complex, antitrust and trade regulation class actions and other cases that target some of the most powerful and well-funded corporate interests in the world. Many of these interests exert strong influence over enforcement policy that is in the hands of elected officials, so that private enforcement provides the only true assurance that unfair and



anticompetitive conduct will be duly scrutinized for compliance with the law. These cases frequently bring to light concealed, unlawful behavior such as price fixing, monopolization, market allocation, monopoly leveraging, essential facilities, tying arrangements, vertical restraints, exclusive dealing, and refusals to deal. Wolf Haldenstein's Antitrust Practice Group has successfully prosecuted numerous antitrust cases and aggressively advocates remedies and restitution for businesses and investors wronged by violations of the antitrust laws. For example, in *In re DRAM Antitrust Litigation*, No. 02-cv-1486 (PJH) (N.D. Cal.) the firm successfully prosecuted an antitrust case resulting in a \$315 million recovery. Many of the firm's successful results are summarized within.

Wolf Haldenstein attorneys currently serve as lead counsel, co-lead counsel, or as executive committee members in some of the largest and most significant antitrust class action lawsuits. The firm was most recently appointed lead counsel in the Salmon Antitrust Indirect Litigation pending in the U.S. District Court for the Southern District of Florida.

OVERTIME AND COMPENSATION CLASS ACTIONS

Wolf Haldenstein is a leader class action litigation on behalf of employees who have not been paid overtime or other compensation they are entitled to receive, or have had improper deductions taken from their compensation. These claims under the federal Fair Labor Standards Act and state labor laws allege improper failure to pay overtime and other wages, and improper deductions from compensation for various company expenses. Wolf Haldenstein has served as lead or co-lead counsel, or other similar lead role, in some of the most significant overtime class actions pending in the United States, and has recovered hundreds of millions of dollars in recovered wages for its clients. For example, in *LaVoice v. Citigroup Global Markets, Inc.*, Case No. C 07-801 (CW) (N.D. Cal.) a \$108 million settlement was secured for the class. Many of the firm's other successful wage and hour results are summarized within.

SUBSTANTIAL RECOVERIES IN CLASS ACTION AND DERIVATIVE CASES IN WHICH WOLF HALDENSTEIN WAS LEAD COUNSEL OR HAD ANOTHER SIGNIFICANT ROLE

- *In re Beacon Associates Litigation*, Master File No. 09 Civ. 0777 (LBS) (S.D.N.Y.) (**\$219 million** settlement in this and related action).
- *Roberts v. Tishman Speyer*, No. 100956/2007 (Sup. Ct. N.Y. Cty.) (**\$173 Million** settlement).



- *In re Mutual Fund Investment Litigation*, MDL No. 1586 (D. Md.) (derivative counsel in consolidated cases against numerous mutual fund companies involved in market timing resulting in class/derivative settlements totaling more than **\$300 million**).
- *Inland Western Securities Litigation*, Case No. 07 C 6174 (N.D. Ill.) (settlement value of shares valued between **\$61.5 million** and **\$90 million**).
- *In re Direxion Shares ETF Trust*, No. 09-Civ-8011 (KBF) (S.D.N.Y.) (class recovered **\$8 million**).
- *In re BankAmerica Corp. Securities Litigation*, MDL Docket No. 1264 (JFN) (E.D. Mo.) (class recovered **\$490 million**).
- *In re Dynamic Random Access Memory Antitrust Litigation*, (MD-02 1486 (N.D. Cal.) (class recovered **\$325 million**).
- *In re MicroStrategy, Inc. Securities Litigation*, Civ. No. 00-473-A (E.D. Va.) (class recovered **\$160 million** in cash and securities).
- *Kurzweil v. Philip Morris Cos.*, 94 Civ. 2373, 94 Civ. 2546 (S.D.N.Y.) (securities fraud) (class recovered **\$116.5 million** in cash).
- *In re Starlink Corn Products Liability Litigation*, (N.D. Ill.) (class recovered **\$110 million**).
- *In Computer Associates 2002 Class Action Sec. Litigation*, 2:02-CV-1226 (E.D.N.Y.) (**\$130 million** settlement in this and two related actions).
- *In re Sepracor Inc. Securities Litigation*, Civ. No. 02-12338 (MEL) (D. Mass.) (classes recovered **\$52.5 million**).
- *In re Transkaryotic Therapies, Inc., Securities Litigation*, C.A. No. 03-10165-RWZ (D. Mass) (class recovered **\$50 million**).
- *In re Iridium Securities Litigation*, C.A. No. 99-1002 (D.D.C.) (class recovered **\$43 million**).



- *In re J.P. Morgan Chase Securities Litigation*, MDL No. 1783 (N.D. Ill.) (settlement providing for adoption of corporate governance principles relating to potential corporate transactions requiring shareholder approval).
- *LaVoice v. Citigroup Global Markets, Inc.*, Case No. C 07-801 (CW) (N.D. Cal.) (**\$108 million** settlement).
- *Steinberg v. Morgan Stanley & Co., Inc.*, Case No. 06-cv-2628 (BEN) (S.D. Cal.) (**\$50 million** settlement).
- *Poole v. Merrill Lynch, Pierce, Fenner & Smith Inc.*, Case No. CV-06-1657 (D. Or.) (**\$43.5 million** settlement).
- *In re Wachovia Securities, LLC Wage and Hour Litigation*, MDL No. 07-1807 DOC (C.D. Cal.) (**\$39 million** settlement).
- *In re Wachovia Securities, LLC Wage and Hour Litigation (Prudential)*, MDL No. 07-1807 DOC (C.D. Cal.) (**\$11 million** settlement).
- *Basile v. A.G. Edwards, Inc.*, 08-CV-00338-JAH-RBB (S.D. Cal.) (**\$12 million** settlement).
- *Miguel Garcia, et al. v. Lowe's Home Center, Inc. et al.* – Case No. GIC 841120 (Barton) (Cal. Sup. Ct, San Diego) (co-lead, **\$1.65 million** settlement w/ average class member recovery of \$5,500, attorney fees and cost awarded separately).
- *Neil Weinstein, et al. v. MetLife, Inc., et al.* – Case No. 3:06-cv-04444-SI (N.D.Cal) (co-lead, **\$7.4 million** settlement).
- *Creighton v. Oppenheimer*, Index No. 1:06 - cv - 04607 - BSJ - DCF (S.D.N.Y.) (**\$2.3 million** settlement).
- *Klein v. Ryan Beck*, 06-CV-3460 (DAB)(S.D.N.Y.) (**\$1.3 million** settlement).
- *In re American Pharmaceutical Partners, Inc. Shareholder Litigation*, Consolidated C.A. No. 1823-N (Del. Ch. Ct.) (**\$14.3 million** settlement).
- *Egleston v. Collins and Aikman Corp.*, 06-cv-13555 (E.D. Mich.) (class recovered **\$12 million**).



- *In re Merrill Lynch & Co., Inc. Global Technology Fund Securities Litigation*, 02 CV 7854 (JFK) (SDNY); and *In re Merrill Lynch & Co., Inc. Focus Twenty Fund Securities Litigation*, 02 CV 10221 (JFK) (SDNY) (class recovered **\$39 million** in combined cases).
- *In re CNL Hotels & Resorts, Inc. Securities Litigation*, No. 6:04-cv-1231 (Orl-31) (class recovered **\$35 million**, and lawsuit also instrumental in **\$225 million** benefit to corporation).
- *In re Cablevision Systems Corp. Shareholder Derivative Litigation*, Master File No. 06-CV-4130-DGT-AKT (**\$34.4 million** recovery).
- *In re Monster Worldwide, Inc. Stock Option Derivative Litigation*, Master File No. 06cv4622 (S.D.N.Y.) (**\$32 million** recovery and corporate governance reforms).
- *Berger v. Compaq Computer Corp.*, Docket No. 98-1148 (S.D. Tex.) (class recovered **\$29 million**).
- *In re Arakis Energy Corporation Securities Litigation*, 95 CV 3431 (E.D.N.Y.) (class recovered **\$24 million**).
- *In re E.W. Blanche Holdings, Inc. Securities Litigation*, Civ. No. 01-258 (D. Minn.) (class recovered **\$20 million**).
- *In re Globalstar Securities Litigation*, Case No. 01-CV-1748 (SHS) (S.D.N.Y.) (class recovered **\$20 million**).
- *In re Luxottica Group S.p.A. Securities Litigation*, No. CV 01-3285 (E.D.N.Y) (class recovered **\$18.25 million**).
- *In re Musicmaker.com Securities Litigation*, CV-00-2018 (C.D. Cal.) (class recovered **\$13.75 million**).
- *In re Comdisco Securities Litigation*, No. 01 C 2110 (MIS) (N.D. Ill.) (class recovered **\$13.75 million**).
- *In re Acclaim Entertainment, Inc., Securities Litigation*, C.A. No. 03-CV-1270 (E.D.N.Y.) (class recovered **\$13.65 million**).



- *In re Concord EFS, Inc. Securities Litigation*, No. 02-2097 (MA) (W.D. Tenn) (class recovered **\$13.25 million**).
- *In re Bausch & Lomb, Inc. Securities Litigation*, 01 Civ. 6190 (CJS) (W.D.N.Y.) (class recovered **\$12.5 million**).
- *In re Allaire Corp. Securities Litigation*, 00-11972 (D. Mass.) (class recovered **\$12 million**).
- *Bamboo Partners LLC v. Robert Mondavi Corp.*, No. 26-27170 (Cal. Sup. Ct.) (class recovered **\$10.8 million**).
- *Curative Health Services Securities Litigation*, 99-2074 (E.D.N.Y.) (class recovered **\$10.5 million**).
- *City Partnership Co. v. Jones Intercable*, 99 WM-1051 (D. Colo.) (class recovered **\$10.5 million**).
- *In re Aquila, Inc.*, (ERISA Litigation), 04-865 (W.D. Mo.) (**\$10.5 million** recovery for the class).
- *In re Tenfold Corporation Securities Litigation*, 2:00-CV-652 (D. Utah) (class recovered **\$5.9 million**).
- *In re Industrial Gas Antitrust Litigation*, 80 C 3479 and related cases (N.D. Ill.) (class recovered **\$50 million**).
- *In re Chor-Alkalai and Caustic Soda Antitrust Litigation*, 86-5428 and related cases (E.D. Pa.) (class recovered **\$55 million**).
- *In re Infant Formula Antitrust Litigation*, MDL No. 878 (N.D. Fla.) (class recovered **\$126 million**).
- *In re Brand Name Prescription Drugs Antitrust Litigation*, No. 1:94-cv-00897, M.D.L. 997 (N.D. Ill.) (class recovered **\$715 million**).
- *Landon v. Freel*, M.D.L. No. 592 (S.D. Tex.) (class recovered **\$12 million**).
- *Holloway v. Peat, Marwick, Mitchell & Co.*, No. 84 C 814 EU (N.D. Okla.) (class recovered **\$38 million**).



- *In re The Chubb Corp. Drought Insurance Litigation*, C-1-88-644 (S.D. Ohio) (class recovered **\$100 million**).
- *Wong v. Megafoods*, Civ-94-1702 (D. Ariz.) (securities fraud) (class recovered **\$12.25 million**).
- *In re Del Val Financial Corp. Securities Litigation*, 92 Civ 4854 (S.D.N.Y.) (class recovered **\$11.5 million**).
- *In re Home Shopping Network Shareholders Litigation*, Consolidated Civil Action No. 12868, (Del. Ch. 1995) (class recovered **\$13 million**).
- *In re Paine Webber Limited Partnerships Litigation*, 94 Civ 8547 (S.D.N.Y.) (class recovered **\$200 million**).
- *In re Bristol-Meyers Squibb Co. Securities Litigation*, 92 Civ 4007 (S.D.N.Y.) (class recovered **\$19 million**).
- *In re Spectrum Information Technologies Securities Litigation*, CV 93-2245 (E.D.N.Y.) (class recovered **\$13 million**).
- *In re Chase Manhattan Securities Litigation*, 90 Civ. 6092 (LJF) (S.D.N.Y.) (class recovered **\$17.5 million**).
- *Prostic v. Xerox Corp.*, No. B-90-113 (EBB) (D. Conn.) (class recovered **\$9 million**).
- *Steiner v. Hercules*, Civil Action No. 90-442-RRM (D. Del.) (class recovered **\$18 million**).
- *In re Ambase Securities Litigation*, 90 Civ 2011 (S.D.N.Y.) (class recovered **\$14.6 million**).
- *In re Southmark Securities Litigation*, CA No. 3-89-1402-D (N.D. Tex.) (class recovered **\$70 million**).
- *Steiner v. Ideal Basic Industries, Inc.*, No. 86-M 456 (D. Colo. 1989) (securities fraud) (class recovered **\$18 million**).
- *Tucson Electric Power Derivative Litigation*, 2:89 Civ. 01274 TUC. ACM (corporation recovered **\$30 million**).



- *Alleco Stockholders Litigation*, (Md. Cir. Ct. Pr. Georges County) (class recovered **\$16 million**).
- *In re Revlon Group, Inc. Shareholders Litigation*, No. 8362 (Del. Ch.) (class recovered **\$30 million**).
- *In re Taft Broadcasting Company Shareholders Litigation*, No. 8897 (Del. Ch.) (class recovered **\$20 million**).
- *In re Southland Corp. Securities Litigation*, No. 87-8834-K (N.D.Tex.) (class recovered **\$20 million**).
- *In re Crocker Bank Securities Litigation*, CA No. 7405 (Del. Ch.) (class recovered **\$30 million**).
- *In re Warner Communications Securities Litigation*, No. 82 Civ. 8288 (JFK) (S.D.N.Y.) (class recovered **\$17.5 million**).
- *Joseph v. Shell Oil*, CA No. 7450 (Del. Ch.) (securities fraud) (class recovered **\$200 million**).
- *In re Flight Transportation Corp. Securities Litigation*, Master Docket No. 4-82-874, MDL No. 517 (D. Minn.) (recovery of over **\$50 million**).
- *In re Whittaker Corporation Securities Litigation*, CA000817 (Cal. Super. Ct., Los Angeles County) (class recovered **\$18 million**).
- *Naevus International, Inc. v. AT&T Corp.*, C.A. No. 602191/99 (N.Y. Sup. Ct.) (consumer fraud) (class recovered **\$40 million**).
- *Sewell v. Sprint PCS Limited Partnership*, C.A. No. 97-188027/CC 3879 (Cir. Ct. for Baltimore City) (consumer fraud) (class recovered **\$45.2 million**).
- *In re Vytorin/Zetia Marketing, Sales Practices and Products Liability Litigation*, 2:08-cv-285 (D.N.J.) (class recovered **\$41.5 million**).
- *Egleston v. Verizon*, No. 104784/2011 (N.Y. Sup. Ct.) – Wolf Haldenstein represented a class of New York Verizon Centrex customers in an action against Verizon stemming from overbilling of certain charges. The Firm secured a settlement with a total value to the Class of over **\$5 million**, which



provided, among other things, each class member with full refunds of certain disputed charges, plus interest.

- *Zelouf Int'l Corp. v. Nahal Zelouf*, Index No. 653652/2014 (Sup. Ct. N.Y. Co. 2015). In an important trial decision following an appraisal proceeding triggered by the freeze-out merger of a closely-held corporation, which also included shareholder derivative claims, Justice Kornreich of the New York Supreme Court refused to apply a discount for lack of marketability to the minority interest in the former corporation and found that the insiders stole more than \$14 million dollars; the minority shareholder recovered over **\$9 million**.
- *Zelouf Int'l Corp. v. Zelouf*, 45 Misc.3d 1205(A) (Sup. Ct. N.Y. Co., 2014). The Court rejected application of a discount for lack of marketability and awarded a **\$10,031,438.28** judgment following an eleven day bench trial in the Commercial Division of the Supreme Court of the State of New York (New York County) on the value of a minority interest in a closely held corporation.
- *Thompson et al. v. Bethpage Federal Credit Union et al.*, No. 2:17-cv-00921-GRB (E.D.N.Y.) (**\$3.6 million** settlement)



REPRESENTATIVE REPORTED OPINIONS SINCE 1990 IN WHICH WOLF
HALDENSTEIN WAS LEAD COUNSEL OR HAD ANOTHER SIGNIFICANT ROLE

FEDERAL APPELLATE AND DISTRICT COURT OPINIONS

- *Apple Inc. v. Pepper*, 139 S. Ct. 1514 (2019)
- *Hymes v. Bank of America*, 408 F. Supp. 3d 171 (E.D.N.Y. 2019)
- *In re Packaged Seafood Prods. Antitrust Litig.*, 332 F.R.D. 308 (S.D. Cal. 2019)
- *China Agritech, Inc. v. Resh*, 138 S. Ct. 1800 (2018)
- *In re Packaged Seafood Prods. Antitrust Litig.*, 242 F. Supp. 3d 1033 (S.D. Cal. 2017)
- *DeFrees v. Kirkland*, 2012 U.S. Dist. LEXIS 52780 (C.D. Cal. Apr. 11, 2012).
- *In re Beacon Associates Litig.*, 282 F.R.D. 315 (S.D.N.Y. 2012).
- *Messner v. Northshore University HealthSystem*, 669 F.3d 802, No. 10-2514 (7th Cir. Jan. 13, 2012).
- *In re Text Message Antitrust Litigation*, 630 F.3d, 622 (7th Cir. 2010).
- *In re Apple & ATTM Antitrust Litig.*, 2010 U.S. Dist. LEXIS 98270 (N.D. Cal. July 8, 2010).
- *In re Beacon Associates Litig.*, 745 F. Supp. 2d 386 (S.D.N.Y. 2010)
- *Freeland v. Iridium World Communications Ltd.*, 545 F. Supp. 2d 59 (D.D.C. 2008).
- *In re Apple & AT&TM Antitrust Litig.*, 596 F. Supp. 2d 1288 (N.D. Cal. 2008).
- *Harzewski v. Guidant Corp.*, 489 F.3d 799 (7th Cir. 2007).
- *In re JP Morgan Chase & Co. Securities Litigation*, No. 06 C 4674, 2007 U.S. Dist. LEXIS 93877 (N.D. Ill. Dec. 18, 2007).
- *Schoenbaum v. E.I. Dupont De Nemours and Co.*, 2007 WL 2768383 (E.D. Mo. Sept. 20, 2007).



- *Jeffries v. Pension Trust Fund*, 99 Civ. 4174 (LMM), 2007 U.S. Dist. LEXIS 61454 (S.D.N.Y. Aug. 20, 2007).
- *Klein v. Ryan Beck*, 06-Civ. 3460 (WCC), 2007 U.S. Dist. LEXIS 51465 (S.D.N.Y. July 13, 2007).
- *Cannon v. MBNA Corp.* No. 05-429 GMS, 2007 U.S. Dist. LEXIS 48901 (D. Del. 2007).
- *In re Aquila ERISA Litig.*, 237 F.R.D. 202 (W.D. Mo. 2006).
- *Smith v. Aon Corp.*, 238 F.R.D. 609 (N.D. Ill. 2006).
- *In re Sepracor Inc. Securities Litigation*, 233 F.R.D. 52 (D. Mass. 2005).
- *In re Transkaryotic Therapies, Inc. Securities Litigation*, No. 03-10165, 2005 U.S. Dist. LEXIS 29656 (D. Mass. Nov. 28, 2005).
- *In re Luxottica Group, S.p.A. Securities Litigation*, 2005 U.S. Dist. LEXIS 9071 (E.D.N.Y. May 12, 2005).
- *In re CNL Hotels & Resorts, Inc. Securities Litigation*, 2005 U.S. Dist. LEXIS 38876, No. 6:04-cv-1231-Orl-31KRS (M.D. Fla. May 9, 2005).
- *Johnson v. Aegon USA, Inc.*, 355 F. Supp. 2d 1337 (N.D. Ga. 2004).
- *Freeland v. Iridium World Communications, Ltd.*, 99-1002, 2004 U.S. Dist. LEXIS 33018 (D.D.C. Aug. 31, 2004).
- *In re Acclaim Entertainment, Inc. Securities Litigation*, 03-CV-1270 (E.D.N.Y. June 22, 2004).
- *In re Sepracor Inc. Securities Litigation*, 308 F. Supp. 2d 20 (D. Mass. 2004).
- *In re Concord EFS, Inc. Securities Litigation*, No. 02-2697 (W.D. Tenn. Jan. 7, 2004).
- *In re Pharmatrak, Inc. Privacy Litig.*, 2003 U.S. App. LEXIS 8758 (1st Cir. May 9, 2003).
- *In re PerkinElmer, Inc. Securities Litigation*, 286 F. Supp. 2d 46 (D. Mass. 2003).



- *In re Initial Public Offering Securities Litigation*, 241 F. Supp. 2d 281 (S.D.N.Y. 2003).
- *In re Comdisco Securities Litigation*, No. 01 C 2110, 2003 U.S. Dist. LEXIS 5047 (N.D. Ill. Mar. 31, 2003).
- *Berger v. Compaq Computer Corp.*, 257 F.3d 475 (2001), clarified, 279 F.3d 313 (5th Cir. 2002).
- *City Partnership Co. v. Cable TV Fund 14-B*, 213 F.R.D. 576 (D. Colo. 2002).
- *In re Allaire Corporation Securities Litigation*, Docket No. 00-11972 - WGY, 2002 U.S. Dist. LEXIS 18143 (D. Mass., Sept. 27, 2002).
- *In re StarLink Corn Products Liability Litigation*, 212 F.Supp.2d 828 (N.D. Ill. 2002).
- *In re Bankamerica Corp. Securities Litigation*, 263 F.3d 795 (8th Cir. 2001).
- *In re Comdisco Securities Litigation*, 166 F.Supp.2d 1260 (N.D. Ill. 2001).
- *In re Crossroads Systems, Inc. Securities Litigation*, Master File No. A-00-CA-457 JN, 2001 U.S. Dist. LEXIS 14780 (W.D. Tx. Aug. 15, 2001).
- *In re MicroStrategy, Inc. Securities Litigation*, 150 F. Supp. 2d 896 (E.D. Va. 2001).
- *Lindelov v. Hill*, No. 00 C 3727, 2001 U.S. Dist. LEXIS 10301 (N.D. Ill. July 19, 2001).
- *In re MicroStrategy, Inc. Securities Litigation*, 148 F. Supp. 2d 654 (E.D. Va. 2001).
- *Jeffries v. Pension Trust Fund of the Pension, Hospitalization & Benefit Plan of the Electrical Industry*, 172 F. Supp. 2d 389 (S.D.N.Y. 2001).
- *Carney v. Cambridge Technology Partners, Inc.*, 135 F. Supp. 2d 235 (D. Mass. 2001).
- *Weltz v. Lee*, 199 F.R.D. 129 (S.D.N.Y. 2001).
- *Schoers v. Pfizer, Inc.*, 00 Civ. 6121, 2001 U.S. Dist. LEXIS 511 (S.D.N.Y. Jan. 23, 2001).



- *Kurzweil v. Philip Morris Cos.*, 94 Civ. 2373 (MBM), 2001 U.S. Dist. LEXIS 83 (S.D.N.Y. Jan. 9, 2001).
- *Goldberger v. Bear, Stearns & Co.*, 98 Civ. 8677 (JSM), 2000 U.S. Dist. LEXIS 18714 (S.D.N.Y. Dec. 28, 2000).
- *In re Newell Rubbermaid, Inc., Securities Litigation*, Case No. 99 C 6853, 2000 U.S. Dist. LEXIS 15190 (N.D. Ill. Oct. 2, 2000).
- *Stanley v. Safeskin Corp.*, Case No. 99 CV 454 BTM (LSP), 2000 U.S. Dist. LEXIS 14100, Fed. Sec. L. Rep. (CCH) P91, 221 (S.D. Cal. Sept. 18, 2000).
- *In re MicroStrategy, Inc. Securities Litigation*, 115 F. Supp. 2d 620 (E.D. Va. 2000).
- *In re USA Talks.com, Inc. Securities Litigation*, 2000 U.S. Dist. LEXIS 14823, Fed. Sec. L. Rep. (CCH) P91, 231 (S.D. Cal. Sept. 14, 2000).
- *In re Sotheby's Holdings, Inc. Securities Litigation*, 00 CIV. 1041 (DLC), 2000 U.S. Dist. LEXIS 12504, Fed. Sec. L. Rep. (CCH) P91, 059 (S.D.N.Y. Aug. 31, 2000).
- *Dumont v. Charles Schwab & Co., Inc.*, Civil Action No. 99-2840 2000 U.S. Dist. LEXIS 10906 (E.D. La. July 21, 2000).
- *Berger v. Compaq Computer Corp.*, Civil Action No. H-98-1148, 2000 U.S. Dist. LEXIS 21424 (S.D. Tex. July 17, 2000).
- *In re BankAmerica Corp. Securities Litigation*, 95 F. Supp. 2d 1044 (E.D. Mo. 2000).
- *In re Carnegie International Corp. Securities Litigation*, 107 F. Supp. 2d 676 (D. Md. 2000).
- *Berger v. Compaq Computer Corp.*, Civil Action No. H-98-1148, 2000 U.S. Dist. LEXIS 21423 (S.D. Tex. Mar. 13, 2000).
- *In re Imperial Credit Industries Securities Litigation*, CV 98-8842 SVW, 2000 U.S. Dist. LEXIS 2340 (C.D. Cal. Feb. 23, 2000).
- *Sturm v. Marriott Marquis Corp.*, 85 F. Supp. 2d 1356 (N.D. Ga. 2000).
- *In re Health Management Systems Securities Litigation*, 82 F. Supp. 2d 227 (S.D.N.Y. 2000).



- *Dumont v. Charles Schwab & Co., Inc.*, Civil Action No. 99-2840, 2000 U.S. Dist. LEXIS 619 (E.D. La. Jan. 19, 2000).
- *In re MicroStrategy, Inc. Securities Litigation*, 110 F. Supp. 2d 427 (E.D. Va. 2000).
- *In re BankAmerica Corp. Securities Litigation*, 78 F. Supp. 2d 976 (E.D. Mo. 1999).
- *Kurzweil v. Philip Morris Cos.*, 94 Civ. 2373 (MBM), 1999 U.S. Dist. LEXIS 18378 (S.D.N.Y. Nov. 24, 1999).
- *In re Nanophase Technologies Corp. Litigation*, 98 C 3450, 1999 U.S. Dist. LEXIS 16171 (N.D. Ill. Sept. 27, 1999).
- *In re Clearly Canadian Securities Litigation*, File No. C-93-1037-VRW, 1999 U.S. Dist. LEXIS 14273 Cal. Sept. 7, 1999).
- *Yuan v. Bayard Drilling Technologies, Inc.*, 96 F. Supp. 2d 1259 (W.D. Okla. 1999).
- *In re Spyglass, Inc. Securities Litigation*, No. 99 C 512, 1999 U.S. Dist. LEXIS 11382 (N.D. Ill. July 20, 1999).
- *Carley Capital Group v. Deloitte & Touche, L.L.P.*, 1:97-CV-3183-TWT, 1999 U.S. Dist. LEXIS 11595 (N.D. Ga. June 30, 1999).
- *Blue Cross & Blue Shield of N.J., Inc. v. Philip Morris, Inc.*, 98 CV 3287, 1999 U.S. Dist. LEXIS 11363 (E.D.N.Y. June 1, 1999).
- *Carley Capital Group v. Deloitte & Touche, L.L.P.*, 1:97-CV-3183-TWT, 1999 U.S. Dist. LEXIS 1368, Fed. Sec. L. Rep. (CCH) P90, 429 (N.D. Ga. Jan. 19, 1999).
- *Longman v. Food Lion, Inc.*, 186 F.R.D. 331 (M.D.N.C. 1999).
- *Wright v. Ernst & Young LLP*, 152 F.3d 169 (2d Cir. 1998).
- *Romine v. Compuserve Corp.*, 160 F.3d 337 (6th Cir. 1998).
- *Felzen v. Andreas*, 134 F.3d 873 (7th Cir. 1998).
- *Walsingham v. Biocontrol Technology, Inc.*, 66 F. Supp. 2d 669 (W.D. Pa. 1998).
- *Sturm v. Marriott Marquis Corp.*, 26 F. Supp. 2d 1358 (N.D. Ga. 1998).



- *Carley Capital Group v. Deloitte & Touche, L.L.P.*, 27 F. Supp. 2d 1324 (N.D. Ga. 1998).
- *In re MobileMedia Securities Litigation*, 28 F.Supp.2d 901 (D.N.J. 1998).
- *Weikel v. Tower Semiconductor, Ltd.*, 183 F.R.D. 377 (D.N.J. 1998).
- *In re Health Management Systems Securities Litigation*, 97 Civ. 1865 (HB), 1998 U.S. Dist. LEXIS 8061 (S.D.N.Y. May 27, 1998).
- *In re Painewebber Ltd. Partnership Litigation*, 999 F. Supp. 719 (S.D.N.Y. 1998).
- *Carley Capital Group v. Deloitte & Touche, L.L.P.*, 1:97-cv-3183-TWT, 1998 U.S. Dist. LEXIS 23222 (N.D. Ga. Feb. 10, 1998).
- *Brown v. Radica Games (In re Radica Games Securities Litigation)*, No. 96-17274, 1997 U.S. App. LEXIS 32775 (9th Cir. Nov. 14, 1997).
- *Robbins v. Koger Properties*, 116 F.3d 1441 (11th Cir. 1997).
- *In re TCW/DW North American Government Income Trust Securities Litigation*, 95 Civ. 0167 (PKL), 1997 U.S. Dist. LEXIS 18485 (S.D.N.Y. Nov. 20, 1997).
- *Wright v. Ernst & Young, LLP*, 97 Civ. 2189 (SAS), 1997 U.S. Dist. LEXIS 13630 (S.D.N.Y. Sept. 9, 1997).
- *Felzen v. Andreas*, No. 95-2279, 1997 U.S. Dist. LEXIS 23646 (C.D. Ill. July 7, 1997).
- *Felzen v. Andreas*, No. 95-2279, 1997 U.S. Dist. LEXIS 23647 (C.D. Ill. July 7, 1997).
- *A. Ronald Sirna, Jr., P.C. Profit Sharing Plan v. Prudential Securities, Inc.*, 964 F. Supp. 147 (S.D.N.Y. 1997).
- *Kurzweil v. Philip Morris Companies*, 94 Civ. 2373 (MBM), 1997 U.S. Dist. LEXIS 4451 (S.D.N.Y. April 8, 1997).
- *Bobrow v. Mobilmedia, Inc.*, Civil Action No. 96-4715, 1997 U.S. Dist. LEXIS 23806 (D.N.J. March 31, 1997).



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- *In re Painewebber Ltd. Partnerships Litigation*, 171 F.R.D. 104 (S.D.N.Y. 1997).
- *A. Ronald Sirna, Jr., P.C. Profit Sharing Plan v. Prudential Securities, Inc.*, 95 Civ. 8422 (LAK), 1997 U.S. Dist. LEXIS 1226 (S.D.N.Y. Feb. 7, 1997).
- *In re Painewebber Inc. Limited Partnerships Litigation*, 94 F.3d 49 (2d Cir. 1996).
- *Glassman v. Computervision Corp.*, 90 F.3d 617 (1st Cir. 1996).
- *Alpern v. Utilicorp United, Inc.*, 84 F.3d 1525 (8th Cir. 1996).
- *Shaw v. Digital Equipment Corp.*, 82 F.3d 1194 (1st Cir. 1996).
- *Dresner Co. Profit Sharing Plan v. First Fidelity Bank, N.A.*, 95 Civ. 1924 (MBM), 1996 U.S. Dist. LEXIS 17913 (S.D.N.Y. Dec. 3, 1996).
- *Simon v. American Power Conversion Corp.*, 945 F. Supp. 416 (D.R.I. 1996).
- *TII Industries, Inc.*, 96 Civ. 4412 (SAS), 1996 U.S. Dist. LEXIS 14466 (S.D.N.Y. Oct. 1, 1996).
- *In re TCW/DW North American Government Income Trust Securities Litigation*, 941 F. Supp. 326 (S.D.N.Y. Oct. 1, 1996).
- *In re Painewebber Ltd. Partnership Litigation*, 94 Civ. 8547 (SHS), 1996 U.S. Dist. LEXIS 9195 (S.D.N.Y. June 28, 1996).
- *In re Tricord Systems, Inc., Securities Litigation*, Civil No. 3-94-746, 1996 U.S. Dist. LEXIS 20943 (D. Minn. April 5, 1996).
- *In re Painewebber Limited Partnership Litigation*, 94 Civ. 8547 (SHS), 1996 U.S. Dist. LEXIS 1265 (S.D.N.Y. Feb. 6, 1996).
- *Riley v. Simmons*, 45 F.3d 764 (3d Cir. 1995).
- *Stepak v. Addison*, 20 F.3d 398 (11th Cir. 1994).
- *Zitin v. Turley*, [1991 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 96,123 (D. Ariz. June 20, 1994).



- *In re Southeast Hotel Properties Limited Partnership Investor Litigation*, 151 F.R.D. 597 (W.D.N.C. 1993).
- *County of Suffolk v. Long Island Lighting Co.*, 907 F.2d 1295 (2d Cir. 1990).

NOTABLE STATE COURT OPINIONS

- *William Hughes, Jr. v. Xiaoming Hu, et al. [In re Kandi Technologies Group]*, C.A. No. 2019-0112-JTL (Del. Ch. April 27, 2020).
- *Eshaghian v. Roshanzamir*, 179 A.D.3d 596 (N.Y. App. Div. 1st Dep't 2020).
- *Cohen v. Saks, Inc.*, 169 A.D.3d 515 (N.Y. App. Div. 1st Dep't 2019).
- *Bartis v. Harbor Tech, LLC*, 147 A.D.3d 52 (N.Y. App. Div. 2d Dep't 2016).
- *Zelouf Int'l Corp. v. Zelouf*, 47 Misc. 3d 346 (N.Y. Sup. Ct. 2014).
- *McWilliams v. City of Long Beach*, 56 Cal. 4th 613 (2013).
- *Roberts v. Tishman Speyer*, 89 A.D.3d 444 (N.Y. App. Div. 1st Dep't 2011).
- *Ardon v. City of Los Angeles*, 52 Cal. 4th 241 (2011).
- *Roberts v. Tishman Speyer*, 13 N.Y.3d 270 (N.Y. 2009).
- *In re Tyson Foods, Inc., Consolidated Shareholder Litigation*, 919 A.2d 563 (Del. Ch. 2007).
- *Naevus Int'l v. AT&T Corp.*, 283 A.D.2d 171, 724 N.Y.S.2d 721 (2001).
- *In re Western National Corp. Shareholders Litigation*, Consolidated C.A. No. 15927, 2000 Del. Ch. LEXIS 82 (May 22, 2000).
- *In re Cencom Cable Income Partners, L.P. Litigation*, C.A. No. 14634, 2000 Del. Ch. LEXIS 90 (May 5, 2000).
- *In re Cencom Cable Income Partners, L.P. Litigation*, Consolidated C.A. No. 14634, 2000 Del. Ch. LEXIS 10 (Jan. 27, 2000).



- *In re Marriott Hotels Properties II Limited Partnership Unitholders Litigation*, Consolidated C.A. No. 14961, 2000 Del. Ch. LEXIS 17 (Jan. 24, 2000).
- *Romig v. Jefferson-Pilot Life Insurance Company*, 132 N.C. App. 682, 513 S.E.2d 598 (Ct. App. 1999), *aff'd*, 351 N.C. 349, 524 S.E.2d 804 (N.C. 2000).
- *Wallace v. Wood*, 752 A.2d 1175 (Del. Ch. 1999).
- *Greenwald v. Batterson*, C.A. No. 16475, 1999 Del. Ch. LEXIS 158 (July 26, 1999).
- *Brown v. Perrette*, Civil Action No. 13531, 1999 Del. Ch. LEXIS 92 (May 18, 1999).
- *Seinfeld v. Robinson*, 246 A.D.2d 291, 676 N.Y.S.2d 579 (N.Y. 1998).
- *Werner v. Alexander*, 130 N.C. App. 435, 502 S.E.2d 897 (N.C. Ct. App. 1998).#
- *In re Cencom Cable Income Partners, L.P. Litigation*, C.A. No. 14634, 1997 Del. Ch. LEXIS 146 (Oct. 15, 1997).
- *In re Marriott Hotel Properties II Limited Partnership Unitholders Litigation*, Consolidated C.A. No. 14961, 1997 Del. Ch. LEXIS 128 (Sept. 17, 1997).
- *In re Cheyenne Software Shareholders Litigation*, Consolidated C.A. No. 14941, 1996 Del. Ch. LEXIS 142 (Nov. 7, 1996).
- *Paramount Communications, Inc. v. QVC Network, Inc.*, 637 A.2d 34 (Del. Super. Ct. 1994).



ATTORNEY BIOGRAPHIES

The qualifications of the attorneys in the Wolf Haldenstein Litigation Group are set forth below and are followed by descriptions of some of the Firm's attorneys who normally practice outside the Litigation Group who contribute significantly to the class action practice from time to time.

PARTNERS

MARK C. RIFKIN: *admitted:* New York; Pennsylvania; New Jersey; U.S. Supreme Court; U.S. Courts of Appeals for the Second, Third, Fifth, and D.C. Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, the Eastern and Western Districts of Pennsylvania, the District of New Jersey, the Eastern District of Wisconsin and the Western District of Michigan. *Education:* Princeton University (A.B. 1982); Villanova University School of Law (J.D. 1985). Contributor, Packel & Poulin, *Pennsylvania Evidence* (1987).

A highly experienced securities class action and shareholder rights litigator, Mr. Rifkin has recovered hundreds of millions of dollars for victims of corporate fraud and abuse in federal and state litigation across the country. Since 1990, Mr. Rifkin has served as lead counsel, co-lead counsel, or trial counsel in many class and derivative actions in securities, intellectual property, antitrust, insurance, consumer and mass tort litigation throughout the country.

Unique among his peers in the class action practice, Mr. Rifkin has extensive trial experience. Over the past thirty years, Mr. Rifkin has tried many complex commercial actions in federal and state courts across the country in class and derivative actions, including *In re National Media Corp. Derivative Litig.*, C.A. 90-7574 (E.D. Pa.), *Upp v. Mellon Bank, N.A.*, C.A. No. 91-5229 (E.D. Pa.), where the verdict awarded more than \$60 million in damages to the Class (later reversed on appeal, 997 F.2d 1039 (3d Cir. 1993)), and *In re AST Research Securities Litigation*, No. 94-1370 SVW (C.D. Cal.), as well as a number of commercial matters for individual clients, including *Zelouf Int'l Corp. v. Zelouf*, Index No. 653652/2013 (N.Y. Sup. Ct. 2015), in which he obtained a \$10 million judgment for his client.

Mr. Rifkin also has extensive appellate experience. Over thirty years, Mr. Rifkin has argued dozens of appeals on behalf of appellants and appellees in several federal appellate courts, and in the highest appellate courts in New York, Pennsylvania, New Jersey, and Delaware.



Mr. Rifkin has earned the AV®-Preeminent rating by Martindale-Hubbell® for more than 20 years, and has been selected for inclusion in the New York Metro SuperLawyers® listing since 2010. In 2014, Mr. Rifkin was named a “Titan of the Plaintiff’s Bar” by Law360®.

In 2015, Mr. Rifkin received worldwide acclaim for his role as lead counsel for the class in *Good Morning To You Productions Corp. v. Warner/Chappell Music, Inc.*, No. CV 13-04460-GHK (MRWx), in federal court in Los Angeles, successfully challenging the copyright to “Happy Birthday to You,” the world’s most famous song. In recognition of his historic victory, Mr. Rifkin was named a Trailblazer in Intellectual Property by the National Law Journal in 2016. In 2018, Mr. Rifkin led a team of lawyers from Wolf Haldenstein who represented the plaintiffs in *We Shall Overcome Foundation, et al. v. The Richmond Organization, Inc., et al.*, No. 16-cv-02725-DLC (S.D.N.Y.), which successfully challenged the copyright to “We Shall Overcome,” called the “most powerful song of the 20th century” by the Librarian of Congress.

Mr. Rifkin lectures frequently to business and professional organizations on a variety of securities, shareholder, intellectual property, and corporate governance matters. Mr. Rifkin is a guest lecturer to graduate and undergraduate economics and finance students on corporate governance and financial disclosure topics. He also serves as a moot court judge for the A.B.A. and New York University Law School. Mr. Rifkin appears frequently in print and broadcast media on diverse law-related topics in corporate, securities, intellectual property, antitrust, regulatory, and enforcement matters.

BETSY C. MANIFOLD: *admitted:* Wisconsin; New York; California; U.S. District Courts for the Western District of Wisconsin, Eastern and Southern Districts of New York, and Northern, Central and Southern Districts of California. *Education:* Elmira College; Middlebury College (B.A., *cum laude*, 1980); Marquette University (J.D., 1986); New York University. Thomas More Scholar. Recipient, American Jurisprudence Award in Agency. Member: The Association of the Bar of the City of New York. Languages: French.

Ms. Manifold served as co-lead counsel in the following cases to recovery on behalf of employees: *Miguel Garcia, et al. v. Lowe’s Home Center, Inc. et al.* – Case No. GIC 841120 (Barton) (Cal. Sup. Ct, San Diego) (\$1.65 million settlement w/ average class member recovery of \$5,500, attorney fees and cost awarded separately) and *Neil Weinstein, et al.*



v. MetLife, Inc., et al. – Case No. 3:06-cv-04444-SI (N.D. Cal) (\$7.4 million settlement). Ms. Manifold also served as co-lead counsel in the following derivative actions: *In re Atmel Corporation Derivative Litigation*, Master File No. CV 06-4592-JF (N.D. Cal.) (\$9.65 million payment to Atmel) and *In re Silicon Storage Technology Inc. Derivative Litig.*, Case No. C 06-04310 JF (N.D. Cal.) (cash payment and re-pricing of options with a total value of \$5.45 million). Ms. Manifold also worked as lead counsel on the following class action: *Lewis v. American Spectrum Realty*, Case No. 01 CC 00394, Cal. Sup. Ct (Orange County) (\$6.5 million settlement).

BENJAMIN Y. KAUFMAN: *admitted:* New York, United States Supreme Court, United States Court of Appeals for the Fourth Circuit, Southern, Northern and Eastern Districts of New York, District of New Jersey; and District of Colorado. *Education:* Yeshiva University, B.A.; Benjamin N. Cardozo School of Law, Yeshiva University, J.D; New York University, Stern School of Business, M.B.A. Mr. Kaufman focuses on class actions on behalf of defrauded shareholders, investors, and consumers. Mr. Kaufman has extensive experience in complex class actions representing clients including institutional investors such as public and labor pension funds, labor health and welfare benefit funds, as well as private individuals and funds who suffered losses due to corporate fraud. Mr. Kaufman also has extensive experience litigating complex commercial cases in state and federal court.

Mr. Kaufman's successful securities litigations include *In re Deutsche Telekom AG Securities Litigation*, No. 00-9475 (S.D.N.Y.), a complex international securities litigation requiring evidentiary discovery in both the United States and Europe, which settled for \$120 million. Mr. Kaufman was also part of the team that recovered \$46 million for investors in *In re Asia Pulp & Paper Securities Litigation*, No. 01-7351 (S.D.N.Y.); and \$43.1 million in *Freeland v. Iridium World Communications, Ltd.*, No. 99-1002 (D.D.C.).

Mr. Kaufman's outstanding representative results in derivative and transactional litigations include: *In re Trump Hotels Shareholder Derivative Litigation*, No. 96-cv-7820 (S.D.N.Y.) (in settlement Trump personally contributed some of his holdings and the company adopted corporate reforms); *Southwest Airlines Derivative Litigation (Carbon County Employee Retirement System v. Kelly)* (Dist. Ct. Dallas Cnty., Tex.) (derivative matter that resulted in significant reforms to the air carrier's corporate governance and safety and maintenance practices and procedures for the benefit of the company and its shareholders); *Lynn v. Tennessee Commerce Bancorp, Inc., et al.*, No. 3:12-cv-01137 (M.D. Tenn.) (\$2.6 million settlement); *In re ClubCorp Holdings Shareholder Litigation*, No. A-17-758912-B (D. Nev.) (\$5 million settlement and corporate therapeutics). Mr. Kaufman



also argued the appeal in *In re Converse Technology, Inc. Derivative Litig.*, 56 A.D.3d 49 (1st Dep't 2008) which led to the seminal New York Appellate Division opinion clarifying the standards of demand futility in New York and *In re Topps Company, Inc. Shareholders Litigation* which resulted in a 2007 decision vindicating the rights of shareholders to pursue claims in the most relevant forum notwithstanding the state of incorporation. Mr. Kaufman has also lectured and taught in the subjects of corporate governance as well as transactional and derivative litigation.

In addition, Mr. Kaufman has represented many corporate clients in complex commercial matters, including complex copyright royalty class actions against music companies. *Puckett v. Sony Music Entertainment*, No. 108802/98 (Sup. Ct. N.Y. Cnty.); *Shropshire v. Sony Music Entertainment*, No. 06-3252 (S.D.N.Y.), and *The Youngbloods v. BMG Music*, No. 07-2394 (S.D.N.Y.). In *Mich II Holdings LLC v. Schron*, No. 600736/10 (Sup. Ct. N.Y. Cnty.), Mr. Kaufman represented certain prominent real estate investors and successfully moved to dismiss all claims against those defendants. Mr. Kaufman has also represented clients in arbitrations and litigations involving oppressed minority shareholders in closely held corporations.

Currently, Mr. Kaufman represents clients in a wide array of matters, including shareholders of a large cooperative complex alleging breach of fiduciary duty by the board of directors and property manager; purchasers of New York City taxi medallions in a class action pending in New York Supreme Court, Queens County; a New York art gallery in an action against several European insurers over insurance coverage for paintings seized while on exhibit; and shareholders of Saks, Inc. alleging that the board of directors and its investment advisor sold the company for inadequate consideration. *Cohen v. Saks*, 169 A.D.3d 51 (1st Dep't 2019).

Prior to joining Wolf Haldenstein, and prior to joining Milberg LLP in 1998, Mr. Kaufman was a Court Attorney for the New York State Supreme Court, New York County (1988-1990) and Principal Law Clerk to Justice Herman Cahn of the Commercial Division of the New York State Supreme Court, New York County (1990-1998).

Mr. Kaufman is an active member of the Commercial and Federal Litigation Section of the New York State Bar Association, the International Association of Jewish Lawyers and Jurists and the Jewish Lawyers Guild in which he serves as a Vice President. Mr. Kaufman was the Dinner Chair at the Jewish Lawyers Guild Annual Dinner in 2017, 2018, and 2019. Mr. Kaufman is a member of the Board of Trustees of Congregation



Beth Sholom in Lawrence, NY and was a member of the Board of Trustees of the Hebrew Academy of the Five Towns and Rockaways from 2015-2019.

Mr. Kaufman has been recognized by SuperLawyers® each year since 2012.

THOMAS H. BURT: *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts of New York, Eastern District of Michigan. *Education:* American University (B.A. 1993); New York University (J.D. 1997). Articles Editor with New York University Review of Law and Social Change. Mr. Burt is a litigator with a practice concentrated in securities class actions and complex commercial litigation. After practicing criminal defense with noted defense lawyer Jack T. Litman for three years, he joined Wolf Haldenstein, where he has worked on such notable cases as *In re Initial Public Offering Securities Litigation*, No. 21 MC 92 (SAS) (S.D.N.Y.) (a novel and sweeping amalgamation of over 300 class actions which resulted in a recovery of \$586 million); *In re MicroStrategy Securities Litigation*, No. 00-473-A (E.D. Va.) (recovery of \$192 million); *In re DRAM Antitrust Litigation*, No. 02-cv-1486 (PJH) (N.D. Cal.) (antitrust case resulting in \$315 million recovery); *In re Computer Associates 2002 Class Action Securities Litigation*, No. 02-cv-1226 (TCP) (E.D.N.Y.) (settled, together with a related fraud case, for over \$133 million); *K.J. Egleston L.P. v. Heartland Industrial Partners, et al.*, 2:06-13555 (E.D. Mich.) (recovery included personal assets from former Reagan Administration budget director David A. Stockman); and *Parker Friedland v. Iridium World Communications, Ltd.*, 99-1002 (D.D.C.) (recovery of \$43.1 million). Mr. Burt has spoken on several occasions to investor and activist groups regarding the intersection of litigation and corporate social responsibility. Mr. Burt writes and speaks on both securities and antitrust litigation topics. He has served as a board member and officer of the St. Andrew's Society of the State of New York, New York's oldest charity.

RACHELE R. BYRD: *admitted:* California; U.S. District Courts for the Southern, Northern, Central and Eastern Districts of California, the Northern District of Illinois, and the Eastern District of Michigan; U.S. Court of Appeals for the Ninth Circuit; U.S. Supreme Court. *Education:* Point Loma Nazarene College (B.A., 1994); University of California, Hastings College of the Law (J.D. 1997). Member: State Bar of California. Ms. Byrd is located in the firm's San Diego office and practices corporate derivative and class action litigation including securities, consumer, privacy and security, antitrust, employment and general corporate and business litigation. Ms. Byrd has played a significant role in litigating numerous class and derivative actions, including *Engquist v. City of Los Angeles*, No. BC591331 (Los Angeles Super. Ct.) (gas tax refund action that recently settled for \$32.5 million and injunctive relief, valued at a minimum of \$24.5



million over 3 years and \$81.8 million over 10 years, following certification of the class and on the eve of a hearing on the parties' cross-motions for summary judgment); *Ardon v. City of Los Angeles*, 52 Cal.4th 241 (2011) (telephone tax refund action against the City of Los Angeles that settled for \$92.5 million after a successful appeal and a groundbreaking opinion from the California Supreme Court); *McWilliams v. City of Long Beach*, Cal. Supreme Ct. No. S202037, 2013 Cal. LEXIS 3510 (April 25, 2013) (telephone tax refund action that settled for \$16.6 million after a successful appeal and another groundbreaking opinion from the California Supreme Court); *Granados v. County of Los Angeles*, BC361470 (Los Angeles Super. Ct.) (telephone tax refund action that settled for \$16.9 million following class certification and a successful appeal); *In re: Zoom Video Communications, Inc. Privacy Litigation*, No. 5:20-cv-0291 (N.D. Cal.) (member of Plaintiffs' Steering Committee; settled for \$85 million); *In re Robinhood Outage Litigation*, No. 20-cv-01626-JD (N.D. Cal.) (member of Plaintiffs' Executive Committee); *In re Apple iPhone Antitrust Litigation*, No. 4:11-cv-06714-YGR (N.D. Cal.) (ongoing antitrust class action on behalf of consumers against Apple over its monopolization of the iOS applications aftermarket that secured a favorable opinion in the U.S. Supreme Court: *Apple Inc. v. Pepper*, 139 S. Ct. 1514 (2019)); *Defrees v. Kirkland, et al.*, 11-04272 (JLS) (C.D. Cal.) (\$12.2 million settlement reached in derivative action on the eve of trial); *Bokelman et al. v. FCH Enterprises, Inc.*, No. 18-00209-RJB-RLP (D. Haw.) (settled data breach class action; final approval granted May 3, 2019); *Carrera Aguallo, et al. v. Kemper Corp., et al.*, No. 1:21-cv-01883 (N.D. Ill.) (settled data breach class action where Ms. Byrd was Interim Co-Lead Counsel; final approval granted March 18, 2022); *In re: Scripps Health Data Incident Litigation*, San Diego Super. Ct. No. 37-2021-00024103-CU-BT-CTL (ongoing data breach class action where Wolf Haldenstein is co-lead counsel); *Hinds v. Community Medical Centers, Inc.*, No. STK-CV-UNPI-2021-10404 (San Joaquin Super. Ct.) (ongoing data breach class action where Wolf Haldenstein is co-lead counsel); *Christofferson v. Creation Entertainment, Inc.*, No. 19STCV11000 (Los Angeles Super. Ct.) (settled data breach class action; final approval granted on June 29, 2021); *In re: Hanna Andersson and salesforce.com Data Breach Litig.*, No. 3:20-cv-00812-EMC (N.D. Cal.) (settled data breach class action; final approval granted on June 25, 2021); *Gaston v. FabFitFun, Inc.*, No. 2:20-cv-09534-RGK-E (C.D. Cal.) (settled data breach class action; final approval granted on December 6, 2021); *Rossi v. Claire's Stores*, No. 1:20-cv-05090 (N.D. Ill.) (settled data breach class action; preliminary approval granted March 28, 2022); *Riggs v. Kroto, Inc., D/B/A/ iCanvas*, No. 1:20-cv-5822 (N.D. Ill.) (settled data breach class action; final approval granted on October 29, 2021); *Thomas v. San Diego Family Care*, San Diego Super. Ct. No. 37-2021-00026758-CU-BT-CTL (settled data breach class action; preliminary approval granted April 13, 2022); *Miller v. CSI Financial, LLC*, No. 37-



2021-00030263-CU-BT-CT (San Diego Super. Ct.) (recently settled data breach class action); *Fields v. The Regents of the University of California*, Alameda Superior Court No. RG21107152 (ongoing data breach class action); *In re Arthur J. Gallagher Data Breach Litigation*, No. 1:21-cv-04056 (N.D. Ill.) (ongoing); *In re: CaptureRx Data Breach Litigation*, No. 5:21-cv-00523-OLG (W.D. Tex.) (settled data breach class action; preliminary approval granted March 3, 2022).

MATTHEW M. GUINEY: *admitted:* New York State; United States Supreme Court; United States Courts of Appeals for the Second, Third and Ninth Circuits; U.S. District Courts for the Southern and Eastern District of New York and numerous others. *Education:* The College of William & Mary (B.A. in Government and Economics 1998); Georgetown University Law Center (J.D. 2002). Mr. Guiney's primary areas of practice are securities class actions under the Securities Act of 1933 and the Exchange Act of 1934, complex commercial litigation, Employee Retirement Income Security Act (ERISA) actions on behalf of plan participants, Fair Labor Standards Act of 1938 actions concerning overtime payment, and fiduciary duty actions under various state laws. Mr. Guiney has helped recover hundreds of millions of dollars for victims of corporate fraud and abuse in federal and state litigation across the country. Mr. Guiney was on the merits briefs at the United States Supreme Court on behalf of the plaintiffs/respondents in *Apple Inc. v. Pepper*, No. 17-204, 587 U.S. ___ (2019) where the Court affirmed plaintiffs' antitrust standing under *Illinois Brick*. Mr. Guiney also represented plaintiffs/respondents at the United States Supreme Court in *China Agritech v. Resh*, 584 U.S. __ (2018), where the Court addressed tolling in the class action context. Mr. Guiney also initially served as counsel of record and briefed opposition to petition for writ of certiorari, and argued and achieved a precedential reversal of motion to dismiss in a published opinion at the United States Court of Appeals for the Ninth Circuit in *Resh v. China Agritech*, No. 15-5543, 2017 U.S. App. LEXIS 9029 (9th Cir. May 24, 2017).

Some of Mr. Guiney's notable results on behalf of investors include: *Mallozzi v. Industrial Enterprises of America, Inc., et al.*, 1:07-cv-10321-DLC (S.D.N.Y.) (\$3.4 million settlement on behalf of shareholders); *In re Luxottica Group S.p.A. Securities Litigation*, No. CV 01-3285 (JBW) (MDG) (E.D.N.Y.) (\$18.5 million settlement on behalf of shareholders); *In re MBNA Corp. ERISA Litigation*, Master Docket No. 05-429 (GMS), (D. Del) (\$4.5 million settlement on behalf of plan participants).

MALCOLM T. BROWN: *admitted:* United States District Courts for the Eastern, Northern, and Southern Districts of New York; District of New Jersey; and Eastern



District of Pennsylvania; United States Court of Appeals for the Second Circuit. **Education:** University of Pennsylvania (B.A., Political Science 1988) and Rutgers University School of Law (J.D. 1994). Mr. Brown's primary areas of practice are securities, derivative, M&A litigation and consumer class actions. Recent notable decisions include: *Siegmund v. Bian*, 2019 U.S. Dist. LEXIS 19349 (S.D. Fla. Feb. 6, 2019); *Siegmund v. Bian*, 2018 U.S. Dist. LEXIS 55724, 2018 U.S. Dist. LEXIS 55725 (April 2, 2018); *Johnson v. Ford Motor Co.*, 309 F.R.D. 226 (S.D. W. Va. 2015); *Thomas v. Ford Motor Co.*, 2014 U.S. Dist. LEXIS 43268 (D.S.C. Mar. 31, 2014); *In re Merkin Sec. Litig.*, 2015 U.S. Dist. LEXIS 178084 (S.D.N.Y. Aug. 24, 2015). Prior to joining Wolf Haldenstein, Mr. Brown was a business litigation attorney who represented financial institutions, corporations and partnerships and advised clients on business disputes, reorganizations, dissolutions and insurance coverage matters.

Mr. Brown is a member of the National Association of Pension Plan Attorneys and the National Black Lawyers, and a Fellow of the American Bar Foundation.

SPECIAL COUNSEL

JUSTICE HERMAN CAHN: *admitted:* New York. **Education:** Harvard Law School and a B.A. from City College of the City University of New York. Justice Herman Cahn was first elected as Judge of the Civil Court of the City of New York in 1976. He subsequently served as an Acting Justice of the Supreme Court from 1980 until 1992, when he was elected to the Supreme Court. Throughout his decades on the bench, he principally handled civil cases, with the exception of 1981 until 1987, when he presided over criminal matters. Justice Cahn was instrumental in the creation of, and a founding Justice in, the Commercial Division within the New York State Supreme Court. He served as a Justice of the Commercial Division from its inception in 1993.

Among his most notable recent cases are the consolidated cases stemming from the Bear Stearns merger with JP Morgan (*In re Bear Stearns Litigation*); litigation regarding the America's Cup Yacht Race (*Golden Gate Yacht Club v. Société Nautique de Genève*); litigation stemming from the attempt to enjoin the construction of the new Yankee Stadium (*Save Our Parks v. City of New York*); and the consolidated state cases regarding the rebuilding of the World Trade Center site (*World Trade Center Properties v. Alliance Insurance; Port Authority v. Alliance Insurance*).

Justice Cahn is a member of the Council on Judicial Administration of the Association of the Bar of the City of New York. He has also recently been appointed to the



Character and Fitness Committee of the Appellate Division, First Department. He is on the Register of Mediators for the United States Bankruptcy Court, Southern and Eastern Districts of New York.

Before ascending the bench, Justice Cahn practiced law in Manhattan. He was first admitted to the New York bar in 1956. He is admitted to practice in numerous courts, including the New York State courts, the Southern District of New York and the United States Supreme Court.

OF COUNSEL

DANIEL W. KRASNER: *admitted:* New York; Supreme Court of the United States; U.S. Courts of Appeals for the Second, Third, Fourth, Sixth, Eighth, Ninth, Tenth, and Eleventh Circuits; U.S. District Courts for the Southern and Eastern Districts of New York, Central District of Illinois, and Northern District of Michigan. *Education:* Yale Law School (LL.B., 1965); Yeshiva College (B.A., 1962). Mr. Krasner is of counsel at Wolf Haldenstein. He began practicing law with Abraham L. Pomerantz, generally credited as the "Dean of the Class Action Bar." He founded the Class Litigation Group at Wolf Haldenstein in 1976.

Mr. Krasner received judicial praise for his class action acumen as early as 1978. *See, e.g., Shapiro v. Consolidated Edison Co.*, [1978 Transfer Binder] Fed. Sec. L. Rep. (CCH) & 96,364 at 93,252 (S.D.N.Y. 1978) ("in the Court's opinion the reputation, skill and expertise of . . . [Mr.] Krasner, considerably enhanced the probability of obtaining as large a cash settlement as was obtained"); *Steiner v. BOC Financial Corp.*, [1980 Transfer Binder] Fed. Sec. L. Rep. (CCH) & 97,656, at 98,491.4, (S.D.N.Y. 1980) ("This Court has previously recognized the high quality of work of plaintiffs' lead counsel, Mr. Krasner"). The New York Law Journal referred to Mr. Krasner as one of the "top rank plaintiffs' counsel" in the securities and class action fields. In connection with a failed 1989 management buyout of United Airlines, Mr. Krasner testified before Congress.

More recently, Mr. Krasner has been one of the lead attorneys for plaintiffs in some of the leading Federal multidistrict cases in the United States, including the IPO Litigation in the Southern District of New York, the Mutual Fund Market Timing Litigation in the District of Maryland, and several Madoff-related litigations pending in the Southern District of New York. Mr. Krasner has also been lead attorney in several precedent-setting shareholder actions in Delaware Chancery Court and the New York Court of Appeals, including *American International Group, Inc. v. Greenberg*, 965 A.2d 763 (Del. Ch. 2009) and the companion certified appeal, *Kirschner v. KPMG LLP*, Nos. 151, 152, 2010



N.Y. LEXIS 2959 (N.Y. Oct. 21, 2010); *Teachers' Retirement System of Louisiana and City of New Orleans Employees' Retirement System, derivatively on behalf of nominal defendant American International Group, Inc., v. PricewaterhouseCoopers LLP*, No. 152 (New York, October 21, 2010); *In re CNX Gas Corp. S'holders Litig.*, C.A. No. 5377-VCL, 2010 Del. Ch. LEXIS 119 (Del. Ch., May 25, 2010); *In re CNX Gas Corp. S'holders Litig.*, C.A. No. 5377-VCL, 2010 Del. Ch. LEXIS 139, (Del. Ch. July 5, 2010), appeal refused, 2010 Del. LEXIS 324, 2010 WL 2690402 (Del. 2010).

Mr. Krasner has lectured at the Practicing Law Institute; Rutgers Graduate School of Business; Federal Bar Council; Association of the Bar of the City of New York; Rockland County, New York State, and American Bar Associations; Federal Bar Council, and before numerous other bar, industry, and investor groups.

PETER C. HARRAR: *admitted;* New York; United States Court of Appeals for the Fourth Circuit and the United States District Courts for the Southern and Eastern Districts of New York. *Education:* Columbia Law School (J.D. 1984); Princeton University, Phi Beta Kappa, *magna cum laude*. Mr. Harrar is of counsel at the firm and has extensive experience in complex securities and commercial litigation on behalf of individual and institutional clients.

He has represented investment funds, hedge funds, insurance companies and other institutional investors in a variety of individual actions, class actions and disputes involving mortgage-backed securities and derivative instruments. Examples include *In re EMAC Securities Litigation*, a fraud case concerning private placements of securitized loan pools, and *Steed Finance LDC v. LASER Advisors, Inc.*, a hybrid individual and class action concerning the mispricing of swaptions.

Over the years, Mr. Harrar has also served as lead or co-lead counsel in numerous securities class and derivative actions throughout the country, recovering hundreds of millions of dollars on behalf of aggrieved investors and corporations. Recent examples are some of the largest recoveries achieved in resolution of derivative actions, including *American International Group Consolidated Derivative Litigation* (\$90 million), and *Bank of America/Merrill Derivative Litigation* (\$62.5 million).

JEFFREY G. SMITH: *admitted:* New York; California; Supreme Court of the United States; U.S. Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Circuits; U.S. Tax Court; U.S. District Courts for the Southern and Eastern Districts of New York, Southern, Central and Northern Districts of California and the Districts of Colorado and Nebraska. *Education:* Woodrow Wilson School of



Public and International Affairs, Princeton University (M.P.A., 1977); Yale Law School (J.D., 1978); Vassar College (A.B., *cum laude generalis*, 1974). At Yale Law School, Mr. Smith was a teaching assistant for the Trial Practice course and a student supervisor in the Legal Services Organization, a clinical program. Member: The Association of the Bar of the City of New York; New York State and American (Section on Litigation) Bar Associations; State Bar of California (Member: Litigation Section); American Association for Justice. Mr. Smith has frequently lectured on corporate governance issues to professional groups of Fund trustees and investment advisors as well as to graduate and undergraduate business student groups, and has regularly served as a moot court judge for the A.B.A. and at New York University Law School. Mr. Smith has substantial experience in complex civil litigation, including class and derivative actions, tender offer, merger, and takeover litigation. Mr. Smith is rated "AV" by Martindale Hubble and, since its inception in 2006, has been selected as among the top 5% of attorneys in the New York City metropolitan area chosen to be included in the Super Lawyers Magazine.

ROBERT ALTCHILER: *Education:* State University of New York at Albany (B.S., Finance/Marketing, 1985); The George Washington University (JD, 1988).

Robert's practice focuses primarily in the areas of White Collar criminal investigations, corporate investigations, entertainment, litigation, and general corporate counseling. Robert's diverse practice had developed as a result of his extensive international business contacts and relationships in the entertainment world, in the United States and the United Kingdom. Robert had successfully defended cases and resolved matters spanning the most complex entertainment controversies, to virtually any imaginable complex criminal or corporate matter.

Robert has successfully defended individuals and corporations in a wide array of multifaceted investigations in areas such as mortgage fraud, securities fraud, tax fraud, prevailing wage, money laundering, Bank Secrecy Act, embezzlement, bank and wire fraud, theft of trade secrets, criminal copyright infringement, criminal anti-counterfeiting, Foreign Corrupt Practices Act (FCPA), International Traffic In Arms Regulations (ITAR), racketeering, continuing criminal enterprises, and circumvention of trade restrictions, among many others. Robert also specializes in non-criminal investigations relating to various topics, including finding money allegedly being hidden by individuals, ascertaining the identities of individuals actually involved in corporate matters (when a client believes those identities are being concealed), and



running undercover “sting” operations as part of civil and commercial litigation support.

Because of Robert's significant business contacts in the United Kingdom, and the United States, he is frequently called upon to assist clients in various forms of complex business matters, both domestic and international. Robert's clients look to him as a trusted, experienced, creative, fearless hand who has demonstrated an ability to navigate even the most difficult and desperate situations. Robert prides himself on his ability to develop aggressive creative winning strategies for his clients even when the clients believe their circumstances are hopeless.

In 1988, Robert started his legal career as a prosecutor in New York City, where he prosecuted a wide array of cases and headed up a variety of different investigations. As a prosecutor, he presented hundreds of cases to grand juries, and ran numerous investigations. In addition to trying several dozen serious cases, ranging from murder to fraud to narcotics violations, he also ran wiretap and grand jury investigations involving money laundering and other financial crimes, as well as a wiretap and investigation concerning a plot to assassinate a prominent NYC judge. Upon leaving the government, Robert began focusing on defending individuals and entities under government investigation and/or indictment. Early in private practice he defended numerous law enforcement officers under administrative and criminal scrutiny, in courts and administrative proceedings. His particular area of practice permitted Robert to further develop and strengthen his already close ties to law enforcement.

In addition to his practice, Robert has been an adjunct law professor at Pace University Law School since 1998, where he teaches trial advocacy, a course designed to teach law students how to be trial lawyers via a curriculum including the mock trial of a murder case. Robert is also a faculty member of the EATS Program run by Stetson Law School, an acclaimed program designed to teach law school trial advocacy professors creative and innovative pedagogical methods. Robert has also been a featured participant and lecturer at Cardozo Law School's acclaimed Intensive Trial Advocacy Program in New York City, and has also taught at Yale Law School. Robert's trial advocacy teaching requires him to constantly integrate new developments in communication theory and trial techniques into his teaching methods. Given the changing way students (and prospective jurors) communicate and digest information (via Twitter, Instagram and Snapchat, for example) Robert is a recognized leader at integrating neuroscientific principles into his teaching. By actively participating in the weekly trials his students



conduct in class, and by frequently demonstrating methods, he is able to continually adapt his own communication skills and integrate cutting-edge developments into his own practice.

Robert is Special Advisor to the Dean of the Mt. Sinai School of Nursing, an adjunct professor at the school, a member of the Board of Trustees and the Chair of the Board of Trustees Nominations Committee. In his role as Special Advisor, Robert is tasked with counselling the Dean on innovative pedagogical methods designed to facilitate teaching Narrative Care and other topics. Robert instructs faculty on various topics, and will be teaching courses at the school in the immediate future.

Robert graduated from the George Washington University Law School (formerly, The National Law Center), where he began his career as an advocate by conducting administrative hearings and trials during his second and third year. Prior to GW, Robert graduated with honors from the Business School at the State University of New York at Albany in 1985. He is also a 1996 graduate of the National Criminal Defense College and a 1997 graduate of the National Institute for Trial Advocacy's Harvard Teacher Training Program. Robert has also made dozens of television appearances on Fox, Court TV, and Tru TV, providing legal commentary on televised trials, and participating in discussions related to pertinent issues.

JENNY YOUNG DU PONT: *admitted:* New York; Massachusetts; District of Columbia; U.S. Supreme Court. *Education:* Princeton University (A.B. *cum laude*); Georgetown University Law Center/School of Foreign Service (J.D./M.S.F.S. *magna cum laude*); Order of the Coif; *Georgetown Law Journal*, Notes and Comments Editor.

Ms. du Pont has extensive experience representing domestic and international companies ranging in size from small privately-held firms to large public companies in a variety of corporate, investment, banking, insurance, finance, and employment matters. Ms. du Pont began her legal career at two AmLaw 100 firms in Washington, D.C. and London, U.K. and a decade later moved into in-house counsel roles, first with Plymouth Rock Assurance Corporation in Boston, MA, and later with Millennium Management, LLC in New York. Ms. du Pont also advises and presents on issues related to family businesses, family offices, and managing wealth transfer across generations.

In addition to her legal experience, Ms. du Pont has significant experience in the non-profit sector. Ms. du Pont was President and CEO of The Garden Conservancy in Cold



Spring, New York and Executive Director of Miracle House of New York, Inc., and has acted a legal and strategic advisor to a variety of for profit and non-profit entities in New York. For more than 20 years, Ms. du Pont also has been a director, trustee, and officer for a broad range of educational, cultural, scientific, and service non-profit entities. Ms. du Pont served for a number of years as a Trustee of Phillips Exeter Academy, in Exeter, NH, and as a member and Vice Chair of the Warrant Committee for the Town of Dover in Massachusetts. She is currently a Director of the American Friends of the British Museum and of the American Patrons of the National Galleries and Library of Scotland, serves as an Advisory Council member for the Untermyer Gardens Conservancy in Yonkers, NY and the Sing Sing Prison Museum Master Narrative Project, in Ossining, NY, and is chair of the Advisory Council for the Conservation Law Foundation in Boston, MA.

KATE MCGUIRE: *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts of New York. *Education:* University of California at Santa Cruz (B.A. 1995), Georgetown University Law Center (J.D., 1998); Member: *Georgetown Immigration Law Journal*.

Ms. McGuire has extensive experience prosecuting complex litigation. Her work encompasses consumer and data protection class actions, securities class and derivative shareholder cases and nationwide antitrust suits.

She is a member of the Firm's Consumer Protection practice group and, in that context, has worked intensively to protect classes of consumers under a range of state and federal laws. Recently, she served as a member of the co-lead counsel team in *Simerlein et al. v. Toyota Motor Corporation et al.*, 3:17-CV-01021-VAB (D. Conn.), representing more than a million owners of Sienna minivans in litigation that settled for class-wide benefits valued at between \$30 and \$40 million. Presently, she serves on a team representing plaintiffs in multi-district litigation against Fisher-Price and Mattel, relating to Rock 'n Play infant sleepers which are alleged to be dangerous and misleadingly marketed. She has also served as a member of the firm's lead or co-counsel teams in other consumer protection cases, including litigation based upon allegations of misrepresentations and omissions concerning the purported safety of electronic cigarettes.

Ms. McGuire has also represented plaintiffs with respect to the protection of their civil rights. For example, she represented a blind plaintiff in a suit under the Americans with Disability Act against a major trading online trading company, and represented a



group of minority business owners in federal civil rights litigation concerning disparate treatment which settled for significant governance therapeutics.

CARL MALMSTROM: *admitted:* Illinois; Minnesota; United States Court of Appeals for the Seventh Circuit; Northern and Southern Districts of Illinois; Northern District of Indiana; District of Minnesota; Eastern District of Missouri; Western District of New York. *Education:* University of Chicago (A.B., Biological Sciences, 1999; A.M., Social Sciences, 2001); The University of Hawai'i at Manoa (M.A., Anthropology, 2004); Loyola University Chicago School of Law (J.D., 2007). Prior to joining the firm, Mr. Malmstrom worked for the City of Chicago Department of Law in the Municipal Prosecutions Division; he is a member of the Chicago Bar Association. Mr. Malmstrom has substantial experience litigating complex class actions in several practice areas, including antitrust, consumer fraud, and data security. Representative cases in which he has represented plaintiffs include *Bokelman et al. v. FCH Enterprises, Inc.*, Case No. 1:18-cv-209 (D. Haw.), involving customers of Zippy's Restaurants in Hawaii whose personal data was stolen by hackers, *In re: Experian Data Breach Litigation*, Case No. 8:15-cv-1592 (C.D. Cal.); *Freeman-Hargis v. Taxi Affiliation Services, LLC*, Case No. 2016-CH-02519 (Cir. Ct. Cook Cty.), involving customers of several taxi services in Chicago who were unlawfully charged fees for using credit cards in taxis.

ASSOCIATES

PATRICK DONOVAN: *admitted:* New York; U.S. District Courts for the Southern and Eastern Districts of New York; United States Court of Appeals for the Second and Fourth Circuits. *Education:* Iona College (B.A., Business Management, 2007); St. John's University School of Law (J.D. 2011). Mr. Donovan's primary areas of focus are securities, derivative and M&A litigation.

LILLIAN GRINNELL: *admitted:* New York; United States District Courts for the Southern and Eastern Districts of New York; United States Court of Appeals for the Federal Circuit. *Education:* Bryn Mawr College (A.B., Philosophy and Political Science, 2016); New York University Law School (J.D. 2019). Prior to joining Wolf Haldenstein, Ms. Grinnell served as an Excelsior Service Fellow with the Consumer Protection and Financial Enforcement Division of the NYS Department of Financial Services.

ROURKE DONAHUE: *admitted:* New York. *Education:* University of North Carolina at Chapel Hill (B.A., Philosophy, 2017), Honors Program; Georgetown University Law Center (J.D. 2020). Prior to joining the firm, Mr. Donahue clerked for the Hon. Timothy P. Lydon, Presiding Judge of Equity, at the New Jersey Superior Court in Trenton, New



Jersey. In law school, Mr. Donahue interned at the Department of Justice's Civil Division, Christie's Auction House, and Manhattan Legal Services and served as the Administrative Editor of the *Georgetown Environmental Law Review*.

ALEX J. TRAMONTANO: *admitted:* California; U.S. District Courts for the Southern, Central and Eastern Districts of California; United States Court of Appeals for the Ninth Circuit. *Education:* University of Massachusetts, Amherst (B.A., Political Science and Legal Studies, *cum laude*, 2008); California Western School of Law (J.D., 2011). Mr. Tramontano's primary areas of focus are securities, anti-trust, unfair and deceptive practices, civil rights and data breach related class actions. Prior to joining Wolf Haldenstein, Mr. Tramontano worked as an associate at an AmLaw 100 firm, as well as other regional law firms in southern California. Mr. Tramontano has over a decade of litigation experience defending and prosecuting complex actions on behalf of individuals and businesses in both Federal and State courts. Mr. Tramontano began his legal career as a Police Cadet at the University of Massachusetts Amherst. He went on to law school and joined the San Diego District Attorney's Office as a Certified Legal Intern before transitioning to private practice.

FERDEZA ZEKIRI: *admitted:* California; U.S. District Court for the Central District of California. *Education:* Gonzaga University (B.A., Criminal Justice and Psychology, 2017); University of California, Los Angeles School of Law (J.D. 2020). In law school, Ms. Zekiri served as a Managing Editor of the UCLA School of *Law's Journal of Environmental Law & Policy*, and worked as a research assistant for the UCLA Law Library. Prior to joining Wolf Haldenstein, Ms. Zekiri was an associate attorney at Talkov Law where she primarily focused on real estate litigation.

PARAPROFESSIONALS

GREGORY STONE: *Education:* University of Pennsylvania (B.S., Economics, 1979); University of California, Los Angeles (MBA, 1983). Mr. Stone is the Firm's Director of Case and Financial Analysis. He assists partners and associates in identifying and researching potential federal class action securities, derivative litigation and merger & acquisition (M&A) litigation. Mr. Stone has worked with leading securities class action firms in an analytical and investigative role for over 18 year throughout the United States, and has an extensive professional background in the accounting and investment professions. He plays a key role in new case development, including performing investigations into potential securities fraud class actions, derivative and other



corporate governance related actions. By using a broad spectrum of financial news and legal industry research tools, Mr. Stone analyzes information that helps identify and support the theories behind the firm's litigation efforts.

NON-DISCRIMINATION POLICIES

Wolf Haldenstein does not discriminate or tolerate harassment against any employee or applicant because of race, creed, color, national origin, sex, age, disability, marital status, sexual orientation, or alienage or citizenship status and designs its hiring practices to ensure that minority group members and women are afforded equal employment opportunities without discrimination. The Firm is in compliance with all applicable Federal, State, County, and City equal employment opportunity laws.

Wolf Haldenstein is proud of its long history of support for the rights of, and employment opportunities for, women, the disadvantaged, and minority group persons, including the participation in civil rights and voter registration activities in the South in the early 1960s by partners of the Firm; the part-time employment of disadvantaged youth through various public school programs; the varied *pro bono* activities performed by many of the Firm's lawyers; the employment of many women and minority group persons in various capacities at the Firm, including at the partner level; the hiring of ex-offenders in supported job training programs; and the use of minority and women-owned businesses to provide services and supplies to the Firm.

270 MADISON AVENUE
NEW YORK, NY 10016
TELEPHONE: 212-545-4600
TELECOPIER: 212-545-4653
WWW.WHAFH.COM

SYMPHONY TOWERS
750 B STREET, SUITE 1820
SAN DIEGO, CA 92101
TELEPHONE: 619-239-4599
TELECOPIER: 619-234-4599

111 WEST JACKSON
SUITE 1700
CHICAGO, IL 60604
TELEPHONE: 312-984-0000
TELECOPIER: 312-214-3110





EXHIBIT 2

1 Shpetim Ademi
2 Guri Ademi
3 Jesse Fruchter
4 **ADEMI LLP**
5 3620 East Layton Avenue
6 Cudahy, Wisconsin 53110

7 *Counsel for the End Payer Plaintiffs*

8 *John Peychal*
9 *Barbara E. Olson*
10 *Julie Wiese*
11 *Kim Craig*
12 *Casey Christensen*
13 *Brian Depperschmidt*

14 UNITED STATES DISTRICT COURT
15 SOUTHERN DISTRICT OF CALIFORNIA

16 IN RE: PACKAGED SEAFOOD
17 PRODUCTS ANTITRUST
18 LITIGATION

) Case No.: 15-MD-2670 DMS (MSB)
)
) **DECLARATION OF SHPETIM**
) **ADEMI IN SUPPORT OF END**
) **PAYER PLAINTIFFS' MOTION**
) **FOR ATTORNEYS' FEES,**
) **COSTS, EXPENSES, AND**
) **SERVICE AWARDS**

21 _____)
22 This Document Relates to:)
23 End Payer Plaintiffs Class Track)

) DATE: November 22, 2024
) TIME: 1:30 p.m.
) JUDGE: Hon. Dana M. Sabraw
) COURT: 13A (13th Floor)
)
)
)
)
)
)

1 I, Shpetim Ademi declare:

2

3 1. I am the managing partner at ADEMI LLP. I have been licensed to
4 practice law in the state of Wisconsin since 1996. I am admitted to practice in the
5 U.S. District Courts for the Eastern District of Wisconsin, Western District of
6 Wisconsin, and Northern District of Illinois. The following facts are within my
7 personal knowledge, and if called as a witness, I could and would testify competently
8 to them.

9 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
10 Attorneys’ Fees, Costs, Expenses, and Service Awards.

11 3. I filed proposed class action lawsuits on behalf of my clients against
12 Bumble Bee Foods LLC, Starkist Company, Tri-Union Seafoods LLC and King
13 Oscar, Inc. as follows:

DATE	COURT/JURISDICTION/STATE	CASE NO.
9/3/2015	United States District Court Northern District of California	3:15-cv-04025
9/9/2015	United States District Court Northern District of California	3:15-cv-04093
9/17/2015	United States District Court Southern District of California	3:15-cv-02073

14
15
16
17
18 My clients’ actions were consolidated into the instant action with other similar actions
19 filed in other jurisdictions nationwide as a Multi-District Litigation titled, *In Re:*
20 *Packaged Seafood Products Litigation*, No. 15-MD-2670 in the Southern District of
21 California (the “Action”). ADEMI LLP represents the following class representatives
22 in this Multi-District Litigation: John Psychal (Tennessee), Barbara E. Olson
23 (Michigan), Julie Wiese (Wisconsin), Kim Craig (Arkansas), Casey Christensen
24 (South Dakota), Brian Depperschmidt (Kansas)

25 4. I am the principal counsel at ADEMI LLP, who has practiced civil
26 litigation on behalf of consumers and individuals in Wisconsin and Nationwide since
27 1996. The firm generally employs 6-10 attorneys practicing in the areas of consumer
28 class action, unfair competition law, and securities class actions. I head the Consumer

1 Protection and Antitrust groups at ADEMI LLP. Attached hereto as **Exhibit A** is the
2 ADEMI LLP Firm resume.

3 5. ADEMI LLP’s attorneys have a long history of successfully handling
4 class actions across a range of industries, including antitrust cases. I bring substantial
5 experience in complex litigation matters with a history of litigating in an efficient and
6 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
7 actions. *See Exhibit A.*

8 6. I have an extensive background in antitrust and consumer protection
9 class action litigation. I have litigated numerous class action cases across the country
10 involving antitrust and unfair competition claims, including the following matters:

- 11 • In re: Harley Davidson Aftermarket Parts Marketing Sales Practice and Antitrust Litigation. (E. D. WI 2023)
12 (Liaison Counsel)
- 13 • Fond du Lac Bumper Exchange Inc v. Jui Li Enterprise Company Ltd et al (E.D. WI 2010) (Liaison Counsel)
- 14 • Edwards et al v. National Milk Producers Federation (N.D. CAL 2011)
- 15 • In Re: Polyurethane Foam Antitrust Litigation (N.D. OH 2010)
- 16 • In Re: Hard Disk Drive Suspension Assemblies’ Antitrust Litigation (N.D. CAL 2019)
- 17 • In Re: Passenger Vehicle Replacement Tires Antitrust Litigation (N.D OH 2024)
- 18 • In Re: Sugar Indirect Purchaser Antitrust Litigation, 24-CV-01941 (D. MINN. 2024)
- 19 • In Re: Fragrances End-User Plaintiff Antitrust Litigation (D. NJ 2023)
- 20 • Al’s Discount Plumbing LLC, et al v. Viega LLC (M.D. PA 2019)

21 7. I and my firm have been involved in the litigation of this Action under
22 the direction of Class Counsel, including, among other tasks:

- 23 • INITIAL INVESTIGATION AND COMPLAINTS, MDL AND ORGANIZATION: Investigate potential
24 antitrust claims in packaged seafood industry, research of issues and facts, calls and emails with multiple clients
25 regarding investigation and underlying facts; assisting with the drafting of three initial complaints, calls and
26 emails with multiple clients; coordination with other counsel; review filings in cases, Review MDL filings;
27 update clients; emails and coordinate with other counsel. Prepare and attend organizational calls and review
28 emails; prepare and attend initial hearings.

- 1 • ITERATIONS OF CONSOLIDATED AMENDED COMPLAINTS (CACs) AND CORRESPONDING
2 BRIEFING OF MOTIONS TO DISMISS (MTDS); Coordinate with lead counsel and draft responses to
3 plaintiff questionnaires through multiple phases of the course of litigation with multiple clients; emails and
4 calls with clients; assist lead counsel with drafting (CAC's), assist lead counsel over the course of the litigation
5 with multiple state coverage of clients; contacting multiple clients for state coverage; setting up interviews with
6 lead counsel with multiple clients over the course of the case, emails and calls with multiple clients regarding
7 drafts of CACS; conduct research and memorandums when asked by lead counsel regarding the CACS; provide
8 substitute client for deceased client and notice to lead; prepare additional questionnaire responses; and
9 coordination with lead counsel regarding interviews; review multiple iterations of MTDS and internal memo's
10 regarding same; prepare attend conference calls with lead counsel regarding responses; assist lead counsel
11 regarding MTDS and review responses; conduct research and memorandums when asked by lead counsel
12 regarding the responses to MTDS; review order on Motion to Dismiss; review guilty pleas; update group and
13 clients
- 14 • WRITTEN DISCOVERY PROPOUNDED ON PLAINTIFFS AND DOCUMENT PRODUCTION: Assist
15 lead counsel in multiple phases of discovery to plaintiffs; draft responses to discovery and assist lead counsel
16 with responses and coordination of responses with multiple clients; review of client documents; supplement
17 discovery responses and data; multiple calls and emails with lead counsel and clients;
- 18 • DEPOSITIONS OF PLAINTIFFS: Multiple emails and phone calls with lead counsel and clients regarding
19 coordinating multiple client depositions, review discovery and documents; assist and attend deposition preps
20 and defense of multiple client depositions; meetings with lead counsel; review deposition transcripts;
- 21 • DOCUMENT REVIEW TEAM: placement into lead counsels document reviewing team, attend training of
22 reviewers; review hundreds of thousands of pages of production, attend daily calls and prepare for same.
- 23 • CLASS CERTIFICATION: assist lead counsel with class certification and coverage of states; multiple calls
24 and emails with lead counsel and clients regarding same; review draft briefs and coordinate draft declarations
25 for multiple clients with lead counsel; fill in of data and communications with clients; review decision on class
26 certification and update clients;
- 27 • APPEALS: Update clients on status of appeals; Review emails from lead counsel and decisions.

28

- 1 • SUMMARY JUDGEMENT: Prepare declarations for lead counsel from clients; emails and calls with lead
- 2 counsel and clients; review multiple briefs and orders on Summary Judgment filings.
- 3 • TRIAL PREPERATION: Assist lead counsel with trial preparation; multiple emails to and from lead counsel
- 4 and to clients; coordinate interviews with all ADEMI LLP clients; prepare and attend said interviews; Prepare
- 5 longer interviews and zoom calls with select clients; prepare and attend same; coordinate class representative
- 6 preparations for testimony for multiple clients; prepare and attend prep sessions with clients in advance of
- 7 zoom calls; prepare and attend zoom calls; multiple calls with trial team and multiple calls with clients; discuss
- 8 preparation for trial with internal group; coverage from internal group re attendance and travel with clients.
- 9 • SETTLEMENT: Review emails from lead regarding settlement discussions and settlements; review terms and
- 10 filings; update clients accordingly and assist clients in the submission of claims.
- 11 • LITIGATION STRATEGY ANALYSIS & CASE MANAGEMENT: prepare and attend multiple meetings
- 12 with lead counsel regarding case; multiple phone calls; review update letters; calls and letters to clients
- 13 regarding updates; submit assessments; review other filings and communications with clients regarding various
- 14 stages of litigation, trial preparation and settlement.

15 8. The current hourly rates for ADEMI LLP attorneys and staff that have

16 worked on the Action, as well as their hours spent working on the Action as of

17 September 26, 2024, and their corresponding lodestar, are as follows:

18

19 **ADEMI LLP Lodestar through September 26, 2024**

20 Timekeeper	Current Rate	Hours	Lodestar
21 Shpetim Ademi, Partner	\$850 per hour	484.30	\$411,655.00
22 Guri Ademi, Partner	\$875 per hour	3.00	\$2,625.00
23 Robert O'Reilly, Partner	\$750 per hour	14.50	\$10,875.00
24 John Blythin, Of Counsel	\$600 per hour	3.60	\$2,160.00
25 Mark Eldridge, Associate	\$475 per hour	264.10	\$125,447.50
26 Denise Morris, Associate	\$450 per hour	255.10	\$114,795.00
27 Jesse Fruchter, Associate	\$575 per hour	54.00	\$29,700.00
28 Ben Slatky, Associate	\$450 per hour	54.70	\$24,615.00

Daut Ademi, Associate	\$325 per hour	6.00	\$1,950.00
TOTAL:			\$723,822.50

9. These records were prepared from contemporaneous, daily time records regularly prepared and maintained by ADEMI LLP in its usual course and manner. ADEMI LLP maintains detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on ADEMI LLP’s current billing rates. These records are available for review at the request of the Court.

10. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm’s representation of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the hours spent on each task.

11. I have general familiarity with the range of hourly rates typically charged by plaintiffs’ class action counsel specifically in the field of unfair competition and antitrust in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I am able to conclude that the rates charged by my firm are commensurate with those prevailing in the market for such legal services furnished in complex class action litigation such as this. My firm’s hourly rates were most recently approved by the following Courts:

- Frank v. Education Realty Trust, Inc. et al, No. 24-C-19-005518 (Baltimore County, Maryland 2018)
- Meade v. EMC Insurance Group Inc., et al, No. LACL 146098 (Polk County, Iowa 2019)
- In Re: Rev Group, Inc. Securities Litigation No. 18-cv-01268 (E.D. WI 2018)
- Luchetta v. Mercantile Adjustment Bureau, LLC, No. 21CV577 (Milwaukee County, WI 2021)
- Currier v. Lawgix Lawyers, LLC, No. 21-cv-419 (E.D. WI 2021)
- Reetz v. First Portfolio Ventures I, LLC, et al., No. 21-cv-20 (E.D. WI 2021)
- Christoffersen v. V. Marchese, Inc., No. 19-cv-1481 (E.D. WI 2019)

12. My firm has incurred costs of \$75,819.96 so far in litigating the Action,

1 consisting of the following categories of costs:

Category	Cost
Online Research	\$681.00
Reproduction/Duplication	\$609.00
Telephone/FAX/postage	\$112.68
FED EX	\$159.65
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$1,257.63
ASSESSMENTS	\$73,000.00
Total:	\$75,819.96

11 13. Throughout the litigation, my firm and I worked under the direction of
12 Class Counsel, and I made every effort to operate as efficiently as possible and to
13 avoid unnecessary duplication. I coordinated with Class Counsel for all work
14 performed and costs incurred in this matter.

15 I declare under penalty of perjury under the laws of the United States that the
16 foregoing is true and correct. Executed on September 26th, 2024, at Cudahy,
17 Wisconsin.

20 Dated: September 26, 2024

19 
21 By: _____
22 SHPETIM ADEMI

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EXHIBIT A



ATTORNEYS AT LAW

MILWAUKEE | MADISON

The Firm's Attorneys

Guri Ademi graduated from the University of Wisconsin—Milwaukee *magna cum laude* in 1990 and the University of Wisconsin Law School in 1993, serving as a Notes and Comments Editor for the *Wisconsin Law Review*. After interning with Judge Thomas Curran of the Eastern District of Wisconsin, he was an associate with Quarles & Brady LLP in its corporate finance and antitrust groups from 1993 to 2000 and an associate with Whyte Hirschboeck Dudek S.C. in its securities and antitrust groups from 2000 to 2001. He joined Ademi LLP in 2001 and heads its securities litigation practice group. Guri is recognized as a *Wisconsin Super Lawyer* in *Wisconsin Super Lawyers* every year since 2011.

Shpetim Ademi, the firm's founder, graduated *cum laude* from the University of Wisconsin—Milwaukee in 1992, with honors in philosophy and history and an honors thesis in philosophy. He graduated from the University of Wisconsin Law School in 1996. After interning with Judge Charles B. Schudson of the Wisconsin Court of Appeals, 1st District, he founded the Southside Law Office in 1996 and serves as managing partner of Ademi LLP and heads its Antitrust and Consumer litigation groups. Shpetim is recognized as a *Wisconsin Super Lawyer* in *Wisconsin Super Lawyers* every year since 2009. Shpetim was included on *Super Lawyers' Top 50 Wisconsin* list for 2016, 2018, 2019, 2020, 2021, 2022 and 2023. Finally, Shpetim was also included on *Super Lawyers' Top 25 Milwaukee* list for 2016, 2019, 2020, 2021, 2022 and 2023.

Jesse Fruchter graduated *cum laude* from State University of New York College of Environmental Science and Forestry in 2005, with a B.S. in Environmental Biology. Jesse also obtained his M.S. in Plant Biology from Southern Illinois University in 2012. Finally, Jesse graduated *cum laude* from the University of Wisconsin Law School in 2017. He is an associate, practicing in securities, antitrust, and consumer litigation. Jesse is listed as a *Rising Star* in *Wisconsin Super Lawyers* 2021, 2022 and 2023.

John D. Blythin graduated *cum laude* from the University of Wisconsin-Madison in 1999, with a degree in political science and from University of Wisconsin Law School in 2003. He is of counsel, practicing in securities, antitrust, and consumer litigation. John is also admitted to practice in the State of Illinois. John is listed as a *Super Lawyer* in *Wisconsin Super Lawyers* 2022 and 2023.

Ben J. Slatky graduated with distinction from the University of Wisconsin in 2007 with a B.A. in Philosophy and English Literature. Ben also obtained his M.A. in English Literature from University of York in 2011. Finally, Ben graduated from the University of Wisconsin Law School in 2017. He is an associate, practicing in securities, antitrust, and consumer litigation. Ben is listed as a *Rising Star* in *Wisconsin Super Lawyers* 2021, 2022 and 2023.

Daut Ademi graduated with honors *magna cum laude* from the University of Wisconsin in 2020 with a degree in History. Daut also graduated from the University of Wisconsin Law School in 2023. He is an associate, practicing in securities, antitrust and consumer litigation.



FIRM HIGHLIGHTS

SECURITIES CLASS ACTIONS

FRANK V. EDUCATION REALTY TRUST, INC., ET AL., CASE NO. 24-C-19-005518 (BALTIMORE COUNTY, MD 2018)

We represented the class as Co-Lead counsel in this post close damage action. Settlement of \$10 million.

MEADE V. EMC INSURANCE GROUP INC., ET AL., CASE NO. LACL 146098 (POLK COUNTY, IA 2019)

We represent the class as Co-Lead counsel in this post close damage action. Settlement of \$1.65 million.

IN RE: SPIEGEL, INC. SECURITIES LITIGATION (N. D. IL 2002)

We represented the class as Co-Lead counsel in this action. Settlement of \$17.5 million.

IN RE: eFUNDS CORPORATION SECURITIES LITIGATION (D. AZ 2002)

We represented the class as Co-Lead counsel in this action. Settlement of \$2.5 million.

IN RE: SYNTROLEUM CORP. SHAREHOLDER LITIGATION (TULSA COUNTY OK 2013)

We represented the class as Co-Class counsel in this action. Additional consideration of \$2.8 Million.

BAKER ET AL. V. JOSEPH McADAMS, (LOS ANGELES COUNTY CAL 2021)

We represented the class as co-counsel in this action. Additional consideration of \$3 Million.

IN RE: METAVANTE TECHNOLOGIES, INC. SECURITIES LITIGATION (MILWAUKEE COUNTY, WI 2009)

We represented the class as Co-Lead counsel in this action. Settlement of additional disclosures to shareholders.

IN RE: JOURNAL MEDIA GROUP, INC. SHAREHOLDER LITIGATION (MILWAUKEE COUNTY, WI 2015)

We represented the class as Co-Lead counsel in this action. Settlement of additional disclosures to shareholders.

IN RE: QUOVADX INC. SECURITIES LITIGATION (D. CO 2003)

We represented the lead plaintiff and class as counsel in this action. Settlement of \$9 million.

IN RE: DHB INC. SECURITIES LITIGATION (E.D.N.Y. 2005)

We represented one of the lead plaintiffs and the class as counsel in this action. Settlement of more \$64 million.

IN RE: NORTHWESTERN CORP. SECURITIES LITIGATION (D.S.D. 2003)

We represented secondary offering shareholders and certain bondholders. Settlement of \$40 million.

IN RE: REV GROUP, INC. SECURITIES LITIGATION (E.D. WI 2018)

We represented the class as *Liaison* counsel in this action. Settlement of \$14.25 million.

IN RE: RAYOVAC, INC. SECURITIES LITIGATION (W.D. WI 2003)

We represented the class as *Liaison* counsel in this action. Settlement of \$4 million.

IN RE: MERGE TECHNOLOGIES (MILWAUKEE COUNTY, WI 2006)

We represented the class as *Liaison* counsel in this derivative action. Settlement of corporate governance reforms.

IN RE: TOMOTHERAPY, INC. SECURITIES LITIGATION (W.D. WI 2008)

We represented the class as *Liaison* counsel in this action. Settlement of \$5 million.

IN RE: PUSKALA V. KOSS CORPORATION (E.D. WI 2010)

We represented the class as *Liaison* counsel in this action. Settlement of \$1 million.

IN RE ENERGY SOLUTIONS, INC. SHAREHOLDER LITIGATION (DEL. CH. 2013)

We represented the class as Co-Counsel in this action. Increased merger consideration by approximately \$36 million.

AMO V. INTEGRYS ENERGY GROUP, INC. (MILWAUKEE COUNTY, WI 2014)

We represented the class as *Liaison* counsel in this action. Settlement of additional disclosures to shareholders.

IN RE WAUSAU PAPER CORP. SHAREHOLDER LITIGATION (MILWAUKEE COUNTY, WI 2015)

We represented the class as *Liaison* counsel in this action. Settlement of additional disclosures to shareholders.

IN RE: OAKLAND COUNTY VOLUNTARY EMPLOYEES BENEFICIARY ASSOCIATION V. GENERAC HOLDINGS INC. ET AL (E.D. WI 2022)

We are *Liaison* counsel in this pending action.

REPRESENTATIVE RECENTLY FILED SECURITIES, DERIVATIVE, CORPORATE GOVERNANCE AND BUYOUT CLASS ACTIONS:

FIRST ENERGY CORP (S.D. OH)
CARBONITE, INC (D. MASS.)
UPSTART HOLDINGS INC. (E.D. CA)
IN RE ORIGIN MATERIALS SECURITIES LITIGATION (E.D. CA)
TAL EDUCATION (S.D. NY)

KALEYRA INC. (DE)
OPIANT PHARMACEUTICALS, INC. (DE)
EXONE COMPANY (DE)
BROADMARK CAPITAL REALTY, INC. (MD)
SPECTRUM PHARMACEUTICALS, INC. (DE)



ANTITRUST CLASS ACTIONS

EDWARDS ET AL V. NATIONAL MILK PRODUCERS FEDERATION ET AL. (N.D. CAL 2011)

We represented the class of indirect purchasers as co-class counsel. Settlements of \$52 million.

IN RE: POLYURETHANE FOAM ANTITRUST LITIGATION MDL DKT. NO. 2196 (N.D. OH 2010)

We represented the class of indirect purchasers as co-class counsel. Settlements of over \$151 million.

AL'S DISCOUNT PLUMBING LLC, ET AL. V. VIEGA LLC, (M.D. PA 2019)

We represented the class of indirect purchasers as co-class counsel. Settlement of \$15 million.

IN RE: INTERIOR MOLDED DOORS INDIRECT PURCHASER LITIGATION (E.D. VA 2018)

We represented the class of indirect purchasers as co-class counsel. Settlement of \$19.5 million.

IN RE: HARLEY DAVIDSON AFTERMARKET PARTS MARKETING SALES PRACTICE AND ANTITRUST LITIGATION MDL DKT. NO - 3064 (E. D. WI 2023)

We represent the consumers and indirect purchasers as *Liasson* Counsel in this action. Case Pending

IN RE: AUTOMOTIVE WIRE HARNESS SYSTEMS ANTITRUST LITIGATION MDL DKT. NO 2311 (E. D. MI 2011)

We represent the indirect purchaser class as co-counsel in this action. Settlements of over \$1.2 billion.

IN RE: PACKAGED SEAFOOD PRODUCTS ANTITRUST LITIGATION - MDL DKT. 2670 (S.D. CAL 2015)

We represent the indirect purchaser class of end users as co-counsel in this action. Settlements of \$156 million pending.

IN RE: CATHODE RAY TUBE ANTITRUST LITIGATION - MDL DKT. NO. 1917 (N.D. CAL 2008)

We currently represent the class of indirect purchasers as co-class counsel. Settlements of over \$609 million.

IN RE: AUTOMOTIVE REFINISHING PAINT ANTITRUST LITIGATION - MDL DKT. NO. 1426 (E.D. PA 2001)

We acted as co-counsel for the class of direct purchasers in more than 20 lawsuits brought against the major car paint manufacturers, including Sherwin Williams, Akzo Nobel, DuPont, PPG Industries and BASF. Settlement of more than \$108 million.

IN RE: FRESH AND PROCESS POTATOES ANTITRUST LITIGATION. - MDL DKT. NO. 2186 (E.D. PA 2010)

We represented the class of indirect purchasers as co-class counsel. Settlement of over \$5 million.

IN RE: INTERNATIONAL AIR TRANSPORTATION SURCHARGE ANTITRUST LIT. - MDL DKT. NO. 1793 (N.D. CAL 2006)

We represented the class as co-class counsel. Settlement of over \$200 million.

BLESSING ET AL V. SIRIUS XM RADIO INC. (S.D. NY 2009)

We represented the class as co-counsel in this action. Settlement valued at over \$180 million.

FOND DU LAC BUMPER EXCHANGE INC V. JUI LI ENTERPRISE COMPANY LTD ET AL (E.D. WI 2010)

We represented the third-party payor indirect purchaser class as a *Liaison* Counsel in this action. Settlements of \$8 million.

IN RE: TEXT MESSAGING ANTITRUST LITIGATION - MDL DKT. No. 1997 (N.D. IL 2008)

We represented the proposed class on plaintiff's steering committee in this action.

IN RE: POTASH ANTITRUST LITIGATION - MDL DKT. NO. 1996 (N.D. IL 2008)

We represented the indirect purchaser class as co-counsel in this action. Settlement of \$21.5 million.

REPRESENTATIVE RECENTLY FILED ANTITRUST CLASS ACTIONS:

IN RE: PASSENGER VEHICLE REPLACEMENT TIRES ANTITRUST LITIGATION- MDL No. 3107, (N.D OH 2024)

IN RE SUGAR INDIRECT PURCHASER ANTITRUST LITIG., 24-cv-01941 (D. MINN. 2024)

IN RE: FRAGRANCE END-USER PLAINTIFF ANTITRUST LITIGATION (D. NJ 2023)

IN RE: HARD DISK DRIVE SUSPENSION ASSEMBLIES' ANTITRUST LITIGATION - MDL DKT. 2918, (N.D. CAL 2019)

IN RE: QUALCOMM ANTITRUST LITIGATION - MDL DKT. 2773 (N.D. CAL 2017)

IN RE: DOMESTIC AIRLINE TRAVEL ANTITRUST LITIGATION - MDL DKT. NO. 2656 (D.C. 2015)

IN RE: DISPOSABLE CONTACT LENS ANTITRUST LITIGATION - MDL DKT. NO. 2626 (M.D. FL 2015)

IN RE: KEURIG GREEN MOUNTAIN SINGLE-SERVE COFFEE ANTITRUST LITIGATION - MDL Dkt. No. 2542 (S.D. NY 2014)

IN RE VEHICLE CARRIER SERVICES ANTITRUST LITIG., MDL No. 2471 (N.J. 2013)

IN RE: ELECTRONIC BOOKS ANTITRUST LITIGATION - MDL DKT. NO. 2293 (S.D. NY 2011)

IN RE: PHOTOCROMIC LENS ANTITRUST LITIGATION - MDL DKT. NO. 2173 (M.D. FL 2010)

IN RE: PROCESSED EGG PRODUCTS ANTITRUST LITIGATION - MDL DKT. NO. 2002 (E.D. PA 2008)

IN RE: AFTER MARKET AUTO FILTERS ANTITRUST LITIGATION - MDL DKT. NO. 1957 (N.D. IL 2008)



CONSUMER CLASS ACTIONS

McKINNIE V. CHASE BANK (E.D. WI 2008)

We represented the class as Lead Counsel in this action under the Electronic Funds Transfer Act. Settlement of \$2.1 million.

ELLIS V. NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER, (MILWAUKEE COUNTY, WI 2023)

We represent the class as Class Counsel in this action that has received preliminary approval. Settlement valued at \$1 million.

ORI V. FIFTH THIRD BANK AND FISERVE, INC. (E.D. WI 2008)

We represented the class on the Lead Class Counsel Committee in this action under the Fair Credit Reporting Act. Settlement valued at over \$3 million.

IN RE: LIBERTY REFUND ANTICIPATION LOAN LITIGATION MDL DKT. NO. 2334 (N.D. IL 2012)

We represented the class on the Lead Counsel Executive Committee in this action. Settlement of \$5.3 million.

LIPTAI V. SPECTRUM BRANDS HOLDINGS, INC. ET AL (DANE COUNTY, WI 2018)

We represented the class as Co-Lead Counsel in this action. Settlement of \$2.25 with additional equitable relief.

IN RE: WELLS FARGO AUTO INSURANCE MARKETING AND SALES PRACTICES LITIGATION MDL DKT. 2797 (C. D. CAL 2017)

We represented the class as co-counsel in this action. Settlement estimate pending of over \$432 million.

IN RE: DOLLAR GENERAL CORP. MOTOR OIL MARKETING AND SALES PRACTICES LITIGATION MDL No. 2709 (W. D. MO 2016)

We represented the certified class of Wisconsin consumers as co-lead counsel and several other class states as co-counsel in this action. Settlement of over \$28.5 million.

IN RE: PILOT FLYING J FUEL REBATE CONTRACT LITIGATION MDL No. 2358 (2013)

We represented the class as Settlement Class Counsel in this action. Settlement valued at \$72 million of full refund plus interest to the class.

IN RE: BOA CREDIT PROTECTION MARKETING AND SALES PRACTICES LITIGATION MDL DKT. NO. 2269 (N.D. CAL 2011)

We represented the proposed class as co-counsel. Settlement of \$20 million.

IN RE: CHASE BANK USA, N.A., "CHECK LOAN" CONTRACT LITIGATION - MDL DKT. NO. 2032 (N.D. CAL 2009)

We represented the proposed class as co-counsel. Settlement of \$100 million.

KARDONICK ET AL., V. J.P. MORGAN & CO. CHASE (S.D. FL 2010)

We represented the class as co-counsel. Settlement of \$21.5 Million.

IN RE: SAMSUNG TOP-LOAD WASHING MACHINE MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY- MDL DKT. 2792 (W. D. OK 2017)

We represented the class as co-counsel in this action. Settlement estimate pending of over \$125 million available to class members.

IN RE: COUNTRYWIDE FINANCIAL CORP. CUSTOMER DATA SECURITY BREACH MDL DKT. NO. 1998 (W.D. KY 2008)

We represented the class as co-counsel in this action. Settlement value estimated at over \$200 million.

IN RE: HEARTLAND PAYMENT SYSTEMS, INC., CUSTOMER DATA SECURITY BREACH MDL DKT. NO. 2046 (S.D. TX 2009)

We represented the class as a member of the Steering Committee in this action. Settlement valued at over \$4.5 million.

NEWMAN ET AL V. COMPLYRIGHT, INC., (N.D. IL 2018)

We represented the class as co-counsel in this action. Settlement of over \$3 million.

IN RE: HYUNDAI HORSEPOWER LITIGATION CA. SUP. CT. (2003)

We represented a United States and Canadian class of purchasers of Hyundai motor vehicles as co-counsel. Settlement of more than \$100 million.

IN RE SONY PS3 "OTHER OS" LITIGATION, (N.D. CAL 2010)

We represented the class as co-counsel in this action. Settlement of \$3.75 million.

PERDUE ET AL V. HY-VEE, INC. (C.D. IL 2019)

We represented the class as co-counsel in this action. Settlement Value of \$20 million.

IN RE WAWA, INC. DATA BREACH LITIGATION (E.D. PA 2019)

We represented the class as co-counsel in this action. Settlement value up to 44 million subject to court approval.

IN RE OCEAN BANK FINANCIAL CORP. PRE-SCREENING LITIGATION - MDL DKT. NO. 1998 (N.D. IL 2006)

We represented a Wisconsin class as Lead Counsel in this action under the Fair Credit Reporting Act.

BERNAL V. AMERICAN MONEY CENTERS, INC. (E.D. WI 2005)

We represented a Wisconsin class as Lead Counsel in this action under the Fair Credit Reporting Act.

REPRESENTATIVE RECENTLY FILED CONSUMER CLASS ACTIONS:

IN RE FOREFRONT DERMATOLOGY SC DATA BREACH LITIGATION ET AL (E.D. WI 2021)

IN RE: ERIE COVID-19 BUSINESS INTERRUPTION PROTECTION INS. LITIG. MDL No. (W.D. P.N. 2021)

IN RE: AMERICAN MEDICAL COLLECTION AGENCY, INC., CUSTOMER DATA SECURITY BREACH LITIGATION MDL No. 2904 (D. N.J. 2019)

IN RE: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation MDL No. 2828 (2018)

EXHIBIT 3

1 I, Katherine E. Charonko, declare:

2 1. I am a partner at Bailey & Glasser, LLP (“Bailey Glasser”). I have been
3 licensed to practice law in the state of West Virginia since 2011 and the District of
4 Columbia since 2012. I am admitted to practice in the U.S. District Courts for the
5 Southern District of West Virginia, Northern District of West Virginia, and Northern
6 District of Illinois. The following facts are within my personal knowledge, and if
7 called as a witness, I could and would testify competently to them.

8 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
9 Attorneys’ Fees, Costs, Expenses, and Service Awards.

10 3. On September 23, 2015, I, along with co-counsel at Zelle Hofmann
11 Voelbel & Mason LLP, filed a proposed class action lawsuit on behalf of my client
12 Diana Mey against Bumblee Bee Foods LLC, Starkist Company, Tri-Union Seafoods
13 LLC, and King Oscar, Inc. in the United States District Court – Southern District of
14 California and assigned Case No. 3:15-cv-02125-DMS-KSC. My client’s action was
15 consolidated into the instant action with other similar actions filed in other
16 jurisdictions nationwide as a Multi-District Litigation titled, *In Re: Packaged Seafood*
17 *Products Litigation*, No. 15-MD-2670 in the Southern District of California (the
18 “Action”).

19 4. The principal counsel at Bailey Glasser is Eric B. Snyder, who has
20 practiced civil litigation on behalf of consumers and individuals in West Virginia
21 since 2002 and Pennsylvania since 2003. Mr. Snyder is the Practice Group Leader of
22 the firm’s Automotive, Antitrust, Insurance, Financial Productions, and
23 Whistleblower Practice Group. The firm generally employs over 80 attorneys
24 practicing in the areas of consumer class action, unfair competition law, complex
25 commercial litigation, including in finance and energy, multi-district litigation
26 involving medical devices, pharmaceuticals, and automobiles, bankruptcy and
27 insolvency proceedings, individual negligence cases, and appellate representation.
28 Attached hereto as **Exhibit A** is the Bailey Glasser Firm resume.

- 1 -

1 5. Bailey Glasser’s attorneys have a long history of successfully handling
2 class actions across a range of industries, including antitrust cases. I bring substantial
3 experience in complex litigation matters with a history of litigating in an efficient and
4 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
5 actions. *See Exhibit A* at Pages 4-5, and 8.

6 6. I have an extensive background in antitrust and consumer protection
7 class action litigation. I have litigated class action cases across the country involving
8 antitrust and unfair competition claims, including the following recent matters in
9 which I have a leadership position:

- 10 • *In Re: 3M Products Liability Litigation*, No. 3:19-md-2885 (MDL No.
11 2885) (N.D.F.L.)(Leadership Team for the Discovery & ESI
12 Subcommittee);
- 13 • *In Re: Atrium Medical Corp. C-Qur Mesh Products Liability Litigation*, No.
14 16-md-2753-LM (MDL No. 2753) (N.H.D.) (Liaison Director of e-
15 Discovery); and
- 16 • *In Re: Davol/C.R. Bard Hernia Mesh Multi-Case Management*, Master
17 Docket No. PC-2018-9999 (State of Rhode Island) (Liaison Director of e-
18 Discovery).

19 Additionally, I have participated as a member of Bailey Glasser’s plaintiff
20 steering committee team on the Volkswagen Diesel Emissions MDL in the Northern
21 District of California and worked with the Plaintiffs’ lead counsel committee for the
22 economic loss cases in the Toyota sudden acceleration MDL in the Middle District of
23 California.

24 7. I and my firm have been involved in the litigation of this Action under
25 the direction of Class Counsel, including, among other tasks, extensively
26 investigating the claims, both before and after filing the initial complaint; researching
27 underlying issues of law and drafting the initial complaint; coordinating with other
28 plaintiffs’ counsel regarding consolidation; assisting in drafting discovery responses

1 and compiling responsive documents for our client; and communications with our
2 client regarding various stages of litigation, trial preparation and settlement.

3 8. The rates for Bailey Glasser attorneys and staff that have worked on the
4 Action, as well as their hours spent working on the Action as of September 1, 2024,
5 and their corresponding lodestar, are as follows:

Bailey Glasser Lodestar through September 1, 2024			
Timekeeper	Rate	Hours	Lodestar
John Barrett, Partner	\$950.00 per hour	2.1	\$1,995.00
Eric Snyder, Partner	\$950.00 per hour	6.5	\$6,175.00
Katherine Charonko, Partner	\$750.00 per hour	39.60	\$29,700.00
Tony Clackler, Associate	\$650.00 per hour	18.00	\$11,700.00
Whitney Johnson, Paralegal	\$350.00 per hour	27.70	\$9,695.00
Patrick Clark, Other	\$150.00 per hour	3.80	\$570.00
TOTAL:			\$59,998.74

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15 9. These records were prepared from contemporaneous, daily time records
16 regularly prepared and maintained by Bailey Glasser in its usual course and manner.
17 Bailey Glasser maintains detailed records regarding the amount of time spent by its
18 professionals, and the lodestar calculation is based on Bailey Glasser’s rates used in
19 similar matters. These records are available for review at the request of the Court.

20 10. In my judgment and based on my experience in complex class action
21 litigation and other litigation, the number of hours expended, and the services
22 performed by my firm, were reasonable and necessary for my firm’s representation
23 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
24 hours spent on each task.

25 11. I have general familiarity with the range of rates typically charged by
26 plaintiffs’ class action counsel specifically in the field of unfair competition and
27 antitrust in the geographical area where my firm practices and throughout the United
28

1 States, both on a current basis and historically. From that basis, I am able to conclude
2 that the rates charged by my firm are commensurate with those prevailing in the
3 market for such legal services furnished in complex class action litigation such as this.
4 My firm's rates were most recently approved by the following Courts:

- 5 • *In Re: Atrium Medical Corp. C-Qur Mesh Products Liability Litigation*, No. 16-md-2753-LM (MDL No. 2753) (N.H.D.);
- 6 • *Marcia G. Fleming, et al v. Rollins, Inc., et al.*, No. 1:21-cv-05343-ELR (N.D.G.A.); and
- 7 • *Shari Ahrendsen, et al v. Prudent Fiduciary Services, LLC, et al.*, No. 2:21-cv-02157-HB (E.D.P.A.).

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12 12. My firm has incurred costs of \$651.89 so far in litigating the Action,
13 consisting of the following categories of costs:

Category	Cost
Online Research	\$302.49
Reproduction/Duplication	\$2.40
Telephone/Conference Calls	\$0.00
Postage	\$0.00
Court & Filing Fees	\$347.00
Total:	\$651.89

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22 13. Throughout the litigation, my firm and I worked under the direction of
23 Class Counsel, and I made every effort to operate as efficiently as possible and to
24 avoid unnecessary duplication. I coordinated with Class Counsel for all work
25 performed and costs incurred in this matter.

26 I declare under penalty of perjury under the laws of the United States that the
27 foregoing is true and correct. Executed on October 4, 2024, at Charleston, West
28 Virginia.

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Dated: October 4, 2024

By: /s/ Katherine E. Charonko
Katherine E. Charonko

Exhibit A

BAILEY GLASSER

HOME OFFICE:

WEST VIRGINIA
209 Capitol Street
Charleston, WV 25301

Toll Free: 877-852-0342
Facsimile: 304-342-1110

SATELLITE OFFICES:

ALABAMA

3000 Riverchase Galleria,
Suite 905
Birmingham, AL 35244

CALIFORNIA

580 California Street
12th and 16th Floors
San Francisco, CA 94104

DELAWARE

Red Clay Center at Little
Falls
2961 Centerville Road,
Suite 302
Wilmington, DE 19808

FLORIDA

600 Cleveland Street,
Suite 316
Clearwater, FL 33775

IOWA

309 East 5th Street,
Suite 202B
Des Moines, IA 50309

IDAHO

800 West Main St.,
Suite 1460
Boise, ID 83702

ILLINOIS

318 W. Adams St.,
Suite 1512
Chicago, IL 60606

210 W. Division Street
Maryville, IL 62062

MASSACHUSETTS

99 High Street,
Suite 304
Boston, MA 02110

MISSOURI

8012 Bonhomme
Avenue,
Suite 300
Clayton, MO 63105

NEW JERSEY

923 Haddonfield Rd,
Suite 307
Cherry Hill, NJ 08002

PENNSYLVANIA

180 Swinderman
Road,
Suite 100
Wexford, PA 15090

TEXAS

PO Box 1089
Hewitt, TX 76643

WASHINGTON, D.C.

1055 Thomas Jefferson St., NW
Suite 540
Washington, DC 20007

WEST VIRGINIA

94 Long Street,
Suite 200
Westover, WV 26501

Introduction

Bailey Glasser LLP (“BG”) was founded by Ben Bailey and Brian Glasser in Charleston, West Virginia in 1999. Since then, the firm has grown to include over 80 lawyers and nearly the same number of other employees and support staff, with offices in Charleston and Morgantown, West Virginia, as well as Alabama, California, Delaware, Florida, Iowa, Idaho, Illinois, Massachusetts, Missouri, New Jersey, New York, Pennsylvania, Texas, and Washington, D.C. Firm attorneys are licensed to practice law in 25 U.S. states.

Since its inception, clients have relied on BG to handle their most challenging and consequential legal issues, regionally and nationwide. The firm represents plaintiffs and defendants, including individuals, businesses and governments. BG’s corporate practice handles business matters ranging from the negotiation and execution of billions of dollars in commercial transactions, to IPOs, to assisting foreign businesses with investments in U.S. assets. Lawyers throughout the country call upon the firm to access BG’s unique blend of resources, trial experience, and expertise. Our litigation group has a substantial practice in complex multidistrict (“MDL”) and class action litigation, with an emphasis on consumer protection, products liability and defects, and commercial litigation.

BG continues to expand its knowledge and experience in the complex MDLs and class action litigations, while maintaining numerous leadership appointments in current and previous litigations.

Representative Plaintiffs' Class Action Cases

Volkswagen "Clean Diesel" Marketing, Sales Practices, and Product Liability Litigation MDL No. 2672 CRB (JSC) (N.D. Cal.) - Ben Bailey serves as one of twenty-three lawyers on the Plaintiffs' Steering Committee for the Volkswagen Diesel Emissions MDL pending in the Northern District of California. Bailey Glasser LLP helped settle the first round of claims in the case, involving vehicles with 2.0 liter diesel engines, for more than \$15 billion. Final approval was granted for a settlement worth at least \$1.2 billion for the 3.0 liter diesel engines. A \$327.5 million settlement with German auto electronics supplier Robert Bosch has also been approved.

In Re: Atrium Medical Corp. C-Qur Mesh Products Liability Litigation (MDL No. 2753) - David Selby, II, serves on the Plaintiffs' Executive Committee and Kate Charonko serves as liaison director of e-Discovery for the Atrium MDL. This MDL consolidates federal lawsuits from all across the country against Atrium Medical Corporation. The lawsuits allege that the C-Qur Mesh manufactured by Atrium is made of polypropylene with an outer coating derived from fish oil. The lawsuits claim the fish oil coating on C-Qur mesh produces an allergic or inflammatory reaction that has caused serious injuries, including, organ perforations and bowel obstructions.

Toyota Unintended Acceleration Marketing, Sales Practices, and Product Liability Litigation Case No.: 8:10ML2151 JVS (FMOx) (C.D. Cal.) - In 2009, Bailey Glasser LLP filed one of the first wrongful death actions alleging sudden-acceleration defects in a Toyota Camry. Ultimately, B&G lawyers were appointed to key MDL leadership roles in what came to be, at the time, one of the largest products liability cases ever filed. Ben Bailey served on the plaintiffs' lead counsel committee pursuing economic-loss damages; Eric Snyder serves in the same capacity on the committee pursuing personal injury claims. The firm played a leading role in developing expert testimony on the sudden acceleration defect in 2002-2010 Toyota vehicles. The economic-loss claims settled for \$1.6 billion. Hundreds of personal injury claims have also been settled.

Krakauer v. Dish Network. L.L.C., No. 1:14-CV-00333-CCE-JEP (M.D. NC) - The firm obtained a \$20.5 million verdict in a class action trial against Dish Network. The class, led by class representative Dr. Thomas Krakauer of Bahama, North Carolina, alleged Dish was liable for more than 51,000 telemarketing calls placed by a defunct DISH dealer to persons whose telephone numbers were on the National Do Not Call Registry. The jury found DISH liable for all calls and awarded \$400 per violation of the Telephone Consumer Protection Act.

Brundle v. Wilmington Trust, No. 1:15-cv-1494 (E.D. Va.)- Bailey Glasser LLP recovered \$30 million for the participants in the Constellis Employee Stock Ownership Plan following a two-week trial. The court's decision set important new standards for ESOP trustees representing plans and participants in ESOP transactions.

In re: Monitronics Int'l, Inc. Telephone Consumer Protection Act Litigation, MDL No. 2493 (N.D. W. Va.) - The firm serves in both lead and liaison positions in an MDL case, In re: Monitronics Int'l, Inc. Telephone Consumer Protection Act Litigation. The MDL consolidates five putative class actions originally brought in federal courts in West Virginia, Washington, California, and Illinois. The cases allege violations of the TCPA, a federal law that strictly regulates "robocall" telemarketing and telemarketing to persons listed on the national Do Not Call Registry.

Comcast Set-Top Cable Television Box Antitrust Litigation, MDL No. 2034 (E.D. Pa.) - The firm serves on the Plaintiffs' Steering Committee in MDL action alleging antitrust violations related to defendant's set-top cable box policies.

In re: Blue Cross Blue Shield Antitrust Litigation, MDL No. 2406 (N.D. Ala.) - The firm serves on the Plaintiffs' Steering Committee in the pending MDL case alleging nationwide market allocation and price-fixing antitrust violations by the Blue Cross Blue Shield Association and its members.

Anderson v. National City Bank (formerly Provident Bank), No. 04-C-199 (Cir. Ct. of Mercer County, W. Va.) - The firm was brought in by a respected legal service firm six months before trial as co-lead counsel in a certified predatory-lending class action in West Virginia state court. The case settled for \$8.1 million, a sum that completely paid off more than fifty mortgages loans and made additional cash payments to class members of up to \$34,000 each.

Carter v. Taurus Int'l Mfg., et al., Taurus Pistol Unintended Discharge Case - The firm serves as co-lead counsel in a nationwide product liability class action against firearm manufacturer Taurus alleging design defects in nine pistol models that can result in unintended discharge if the pistol is dropped. Granted final approval from the U.S. District Court for the Southern District of Florida on July 22, 2016, the settlement's total possible value has been assessed to be \$239 million. The terms of the settlement include a buyback or replacement of almost one million pistols, as well as additional safety training with regards to the defects alleged in the suit. The case is currently on appeal to the U.S. Court of Appeals for the Eleventh Circuit by three objectors to the settlement.

Cummins v. H&R Block, Inc. - In a case litigated for five years in venues ranging from the West Virginia trial and appellate courts, to federal district courts in West Virginia and Illinois, to the United States Supreme Court, our lawyers served as lead counsel in winning a \$62.5 million multistate class action settlement against H&R Block. The case involved first-impression claims relating to the application of West Virginia's credit-services organization statute to Block's refund anticipation loan product. Other firms across the country litigated cases against Block alleging similar claims, without success, for more than ten years. West Virginia's share of the settlement was \$32.5 million.

Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation, MDL No. 2775 (D. Md.) - Mr. Selby serves on the PSC of this MDL, the cases in which allege that the metal-on-metal design of the company's R3 and BHR line of hip implants lead to tiny particles of cobalt and chromium metal alloys being shed into patients' hip joints and bodies, potentially leading to bone and tissue necrosis, toxic damage and the formation of pseudotumors. This MDL is currently in the deposition phase of discovery. Mr. Selby has an active role in preparing for and taking all the marketing related corporate witnesses' depositions.

3M Products Liability Litigation, MDL No. 2885 (N.D. Fl.) - Kate Charonko serves on the ESI Subcommittee. The related actions generally allege that the defendants' dual-ended Combat Arms earplugs were defective and caused the plaintiffs to develop hearing loss and/or tinnitus.

In Re: Davol/C. R. Bard Hernia Mesh Multi-Case Management Litigation, Case No.: 18-9999 (Superior Court R.I.) - David Selby serves on the PSC and Kate Charonko serves as liaison director of e-Discovery for the Davol/C. R. Bard Hernia Mesh Products Liability Litigation. This state court MDL consists of plaintiffs who had one or more of defendants' hernia mesh products implanted for hernia repair. It is being alleged that the polypropylene material used in defendants' hernia mesh products is unreasonably susceptible to in vivo oxidative degradation, which causes or exacerbates excessive inflammation and adverse foreign body reaction, leading to excessive shrinkage, scarification, pain and mesh deformation.

Principal Attorneys



Eric B. Snyder



Katherine E. Charonko



Eric B. Snyder

EMAIL

esnyder@baileyglasser.com

EDUCATION

J.D., 2002, magna cum laude; Order of the Coif; Articles Editor; Law Review - University of Pittsburgh School of Law

B.S., Mining Eng., 1999 - Penn State University

BAR ADMISSIONS

Pennsylvania, 2003
West Virginia, 2002

COURT ADMISSIONS

U.S. Supreme Court
U.S. Court of Appeals for the Fourth Circuit
U.S. District Court - Northern District of West Virginia
U.S. District Court - Southern District of West Virginia
U.S. District Court - Northern District of Illinois

PRACTICE AREAS

High Stakes Litigation
Class Actions-Mass Torts
Products Liability-Personal Injury

A partner in the Firm's Charleston office, Eric maintains a nationwide complex litigation practice. While focusing on class actions and mass torts, Eric represents a diverse group of clients including injured individuals, businesses involved in commercial disputes and persons subject to civil enforcement actions. With a degree in Mining Engineering from Penn State, Eric has also represented clients with both commercial and personal issues in many aspects of the mining and energy industries.

Along with his engineering background, during the Toyota Sudden Unintended Acceleration ("SUA") Litigation, Eric was one of only a handful of attorneys granted access to work on the analysis of Toyota's software. In this role, Eric worked extensively with experts on both sides and provided invaluable research and data needed to unpack the software coding. Eric has been quoted or featured in various major news media outlets, including the New York Times, The Wall Street Journal, USA Today, the Philadelphia Inquirer, CNBC and the BBC in connection with his work in the Toyota SUA Litigation, where he is currently serving on the Plaintiffs' Committee for the Personal Injury and Wrongful Death Cases.

In addition to his involvement in product liability cases, Eric also focuses part of his work on antitrust matters, protecting consumers against unfair practices, such as price-fixing. He represented a group of West Virginia wine distributors in an antitrust action against a nationwide alcohol distributor and its West Virginia affiliate, and obtained a confidential settlement within 18 months of filing.

In October 2010, Eric was recognized as among the 75 most formidable plaintiff's lawyers in the United States by the defense bar, in-house counsel and persons involved in the tort reform movement. In October 2013, the firm in general, and Eric in particular, was named as having a Top National Plaintiffs' Class Action Practice by the U.S. Chamber of Commerce. He is AV rated in Martindale-Hubbell. Eric was also named a West Virginia Super Lawyer "Rising Star" every year from 2011 to 2015. He has written and spoken on class action, consumer finance and general litigation topics.



Katherine E. Charonko

EMAIL

kcharonko@baileyglasser.com

EDUCATION

J.D., 2011; Order of the Barrister; Winner 2011 Marilyn E. Lugar Trial Competition - West Virginia University College of Law

B.F.A., 2007, summa cum laude; Outstanding Senior Award - West Virginia University

BAR ADMISSIONS

West Virginia, 2011
District of Columbia, 2012

COURT ADMISSIONS

U.S. District Court - Southern District of WV
U.S. District Court - Northern District of WV
U.S. District Court - Northern District of IL

PRACTICE AREAS

High Stakes Litigation
Complex Commercial Litigation
Class Actions-Mass Torts
Products Liability-Personal Injury
Corporate & Finance
Cybersecurity & Global Data Protection

GOVERNMENT EXPERIENCE

Judicial Extern, Hon. Irene M. Keeley, U.S. District Court for the Northern District of West Virginia, 2011

Kate, a partner in the Firm’s Charleston office, focuses her practice mainly on complex litigation, e-Discovery and plaintiff class actions. She serves as part of Bailey Glasser LLP’s multidistrict litigation teams focusing on automotive and medical device product liability actions and as a team member on numerous other multidistrict litigation matters across the country. Much of her focus during these litigations has been on electronic discovery and expert development: Some of this work includes:

- Serving as liaison director of e-Discovery to several MDL leadership committees in various cases focusing on medical device product liability claims surrounding manufactured hernia mesh products, including working with the plaintiffs’ executive committee in Atrium Medical Corp. C-Qur Mesh Products Liability Litigation (MDL No. 2753) and has been appointed to the Discovery & ESI Subcommittee in the multidistrict litigation in the defective 3M combat arms earplugs case.
- Participating as a member of Bailey Glasser LLP’s plaintiff steering committee team on the Volkswagen Diesel Emissions MDL in the Northern District of California, the largest automotive class action in history, with settlements predicted to exceed \$10 billion.
- Serving as part of the team working with the plaintiffs’ lead counsel committee for the economic loss cases in the Toyota sudden acceleration MDL in the Middle District of California, which settled for \$1.6 billion and handled more than a dozen related death and serious injury cases.

Once Kate became involved in the Toyota Sudden Unintended Acceleration (“SUA”) case six years ago, she knew she wanted to pursue work on complex national cases with a focus on the electronic discovery. “That sealed it for me,” she said, “complex, multidistrict product liability cases are a way to speak for those who might not otherwise have a voice.”

In addition to her litigation work, Kate is the director of the firm’s developing e-Discovery practice. Kate advises and assists clients and attorneys regarding numerous aspects of e-Discovery, including document review strategy; use of technology and technology assisted review; collection and preservation strategy; development of case specific protocols; and training and implementation of e-Discovery practices at Bailey Glasser LLP. Kate is a member in various e-Discovery organizations, such as The Sedona Conference and Women in e-Discovery.

Kate graduated from West Virginia University College of Law, where she participated in the Civil Law Clinic representing clients in a variety of matters, including matters in the U.S. District Court for the Northern District of West Virginia. Upon graduation, Kate received the Order of the Barristers national honorary distinction for her written and oral advocacy skills. Before joining Bailey Glasser LLP, Kate completed a graduate externship with the Hon. Judge. Irene M. Keeley, a now-senior status judge of the U.S. District Court for the Northern District of West Virginia.

EXHIBIT 4

1 BLOOD HURST & O'REARDON, LLP
2 TIMOTHY G. BLOOD (149343)
3 501 West Broadway, Suite 1490
4 San Diego, CA 92101
5 Tel: 619/338-1100
6 Fax: 619/338-1101
7 tblood@bholaw.com

8 *Counsel for Plaintiffs Jason Wilson,
9 Jeffrey Potvin, Stephanie Gipson,
10 Robert Fragoso, Samuel Seidenburg,
11 Janelle Albarello, & Michael Coffey*

12 UNITED STATES DISTRICT COURT

13 SOUTHERN DISTRICT OF CALIFORNIA

14 IN RE: PACKAGED SEAFOOD
15 PRODUCTS ANTITRUST
16 LITIGATION

) Case No.: 15-MD-2670 DMS (MSB)
)
) **DECLARATION OF TIMOTHY G.**
) **BLOOD IN SUPPORT OF END**
) **PAYER PLAINTIFFS' MOTION**
) **FOR ATTORNEYS' FEES,**
) **COSTS, EXPENSES, AND**
) **SERVICE AWARDS**

17 _____
18 This Document Relates to:
19 End Payer Plaintiffs Class Track

) DATE: November 22, 2024
) TIME: 1:30 p.m.
) JUDGE: Hon. Dana M. Sabraw
) COURT: 13A (13th Floor)
)
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1 I, Timothy G. Blood, declare:

2 1. I am managing partner at Blood Hurst & O’Reardon, LLP (“BHO”). I
3 have been licensed to practice law in the state of California since 1990. I am admitted
4 to practice in the U.S Supreme Court, the United States Courts of Appeal for the
5 Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth and Eleventh Circuits, and the
6 United States District Courts for the Northern, Eastern, Central and Southern Districts
7 of California, the Eastern and Western Districts of Arkansas, the District of Colorado,
8 the Northern District of Illinois, and the Eastern District of Michigan. The following
9 facts are within my personal knowledge, and if called as a witness, I could and would
10 testify competently to them.

11 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
12 Attorneys’ Fees, Costs, Expenses, and Service Awards.

13 3. I am the principal antitrust counsel at BHO, and have practiced civil
14 litigation on behalf of consumers and individuals in California and nationwide since
15 the early 1990’s. Attached hereto as **Exhibit A** is the BHO Firm resume.

16 5. BHO’s attorneys have a long history of successfully handling class
17 actions across a range of industries, including antitrust cases. I bring substantial
18 experience in complex litigation matters with a history of litigating in an efficient and
19 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
20 actions. *See Exhibit A* at 1 - 4.

21 6. I have an extensive background in class action litigation. I have litigated
22 numerous class action cases across the country involving antitrust and unfair
23 competition claims, including the following recent matters in which I have a
24 leadership position:

- 25 • *Turrey v. Vervent, Inc.*, (S.D. Cal.);
- 26 • *Warner v. Toyota Motor Sales* (C.D. Cal);
- 27 • *In re: Johnson & Johnson Talcum Powder Prods. Mktg., Sales Practices, and*
28 *Prods. Liability Litig.* (D.N.J.) (F.R.C.P. 23(g) counsel)

- 1 • *Yamagata v. Reckitt Benckiser* (N.D. Cal.) (F.R.C.P. 23(g) counsel);
- 2 • *Mullins v. Premier Nutrition Corp.* (N.D. Cal.) (F.R.C.P. 23(g) counsel);
- 3 • *Corvello v. Wells Fargo Bank, N.A.* (N.D. Cal.) (F.R.C.P. 23(g) counsel);
- 4 • *Snyder v. the Regents of the University of California*, JCCP No. 589243 (Cal. Super. Ct., Los Angeles Cnty., Hon. John Shepard Wiley, Jr.).

6 8. The submitted time reports for BHO attorneys and staff that have worked
7 on the Action, as well as their hours spent working on the Action as of September 1,
8 2024, and their corresponding lodestar, total is **\$3,290** for 11 hours of work by my
9 office. I expended a couple hours discussing trial preparation with lead counsel in
10 April of 2024, which I did not include in this total.

11 9. These records were prepared from contemporaneous, daily time records
12 regularly prepared and maintained by BHO in its usual course and manner. BHO
13 maintains detailed records regarding the amount of time spent by its professionals,
14 and the lodestar calculation is based on BHO's historic billing rates. Unfortunately,
15 we converted to a new billing system and during the conversion, time records for older
16 cases with small billing amounts were deleted.

17 10. In my judgment and based on my experience in complex class action
18 litigation and other litigation, the number of hours expended, total comparative
19 lodestar, and the services performed by my firm, were reasonable and necessary for
20 my firm's representation of Plaintiffs, in coordination with Class Counsel, who
21 approved the tasks and the hours spent on each task.

22 11. I have general familiarity with the range of hourly rates typically charged
23 by plaintiffs' class action counsel specifically in the field of unfair competition and
24 antitrust in the geographical area where my firm practices and throughout the United
25 States, both on a current basis and historically. From that basis, I am able to conclude
26 that the rates charged by my firm are commensurate with those prevailing in the
27 market for such legal services furnished in complex class action litigation such as this.
28 My firm's current hourly rates, which exceed the present submission substantially,

1 are regularly approved.

2 12. My firm has additionally incurred costs of **\$892** so far in litigating the
3 Action, consisting filing fees and minor expenses:

4 13. Throughout the litigation, my firm and I worked under the direction of
5 Class Counsel, and I made every effort to operate as efficiently as possible and to
6 avoid unnecessary duplication. I coordinated with Class Counsel for all work
7 performed and costs incurred in this matter.

8 I declare under penalty of perjury under the laws of the United States that the
9 foregoing is true and correct. Executed on October 25, 2024, at San Diego, California.

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Dated: October 25, 2024 By: /s/ Timothy G. Blood
TIMOTHY G. BLOOD

EXHIBIT A



501 West Broadway, Suite 1490 | San Diego, CA 92101
T | 619.338.1100 F | 619.338.1101
www.bholaw.com

FIRM RESUME



Blood Hurst & O'Reardon, LLP (“BHO”) is a nationally recognized law firm that primarily focuses on the prosecution of complex class action litigation. The firm advocates for the rights of consumers, workers, insurance policyholders and investors in state and federal trial and appellate courts throughout the country. The principals of Blood Hurst & O'Reardon come from a large firm that represented plaintiffs in class action litigation, where they formed the core of the consumer and insurance practice group. Blood Hurst & O'Reardon’s principals have consistently been appointed lead counsel and have held other leadership positions in a wide variety of complex litigation.

Since our founding in 2010, BHO has established itself as a leader in class action litigation. BHO’s legacy has been marked by precedent-setting victories on behalf of plaintiffs at class certification, summary judgment, on appeal in courts throughout the country, class action trial victories, and by achieving record-setting settlements. We have played an instrumental role in helping shape and pass pro-consumer legislation, forged partnerships with the Federal Trade Commission to jointly litigate unfair competition claims, and worked alongside governmental entities to prosecute complex litigation against some of the world’s largest corporations.

Timothy G. Blood

Mr. Blood is the firm’s managing partner. His practice has focused on complex litigation, including class action litigation, since the early 1990’s. Mr. Blood has tried class action cases and is highly regarded in the field of consumer protection law, including California’s Unfair Competition Law and Consumers Legal Remedies Act. Mr. Blood was named a “Titan of the Plaintiff’s Bar” by the national legal publication Law360.

Mr. Blood has represented millions of retail consumers, workers, holders of life, automobile and homeowner insurance policies, data breach victims, mortgagors, credit card customers, homeowners, and victims of race discrimination. He practices in both state and federal courts throughout the country and has represented the interests of consumers formally or informally before the Federal Trade Commission, the U.S. Consumer Products Safety Administration, the California Department of Justice, the California Legislative Analyst’s Office and the California Department of Insurance. He has worked with the Federal Trade Commission to obtain record setting recoveries for consumers. In *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.), Mr. Blood’s work with the Federal Trade Commission resulted in the largest consumer recovery in a false advertising action in FTC history. Other large and record-setting recoveries for consumers include a \$3.4 billion settlement in 2017 for owners of certain Toyota vehicles and the largest false advertising recovery in the history of the food industry.

Since 2010, some of Mr. Blood’s court-appointed leadership positions include: Federal Rule of Civil Procedure 23(g) counsel in Court appointed lead counsel in *Turrey v. Vervent, Inc.*, (S.D. Cal.); *Warner v. Toyota Motor Sales* (C.D. Cal); Federal Rule of Civil Procedure 23(g) counsel in *In re: Johnson & Johnson Talcum Powder Prods. Mktg., Sales Practices, and Prods. Liability Litig.* (D.N.J.); Federal Rule of Civil Procedure 23(g) counsel in *Yamagata v. Reckitt Benckiser* (N.D. Cal.); Federal Rule of Civil Procedure 23(g) counsel in *Mullins v. Premier Nutrition Corp.* (N.D. Cal.); Federal Rule of Civil Procedure 23(g) Class Counsel in *Corvello v. Wells Fargo Bank, N.A.* (N.D. Cal.); Executive Committee member in *Snyder v. the Regents of*



the University of California, JCCP No. 589243 (Cal. Super. Ct., Los Angeles Cnty., Hon. John Shepard Wiley, Jr.); Federal Rule of Civil Procedure 23(g) Class Counsel in *Rikos v. The Procter & Gamble Co.*, (S.D. Ohio; Federal Rule of Civil Procedure 23(g) Class Counsel in *Godec v. Bayer Corp.* (N.D. Ohio); Federal Rule of Civil Procedure 23(g) Class Counsel in *Johns v. Bayer Corp.* (S.D. Cal.); Federal Rule of Civil Procedure 23(g) Class Counsel in *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.); Plaintiffs' Liaison Counsel and Steering Committee member by the United States District Court for the Southern District of California in the multidistrict litigation *In re Sony Gaming Networks and Customer Data Sec. Breach Litig.*; Class Counsel by the district court for the District of Massachusetts in *In re Reebok Easytone Litig.*; Class Counsel in *Serochi v. Bosa Dev. Cal.* by the San Diego Superior Court; Co-Lead Class Counsel by the Los Angeles Superior Court in *In re Toyota Motor Cases*, (Toyota Unintended Acceleration Consolidated Litigation); Co-Lead Class Counsel by the United States District Court for the Southern District of California in the multidistrict litigation *In re Hydroxycut Mktg. and Sales Practices Litig.*; Co-Lead Class Counsel by the United States District Court for the Central District of California in *Johnson v. Gen. Mills, Inc.*; Co-Lead Class Counsel by the United States District Court for the Northern District of Ohio in *Gemeles v. The Dannon Co.*; Co-Lead Class Counsel by the United States District Court for the Southern District of California in *Hartless v. Clorox Co.*; and Class Counsel by the United States District Court for the Southern District of Florida in *Smith v. Wm. Wrigley, Jr. Co.*

Mr. Blood has litigated many data breach privacy actions, including leading as Co-Liaison Counsel and member of the Plaintiff's Steering Committee *In re Sony Gaming Networks and Customer Data Security Breach Litigation*, MDL 2258 (S.D. Cal.), one of the largest data breach cases at the time. He represents the City of San Diego in *People for Experian Data Corp.* Case No. 37-2019-01047183 (Cal. Super. Ct., Orange Cnty) in data breach notification action on behalf of the People of the State of California against a leading consumer credit reporting and data aggregation company and represented plaintiffs in *Patton v. Experian Data Corp.*, No. SACV 15-1871 JVS (C.D. Cal.), a multi-state data breach notification action against arising out of the same conduct. Mr. Blood is a member of the Plaintiff's Executive Committee in *Snyder v. the Regents of the University of California*, JCCP No. 589243 (Cal. Super. Ct., Los Angeles Cnty), among others.

Mr. Blood has also drafted legislation aimed at modernizing data breach and related privacy laws, including drafting portions of, lobbying for, and testifying before both houses of the California Legislature in support of the landmark California Consumer Privacy Act of 2018 and the California Privacy Rights Act of 2020, which amended and expanded the CCPA. The CCPA passed unanimously through both houses of the California legislature and provides the most sweeping digital privacy protection in the United States. It is a model for other proposed state and federal laws.

Mr. Blood has acted as lead counsel in a number of "functional food" false advertising class actions, including cases against General Mills and The Dannon Company filed in federal courts around the country. The *Dannon* litigation resulted in the largest settlement in food industry history for false advertising.



He was lead trial counsel in *Turrey v. Vervent, Inc.*, (S.D. Cal. 2023), a rare nationwide civil RICO class action tried to jury verdict. There, he successfully represented a class of ITT Tech student loan borrowers who were forced into loans used in a scheme to defraud them, taxpayers, and the federal government. He was co-lead trial counsel *Montera v. Premier Nutrition Corporation* (N.D. Cal. 2022) an unfair business practices and false advertising class action where he represented a class of arthritic dietary supplement purchasers. The case also was successfully tried to a jury verdict. He also was lead counsel in *Lebrilla v. Farmers Ins. Grp., Inc.* (Cal. Super. Ct., Orange Cnty.) a multistate class action which settled on terms favorable to the class after a month long trial and just before closing arguments. He was also co-lead trial counsel in *In re Red Light Photo Enf't Cases* (Cal. Super. Ct. San Diego Cnty.), an action brought on behalf of California motorists.

Mr. Blood has represented millions of purchasers of food, food supplements and over-the-counter drugs arising out of various advertising claims made by manufacturers and retailers. He has also represented owners of motor vehicles in product liability cases and consumer credit and mortgage borrowers against a number of major lending institutions, including Bank of America, Washington Mutual, Countrywide, GMAC and Wells Fargo.

Mr. Blood has wide-ranging experience litigating against life, auto and other insurance carriers on behalf of consumers. His experience litigating against life insurance companies includes representing owners, holders and beneficiaries of industrial life insurance in race discrimination cases (with class periods dating back to the late 1800's). He also represented those holding traditional life insurance policies in market conduct actions such as the "vanishing premium" life insurance actions. Mr. Blood was responsible for one of only two litigated cases where classes were certified in the vanishing premium series of cases. He was one of the few plaintiffs' attorneys to obtain class-wide recoveries in the "imitation parts" automobile insurance actions. Insurance companies against whom Mr. Blood has litigated include the American General companies, Farmers Insurance Group of companies, Mercury Insurance Group, Allstate, State Farm, Great Southern Life, Metropolitan Life, United Life Insurance Company, Midland National Life Insurance Company and General American Insurance Company.

Mr. Blood has also represented consumers in traditional false advertising actions, those victimized by so-called "negative option" sales practices, and owners of a variety of different types of faulty computer equipment and software from manufacturers. Some of these retailers and manufacturers include Apple, Dell, IBM, Procter & Gamble, General Mills, The Dannon Company, Bayer, AG, Bosa Development, Kellogg Company, and General Dynamics.

Mr. Blood has been involved in many precedent-setting appellate decisions in areas which include consumer and insurance law and class action procedure. These appellate decisions include: *Kuhns v. Scottrade, Inc.*, 868 F.3d 711 (8th Cir. 2017) (first 8th Circuit decision finding Article III standing in a data breach case); *Rikos v. The Procter & Gamble Co.*, 799 F.3d 497 (6th Cir. 2015) (class certification) *cert. denied*, 2016 U.S. LEXIS 2244 (U.S. Mar. 28, 2016); *Corvello v. Wells Fargo Bank, NA*, 728 F.3d 878 (9th Cir. 2013) (consumer protection and banking); *Fitzpatrick v. Gen. Mills, Inc.*, 635 F.3d 1279 (11th Cir. 2011) (class certification, consumer law and false advertising); *Westwood Apex v. Contreras*, 644 F.3d 799 (9th Cir. 2011) (CAFA jurisdiction); *Kwikset Corp. v. Super. Ct. (Benson)*, 51 Cal. 4th 310 (2011) (consumer



law and false advertising); *Martinez v. Wells Fargo Home Mortg., Inc.*, 598 F.3d 549 (9th Cir. 2010) (banking and preemption); *Troyk v. Farmers Grp., Inc.*, 171 Cal. App. 4th 1305 (2009) (insurance law); *Haw. Med. Ass'n v. Haw. Med. Serv. Ass'n*, 148 P.3d 1179 (Haw. 2006) (health insurance); *McKell v. Wash. Mut. Bank, Inc.*, 142 Cal. App. 4th 1457 (2006) (banking law and consumer law); *Santiago v. GMAC Mortg. Grp., Inc.*, 417 F.3d 384 (3d Cir. 2005) (consumer and banking law); *Lebrilla v. Farmers Grp., Inc.*, 119 Cal. App. 4th 1070 (2004) (automobile insurance and class action procedure); *Moore v. Liberty Nat'l Life Ins. Co.*, 267 F.3d 1209 (11th Cir. 2001), *cert. denied*, 535 U.S. 1018 (2002) (life insurance and civil rights); *Kruse v. Wells Fargo Home Mortg., Inc.*, 383 F.3d 49 (2d Cir. 2004) (consumer and banking law); and *Lavie v. Procter & Gamble Co.*, 105 Cal. App. 4th 496 (2003) (consumer law and false advertising).

Mr. Blood has testified before the California State Assembly and State Senate Judiciary Committees, as well as the Assembly and Senate Committees on Banking, Finance & Insurance. He has worked at both the state and federal level with lawmakers and government agencies to shape legislation to protect consumer rights, including lobbying on the Class Action Fairness Act of 2005 and working to defeat a California state ballot initiative designed to weaken the class action device.

Mr. Blood is a frequent continuing legal education speaker on topics which include complex litigation, class action procedure, data breach and privacy litigation, consumer fraud, false advertising, financial fraud litigation and insurance litigation. He has been an invited speaker for American Bar Association practice groups, the Practicing Law Institute, UCLA School of Law, University of California at Irvine School of Law; University of San Diego School of Law, University of Arizona Sandra Day O'Connor School of Law, Loyola Law School, Chapman University School of Law; the Grocery Manufacturers Association, the American Association of Justice, Consumer Attorneys of California, ALI-ABA, the Practicing Law Institute, Bridgeport Continuing Education, Law Seminars International, and the Consumer Attorneys of San Diego, for which he has chaired multi-day seminars on class action litigation.

Mr. Blood is frequently consulted by the media. He has appeared on Good Morning America, ABC World News Tonight, and major network affiliates on behalf of his clients. He has been interviewed for stories featuring consumer rights issues and his cases by *The New York Times*, *The Wall Street Journal*, *Bloomberg*, Reuters, the Associated Press, *The Los Angeles Times*, *The San Diego Union-Tribune*, National Public Radio, the *Daily Journal*, *Adweek*, the *Los Angeles Daily News*, CNBC, Fox News, the Korean Broadcasting Service, and others.

Mr. Blood is a member of the Board of Directors of the Consumer Attorneys of California and a member of its executive board from 2014 to 2016. He was the 2015 President of the Consumer Attorneys of San Diego and a member of the CASD Foundation, a charitable giving non-profit. In 2018 he received the statewide Marvin E. Lewis Award by the Consumer Attorneys of California for his "guidance, loyalty and dedication, all of which have been an inspiration to fellow attorneys." He also was awarded the 2018 Consumer Advocate of the Year by Consumer Attorneys of San Diego. In 2007, he was a finalist for the Consumer Attorneys of California Lawyer of the Year award for his trial work in a multistate class action against Farmers Insurance. He has been named a "Super Lawyer" since 2006 and has achieved an "AV" rating by Martindale Hubbell. In 2014, Mr. Blood was named a "Titan of the Plaintiff's Bar" by



the national legal publication Law360. Mr. Blood was elected a Fellow of the American Bar Foundation. Mr. Blood is also the Legislative Column Editor for *Trial Bar News*. Mr. Blood is also a founding member of the San Diego ESI Forum, a group of judges and lawyers devoted to teaching legal professionals in federal and state court about electronic discovery.

Mr. Blood was a founding partner of the firm now known as Robbins Geller Rudman & Dowd, LLP.

Mr. Blood is admitted to practice in the state of California, as well as the U.S Supreme Court, the United States Courts of Appeal for the Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth and Eleventh Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California, the Eastern and Western Districts of Arkansas, the District of Colorado, the Northern District of Illinois, and the Eastern District of Michigan. Before starting Blood Hurst & O'Reardon, Mr. Blood was a partner in Milberg Weiss Bershad Hynes & Lerach, LLP and a founding partner in the firm now known as Robbins Geller Rudman & Dowd, LLP. Mr. Blood received his Juris Doctor from George Washington University in 1990 and his Bachelor of Arts with honors in Economics from Hobart College in 1987.

Leslie E. Hurst

Ms. Hurst is a co-founding partner of the firm. Prior to founding the firm, Ms. Hurst was a partner in Coughlin Stoia Geller Rudman & Robbins, LLP and an associate at Milberg Weiss Bershad Hynes & Lerach, LLP.

Her practice has focused on complex class action lawsuits, including federal multi-district litigation and California Judicial Council Coordinated Proceedings, with an emphasis on consumer fraud, false advertising, and insurance cases under California's consumer protection statutes.

Ms. Hurst works in a number of practice areas, including areas focusing on cases against: (1) life insurers for misrepresenting the terms of vanishing premium life insurance; (2) auto insurers for repairs with non-OEM parts, diminished value claims, improper collection of installment service charges and breach of contract, and against auto manufacturers for sale of defective vehicles; (3) financial institutions for a variety of conduct; (4) insurance companies for race-based discrimination in the sale of small value "industrial" or "burial" insurance policies; (5) consumer goods manufacturers for false and deceptive advertising; (6) real estate developers for fraud and false advertising; and (7) improper collection and over collection of fees from residents by the City of Los Angeles.

Ms. Hurst is instrumental in the firm's appellate practice. She has argued before the Second, Seventh, Eighth and Ninth Circuit Courts of Appeal and before California and Missouri Courts of Appeal. She obtained reversals of the trial courts in *Bell v. Publix Super Mkts., Inc.* (7th Cir.); *Kroessler v. CVS Health Corp.* (9th Cir.); *Sonner v. Schwabe International* (9th Cir.); *Corvello v. Wells Fargo Bank, NA* (9th Cir.); *Goodman v. Wells Fargo Bank, NA* (Cal. 2d DCA), and *Guerra v. San Diego Gas & Elec.* (Cal. 4th DCA). Ms. Hurst also briefs most of the firm's appeals including *Rikos v. The Procter & Gamble Co.* (6th Cir.); *In re Enfamil LIPIL Mktg. &*



Sales Practices Litig. (11th Cir.); *Hartless v. Clorox Co.* (9th Cir.); *Garcia v. Sony Comput. Entm't* (9th Cir.); *Gutierrez v. Wells Fargo Bank, N.A.* (9th Cir.), various SLUSA appeals in the 2nd, 8th and 9th Circuits, and *Sonner v. Schwabe International* (9th Cir.); *Sonner v. Premier Nutrition Corporation* (9th Cir.); *Heier v. Fire Ins. Exchange* (Cal. 2nd DCA); *Reed v. Dynamic Pet Products* (Mo. Ct. App.).

The most recent settlements on which Ms. Hurst was instrumental include: *Adlouni v. UCLA Health Systems* (Cal. Super. Ct., Los Angeles Cnty.) (over \$25 million in free identity theft insurance in data breach case); *Austin v. Western Concrete* (S.D. Cal.) (backpay in employment case); *Serochi v. Bosa Dev.* (Cal. Super. Ct., San Diego Cnty.) (\$16.75 million settlement to condominium purchasers for square footage misrepresentations by the developer); *Chakhalyan v. City of Los Angeles* (Cal. Super. Ct., Los Angeles Cnty.) (full refunds of overcharges and a revamping of L.A. billing practices); *Hartless v. Clorox Co.* (S.D. Cal.) (nationwide settlement in excess of \$10 million that provided 100% recovery of damages to class members); *In re Enfamil LIPIL Mktg. & Sales Practices Litig.* (S.D. Fla.) (nationwide settlement in excess of \$8 million involving false advertising of infant formula); *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.) (nationwide settlement of \$45 million); *Weight v. The Active Network, Inc.* (Cal. Super. Ct., San Diego Cnty.) (full refunds plus a multiplier); *Bransford v. City of Los Angeles* (Cal. Super. Ct., Los Angeles Cnty.) (full refunds); *Warner v. Toyota Motor Sales, U.S.A., Inc.* (C.D. Cal.) (warranty extensions, refunds and free vehicle inspections).

Between 2003 and 2005, Ms. Hurst took a sabbatical from law and moved to Sri Lanka where she worked for CARE International as the Coordinator for Strategic Planning with an emphasis on development of CARE's long-term strategic plan for the conflict-affected areas.

Ms. Hurst is admitted to practice in the state of California, as well as the United States Courts of Appeal for the Second, Sixth, Seventh, Eighth and Ninth Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California. Ms. Hurst received her Juris Doctor degree from the University of California, Hastings College of the Law in 1995. She earned her Master of Arts degree in Sociology from the University of California, Berkeley and a Bachelor of Arts degree in Sociology (*cum laude*) from the University of San Diego. Ms. Hurst is an active member of the Consumer Attorneys of San Diego, and Consumer Attorneys of California.

Thomas J. O'Reardon II

Mr. O'Reardon is a co-founding partner of the firm. His practice focuses exclusively on complex class action lawsuits involving consumer fraud, insurance fraud and antitrust violations. Mr. O'Reardon received his Juris Doctor degree from the University of San Diego School of Law and his Bachelor of Arts degree in Politics from Wake Forest University. He is admitted to practice in the state of California, as well as the United States Courts of Appeal for the Sixth, Eighth and Ninth Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California and the Northern District of Illinois.

Prior to founding the firm, Mr. O'Reardon was an associate at Coughlin Stoia Geller Rudman & Robbins, LLP. There, Mr. O'Reardon worked on numerous complex class action



litigation matters, including actions involving: annuity policies marketed and sold to senior citizens; insurer kickbacks known as “contingent commissions” in the property and casualty insurance brokerage industry; Sherman Act claims against the world’s largest manufacturers of random access memory for computers; invasions of credit card holder’s rights of privacy; false and deceptive advertising of consumer goods and wireless telephone services; automobile insurers’ unlawful practices with respect to installment pay plans; and dangerous and defective products, including recalled children’s toys. He was also part of the team representing the California Department of Insurance against five of the largest employee benefit insurance companies for violations relating to their failure to disclose payments of contingent commissions to brokers. As a result of the action, all five defendants agreed to sweeping changes in their disclosure practices.

Some of the actions on which Mr. O’Reardon has worked include: *Yamagata v. Reckitt Benckiser LLC* (N.D. Cal.) (certified class action involving false advertising of Move Free Advanced glucosamine and chondroitin supplement with nationwide settlement of \$50 million); *Mullins v. Premier Nutrition Corp.* (N.D. Cal.) (certified class action involving false advertising of Joint Juice glucosamine and chondroitin supplement with jury verdict in favor of Plaintiff and the Class); *Rikos v. The Proctor & Gamble Co.* (S.D. Ohio) (certified class action involving false advertising of P&G’s Align probiotic, affirmed by the Sixth Circuit); *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.) (nationwide settlement of \$45 million involving false advertising of Skechers’ Shape-ups toning shoes products); *In re Reebok Easytone Litig.* (D. Mass.) (nationwide settlement of \$25 million involving false advertising of Reebok toning footwear and apparel products); *Murr v. Capital One Bank (USA), N.A.* (E.D. Va.) (nationwide settlement in excess of \$7.3 million involving 0% APR billing practices); *Dolfo v. Bank of Am.* (S.D. Cal.) (certified class action involving mortgage modification banking practices); *Johnson v. Gen. Mills, Inc.* (C.D. Cal.) (certified class action involving false advertising of General Mills’ YoPlus yogurt, which resulted in a nationwide settlement of \$8.5 million); *Fitzpatrick v. Gen. Mills, Inc.* (S.D. Fla.) (certified class action reviewed and approved by the Eleventh Circuit); *Johns v. Bayer Corp.* (S.D. Cal.) (certified class action involving false advertising of Bayer’s One-A-Day multivitamins); *Godec v. Bayer Corp.* (N.D. Ohio) (certified class action involving false advertising of Bayer’s One-A-Day multivitamins, which settled on a classwide basis); *Corvello v. Wells Fargo Bank, NA* (N.D. Cal.) (certified class action involving mortgage modification practices where order granting motion to dismiss was reversed by the Ninth Circuit in a published opinion); *Rosales v. FitFlop USA LLC* (S.D. Cal.) (nationwide settlement of \$5.3 million involving false advertising of toning footwear); *Blessing v. Sirius XM Radio, Inc.* (S.D.N.Y.) (nationwide settlement valued in excess of \$180 million involving monopoly price increases arising out of the merger between Sirius and XM); *In re Dynamic Random Access Memory Antitrust Litig.* (N.D. Cal.) (settlement of more than \$300 million); *In re Mattel, Inc. [Toy Lead Paint Prods. Liab. Litig.]* (C.D. Cal.) (nationwide settlement valued at over \$50 million); *Gemelas v. Dannon Co., Inc.* (N.D. Ohio) (nationwide settlement in excess of \$45 million involving false advertising of Dannon’s Activia and DanActive yogurt products); *In re Enfamil LIPIL Mktg. & Sales Practices Litig.* (S.D. Fla.) (certified class action involving false advertising of infant formula, which resulted in nationwide settlement in excess of \$8 million); *Smith v. Wm. Wrigley Jr. Co.* (S.D. Fla.) (nationwide settlement in excess of \$7 million involving false advertising of Wrigley Eclipse chewing gum and mints); *Duffer v. Chattem, Inc.* (S.D. Cal.)



(nationwide settlement of up to \$1.8 million involving false advertising of ACT Total Care mouthwash); *In re Enron Corp. Sec. Litig.* (S.D. Tex.) (settlements of \$7.3 billion); *AOL Time Warner Cases* (Cal. Super. Ct., Los Angeles Cnty.) (settlements of approximately \$630 million); *Morris v. CBS Broad., Inc.* (S.D.N.Y.) (nationwide settlement on behalf of purchasers of asbestos-laden children's toys); *In re Aqua Dots Prods. Liab. Litig.* (N.D. Ill.) (multidistrict litigation on behalf of purchasers of more than 4 million toxic children's toys); *Berry v. Mega Brands, Inc.* (D.N.J.) (litigation on behalf of purchasers of more than 10 million lethal children's toys); *In re Toyota Motor Cases*, (Cal. Super. Ct., Los Angeles Cnty.) (litigation on behalf of consumers who purchased vehicles subject to "sudden unintended acceleration"); and *In re Hydroxycut Mktg. and Sales Practices Litig.* (S.D. Cal.) (multidistrict litigation on behalf of purchasers of unsafe and ineffective weight-loss products, which resulted in a nationwide settlement valued in excess of \$20 million). With the exception of the *Blessing v. Sirius XM Radio, Inc.* litigation, Mr. O'Reardon and/or his firm served as court-appointed Lead or Co-Lead Counsel in each of the above-mentioned class actions. In granting final settlement approval, which included appointing Mr. O'Reardon as Class Counsel, the Court's order in the *Johnson v. Gen. Mills, Inc.* (C.D. Cal.) action states that Mr. O'Reardon is "vastly experienced" in consumer class action litigation.

Mr. O'Reardon is an active member of the Consumer Attorneys of San Diego, the Consumer Attorneys of California, and a founding member of the CAOC Young Lawyers Division. In 2015-2021, Mr. O'Reardon was named a "Super Lawyers Rising Star," a designation provided to less than 2.5 percent of lawyers in California. He was named a "Super Lawyer" for 2022-2025. He has also been a member of, and contributing author for, The Sedona Conference Working Group on Electronic Document Retention and Production. Mr. O'Reardon has been an invited speaker for the University of San Diego School of Law, Consumer Attorneys of California, the Consumer Attorneys of San Diego, and the San Diego ESI Forum on topics which include complex litigation, electronic discovery, and the class action settlement process.

Paula R. Brown

Ms. Brown is a partner with the firm. Her practice focuses on all types of complex class action litigation, including cases in federal multi-district litigation and California Judicial Council Coordinated Proceedings. Ms. Brown has tried class action cases and is also involved in the firm's appellate practice.

Ms. Brown received her Juris Doctor degree and graduated *cum laude* from California Western School of Law in 2007 and earned her Bachelor of Arts degree in Political Science from the University of Washington in 2004. While at California Western, Ms. Brown was a member of the *California Western Law Review* and authored *Parent-Child Relationship Trumps Biology: California's Definition of Parent in the Context of Same-Sex Relationships*, 43 Cal. W. L. Rev. 235 (2006). She is admitted to practice in the state of California, as well as the United States Courts of Appeal for the Eighth and Ninth Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California and the Northern District of Illinois.



Prior to joining Blood Hurst & O'Reardon, Ms. Brown was an associate at the law firm now known as Robbins, Geller, Rudman & Dowd, LLP. While there, she represented plaintiffs in a number of complex class action litigation matters involving: price-fixing claims against the world's largest aftermarket auto lighting parts manufacturers and distributors; monopoly claims against the largest seller of portable media players; price fixing claims against containerboard manufacturers; race-discrimination claims against mortgage lenders; and false and deceptive practices in the sale of defective children's products and toys.

Some of the actions on which Ms. Brown has worked include: *In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation* (D.N.J.) (nationwide false advertising); *Mullins v. Premier Nutrition Corp.* (N.D. Cal.) (certified class action involving false advertising); *Huntzinger v. Aqua Lung America, Inc. et al.* (S.D. Cal.) (nationwide false advertising); *Medellin v. Ikea U.S. West, Inc.* (Cal Super. Ct., San Diego Cnty.) (consumer protection claims); *Serochi v. Bosa Dev.* (Cal. Super. Ct., San Diego Cnty.) (misrepresentations case); *Dennis v. Kellogg Co.* (nationwide false advertising); *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.) (nationwide false advertising); *In re Reebok Easytone Litig.* (D. Mass.) (nationwide false advertising); *Dremak v. Urban Outfitters, Inc.* (Cal. Super. Ct., Los Angeles Cnty.) (consumer privacy); *In re Sony Gaming Networks and Customer Data Sec. Breach Litig.* (S.D. Cal.) (consumer privacy); *In re Hydroxycut Mkt. and Sales Practices Litig.* (S.D. Cal.) (false advertising); *In re Apple iPod iTunes Antitrust Litig.* (N.D. Cal.) (monopoly claims); *In re Mattel, Inc. [Toy Lead Paint Prods. Liab. Litig.]* (C.D. Cal.) (nationwide sale of defective product); *In re Aftermarket Auto. Lighting Prods. Antitrust Litig.* (C.D. Cal.) (price fixing); *Payares v. JP Morgan Chase & Co.* (C.D. Cal.); *Salazar v. Greenpoint Mortg.* (N.D. Cal.); *Puello v. Citifinancial* (D. Mass.); *Morris v. CBS Broad., Inc.* (S.D.N.Y.) (defective product); *In re Aqua Dots Prods. Liab. Litig.* (N.D. Ill.) (defective product); and *Berry v. Mega Brands, Inc.* (D.N.J.) (defective product).

Ms. Brown is the 2024 President of the Consumer Attorneys of San Diego, and an active member of the Consumer Attorneys of California, the San Diego County Bar Association, and the American Association for Justice. Ms. Brown is a current member of the Board of Directors of the Consumer Attorneys of California and Board of Directors of Consumer Attorneys of San Diego, and is active in the Louis M. Welsh American Inn of Court.

James M. Davis

Mr. Davis is an associate with the firm. His practice focuses on complex class action litigation with an emphasis on consumer fraud and defective products. Mr. Davis graduated from UCLA School of Law and earned his Bachelor of Arts from Davidson College.

Mr. Davis has been practicing law since 2014. In 2022-2025, Mr. Davis was named a "Super Lawyers Rising Star," a designation provided to less than 2.5 percent of lawyers in California. Before joining the firm, Mr. Davis prosecuted class actions on behalf of consumers, unfair competition law claims on behalf of public entities, and mass torts involving pharmaceuticals. Mr. Davis also served as a prosecuting attorney at the San Diego County District Attorney's Office in its Economic Crimes Unit. In that role, he prosecuted environmental and consumer fraud civil actions, as well as environmental and consumer felonies. Mr. Davis



began his career at a full-service law firm, where he represented both defendants and plaintiffs in unfair competition, environmental, and class action cases.

In addition to his professional accomplishments, Mr. Davis has worked with the University of San Diego Veterans Legal Clinic, providing representation to veterans against for-profit educational institutions.

Adam M. Bucci

Mr. Bucci is an associate with the firm. His practice focuses on complex class action litigation. Mr. Bucci graduated from California Western School of Law and earned his Bachelor of Arts from Loyola Marymount University.

Mr. Bucci has been practicing law since 2019. Before joining the firm, Mr. Bucci served as a Plaintiff's attorney in matters of complex business litigation, specifically in the payment processing industry. Mr. Bucci began his career as a criminal prosecutor with the San Diego County District Attorney's Office and served in both general channels and the Family Protection Unit. In that role, he prosecuted numerous misdemeanor and felony cases concerning domestic violence and child abuse.

EXHIBIT 5

1 Timothy D. Battin
2 Nathan M. Cihlar
3 Christopher V. Le
4 BoiesBattin LLP
5 4041 Fairfax Drive, Fifth Floor
6 Fairfax, VA 22201
7 Telephone: (703) 764-8700
8 Facsimile: (703) 764-8704
9 tbattin@boiesbattin.com
10 ncihlar@boiesbattin.com
11 cle@boiesbattin.com

12
13
14 *Counsel for the End Payer Plaintiffs*
15 *ANDREW GORMAN, COREY NORRIS,*
16 *REBECCA SIMOENS, NIGEL WARREN*

17 UNITED STATES DISTRICT COURT
18 SOUTHERN DISTRICT OF CALIFORNIA

19 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
20 PRODUCTS ANTITRUST)
21 LITIGATION) **DECLARATION OF**
22) **CHRISTOPHER V. LE IN**
23) **SUPPORT OF END PAYER**
24) **PLAINTIFFS' MOTION FOR**
25) **ATTORNEYS' FEES, COSTS,**
26) **EXPENSES, AND SERVICE**
27) **AWARDS**

28 This Document Relates to:)

End Payer Plaintiffs Class Track)

DATE: November 22, 2024
TIME: 1:30 p.m.
JUDGE: Hon. Dana M. Sabraw
COURT: 13A (13th Floor)

1 I, Christopher V. Le, declare:

2 1. I am a Partner at BoiesBattin LLP (“BoiesBattin”). I have been licensed
3 to practice law in Virginia since 2007. I am admitted to practice in the U.S. District
4 Courts for Eastern District of Virginia and Eastern District of Wisconsin. The
5 following facts are within my personal knowledge, and if called as a witness, I could
6 and would testify competently to them.

7 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
8 Attorneys’ Fees, Costs, Expenses, and Service Awards.

9 3. On September 10, 2015, BoiesBattin filed a proposed class action
10 lawsuit against Bumble Bee Foods LLC, Starkist Company, Tri-Union Seafoods
11 LLC, and King Oscar, Inc. in the Southern District of California and was assigned
12 Case No. 15-CV-2006. The action was consolidated into the instant action with other
13 similar actions filed in other jurisdictions nationwide as a Multi-District Litigation
14 titled, *In Re: Packaged Seafood Products Litigation*, No. 15-MD-2670 in the Southern
15 District of California (the “Action”).

16 4. BoiesBattin generally employs six to eight attorneys practicing in the
17 areas of antitrust, consumer protection, securities, and product liability. For decades,
18 BoiesBattin attorneys have successfully handled class actions across a range of
19 industries, from food products to insurance, and recovered hundreds of millions of
20 dollars for class members. BoiesBattin has substantial experience in complex
21 litigation and a history of litigating in an efficient and cordial manner, including as
22 Lead or Co-Lead Class Counsel in numerous class actions. *See* BoiesBattin’s Firm
23 resume attached hereto as **Exhibit A**.

24 6. I have practiced complex litigation on behalf of consumers and
25 individuals since 2007. I have litigated more than a dozen class action cases across
26 the country involving antitrust and unfair competition claims, including the following
27 recent matters:

- 28
- *In re: Fragrance Antitrust Litig.*, No. 23-cv-3249 (D. N.J.);

- 1 • *In re: Blue Cross Blue Shield Antitrust Litigation*, No. 2:13-cv-20000-RDP
2 (N.D. Ala.);
- 3 • *In re: Granulated Sugar Antitrust Litigation*, No. 24-cv-3110 (D. Mn.);
- 4 • *In re: Broiler Antitrust Litigation*, No. 1:16-cv-08637 (N.D. Ill.); and
- 5 • *In re: Turkey Antitrust Litigation*, No. 1:19-cv-08318 (N.D. Ill.).

6 7. My firm and I have helped litigate this Action under the direction of
7 Class Counsel. Our work has included researching underlying issues of law and
8 helping to brief motions, such as the opposition to the motions to dismiss; working
9 with experts on matters related to merits and class certification and helping draft
10 oppositions to motions to strike experts; assisting in drafting class certification papers
11 and preparing for argument; researching and drafting memorandum on pass-through
12 and issues related to damages; participating in the depositions of class representatives;
13 preparing deposition materials for various depositions and serving as check translator
14 for depositions taken in Korea; drafting discovery requests; reviewing and coding
15 documents produced by Defendants; working on deposition translations and disputes;
16 preparing deposition designations for use at trial; and preparing clients for trial.

17 8. The current hourly rates for BoiesBattin attorneys and staff that have
18 worked on the Action, as well as their hours spent working on the Action as of
19 September 1, 2024, and their corresponding lodestar, are as follows:

BoiesBattin Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Timothy Battin, Partner	\$850.00 per hour	450.80	\$383,180.00
Nathan Cihlar, Partner	\$775.00 per hour	153.90	\$119,272.50
Mark Schirmer, Partner	\$650.00 per hour	1054.30	\$685,295.00
Christopher Le,	\$725.00 per hour	1085.20	\$786,770.00

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Partner			
Shinae Kim-Helms, Partner	\$650.00 per hour	858.10	\$557,765.00
Scott Dinner, Associate	\$355.00 per hour	304.30	\$108,026.50
Carla Voigt, Associate	\$340.00 per hour	215.20	\$73,168.00
Joshua Callister, Associate	\$550.00 per hour	90.00	\$49,500.00
Brian Drockton, Associate	\$450.00 per hour	210.60	\$94,770.00
Megan Day, Paralegal	\$260.00 per hour	7.50	\$1,950.00
Anna Gooding, Paralegal	\$205.00 per hour	28.60	\$5,863.00
Erin O'Donnell, Paralegal	\$155.00 per hour	0.70	\$108.50
Benjamin Gross, Paralegal	\$170.00 per hour	12.70	\$2,159.00
Casey Hare, Paralegal	\$205.00 per hour	25.20	\$5,166.00
Karen Yi, Paralegal	\$175.00 per hour	75.20	\$13,160.00
Connor Grant, Paralegal	\$225.00 per hour	3.20	\$720.00
Daniel Zemans, Of Counsel	\$350.00 per hour	29.30	\$10,255.00
TOTAL:			\$2,897,128.50

DECLARATION OF CHRISTOPHER V. LE IN SUPPORT OF END PAYER PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, EXPENSES AND SERVICE AWARDS
CASE NO. 15-MD-2670 DMS (MSB)

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9. These records were derived from contemporaneous, daily time records regularly prepared and maintained by BoiesBattin in its usual course and manner. BoiesBattin maintains detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on BoiesBattin’s current billing rates. These records are available for review at the request of the Court.

10. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm’s representation of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the hours spent on each task.

11. I have general familiarity with the range of hourly rates typically charged by plaintiffs’ class action counsel specifically in the field of unfair competition and antitrust in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I conclude that the rates charged by my firm are commensurate with those prevailing in the market for such legal services furnished in complex class action litigation such as this. My firm’s hourly rates were most recently approved by the following Courts:

- *In re: Local TV Advertising Antitrust Litigation*, No. 1:18-cv-06785 (N.D. Ill.);
- *In re: Blue Cross Blue Shield Antitrust Litigation*, No. 2:13-cv-20000-RDP (N.D. Ala.); and
- *In re: Broiler Antitrust Litigation*, No. 1:16-cv-08637 (N.D. Ill.).

12. My firm has incurred costs of \$259,872.92 so far in litigating the Action, consisting of the following categories of costs:

Category	Cost
Online Research	\$4,284.62
Reproduction/Duplication	\$799.87
Telephone/Conference Calls	\$45.74

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Postage	\$133.23
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.	\$12,609.46
Litigation Fund	\$242,000.00
Total:	\$259,872.92

13. Throughout the litigation, my firm and I worked under the direction of Class Counsel, and I made every effort to operate as efficiently as possible and to avoid unnecessary duplication. I coordinated with Class Counsel for all work performed and costs incurred in this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 27, 2024, at Fairfax, Virginia.

Dated: September 27, 2024

By: /s/ Christopher V. Le
CHRISTOPHER V. LE

EXHIBIT A

BOIESBATTIN LLP
FIRM RESUME

BoiesBattin LLP is widely recognized as a leading law firm in the fields of antitrust and consumer protection class action litigation. With offices in Virginia, Florida, California, and Colorado, the firm's lawyers have successfully prosecuted antitrust and consumer protection claims in federal and state courts throughout the United States.

Founded in 1995, the firm has been at the forefront of national efforts to bring to heel corporations engaged in restraints of trade, consumer fraud, and other unlawful conduct. The firm has been lead counsel in some of the largest class actions in the past decade, including the vitamins and DRAM litigations. BoiesBattin lawyers have also led litigation efforts against manufacturers of agricultural and refrigeration products for violations of competition laws and a major insurance carrier for breach of its fiduciary duty to a certified class of policyholders. Recognized by courts, private practitioners, and law enforcement authorities throughout the United States as competent, experienced, and vigilant, BoiesBattin lawyers have recovered hundreds of millions of dollars for consumers and businesses.

The Firm's Attorneys

David Boies

Mr. Boies is Senior Partner at BoiesBattin. His practice is focused on representing individuals and businesses in antitrust and consumer protection litigation in state and federal courts. He has a national reputation in the indirect purchaser antitrust litigation realm, and has served as a speaker and panelist for the American Bar Association and other legal organizations. Mr. Boies has served as sole lead or co-lead counsel in numerous antitrust and consumer protection class actions. He is admitted to practice in all state and federal courts in the Commonwealth of Virginia, as well as the United States Courts of Appeals for the Fourth and Tenth Circuits.

Mr. Boies obtained his bachelor's degree from the University of Redlands and his law degree from William & Mary Law School (J.D. 1991). Prior to joining the Firm, Mr. Boies represented individuals and corporations as an attorney in the Washington, D.C. offices of national law firms in the practice areas of corporate litigation, international trade, and white collar criminal defense.

Timothy D. Battin

Mr. Battin, the managing partner at BoiesBattin, has a wealth of experience in complex litigation. He has served as lead counsel in numerous antitrust and consumer protection class actions in state and federal courts around the country, resulting in recoveries of hundreds of millions of dollars for consumers. Mr. Battin has prosecuted cases across a broad spectrum of industries, including, pharmaceuticals, food additives, vitamins, agricultural and computer-based products. He has served as lead or co-lead counsel in a number of cases including:

- ***Northwestern Mutual Insurance Litigation***. Mr. Battin served as co-lead counsel in

state and federal court actions alleging that Northwestern Mutual Life Insurance Company breached its contractual and fiduciary duties to owners of certain investment annuities it issued. This case was litigated in multiple jurisdictions and was ultimately settled for \$84 million.

- ***Dynamic Random Access Memory Antitrust Litigation.*** Mr. Battin served as co-lead counsel in state and federal court actions alleging price fixing among makers of computer memory chips. Settlements totaling more than \$300 million were approved in the United States District Court for the Northern District of California.
- ***Processed Egg Products Antitrust Litigation.*** Mr. Battin served as co-lead counsel for indirect purchasers alleging a market allocation scheme in the egg industry.

Mr. Battin, a recognized authority on the prosecution of class actions, has lectured on issues of coordination between attorneys general and private lawyers in class cases. He serves on a Rule 23 Subcommittee for the District of Columbia Rules Advisory Committee. Mr. Battin obtained his undergraduate degree in business from Old Dominion University (B.S. 1987) and his law degree from the College of William & Mary (J.D. 1990). He is a member of the bars of the District of Columbia, Virginia, Florida, and Missouri (inactive) and is also admitted to practice before the United States District Courts for the Eastern District of Virginia, Eastern District of Michigan and the District of Columbia, and the United States Courts of Appeals, Fourth and District of Columbia Circuits.

Nathan M. Cihlar

Mr. Cihlar is a partner in the Virginia office of BoiesBattin. Throughout his career, he has prosecuted complex and class action litigation with a focus on antitrust, consumer protection and product liability claims. Since joining the firm, Mr. Cihlar has been highly involved in the

litigation of numerous large, multi-faceted nationwide cases from inception to conclusion. He has served in prominent roles in the litigation of, among others, antitrust class actions against the manufacturers of Dynamic Random Access Memory, monosodium glutamate, oriented strand board, LCD panels, and Cathode Ray Tubes. Additionally, Mr. Cihlar currently serves as the trial planning committee chair in the Blue Cross Blue Shield antitrust litigation. Mr. Cihlar has significant experience with litigation involving international defendants and foreign language issues. He has served as foreign language discovery lead in both the LCD and CRT litigations. In doing so, he has successfully represented numerous plaintiff classes and helped recover hundreds of millions of dollars for consumers.

Mr. Cihlar obtained his bachelor's degree from Georgetown University (B.S. Finance and Marketing 1999), and his law degree from William & Mary Law School (J.D. 2004). He is admitted to practice in Virginia, the District of Columbia and before the United States District Court for the Eastern District of Virginia.

Christopher V. Le

Christopher Le is a partner in the Virginia office. He has extensive experience representing groups of plaintiffs in complex civil cases in state and federal courts across the country. Mr. Le has litigated numerous class actions from initial filing through trial or settlement. He has negotiated the resolution of several significant antitrust and consumer cases and help recover hundreds of millions of dollars for class members. Mr. Le has lectured on the unique challenges professional objectors present to class settlements and strategies to deal with them. Mr. Le obtained his bachelor's degree from The University of Virginia (B.A. 2004) and his law degree from Case Western Reserve University (J.D. 2007, *cum laude*).

Barry Boughman

Mr. Boughman served as an Assistant United States Attorney for the District of Colorado from 1986 to 1988, when he entered private practice. He also served as Law Clerk for the Honorable Michael R. Enwall, District Court Judge for the 20th Judicial District in Boulder, Colorado from 1984 to 1985. He obtained his bachelor's degree from the University of Northern Colorado (B.A. 1980) and his law degree from the University of Colorado School of Law (J.D. 1984). He is admitted to practice in Colorado as well as before the United States Court of Appeals for the Tenth Circuit and the United States District Court for the District of Colorado.

Steven M. Feder

Mr. Feder obtained his bachelor's degree from Miami University (Ohio) (B.S. 1982) and his law degree from the University of Colorado School of Law (J.D. 1985, Order of the Coif). He is admitted to practice in Colorado and Illinois, as well as before the United States Supreme Court, the United States Court of Appeals for the Tenth Circuit, and the United States District Courts for the Districts of Colorado and Connecticut. He served as a prosecutor in Colorado's Eighteenth Judicial District from 1985 to 1990, before entering private practice.

Shinae Kim-Helms

Ms. Kim-Helms is a partner and represents consumers and businesses in cases involving price fixing, monopolization, and other anticompetitive practices. Prior to joining BoiesBattin, Ms. Kim-Helms worked on cases involving patent and trademark infringement.

Since joining the firm in 2010, Ms. Kim-Helms has been involved in litigating cases against the manufacturers of LCD panels, cathode ray tubes, lithium ion batteries, and auto parts.

Ms. Kim-Helms obtained her bachelor's degree from Seoul National University (B.S. Agrobiology), her master's degree from Yonsei University (M.S. Biochemistry) and her law degree from Golden Gate University, School of Law (J.D. 2005). Ms. Kim Helms' article on

licensing agreements was published in Les Nouvelles, a quarterly licensing journal published by the Licensing Executives Society. Ms. Kim-Helms is fluent in Korean and Japanese. She is admitted to practice in California and before the United States District Court for the Northern District of California and the United States Patent and Trademark Office.

Joshua Callister

Mr. Callister is an associate attorney working in the Fairfax, Virginia office. He practices primarily in complex antitrust cases, and has experience in both government regulatory work and complex litigation. Since joining BoiesBattin, Mr. Callister has worked extensively with electronic discovery issues in the Blue Cross Blue Shield and Local TV Ads litigations.

Prior to joining the firm in 2018, Mr. Callister worked as a director with a non-profit organization in Washington D.C. focused on developing relationships between the United States and the Middle East. Since joining the firm, he has worked on the Blue Cross Blue Shield, Broilers Chicken, and Packaged Seafood antitrust litigations. A 2016 graduate of the George Washington University Law School, Mr. Callister had the opportunity to clerk with a leading D.C. regulatory firm, during which time he co-authored an article published in the Food and Drug Law Institute, and previously consulted on multi-year complex litigation involving U.S. sugar growers and high fructose corn syrup manufacturers. Mr. Callister speaks Japanese.

**Partial List of Recent Cases in Which BoiesBattin, LLP Has
Served in a Leadership Role**

Dynamic Random Access Memory (DRAM)

BoiesBattin served as co-lead counsel in these coordinated multi-state proceedings against the manufacturers of Dynamic Random Access Memory chips (DRAM) for the violation of various state's antitrust/consumer protection laws. It was alleged that the DRAM manufacturers entered into and engaged in a conspiracy in the United States and elsewhere to suppress and eliminate competition by fixing the prices of DRAM. Through the work of BoiesBattin LLP and its co-lead counsel, indirect purchasers were able to reach settlements with all defendants totaling more than \$300 million. These settlements were approved by the United States District Court for the Northern District of California in June 2016.

Fragrances

BoiesBattin currently serves on the steering committee on behalf of an indirect purchaser class against the world's largest producers of fragrances. The lawsuit alleges that beginning no later than 2018, the defendant fragrance producers secretly coordinated with each other on their pricing policy for customers, allocated certain customers, and coordinated supply restraints for fragrances with the purpose and effect of increasing prices charged to the plaintiff class.

Northwestern Mutual Life Insurance Annuity Litigation

BoiesBattin served as co-lead counsel on behalf of thousands of purchasers of Northwestern Mutual Life Insurance Company ("Northwestern") annuities. The lawsuit accused Northwestern of deliberately stripping annuity policyholders of their dividend rights. BoiesBattin litigated the case in multiple jurisdictions. The case went to trial, where BoiesBattin won a verdict on all material issues. Ultimately, the case settled for \$84 million.

In re Cathode Ray Tube (CRT) Antitrust Litigation

BoiesBattin served a leading role in the CRT litigation. Plaintiffs accused CRT manufacturers of conspiring to fix the prices of CRT screens used for computer monitors and televisions sold nationwide. Approval for settlements totaling over \$500 million was granted by the United States Court of the Northern District of California.

Thin-Film Transistor Liquid Crystal Display (TFT-LCD)

BoiesBattin served a leading role in the TFT-LCD litigation. Plaintiffs alleged that defendants conspired to fix the prices of TFT-LCD panels used in laptop computers, computer monitors, and television. The case was settled for \$1.1 billion in the United State District Court for the Northern District of California.

Vitamins

As lead counsel in coordinated multi-state proceedings of more than 50 indirect purchaser classes and *parens patriae* actions filed in 23 separate state jurisdictions against the international manufacturers of bulk vitamins, BoiesBattin negotiated a series of settlements with the defendants. The first settlement secured by BoiesBattin was at that time the largest ever indirect purchaser antitrust settlement. BoiesBattin's efforts in resolving the state vitamins indirect purchaser actions included leading coordinated alternative dispute resolution proceedings sanctioned by state courts throughout the country, and involved scores of plaintiffs' counsel, numerous counsel for foreign defendants, and the State Attorneys General.

Food Additives

As sole lead counsel for more than 10 indirect purchaser state class action claims filed across the country, BoiesBattin effectively advanced the claims of indirect purchasers against the manufacturers of food additives for an illegal price-fixing conspiracy that affected consumer prices for well over a decade. The cases allege that the major manufacturers of certain food

additives conspired to fix prices during the period January 1, 1990 through 2002. BoiesBattin received final approval of a global settlement which provided millions to the affected class members.

Eggs

BoiesBattin was co-lead counsel of indirect purchasers across the country and in 17 jurisdictions alleging a conspiracy to fix the prices of eggs. This litigation involved complicated claims related to cage space restrictions in a multi-billion dollar industry.

**Partial List of Other Actions
Prosecuted by BoiesBattin**

Antitrust Actions

Blue Cross Blue Shield

1. *In re: Blue Cross Blue Shield Antitrust Litigation, No. 2:13-cv-20000-RDP (N.D. Ala.).*

BoiesBattin LLP has been involved in the representation of plaintiff subscribers of the Individual Blue Plans including 60 defendants from across the nation, as well as the Blue Cross Blue Shield Association. Partners of our firm serve prominent roles, including chair of the trial planning committee. This action seeks to recover damages for classes of subscribers caused by an ongoing conspiracy amongst the Blues to allocate markets in violation of the Sherman Act.

Broilers Chicken

2. *In re: Broiler Antitrust Litigation, No. 1:16-cv-08637 (N.D. Ill.).*

BoiesBattin LLP has been involved in the representation of commercial and institutional indirect purchaser plaintiffs against broiler chicken producers for conspiring to fix, raise, maintain and stabilize the price of broiler chicken meat sold in the United States since as early as January 1, 2008. Broilers sold in the United States are controlled by a small number of large producers all of which are involved with this conspiracy.

Packaged Seafood

3. *In re: Packaged Seafood Products Antitrust Litigation, No. 3:15-md-02670-JLS-MDD (S.D. Cal.).*

BoiesBattin represented end-payer plaintiffs against major canned tuna fish manufacturers, including Bumble Bee Foods LLC, StarKist Company, and Tri-Union Seafoods LLC for conspiring to fix the prices of tuna sold in the United States beginning

on August 1, 2008 in violation of the Sherman Act and of the Clayton Act. Defendants agreed to artificially increase prices in spite of falling consumer demand, which continues to harm plaintiffs today.

Local TV Advertising

4. *In re Local TV Advertising Antitrust Litigation, 18-cv-06785 (N.D. Ill.)*

BoiesBattin has been involved in the representation of plaintiffs against major owners of local television stations for conspiring to fix advertising prices on sold in the United States in violation of the Sherman Act and of the Clayton Act. Defendants agreed to artificially increase prices in spite of falling consumer demand, which continues to harm plaintiffs.

Monosodium Glutamate

5. *Ashley v. Archer Daniels Midland Co., et al.*, Circuit Court of DeKalb County, Alabama, CV-95-336, **Co-lead Counsel**.
6. *Caldwell, et al. v. Archer Daniels Midland Co., et al.*, Circuit Court of Coosa County, Alabama, Civil Action No. CV-96-17, **Co-lead Counsel**.
7. *Madelon J. Lief, et al. v. Archer Daniels Midland Co.*, Circuit Court of Dan County, Wisconsin, Civil Docket No. 02CV3697.

Vitamins

8. *Donaldson, et al. v. Degussa Huls Corporation, et al.*, Circuit Court of Cullman Co. Alabama, C.A. No. 99-406, **Co-lead Counsel**.
9. *Giral, et al. v F. Hoffman LaRoche Ltd., et. al.*, Superior Court of the District of Columbia, Civil Division, Case No. 0007467-98, **Lead Counsel**.
10. *Graham v. Hoffman LaRoche, et al.*, Superior Court for the State of California, County of Yolo, No. CV 98-00046, J.C.C.P. No. 4076, **Executive Committee**.
11. *Shaklee Corp. v. Degussa-Huls Corp, et al.*, Superior Court of San Francisco County, California, Case No. 308636, J.C.C.P. Nos. 4090 and 4096.
12. *In re Vitamins Antitrust Litigation*, United States District Court for the District of Columbia, MDL 1285, **Executive Committee and Liaison Counsel**.

Pharmaceuticals

13. *In re Brand-Name Prescription Drugs Antitrust Litigation*, United States District Court for the Northern District of Illinois, MDL 997.
14. *In re Ciprofloxacin Hydrochloride Antitrust Litigation*, United States District Court for the Eastern District of New York, MDL 1383.
15. *Drug Mart Pharmacy Corporation v. Abbot Laboratories, et al.*, Supreme Court of the State of New York, County of Kings, No. 29126-99.
16. *Durrett v. The Upjohn Co., et al.*, Circuit Court of Tuscaloosa County, Alabama, Civil Action No. CV-97-170, **Co-lead Counsel**.
17. *Goda, et al. v. Abbott Laboratories, Inc.*, Superior Court for the District of Columbia, Civil Docket No. 01445-96.
18. *Holdren, et al. v. Abbott Laboratories, Inc.*, District Court of Johnson County, Kansas, Case No. 96C15994.
19. *Huggins, et al. v. Abbott Laboratories, Inc., et al.*, Circuit Court for Chambers County, Alabama, Case No. CV-96-024-CI.
20. *Karofsky v. Abbott Laboratories, Inc., et al.*, Superior Court of Cumberland County, Maine, Civil Docket No. 95-1009.
21. *Kerr v. Abbott Laboratories, Inc., et al.*, District Court of Hennepin County, Minnesota, No. MC-96-002837.
22. *Long v. Abbott Laboratories, Inc., et al.*, General Court of Justice Superior Court Division for Mecklenburg County, North Carolina, Civil Action No. 97 CVS 8289.
23. *McLaughlin, et al. v. Abbott Laboratories, Inc.*, Superior Court for Yavapai County, Arizona, No. 1-CA-SA-96-0215.
24. *Meyers v. Abbott Laboratories, Inc., et al.*, Circuit Court for Davidson County, Tennessee, No. 970612.
25. *Scholfeld v. Abbott Laboratories, Inc., et al.*, District Court for Dane County, Wisconsin, No. 96-CV-0460.
26. *Wood v. Abbott Laboratories, Inc., et al.*, Circuit Court of Oakland County, Michigan, No. 96-5125610CZ.
27. *Yasbin, et al. v. Abbott Laboratories, Inc.*, Circuit Court for the Eleventh Judicial District for Dade County, Florida, C.A. No. 97-1141-CA 03.

Vitamin C

28. *Audette v. Hebei Welcome Pharmaceutical Co. Ltd., et al.*, Commonwealth of Massachusetts, Case No. 2005-00182-C.
29. *In re Vitamin C Antitrust Litigation*, United States District Court for the Eastern District of New York, MDL No. 1738, **Co-Lead Counsel**.

Polyester

30. *Augusta Sullivan and Rose Marie Farina v. Wellman, Inc., et al.*, Commonwealth of Massachusetts, Case No. 02-4872 C.
31. *Briscoe, et al. v. DuPont E.I. Nemours & Co., et al.*, Superior Court for the District of Columbia, C.A. No. 02ca0010508.
32. *Polyester Staple Cases*, Superior Court of California, Judicial Council Coordination Proceeding No.: JCCP No. 4278.
33. *Thomaston Mills, Inc., et al. v. DuPont E.I. Nemours & Co., et al.*, United States District Court for the Western District of North Carolina, Civil Action No. 3:02-CV-474-V.

DRAM Microchips

34. *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, United States District Court for the Northern District of California, MDL No. 1486, **Co-Lead Counsel**.
35. *Hamilton v. Elpida Memory Inc., et al*, Commonwealth of Massachusetts, County of Suffolk, The Superior Court, Case No. 04-3264.

Air Industry

36. *In re Air Cargo Shipping Services Antitrust Litigation*, United States District Court for the Eastern District of New York, Case No. 06-MD-1775.
37. *In re American Airlines Antitrust Litigation*, United States District Court for the District of Kansas, Case No. 99-1187-MLB, **Chair of Executive Committee**.
38. *In re International Air Transportation Surcharge Antitrust Litigation*, United States District Court for the Northern District of California, Case No. 06-cv-1793.
39. *McCoy-Johnson, et al. v. Northwest Airlines, Inc. and Northwest Airlines Corp.*, United States District Court for Western District of Tennessee, Western Division, No. 99-2994 GV, **Chair of Executive Committee**.

Aspartame

40. *In re Aspartame Antitrust Litigation*, United States District Court for the Eastern District of Pennsylvania, No. 06-CV-1732, **Co-lead Counsel**.

Intel

41. *Dressed to Kill Custom Draperies v. Intel Corp.*, United States District Court for the Northern District of California, C 05 3272.
42. *In re Intel Corporation Microprocessor Antitrust Litigation*, United States District Court for the District of Delaware, C 05 485
43. *Juan v. Intel Corp.*, United States District Court for the Northern District of California, C 05 3271.
44. *Kinder v. Intel Corp.*, United States District Court for the Northern District of California, C 05 3273.
45. *Rush v. Intel Corp.*, United States District Court for the Northern District of California C 05 3277.

Microsoft

46. *Crain v. Microsoft Corporation, et al.*, Superior Court for the State of California, County of Yolo, No. CV 99-1740, J.C.C.P. No. 4106.
47. *Dunham v. Microsoft Corporation, et al.*, Superior Court of the State of California, County of Sonoma, No. 223291, J.C.C.P. No. 4106.
48. *Saams, et al. v. Microsoft Corporation, et al.*, Superior Court for the State of California, County of San Francisco, CV 308015, J.C.C.P. No. 4106.

Other Products and Industries

49. *In re Disposable Contact Lens Antitrust Litigation*, United States District Court for the Middle District of Florida, Jacksonville Division, MDL 2626.
50. *In re Lithium Ion Batteries Antitrust Litigation*, United States District Court for the Northern District of California, Oakland Division, MDL 2420.
51. *In re Automotive Parts Antitrust Litigation*, United States District Court for the Eastern District of Michigan, Southern Division, Case No. 12-cv-2311.
52. *In re Citric Acid Antitrust Litigation*, United States District Court for the Northern District of California, MDL 1092.

53. *In re Commercial Tissue Products*, United States District Court for the Northern District of Florida, Gainesville Division, MDL 1189, Case No. 97-CV-128.
54. *In re Flash Memory Antitrust Litigation*, United States District Court for the Northern District of California, Case No. 07-cv-086.
55. *In re Foreign Currency Conversion Fee Antitrust Litigation*, United States District Court for the Southern District of New York, MDL 1409.
56. *In re High Fructose Corn Syrup Antitrust Litigation*, United States District Court for the Central District of Illinois, MDL 1087.
57. *In re Methionine Antitrust Litigation*, United States District Court for the Northern District of California, MDL 1311.
58. *In re Online DVD Rental Antitrust Litigation*, United States District Court for the Northern District of California, MDL 2029.
59. *In re OSB Antitrust Litigation*, United States District Court for the Eastern District of Pennsylvania, Case No. 06-826, **Co-lead Counsel**.
60. *In re Processed Egg Products Antitrust Litigation*, United States District Court for the Eastern District of Pennsylvania, Case No. 08-md-2002, **Co-lead Counsel**.
61. *In re Refrigerant Compressors Antitrust Litigation*, United States District Court for the Eastern District of Michigan, Case No. 2:09-02042.
62. *Robbins, LLC v. Cabot Corporation, et al.*, United States District Court for the District of Massachusetts, Case No. 03-CV-11072DPW.
63. *Seven Up Bottling Company of Jasper, Inc. v. Archer Daniels Midland Co., et al.*, Circuit Court of Walker County, Alabama, Civil Action No. 95-436, **Co-lead Counsel**.
64. *In re Static Random Access Memory (SRAM) Antitrust Litigation*, United States District Court for the Northern District of California, Oakland Division, Case No. 07-cv-1819.
65. *Thomas and Thomas Rodmakers, Inc., et al. v. Newport Adhesives and Composites, Inc. et al.* United States District Court Central Division, No. CV-99-07796-GHK (CTx).
66. *In re Hypodermic Products Antitrust Litigation*, United States District Court for the District of New Jersey, Case No. 05-cv-1602.
67. *In re Residential Telephone Lease Contract Litigation*, Southern District of Alabama, MDL 1165, **Co-lead Counsel**.
68. *Park Surgical Co. Inc., et al. v. Becton Dickinson & Company*, Civil Action No. 05 CV 5678 (E.D. Pa.)(CMR).

69. *Smith v. GTE Corp., et al.*, United States District Court for the Middle District of Alabama, Case No. 97-M-1025, **Co-lead Counsel**.
70. *Southeast Missouri Hospital, Saint Francis Medical Center v. C.R. Bard Inc.*, United States District Court for the Eastern District of Missouri, Southeastern Division, Case No. 07-cv-031, **Co-lead Counsel**.
71. *Sparks, et al. v. AT&T Corporation, et al.*, Circuit Court, Third Judicial Circuit, Madison County, Illinois, Case No. 96-LM-983.
72. *Sparks, et al. v. Lucent Technologies, et al.*, Circuit Court, Third Judicial Circuit, Madison County, Illinois, Case No. 01-L-1668.
73. *Wilson v. Toys R Us, et al.*, Circuit Court of Tuscaloosa County, Alabama, Civil Action No. CV-96-574, **Co-lead Counsel**.

Securities Actions

74. *In re Alliance, Franklin/Templeton, Bank of America/Nation Funds, and Pilgrim Baxter [Franklin Templeton Subtrack] v. Sharkey Iro/Ira v. Franklin Resources, et al.*, United States District Court for the District of Maryland, Case No. 04-MD-15862.
75. *Casey v. Prudential Securities, Inc.*, Supreme Court of the State of New York, County of Albany, Index. No. 3462-97.
76. *In re Medpartners Securities Litigation*, United States District Court for the Northern District of Alabama, CV-98-B-0067-S.
77. *In re Mutual Funds Investment Litigation*, United States District Court for the District of Maryland, MDL 1586.
78. *In re NASDAQ Market-Makers Antitrust Litigation*, United States District Court for the Southern District of New York, MDL 1023.
79. *Milne v. Mercury Finance Co., et al.*, United States District Court for the Northern District of Illinois, No. 97-C-1536.
80. *Ronald Lankford v. Jos. A. Banks Clothiers, Inc.*, Circuit Court of Madison County, Alabama, Case No. CV03-204LHL.
81. *In re Vesta Insurance Group, Inc. Securities Litigation*, United States District Court for the Northern District of Alabama, CV 98-AR-1407-S, **Liaison Counsel**.
82. *Vivian Bernstein v. Janus Capital Management, LLC, et al.*, United States District Court, District of Colorado, Case No. 03-B-1798.

Products Liability Actions

83. *In re Bridgestone/Firestone, Inc. ATX, ATX II and Wilderness Tires Products Liability Litigation*, United States District Court for the Southern District of Indiana, Indianapolis Division, MDL 1373, (Tires).
84. *In re Cigarette Litigation*, United States District Court for the Northern District of Georgia, CV-0447 (MDL 1342).
85. *Hodge, et al. v. Eastman Chemical Company*, Circuit Court of Jefferson County, Tennessee, Civil Action No. 16.351 IV, **Co-lead Counsel**, (Photography Chemicals).
86. *Rampey v. Novartis Consumer Health, Inc.*, Circuit Court of Chambers County, Alabama, CV-97-174, **Co-lead Counsel**, (Ex-Lax).
87. *In re Zurn Pex Products Liability Litigation*, United States District Court for the District of Minnesota, Case No. 08-md-1958, **Class Counsel**.

Miscellaneous Actions

In addition to the above listed suits, BoiesBattin LLP has been involved in numerous other fields of litigation:

88. ALCOHOL - BoiesBattin LLP lead the fight against numerous alcoholic beverage manufacturers and distributors for illegally advertising to underage children. *Ayman R. Hakki, et al. v. Zima Company, et al.*, Superior Court for the District of Columbia, Case No. 1:03 CV 02621; *Randy Kreft and Colleen Kreft, et al. v. Zima Beverage Company, et al.*, District Court, City & County of Denver, Colorado, Case No. 03-CV-9229; *Ronald P. Wilson, Andrea B. Wilson and Joseph A. Wilson, et al. v. Zima Company, et al.*, Superior Court, County of Mecklenburg, State of North Carolina, Case No. 04-CV-626.
89. GENETICALLY MODIFIED CROPS – BoiesBattin LLP has also been involved in litigation regarding broad contamination due to genetically modified crops. *Blades, et al. v. Monsanto Co.*, United States District Court for the Southern District of Illinois, CV 00-4034-DRH (soy); *In re Genetically Modified Rice Litigation*, United States District Court for the Eastern District of Missouri, No. 4:06-MD 1811 CDP (rice).
90. PAN AM VICTIMS – BoiesBattin LLP represents family members of the victims of the terrorist act on Pan Am Flight 103. *Curtis W. Fisher, et al. v. Abdel Basset Ali Mohamed Al-Megrahi, et al.*, D.D.C. 04-02055 (HHK); *Lawrence P. Fisher II v. Great Socialist People's Libyan Jamahiriya, et al.*, D.D.C. 05-2454 (HHK).
91. *Care Pharmacies, Inc. v. Purdue Pharma, L.P., et al.*, United States District Court for the Southern District of New York, Case No. 04-CV-3890 (Class action alleging damages based on abuse of patent for OxyContin)

92. *Derek S. Lynn v. Hyundai Motor America, Inc.*, Circuit Court of Madison County, Alabama, Civil Action No. CV-03-412.
93. *In re FedEx Ground Package System, Inc. Employment Practices Litigation*, United States District Court for the Northern District of Indiana, South Bend Division, Case No. 05-MD-527.
94. *In re Humana, Inc. Managed Care Litigation*, United States District Court for the Southern District of Florida, MDL 1334, **Executive Committee**. (Class action against managed-health care organizations for nonpayment).
95. *Marleen M. LaPlant v. The Northwestern Mutual Life Insurance Company*, State of Wisconsin, Circuit Court, Milwaukee County, Case No. 08-cv-011988, **Co-lead Counsel**.
96. *Poulos, et al. v. Caesar's World, Inc., et al.*, United States District Court for the District of Nevada, CV-S-94-1126-DAE (RJJ) (Misrepresentation of odds in slot machines).
97. *Prewitt Enterprises, Inc., v. Organization of Petroleum Exporting Countries*, United States District Court for the Northern District of Alabama, Case No. CV-00-B-0865-S.
98. *Thomas Miller and Noel Collette v. Deluxe Corporation*, First Judicial District, District Court of Dakota County, Minnesota, Civil Action No. 19-CO-03-6487 (Checks Unlimited).

EXHIBIT 6

1 BOTTINI & BOTTINI, INC.
Francis A. Bottini, Jr. (SBN 175783)
2 Albert Y. Chang (SBN 296065)
3 7817 Ivanhoe Avenue, Suite 102
La Jolla, California 92037
4 Telephone: (858) 914-2001
5 Facsimile: (858) 914-2002

6 *Counsel for the End Payer Plaintiffs*
Vivek Dravid, Melissa Bowman,
7 *Jody Cooper, Danielle Johnson,*
8 *Herbert H. Kliegerman, Joseph A.*
Langston, Beth Milliner and Liza Milliner

9
10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
13 PRODUCTS ANTITRUST)
LITIGATION) **DECLARATION OF FRANCIS A.**
14) **BOTTINI, JR. IN SUPPORT OF**
15) **END PAYER PLAINTIFFS'**
16) **MOTION FOR ATTORNEYS'**
17) **FEES, COSTS, EXPENSES, AND**
18) **SERVICE AWARDS**

18 This Document Relates to:) DATE: November 22, 2024
19 End Payer Plaintiffs Class Track) TIME: 1:30 p.m.
20) JUDGE: Hon. Dana M. Sabraw
21) COURT: 13A (13th Floor)
22)
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1 I, Francis A. Bottini, Jr., declare:

2 1. I am a partner at Bottini & Bottini, Inc. (“B&B”). I have been licensed
3 to practice law in the state of California since 1995. I am admitted to practice in the
4 U.S. District Courts for the Southern District of California, Central District of
5 California, Northern District of California, Eastern District of California, Northern
6 District of Illinois, and District of Colorado. The following facts are within my
7 personal knowledge and, if called as a witness, I could and would testify competently
8 to them.

9 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
10 Attorneys’ Fees, Costs, Expenses, and Service Awards.

11 3. On October 5, 2015, my firm filed a proposed class action lawsuit on
12 behalf of our clients against Bumble Bee Foods LLC, Starkist Company, Tri-Union
13 Seafoods LLC, and King Oscar, Inc. in the U.S. District Court for the Southern
14 District of California and assigned Case No. 3:15-cv-02216-DMS-MSB. Our clients’
15 action was consolidated into the instant action with other similar actions filed in other
16 jurisdictions nationwide as a Multi-District Litigation titled, *In Re: Packaged Seafood*
17 *Products Litigation*, No. 15-MD-2670 in the Southern District of California (the
18 “Action”).

19 4. I am the managing partner at B&B, and have practiced complex class
20 action litigation on behalf of consumers and individuals in California and nationwide
21 since 1995. The firm generally employs six attorneys practicing in the areas of
22 plaintiffs’ class action litigation, including securities, antitrust, ERISA, and consumer
23 class actions, as well as shareholder derivative actions, whistleblower actions, and
24 claims under state and federal law. I head the practice team specifically related to
25 consumer protection and antitrust class action matters. Attached hereto as **Exhibit A**
26 is my firm’s resume.

27 5. B&B’s attorneys have a long history of successfully handling class
28 actions across a range of industries, including antitrust cases. I have substantial

1 experience in complex class actions, including as Lead or Co-Lead Class Counsel in
 2 numerous class actions. See **Exhibit A**.

3 6. I have an extensive background in antitrust and consumer protection
 4 class action litigation. I have litigated numerous class action cases across the country
 5 involving antitrust and unfair competition claims, including *In re DRAM Antitrust*
 6 *Litigation*, MDL No. 1486 (N.D. Cal.) in which my firm at the time served as Co-Lead
 7 Counsel.

8 7. I and my firm have been involved with and assisted in the prosecution of
 9 the litigation of this Action under the direction of Class Counsel including, among
 10 other tasks, extensively investigating the claims, both before and after filing the initial
 11 complaint; researching issues of law and drafting complaints; performing legal
 12 research; coordinating with other plaintiffs’ counsel regarding consolidation and
 13 leadership issues; assisting in drafting the consolidation and leadership motions;
 14 appearances at court hearings; reviewing documents produced by Defendants and
 15 working on discovery matters; and communications with our clients regarding various
 16 stages of litigation, trial preparation and settlement.

17 8. The current hourly rates for B&B attorneys and staff that have worked
 18 on the Action, as well as their hours spent working on the Action as of September 1,
 19 2024, and their corresponding lodestar, are as follows:

20 **B&B Lodestar through September 1, 2024**

21 Timekeeper	Current Rate	Hours	Lodestar
22 Francis A. Bottini, 23 Jr., Partner	\$1,090.00 per hour	162.80	\$177,452.00
24 Albert Y. Chang, 25 Partner	\$840.00 per hour	123.40	\$103,656.00
26 Yury A. 27 Kolesnikov, 28 Attorney	\$736.00 per hour	12.20	\$8,979.20
Todd Hipper, Attorney	\$420.00 per hour	614.70	\$258,174.00

Stephanie M. Ammirati, Paralegal	\$440.00 per hour	50.00	\$22,000.00
Amelia Ardito, Paralegal	\$310.00 per hour	11.10	\$3,441.00
TOTAL:			\$573,702.20

9. These records were prepared from contemporaneous, daily time records regularly prepared and maintained by B&B in the normal course of business. B&B maintains detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on B&B’s current billing rates. These records are available for review at the request of the Court.

10. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm’s representation of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the hours spent on each task.

11. I have general familiarity with the range of hourly rates typically charged by plaintiffs’ class action counsel in the field of unfair competition and antitrust in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I am able to conclude that the rates charged by my firm are commensurate with those prevailing in the market for such legal services furnished in complex antitrust class action litigation such as this case. My firm’s hourly rates were most recently approved by the following courts:

- *Roberts v. Zuora, Inc.*, No. 3:19-cv-03422-SI (N.D. Cal., Jan. 16, 2024); and
- *In re Tintri, Inc. Securities Litigation*, Lead Case No. 17-CIV-04321 (Cal. Super. Ct., San Mateo Aug. 22, 2024).

12. My firm has incurred costs of \$37,116.63 so far in litigating the Action, consisting of the following categories of costs:

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Category	Cost
Reproduction/Duplication	\$392.50
Postage	\$1.41
Travel	\$240.45
Lexis online legal research	\$1,482.27
Litigation Fund Contributions	\$35,000.00
Total:	\$37,116.63

13. Throughout the litigation, my firm and I worked under the direction of Class Counsel, and I made every effort to operate as efficiently as possible and to avoid unnecessary duplication. I coordinated with Class Counsel for all work performed and costs incurred in this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 23 2024, at La Jolla, California.

Dated: September 23, 2024

By: /s/ Francis A. Bottini, Jr.
FRANCIS A. BOTTINI, JR.

EXHIBIT A

BOTTINI & BOTTINI, INC.

FIRM RESUME

Bottini & Bottini, Inc. specializes in representing shareholders, consumers, businesses, and whistleblowers in high-stakes cases across the United States. The firm concentrates its practice in complex civil litigation, including the areas of securities class actions, shareholder derivative litigation, consumer privacy class action lawsuits, antitrust class action litigation, shareholder mergers and acquisitions litigation, *qui tam* litigation on behalf of whistleblowers under the False Claims Act, and class actions under the Employee Retirement Income Security Act of 1974 (“ERISA”).

The attorneys at Bottini & Bottini, Inc. have been appointed lead counsel, co-lead counsel, or played a significant role in hundreds of high-profile cases in state and federal courts across the country. The firm’s representative matters and the biographies of the firm’s professionals are set forth below.

Representative Matters

- ***Pampena v. Elon Musk***, Case No. 22-cv-05937-CRB (United States District Court for the Northern District of California). By order dated April 24, 2023, the Hon. Charles Breyer appointed Bottini & Bottini, Inc. and Cotchett Pitre & McCarthy LLP to serve as Co-Lead Counsel for the Class. *See Pampena v. Musk*, 2023 U.S. Dist. LEXIS 71169 (N.D. Cal. Apr. 24, 2023). The case, which is a “seller class action,” asserts securities fraud claims under Section 10(b) of the Securities Exchange Act of 1934 against Defendant Elon Musk on behalf of all persons who sold Twitter stock between May 13, 2022 and October 4, 2022, inclusive. Plaintiffs allege that Musk made false statements to the public designed to drive Twitter’s stock down so that Musk could attempt to renegotiate the merger price for his buyout of Twitter. Plaintiffs filed an amended complaint on June 8, 2023. By order dated December 11, 2023, Judge Breyer upheld all Plaintiffs’ claims and denied Musk’s motion to dismiss. *See Pampena v. Musk*, 2023 U.S. Dist. LEXIS 220240 (N.D. Cal. Dec. 11, 2023). The Court later denied Defendant Elon Musk’s motion for judgment on the pleadings by order dated August 5, 2024. *See Pampena v. Musk*, 2024 U.S. Dist. LEXIS 138528 (N.D. Cal. Aug. 5, 2024). The case is currently in the discovery phase, and Plaintiffs’ Motion for Class Certification is set for hearing on September 27, 2024.
- ***In re Tik Tok, Inc. Consumer Privacy Litigation***, MDL No. 2948 (N.D. Ill.) – In 2020, Bottini & Bottini was appointed to Plaintiffs’ Steering Committee by the Hon. John Z. Lee in this consumer privacy class action. Plaintiffs filed a Consolidated Amended Complaint on December 18, 2020. The complaint alleges that Defendants, through the TikTok app, collected, captured, obtained, stored and disclosed Illinois resident TikTok users’ biometric information in violation of the Illinois’ Biometric Information Privacy Act (“BIPA”), 740 ILCS §14/1, et seq. In 2022, a settlement of **\$92 million** was approved by the Court.
- ***In re Zoom Video Commc’ns, Inc. Privacy Litig.***, Master File No. 20-CV-02155 (N.D. Cal.) (Koh, J.) -- Bottini & Bottini was appointed as a member of Plaintiffs’ Steering

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Committee by Order dated June 30, 2020. By Order dated March 11, 2021, Judge Koh denied in substantial part Defendants' motion to dismiss. By Order dated April 5, 2021, Judge Koh denied Zoom's motion to stay discovery. The case was settled in 2021 for **\$85 million**. By Order dated April 21, 2022, Judge Koh granted final approval to the settlement.

- ***Dinko Mihaylov v. Tattooed Chef, Inc., et al.*** (In re Tattooed Chef Inc. Sec. Litig.), Case No. CV 22-9311-GW-Ex (C.D. Cal.). By order dated March 24, 2023, the Hon. George Lu appointed Bottini & Bottini sole Lead Counsel over the competing applications of two other law firms in this securities class action brought under the Private Securities Litigation Reform Act of 1995 and asserting claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 against the Company's officers and directors and accounting firm. See *Mihaylov v. Tattooed Chef, Inc.*, 2023 U.S. Dist. LEXIS 62620 (Mar. 23, 2023). Plaintiffs filed a First Amended Complaint on June 1, 2023.
- ***Sterling v. Iris Energy Ltd.***, Case No. 2:22-cv-7273-JMV-MAH (D.N.J.). Bottini & Bottini was appointed sole Lead Counsel by the Court over competing lead plaintiff motions in an order dated March 27, 2023. The case is a securities class action asserting claims under the Securities Act of 1933 and Securities Exchange Act of 1934 against the Company's officers and directors and underwriters. The lawsuit seeks damages on behalf of investors who bought Iris Energy's stock in the Company's IPO and also on the open market after the IPO. Iris Energy is a bitcoin miner. On June 6, 2023, Plaintiffs filed a First Amended Complaint. The action is currently pending and being litigated.
- ***In re Alphabet Inc. Shareholder Derivative Litig.***, Lead Case No. 19CV341522 (Santa Clara Superior Court). Bottini & Bottini was appointed Co-Lead Counsel by the Hon. Brian C. Walsh after a heavily-contested lead counsel process. A groundbreaking settlement was reached in 2020 which resulted in Google's commitment to eliminate the use of mandatory arbitration in cases alleging sexual harassment and discrimination, the establishment of a Diversity, Equity, & Inclusion Council including two members selected by Plaintiffs' counsel, and an agreement by Google to spend **\$310 million** over ten years on workplace initiatives designed to eliminate sexual harassment and discrimination and initiatives that support diversity, equity, and inclusion. See "Alphabet Settles Shareholder Suits Over Sexual Harassment Claims," THE NEW YORK TIMES, Sept. 25, 2020. The membership of the DEI Council will consist of both external experts and internal members, including, in its first year, Alphabet's CEO (Sundar Pichai). The workplace initiatives and programs will focus on (1) expanding the pool of historically underrepresented technologists; (2) hiring, progression, and retention of historically underrepresented talent at Alphabet and, in particular, Google; (3) fostering respectful, equitable, and inclusive workplace cultures; and (4) helping historically underrepresented groups and individuals succeed with their businesses and in the digital economy and tech industry.
- ***Justice John Trotter (Ret.), Trustee of the PG&E Fire Victim Trust v. Williams et al.***, Lead Case No. CGC-17-562591 (Superior Court for the State of California, County of San Francisco). Bottini & Bottini was one of the firms retained by Justice John Trotter

on behalf of the PG&E Fire Victim Trust to assert claims against various former officers and directors of PG&E Corporation. The suit asserted damages for breaches of fiduciary duty committed by such officers and directors in connection with wildfires caused by PG&E Corp. in Northern California -- the 2017 North Bay Wildfires and the 2018 Camp Fire. Bottini & Bottini had previously filed a shareholder derivative action against PG&E's officers and directors on December 24, 2018. After PG&E filed for bankruptcy due to massive liabilities related to the wildfires, Justice Trotter was appointed as Trustee of the PG&E Fire Victim Trust in order to pursue claims seeking compensation for the fire victims. The shareholder derivative claims originally asserted by Bottini & Bottini were among the claims assigned to the Fire Victim Trust. An amended complaint was filed on March 24, 2021 in San Francisco Superior Court asserting direct claims for breach of fiduciary duty against PG&E's officers and directors.

On November 8, 2021, Judge Andrew Y.S. Cheng denied in substantial part Defendants' demurrer to the Amended Complaint. Defendants moved for reconsideration of the Court's order overruling their demurrer, and the Court denied that motion by Order dated December 16, 2021. Meanwhile, Plaintiffs had filed a Second Amended Complaint on November 18, 2021 to add additional factual details about Defendants' wrongdoing.

Defendants filed a demurrer/motion to dismiss the Second Amended Complaint, which was heard by the Court on February 24, 2022. On April 1, 2022, the Court issued an Order overruling Defendants' demurrers in their entirety.

Trial was set for August 1, 2022. Plaintiff diligently prepared the case for trial, reviewing millions of pages of documents and taking dozens of depositions.

A settlement of **\$117 million** was reached just a few months before trial was set to commence.

Cathy Yanni, a spokesperson for the Fire Victim Trust, stated in announcing the settlement that "It is our hope that in holding PG&E's past officers and directors accountable in connection with the damage inflicted on thousands of fire victims in California, the current board and new leadership of PG&E charts a different course where safety and the protection of customers is the central operating principle of the company. We are pleased to see early signs of a new focus on safety with PG&E's recent announcements about plans to harden infrastructure and lay power lines underground, both measures that would significantly reduce fire hazards."

- *Petry v. Gilead Sciences, Inc.*, C.A. No. 2020-0132-KSJM, C.A. No. 2020-0138-KSJM, C.A. No. 2020-0155-KSJM, C.A. No. 2020-0173-KSJM (*Del. Ch.*). In this action in which stockholders sought to inspect books and records of Gilead Sciences under Del. Code Ann. tit. 8, § 220 regarding allegations that Gilead wrongfully delayed the introduction of a safer HIV drug to increase its profits, judgment was entered for the stockholders. *Petry v. Gilead Sciences, Inc.*, 2020 Del. Ch. LEXIS 347 (Nov. 24, 2020). The Court also permitted Plaintiffs to pursue fee shifting due to Gilead's misconduct, ultimately granting Plaintiffs attorneys' fees and expenses. *See Petry v. Gilead Sciences, Inc.*, 2021 Del. Ch. LEXIS 156 (Jul. 22, 2021).

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- ***In re Yahoo! Inc. Shareholder Litig.***, Lead Case No. 17-CV-307054 (Superior Court for the State of California, County of Santa Clara). Bottini & Bottini was Co-Lead Counsel in this shareholder derivative litigation, which involved the largest corporate data breach in U.S. history. After engaging in expedited discovery, the Court granted in part Plaintiff's motion for a preliminary injunction and ordered Yahoo! to provide additional information to the Company's shareholders in a proxy statement filed with the SEC. Thereafter, after further substantial litigation, the derivative claims settled for a cash payment by Defendants of \$29 million, representing the largest recovery ever in a shareholder derivative action involving a data breach.

By order dated January 4, 2019, Judge Brian C. Walsh of the Complex Litigation Department granted final approval to the settlement stating: "But I have to say that on both sides, the intelligence, the persistence, the professionalism was a joy to behold. You're a credit to your clients and I hope they appreciate the fine work you did for them, and a credit to your profession. It was a pleasure to work with you."

The Yahoo shareholder derivative litigation has been described as a "milestone" by commentators for the significant cash recovery obtained for Yahoo, especially since past shareholder derivative cases involving data breaches had all been dismissed or not resulted in any cash recovery for the company. In describing the significant **\$29 million cash recovery** in Yahoo, one commentator stated that "the track record in prior data breach related derivative litigation makes the significant recovery in the Yahoo data breach-related derivative settlement all the more noteworthy." *See* Kevin LaCroix, The D&O Diary, Jan. 21, 2019.

- ***Wilhoite v. Xiaodi Hou*** (In re TuSimple Shareholder Deriv. Litig.), Case No. 3:23-cv-02333-BEN-MSB (United States District Court for the Southern District of California). Bottini & Bottini and Bernstein Litowitz Berger & Grossmann LLP are Co-Lead Counsel for the plaintiffs, who are shareholders of TuSimple, Inc. Plaintiffs filed suit on December 22, 2023, seeking a preliminary injunction and damages under the federal Defend Trade Secrets Act of 2016 and the California Uniform Trade Secrets Act. Plaintiffs then promptly moved for a TRO and also filed an *ex parte* motion to expedite the hearing on the motion for TRO, which the court granted. On January 23, 2024, the court granted Plaintiffs' Motion for TRO and expedited discovery and enjoined the company's co-founder and others from:

1. Violating the National Security Agreement between TuSimple, Holdings, Inc. and the Committee on Foreign Investment in the United States ("CFIUS").
2. Selling, transferring, or disclosing TuSimple trade secrets to people or entities outside the United States, including TuSimple's China-based businesses.
3. Selling, transferring, or disclosing TuSimple trade secrets to Hydron, Inc.
4. Transferring outside of the United States any proceeds obtained from the sale, transfer, or disclosure of TuSimple's trade secrets.
5. Transferring outside of the United States any proceeds obtained from the sale, transfer, or disclosure of TuSimple's assets other than trade secrets.

See Wilhoite v. Xiaodi Hou, 2024 U.S. Dist. LEXIS 12040 (S.D. Cal. Jan. 23, 2024) (order granting Plaintiffs' Motion for TRO to prevent company executives from

transferring intellectual property to China).

- ***In re Google RTB Consumer Privacy Litig.***, Case No. 4:21-cv-02155-YGR (N.D. Cal.). Bottini & Bottini is serving as a member of the Executive Committee in this consumer privacy class action alleging that Google misappropriated consumers' personally identifiable information without consent and used the information for its own profit in connection with the operation of its "real time bidding" network with advertisers. Most of plaintiffs' claims have been upheld by the court. *See In re Google RTB Consumer Priv. Litig.*, 606 F. Supp. 3d 935 (2022). The case is currently in the discovery phase and *Daubert* and dispositive motions are set for July 18, 2025.
- ***In re Franklin Wireless Shareholder Derivative Litigation***, Case No. 21-cv-1837-AJB-MSB (S.D. Cal.). The firm serves as Co-Lead Counsel in this shareholder derivative action, which asserts claims for violation of Section 14(a) of the Securities Exchange Act of 1934, breach of fiduciary duty, and unjust enrichment. The lawsuit involves alleged wrongdoing by the CEO and board members relating to the loss of the Company's largest customer (Verizon) due to the board's failure to adequately address and remediate the Company's defective products. After the claims were upheld, Plaintiffs engaged in full merits and expert discovery and prevailed on all claims against Defendants' motion for summary judgment. *See In re Franklin Wireless Corp. Derivative Litig.*, 2024 U.S. Dist. LEXIS 47516 (Mar. 18, 2024). The case has been set for trial on December 9, 2024.
- ***Gehrich v. Frederick Howe et al. (In re MedImpact Shareholder Litig.)***, Case No. 37-2018-00041295-CU-SL-CTL (San Diego Superior Court). Bottini & Bottini served as sole court-appointed Lead Counsel in this shareholder class action against the officers and directors of MedImpact Holdings, Inc., the largest privately-owned pharmacy benefit manager in the United States. After prevailing on a demurrer in which the Court upheld all the claims alleged by the Plaintiffs, and after extensive litigation and motion practice in the case, including discovery and the filing of three motions seeking declaratory and injunctive relief, the case was settled. As a result of Plaintiffs' efforts, the price offered to the Company's minority shareholders for their stock was increased by 75.12% (from \$21.70 to \$38.00), representing a recovery of **over \$41 million**. During the case, the Company also agreed to hold annual meetings of shareholders and disseminate annual reports to shareholders. By order dated December 20, 2019, the Hon. Kenneth J. Medel granted final approval to the settlement.
- ***Wolther v. Maheshwari et al. (In re Veeco Instruments Shareholder Litig.)***, Lead Case No. 18CV329690 (Superior Court for the State of California, County of Santa Clara). Bottini & Bottini, Inc. served as Lead Counsel in this shareholder class action brought under the Securities Act of 1933. By Order dated May 3, 2019, the Hon. Brian Walsh denied defendants' demurrers in their entirety. The case subsequently settled for **\$15 million** -- approximately 17% of the estimated damages.
- ***In re Eventbrite, Inc. Securities Litigation***, Lead Case No. 19CIV02798 (Superior Court for the State of California, County of San Mateo). By Order dated June 25, 2019, Judge Weiner appointed Bottini & Bottini and Cotchett Pitre & McCarthy Lead

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Counsel in this securities class action brought under the Securities Act of 1933, which seeks damages relating to Eventbrite's IPO. Bottini & Bottini successfully opposed Defendants' motion to stay the case, which the Court denied by Order dated August 20, 2019. The case recently settled for **\$19.25 million** -- approximately 27% of the estimated damages. On June 10, 2022, the Court granted final approval to the settlement.

- ***Boston Retirement System v. Uber Technologies, Inc.***, Case No. 3:19-cv-06361-RS (U.S. District Court for the N.D. Cal.). In this securities class action alleging claims related to Uber's IPO, Bottini & Bottini served as one of the counsel for the plaintiffs, and as counsel for one of the three lead plaintiffs (Sal Toronto). After five years of litigation in which Defendants' motions to dismiss were defeated, the class was certified, and extensive discovery was conducted, the case **settled for two hundred million dollars (\$200,000,000) in 2024**. The Court granted preliminary approval to the settlement by order dated August 9, 2024. The final approval hearing is scheduled for December 5, 2024.
- ***Chicago Laborers Pension Fund v. Alibaba Group Holding Ltd.***, Case No. CIV535692 (Superior Court for the State of California, County of San Mateo). Bottini & Bottini was one of three firms (together with Robbins Geller Rudman & Dowd LLP and Cotchett, Pitre, & McCarthy LLP) that prosecuted a class action under the Securities Act of 1933 against Alibaba Group Holding Limited ("Alibaba") in the Superior Court of California, County of San Mateo, arising from Alibaba's September 2014 initial public offering ("IPO"). After three and a half years of hard-fought litigation that involved substantial discovery in both the United States and China, a cash settlement was reached in December 2018 of **\$75,000,000** — approximately 23.4% of the estimated maximum damages. The settlement was granted final approval by the Hon. Richard H. DuBois on May 17, 2019.
- ***In re Snap, Inc. Securities Cases***, JCCP No. 4960 (Superior Court for the State of California, County of Los Angeles). Bottini & Bottini served as co-lead counsel in this shareholder class action relating to Snap's IPO. In January 2020, the case and a related action in federal court settled for a combined **\$187.5 million, with \$32,812,500 representing the state court settlement**. The Hon. Elihu M. Berle granted final approval of the settlement by Order dated March 9, 2021. The settlement represented the 97th largest securities class action settlement ever. See Sarah Jarvis, "Two Investor Settlements From 2021 Crack Top 100 List," Law360, Jan. 25, 2022 ("Robbins Geller, Kessler Topaz, Bottini & Bottini and Block & Leviton led the two investor class action settlements from 2021 that broke into the top 100 largest such settlements of all time, according to a report released Tuesday . . . the \$187.5 million settlement involving social media giant Snap Inc. — led by Kessler Topaz Meltzer & Check LLP in the federal case and co-lead by Robbins Geller, Bottini & Bottini and Block & Leviton in a related state action — ranks 97th.").
- ***Overbrook Capital LLC v. Aerogrow International, Inc.***, Lead Case No. A-21-827665-B (Clark County, Nevada District Court). By order dated Feb. 18, 2021, the Court consolidated multiple pending class actions and appointed Bottini & Bottini, Inc. sole Lead Counsel for the Class. The Consolidated Complaint alleges that

Defendants breached their fiduciary duties by fraudulently divesting the Company's minority shareholders of fair value for their stock in a self-interested transaction orchestrated by Defendant Scotts Miracle-Gro, the 80% majority owner of the Company. By order dated October 21, 2021, the Court upheld all Plaintiffs' claims against all Defendants. The Defendants petitioned the Nevada Supreme Court for review, which review was granted. By Order dated June 30, 2022, the Nevada Supreme Court ruled in Plaintiff's favor, and in the process confirmed the applicable standard for bringing "invalid merger" claims under Nevada law. *See Aerogrow International, Inc. v. Eighth Judicial District of Nev.*, 511 P.3d 1035 (Nev. 2022). The case was certified as a class action by Order dated June 10, 2022 and notice was provided to the Class. The case is currently in the discovery phase and trial is scheduled for 2024.

- ***Dollens v. Goosehead Insurance, Inc.***, C.A. No. 2022-1018-JTL (Delaware Chancery Court). In this shareholder class action filed in 2022, Plaintiffs, represented by Bottini & Bottini and Saxena White, alleged that in violation of DGCL Section 141(a), Goosehead's insiders adopted various shareholder agreements and terms in the company's governing documents that provided certain favored minority stockholders with contractual veto power over the most important decisions and functions properly entrusted to the Board under Delaware's corporate system, such as the hiring, firing, and compensation of the Company's CEO, CFO, and other most senior executive officers. The complaint also alleged that, in violation of Delaware common law principles recognizing "[t]he shareholders' right to vote includes the right to nominate a contesting slate," *Hubbard v. Hollywood*, 1991 WL 3151, at *8 (Del. Ch. Jan. 14, 1991), Goosehead provided the same favored minority stockholders with a contractual right to always designate the nominees for a majority of the seats on the Company's Board, including the Chair of the Board, so long as they continue to hold a mere 10% of the Company's total outstanding shares. As a result of Plaintiffs' efforts, the case was settled on August 8, 2023, with Goosehead agreeing to make significant changes to these agreements, including: (i) narrowing the consent rights provision of the Stockholders Agreement, (ii) clarifying the board nomination rights provision of the Stockholders Agreement, and (iii) adding a "fiduciary out" clause to both (collectively, the "Proposed Settlement"). The final approval hearing is set for Feb. 16, 2024 before the Hon. V.C. Laster.
- ***In re DRAM Antitrust Litigation***, MDL No. 1486 (N.D. Cal.). Mr. Bottini's prior firm, Wolf Haldenstein Adler Freeman & Herz LLP, served as Co-Lead Counsel for the Class, and Mr. Bottini was one of two lead partners for his firm on the case. After five years of litigation, **\$325,997,000** in settlements was obtained for the Class from nine defendants in one of the largest and most complex civil antitrust class actions in the country. Mr. Bottini was involved in all aspects of the case from the filing of the first complaint in 2002 to the final approval of the settlements which occurred in August 2007. Mr. Bottini was part of the trial team that was set to try the case against the two remaining defendants – Mosel Vitelic, Inc. and Nanya – when separate settlements with these last two defendants were reached on March 21, 2007, the day before oral argument was to be conducted on the motions in limine for trial. On August 15, 2007, the Honorable Phyllis J. Hamilton granted final approval to the settlements, stating:

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. The percentages, as you have outlined them, do put this [case] in one of the upper categories of results of this kind of [antitrust] class action. I am aware of the complexity . . . I thought that you all did an exceptionally good job of bringing to me only those matters that really required the Court's attention. You did an exceptionally good job at organizing and managing the case, assisting me in management of the case. There was excellent coordination between all the various different plaintiffs' counsel with your group and the other groups that are part of this litigation. . . . So my conclusion is the case was well litigated by both sides, well managed as well by both sides.

- *In re Brocade Communications Systems, Inc. Derivative Litigation*, No. 1:05cv41683 (Cal. Super. Ct., County of Santa Clara). Mr. Bottini was Co-Lead Counsel in one of the highest-profile cases in the country challenging the award of backdated stock options by executive officers of Brocade. The case was filed in May 2005 and, on August 8, 2008, Mr. Bottini was retained as co-counsel to Brocade by the Special Litigation Committee of the Board of Directors to help litigate the company's claims against ten former officers and directors of the company. An amended complaint was filed in federal court in San Francisco, and the case, *In re Brocade Communications Systems, Inc.*, No. 05-cv-2233 (N.D. Cal.), proceeded before the Honorable Charles R. Breyer in the United States District Court for the Northern District of California. After litigation of the case for over five years, **over \$24 million** was recovered for Brocade through the litigation.
- *Hack v. Wright et al.*, Civil Action No. 4:14-CV-3442 (KPE) (United States District Court for the Southern District of Texas) ("In re Conns Inc. Shareholder Derivative Litig."). Bottini & Bottini served as Lead Counsel in this shareholder derivative litigation that was filed in 2014. By order dated July 22, 2020, Judge Palermo denied defendants' motion to dismiss with respect to Plaintiffs' breach of fiduciary duty claims. *See Hack v. Wright*, 2020 U.S. Dist. LEXIS 179979 (July 22, 2020). The case was fully litigated through discovery, and trial was set for Nov. 29, 2022. Plaintiffs settled the case prior to trial for **\$11 million**. By Order dated March 15, 2022, Judge Ellison granted final approval of the settlement.
- *In re Tintri, Inc. Securities Litigation*, Lead Case No. 17-CIV-04321 (Superior Court for the State of California, County of San Mateo). Bottini & Bottini is Lead Counsel, along with Robbins Geller Rudman & Dowd, in this shareholder class action seeking damages relating to Tintri's IPO.
- *Searles v. DeMartini et al. ("Capital Bank")*, C.A. No. 2020-0136-KSJM (Del. Ch. Court). Bottini & Bottini served as Plaintiffs' counsel, along with Bernstein Litowitz Berger & Grossmann LLP, in this stockholder class action alleging aiding and abetting breach of fiduciary duties related to the acquisition of Capital Bank

Financial Corp. by First Horizon. Plaintiff alleged that Capital Bank's largest outside investor, Crestview Advisors, LLC, and its Board designee, Defendant Richard M. DeMartini ("DeMartini"), had not only initiated the sales process without Board approval, but had conflicts of interests in quickly closing a deal. By Order dated Jan. 20, 2021, Vice Chancellor McCormick denied in part the defendants' motion to dismiss. After engaging in discovery, the case settled in 2021 for **\$23 million**.

- ***Houser v. CenturyLink, Inc.***, Case No. 2018CV30556 (District Court, Boulder County, Colorado). Bottini & Bottini is Lead Counsel in this shareholder class action brought under the Securities Act of 1933 regarding securities issued to stockholders in connection with the 2017 merger of Centurylink and Level 3 Communications. The trial court dismissed the complaint on a motion to dismiss and plaintiff appealed. On March 31, 2022, the Colorado Court of Appeal reversed the trial court's decision, holding that Plaintiff had adequately alleged facts to support a claim based on allegations about the company's practice of "cramming." *See Houser v. Centurylink*, 513 P.3d 395 (2022). The case was remanded to the trial court. After another round of motions to dismiss, the trial court again dismissed the complaint. Plaintiff appealed, and on August 22, 2024 the Colorado Court of Appeal reversed the second dismissal. *See Houser v. CenturyLink, Inc.*, 2024 COA 96, 2024 Colo. App. LEXIS 1058 (Colorado Court of Appeals, August 22, 2024) (reversing dismissal and holding, as a matter of first impression, that shareholders can rely on confidential witness allegations in other lawsuits).
- ***In re King Digital Entertainment plc Shareholder Litig.***, Case No. CGC15544770 (Superior Court for the State of California, County of San Francisco, Judge Curtis E.A. Karnow). Bottini & Bottini was a member of the Plaintiffs' Executive Committee in the case, which was litigated in the Superior Court for the State of California, County of San Francisco. The case was brought under Sections 11 and 12 of the Securities Act of 1933 and alleged that the Registration Statement and Prospectus for the Company's IPO were false and misleading. In 2016, the case settled for \$18.5 million. The court granted final approval of the settlement by order dated June 9, 2017.
- ***In re Castlight Health Inc. Shareholder Litig.***, Case No. CIV533203 (Superior Court for the State of California, County of Santa Clara). Bottini & Bottini was a member of the Executive Committee in this shareholder class action asserting claims under Sections 11 and 12 of the Securities Act of 1933. The complaint alleged that the Registration Statement and Prospectus for the Company's March 14, 2014 IPO were false and misleading. The case settled for \$9.50 million. Judge Marie Seth Weiner, Chair of the Complex Litigation Department, approved the Settlement and entered Final Judgment on October 28, 2016.
- ***In re McKesson Corp. Stockholder Derivative Litig.***, C.A. No. 2017- 0736-SG (Del. Ch.). Bottini & Bottini served as one of the plaintiffs' counsel in this shareholder derivative litigation for a cash payment of \$175 million, as well as significant corporate governance reforms designed to address the complaint's allegation that the Company had been damaged by regulatory fines and actions as a result of failure to properly comply with federal rules and regulations governing the sale of the

company's prescription opioid products. Specifically, Plaintiff's complaint alleged that McKesson's directors failed properly to implement a Controlled Substance Monitoring Program (CSMP), as required by a settlement with the United States Department of Justice (DOJ) and Drug Enforcement Administration (DEA) in 2008. Plaintiffs' Delaware action was coordinated with a related action pending in the Northern District of California. The settlement was approved and final judgment was entered on January 20, 2020.

- ***Plymouth County Retirement System v. Model N, Inc.***, Case No. CIV530291 (Superior Court for the State of California, County of Santa Clara). Bottini & Bottini was one of three counsel for Plaintiffs in the case, which was brought in Santa Clara, California and alleged claims under Sections 11 and 12 of the Securities Act of 1933. The complaint alleged that the Registration Statement and Prospectus for the Company's March 23, 2013 IPO were false and misleading. Recently, the case settled for \$8.55 million. Judge Marie Seth Weiner, Chair of the Complex Litigation Department, approved the Settlement and entered Final Judgment on April 4, 2016.
- ***In re BOFI Holding, Inc. Shareholder Derivative Litig.***, Case No. 15CV2722-GPC-KSC (United States District Court for the Southern District of California). By Order dated June 9, 2016, the Hon. Gonzalo P. Curiel of the United States District Court for the Southern District of California appointed Bottini & Bottini as Lead Counsel over four related shareholder derivative actions brought on behalf of BofI Holding, Inc. Plaintiffs filed a Consolidated Amended Complaint on August 26, 2016. The Amended Complaint alleges that due to the misconduct of BofI's fiduciaries, BofI suffered from a myriad of internal-control and risk-management problems during the Relevant Period. According to the internal audits conducted by a former employee turned whistleblower named Erhart, BofI was making substantial loans to foreign nationals, including politically-exposed persons such as foreign officials in war zones, in potential violation of anti-money-laundering laws and other banking regulations. Contrary to BofI's representations to the Office of the Comptroller of Currency ("OCC"), hundreds of BofI accounts lacked required tax-identification numbers ("TIN"). By order dated August 8, 2017, the Court denied Defendants' motion to dismiss, and held that Plaintiff had adequately alleged "demand futility" with great particularity. Later, the court granted a subsequent motion to dismiss. Plaintiffs appealed and prevailed in part in the Ninth Circuit -- *In re BofI Holding, Inc. S'holder Litig.*, 848 Fed. Appx. 234 (9th Cir. Feb. 25, 2021). The case was remanded to the district court, where defendants filed another motion to dismiss. By order dated March 5, 2024, the Hon. Gonzalo Curiel denied the motion to dismiss without prejudice, stating that Plaintiffs had alleged new particularized facts demonstrating demand futility. *See In re BofI Holdings, Inc.*, 2024 U.S. Dist. LEXIS 38599 (S.D. Cal. Mar. 5, 2024) (finding that "Plaintiff has supplemented his initial claims with information discovered in the course of the whistleblower action, including allegations regarding BofI's attempts following Erhart's termination to defame and harass Erhart with lawsuits. ECF No. 178 at 9 (sealed)" and rejecting Defendants' "attempt to brush aside Plaintiff's new allegations.").
- ***In re PG&E Corp. Shareholder Derivative Litig.***, Case No. 3:16-cv- 00973-SI (United States District Court for the Northern District of California). Bottini & Bottini

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was counsel for the Plaintiff in a shareholder derivative action involving Pacific Gas & Electric Corp in federal court in San Francisco. The case sought damages on PG&E's behalf and against current and former officers and directors of the Company due to the defendants' breaches of fiduciary duty related to pipeline safety at PG&E, including a deadly 2010 explosion in San Bruno, California. PG&E was ultimately indicted for obstruction of justice and violation of federal and state safety standards by the Department of Justice, and was later convicted on several counts. In addition to filing the shareholder derivative case, Bottini & Bottini filed a case in California state court to enforce a shareholder inspection demand which sought company documents such as board of director minutes, and which documents were related to the alleged wrongdoing by the Company's officers and directors. In late 2016 and early 2017, the case and several related lawsuits in California state court were settled on highly favorable terms, including the payment of \$90 million in cash by the defendants (and/or their insurance carriers) to PG&E, plus the enactment of very significant corporate governance reforms designed to avoid future harm to PG&E and its shareholders. On July 18, 2017, the California state court granted final approval to the settlement agreement.

- ***Cook v. McCullough (In re Career Education Shareholder Derivative Litig.)***, No. 11 C 9119 (N.D. Ill.). Bottini & Bottini, Inc. was lead counsel for the plaintiff in this shareholder derivative action on behalf of Career Education Corporation against its officers and directors. By order dated August 13, 2012, the Hon. John W. Darrah denied Defendants' motion to dismiss on demand futility grounds. See 2012 U.S. Dist. LEXIS 114621 (N.D. Ill. Aug. 13, 2012). Bottini & Bottini, Inc. settled the case on October 25, 2013 for a cash payment of \$20 million and significant corporate governance reforms at Career Education. By Order dated Jan. 28, 2014, Judge Darrah granted final approval to the settlement.
- ***In re FireEye Inc. Sec. Litig.***, Case No. 1-14-cv-266866 (Superior Court for the State of California, County of Santa Clara, the Hon. Peter H. Kirwan). Bottini & Bottini served as co-counsel in this securities class action which asserted claims under the Securities Act of 1933 against FireEye Inc., its board of directors, and the underwriters who conducted a Secondary Offering of company stock on March 6, 2014. After surviving multiple motions to dismiss, defeating defendants' appeals seeking appellate review, and engaging in three years of litigation and discovery, the case settled in 2017 for \$10.25 million. Judge Kirwan issued an order granting final approval to the settlement on August 10, 2017.
- ***In re Facebook, Inc. Shareholder Derivative Privacy Litigation***, No. 4:18-CV-01792-HSG (N.D. Cal.). Bottini & Bottini served as a member of Plaintiffs' Executive Committee in this shareholder derivative litigation on behalf of Facebook, Inc. relating to allegations that personal information of at least 50 million Facebook users was improperly shared with Cambridge Analytica in a major data breach.
- ***In re Southern California Gas Leak Cases***, JCCP No. 4861 (Superior Court for the State of California, County of Los Angeles). Bottini & Bottini was one of the counsel for plaintiffs in this shareholder derivative action on behalf of Sempra Energy relating

to losses suffered by the Company in connection with a massive natural gas leak at the Company's Aliso Canyon, California underground storage well, which has been described as one of the most devastating environmental disasters in U.S. history.

- ***In re Sanchez Energy Derivative Litig.***, C.A. No. 9132-VCG (Delaware Chancery Court). Bottini & Bottini represented shareholders of Sanchez Energy Corp. in this shareholder derivative action, which alleged that the officers and directors of Sanchez Energy engaged in self-dealing and breached their fiduciary duties by engaging in transactions that benefitted themselves at the expense of the Company and its shareholders. The complaint alleged that the Company's insiders own and controlled a privately held company named Sanchez Resources. Eduardo Sanchez, the son of Sanchez Jr. and brother of Sanchez III, established and ran Sanchez Resources, while both Sanchez Jr. and Sanchez III maintained equity interests in it. In August 2013, Sanchez Energy, with the Board's approval, agreed to purchase working interests in the Tuscaloosa Marine Shale ("TMS") from Sanchez Resources (the "Transaction"). Sanchez Energy purchased these working interests at a price seventeen times higher than other oil and gas companies have paid for similar interests in the TMS. The beneficiaries of this over-priced purchase were the Sanchez family. On August 15, 2017, the parties announced that they reached a settlement which is worth approximately \$27.75 million. Under the terms of the Stipulation of Settlement, the directors of Sanchez Energy along with the directors of the company that sold it the mining interests will pay \$11.75 million to Sanchez Energy, and the equity of the seller in Sanchez Resources, valued at more than \$16 million, will be transferred to Sanchez Energy.
- ***In re Tibco Software, Inc. Stockholders Litig.***, C.A. No. 10319-CB (Delaware Chancery Court). Bottini & Bottini was one of the counsels for plaintiffs in this shareholder class action lawsuit asserting claims for breach of fiduciary duty against Tibco's former officers and directors, and claims for aiding and abetting breach of fiduciary duty against Goldman Sachs, arising from the \$4.2 billion sale of Tibco to Vista Equity Partners in 2014. After hard-fought litigation, the case was settled in 2016 for \$30.4 million. On September 7, 2016, Chancellor Bouchard of Delaware Chancery Court approved the settlement, declaring it an "excellent outcome for the shareholders."
- ***In re American Apparel Shareholder Derivative Litig.***, Case No. BC443763 (Superior Court for the State of California, County of Los Angeles). Bottini & Bottini served as Plaintiffs' Lead Counsel in this shareholder derivative litigation on behalf of American Apparel and against its former officers and directors, including founder and CEO Dov Charney. After the company filed for bankruptcy, the Litigation Trustee appointed by the bankruptcy court hired Bottini & Bottini to continue to pursue the claims, including the claims against Dov Charney, the former CEO of the Company who is alleged to have committed egregious sexual harassment of female employees at the company. The case settled for a large payment to the Trustee.
- ***In re Sogou, Inc. Securities Litigation***, Lead Case No. 18CIV06699 (Superior Court for the State of California, County of San Mateo). Bottini & Bottini served as Lead Counsel in this shareholder class action relating to Sogou's IPO.

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- ***In re Pinduoduo Securities Litigation***, Case No. 18CIV04256 (Superior Court for the State of California, County of San Mateo). Bottini & Bottini served as Co-Lead Counsel in this shareholder class action seeking damages under the Securities Act of 1933 relating to Pinduoduo's IPO.
- ***In re PFF Bancorp, Inc. ERISA Litigation***, Master File No. 08-cv-1093 (C.D. Cal.). Mr. Bottini was one of the attorneys for plaintiffs in this ERISA class action, which alleged that defendants breached their fiduciary duties by continuing to allow plan participants to invest in the company's stock. The case settled for \$3 million, plus the allowance of a \$400,000 bankruptcy claim, after the company declared bankruptcy.
- ***In re General Growth Properties, Inc. ERISA Litig.***, Master File No. 08-6680 (N.D. Ill.). Mr. Bottini and Mr. Chang were members of Plaintiffs' Executive Committee in this ERISA class action litigation, which alleged that defendants breached their fiduciary duties by continuing to allow plan participants to invest in the company's stock. The case settled for \$5.75 million in 2010. By Order dated December 9, 2010, the Hon. James B. Zagel of the United States District Court for the Northern District of Illinois granted final approval of the settlement.
- ***In re Terex Corp. ERISA Litig.***, Master File No. 3:10-cv-00006-RNC (D. Conn.). Bottini & Bottini was one of Plaintiffs' counsel in this class action lawsuit under ERISA, which alleged that defendants breached their fiduciary duties by continuing to allow plan participants to invest in the company's stock. The case settled for \$2.5 million. Final approval of the settlement was entered by the Hon. Robert M. Chatigny of the United States District Court for the District of Connecticut on November 4, 2015.
- ***Robinson v. Audience***, No. 12-cv-232227 (Santa Clara, California Superior Court). Bottini & Bottini was one of the counsels for plaintiffs in this securities class action alleging claims for strict liability under the Securities Act of 1933, arising out of an allegedly false and misleading Registration Statement and Prospectus for Audience's IPO. By order dated September 3, 2013, Judge Kleinberg denied defendants' demurrer, denied defendants' motion to stay, and granted plaintiffs' motion to compel. Plaintiffs moved for class certification, which motion was granted by Order dated Jan. 16, 2015. The case was settled for \$6,050,000. By Order dated June 10, 2016, the Court granted final approval to the settlement.
- ***Wiley v. Envivio, et al.***, No. CIV517185 (San Mateo, California Superior Court). Bottini & Bottini was one of the counsels for plaintiffs in this securities class action which asserted claims under the 1933 Act relating to Envivio's IPO. In March 2014, Judge Marie Seth Weiner overruled defendants' demurrer. Bottini & Bottini, Inc. assisted in procuring a settlement involving an \$8.5 million cash payment which was approved by Judge Weiner on June 22, 2015.
- ***Snellink v. Gulf Resources, Inc.***, No. 11-cv-03722-ODW (C.D. Cal.). Bottini & Bottini, Inc. served as co-lead counsel for the plaintiffs in this securities fraud class action brought under the federal securities laws. By order dated May 15, 2012, the court denied Defendants' motion to dismiss. See 2012 U.S. Dist. LEXIS 67839 (C.D. Cal. May 15, 2012). Bottini & Bottini, Inc. procured a settlement involving a \$2.125

million cash payment which was approved by the Honorable Otis D. Wright II on January 18, 2014.

- ***Diaz v. First American Home Buyers Protection Corp.***, Case No. 13cv1585 BAS (JLB) (S.D. Cal.). Bottini & Bottini was Co-Lead Counsel for the plaintiffs in this consumer class action case challenging the marketing and sale of home warranty plans by Defendant First American. After the case was dismissed by the district court, Plaintiffs appealed and obtained reversal by the Ninth Circuit Court of Appeals. *See Diaz v. First American Home Buyers Protection Corp.*, 732 F.3d 948 (9th Cir. 2013) (holding that an unaccepted offer of judgment pursuant to F.R.C.P. 68 for full amount of plaintiff's damages does not moot a plaintiff's case; 9th Circuit refused to follow other circuits which had held to the contrary).
- ***In re General Growth Properties, Inc. ERISA Litigation***, No. 08 C 6791 (N.D. Ill.). Mr. Bottini and Mr. Chang were members of Plaintiffs' Executive Committee in this class action under ERISA seeking recovery of losses to General Growth Properties, Inc.'s employee retirement savings plans. Notwithstanding General Growth's filing for bankruptcy court protection, the Honorable James B. Zagel approved a settlement of \$5.75 million on December 9, 2010.
- ***Schuh v. HCA Holdings, Inc.***, No. 3:11-cv-01033 (M.D. Tenn.). Bottini & Bottini was one of the counsel for the plaintiffs in this securities class action lawsuit seeking damages under the Securities Act of 1933 relating to HCA's IPO. By order dated May 28, 2013, the Court denied defendants' motion to dismiss. *See Schuh v. HCA Holdings, Inc.*, 947 F. Supp. 2d 882 (M.D. Tenn. 2013). By order dated September 22, 2014, the Court granted Plaintiffs' motion for class certification. *See Fed. Sec. L. Rep. (CCH) ¶98,187; 2014 WL 4716231 (M.D. Tenn.)*. In November 2015, the case settled for \$215 million.
- ***Karlin v. Alcatel***, No. SA CV 00-0214-DOC (C.D. Cal.). Mr. Bottini represented investors who received a tender offer for their shares from Alcatel S.A., a French telecommunications company. Mr. Bottini was the lead partner at his firm, Wolf Haldenstein Adler Freeman & Herz LLP, which served as Co-Lead Counsel for the Class. After conducting broad-ranging discovery, including depositions in Paris and London, and defeating defendants' motion for summary judgment, the case settled for \$10.5 million on the eve of trial. *See 2001 WL 1301216 (C.D. Cal. Aug. 13, 2001)* (denying defendants' motion for summary judgment).
- ***In re Novastar Home Mortgage, Inc. Mortgage Lending Practices Litigation***, No. CV05-1677, MDL Docket No. 1677 (S.D. Ga.). Mr. Bottini was one of the lead attorneys in this class action litigation under the Real Estate Settlement Procedures Act of 1974 ("RESPA"). After three years of litigation, Chief Judge William T. Moore entered a Final Judgment on September 18, 2007 approving a nationwide class action settlement of Plaintiffs' RESPA claims in which approximately \$20 million in cash payments were made available to class members.
- ***Reyes v. Zynga, Inc.***, Case No. CGC-12-522876 (San Francisco Superior Court). Bottini & Bottini was co-lead counsel in this class action alleging violations of the Securities Act of 1933 on behalf of a class of investors who bought Zynga stock in

the company's Secondary Offering, which closed on April 3, 2012. Bottini & Bottini successfully had the case remanded to state court after being removed to federal court by defendants (see 2013 WL 5529754). In addition, by Order dated August 26, 2013, the Court denied defendants' demurrer on subject matter grounds and held that plaintiffs could bring their '33 Act federal claims in state court and that SLUSA did not eliminate concurrent jurisdiction in state and federal court for '33 Act claims. By order dated September 29, 2014, the Court denied defendants' demurrer as to the sufficiency of the complaint's allegations and denied defendants' motion to stay the action.

- ***In re SunPower Corp. Shareholder Derivative Litigation***, Master File No. C-09-05731 (N.D. Cal.). Bottini & Bottini served as Co-Lead Counsel in this shareholder derivative litigation in San Francisco, which involved accounting fraud and the restatement of the financial statements of SunPower Corporation. In October 2013, the case was settled in exchange for Sunpower's agreement to enact significant corporate governance reforms. By order dated August 22, 2014, the Court granted final approval to the settlement.
- ***In re Pacific Capital Bancorp Derivative Litigation***, No. CIVRS1340306 (Cal. Super. Ct., County of Santa Barbara). Mr. Bottini and his prior firm, Chapin Fitzgerald Sullivan & Bottini LLP, were Lead Counsel in this shareholder derivative action which alleged breaches of fiduciary duties by certain officers and directors of Pacific Capital Bancorp. By Order dated October 8, 2010, the Court denied defendants' demurrer and held that Lead Plaintiff had adequately alleged demand futility under California law. After two years of litigation, in which over a million pages of documents were produced and reviewed and certain legal issues were litigated in the court of appeal, a substantial settlement was reached in which significant corporate governance changes were made to the Company, including changes to provide greater Board independence and accountability, strict internal financial controls, significant and substantial revisions to PCBC's credit policies (including the establishment of a new Credit Administration Group, the restriction of lending authority to specified senior loan officers, and enhanced new appraisal guidelines), new requirements obligating any individual desiring to serve on PCBC's board to own a minimum amount of stock in the Company, annual review of the Company's Code of Ethics, a new corporate governance training program for PCBC directors, new procedures to handle internal and external complaints from whistleblowers, annual review of all committee charters, and a vigorous insider trading policy. By Order dated January 19, 2012, the Court granted final approval of the settlement and entered a final judgment.
- ***In re Herald, Primeo, and Thema Funds Securities Litigation***, No. 09 Civ. 0289 (RMB) (S.D.N.Y.). Bottini & Bottini, Inc. was Lead Counsel for the Thema Fund plaintiffs in this securities-fraud class action case under the PSLRA. The action was brought on behalf of all persons who invested in three Madoff "feeder funds" controlled by Bank Medici – the Herald, Primeo, and Thema funds. After a partial \$62.5 million settlement was obtained from one of numerous defendants, the Court dismissed the case on forum non conveniens grounds and denied preliminary approval of the settlement.

- ***In re Level 3 Communications, Inc. Securities Litigation***, No. 09-cv- 00200-PAB-CBS (D. Colo.). Mr. Bottini and his prior firm, Johnson Bottini LLP, were Co-Lead Counsel in this securities-fraud class action asserting claims under Section 10(b) of the Securities Exchange Act of 1934.
- ***In re UCBH Holdings, Inc. Derivative Litig.***, No. CGC-09-492237 (San Francisco Superior Court). Mr. Bottini and his prior firm, Johnson Bottini LLP, were Lead Counsel in this shareholder derivative action filed in 2009. After the company declared bankruptcy, the Trustee asserted the claims contained in the lawsuit and eventually recovered \$4 million from the defendants.
- ***In re Arena Resources, Inc. Shareholder Litigation***, No. CV10-01069 (Nev. Dist. Ct., County of Washoe). Mr. Bottini and his firm (Johnson Bottini LLP) served as one of the counsels for Plaintiffs in this shareholder class action, which was filed in 2010 and challenged the acquisition of Arena Resources by SandRidge Energy, Inc. As a result of the prosecution of the action, SandRidge raised the cash portion of the merger consideration by \$2.00 per share, reduced the duration of the matching rights period, amended the terms of the non-solicitation clause in favor of Arena, reduced the amount of termination fees payable by a party from \$50 million to \$39 million, made additional material financial disclosures to Arena's shareholders and extended the date of the shareholder meeting to vote on the merger.
- ***Bamboo Partners LLC v. The Robert Mondavi Corp.***, No. 26-27170 (Cal. Super. Ct., County of Napa). Mr. Bottini represented the plaintiff common shareholders of the Mondavi Corporation in connection with the 2004 acquisition of the company by Constellation Brands, Inc. Mondavi had a dual-class stock structure pursuant to which the common shareholders owned Class A shares and the Mondavi family members owned Class B shares. Plaintiffs alleged that the insider Class B Mondavi family members improperly received more consideration for their shares than the common Class A public shareholders. The case was settled when defendants agreed to pay an additional \$10.8 million to the Class A shareholder plaintiffs.
- ***In re Dole Shareholder Litigation***, No. B281969 (Cal. Super. Ct., County of Los Angeles). In this mergers & acquisitions, going-private class action case, Mr. Bottini was one of two lead partners from his firm at the time (Wolf Haldenstein Adler Freeman & Herz LLP), which served as Co-Lead Counsel for the plaintiffs and was involved in all aspects of the litigation. A \$172 million settlement was obtained for the Class when the tender offer price was increased by \$4 per share.
- ***In re Heritage Bond Litigation***, No. 02-MDL-1475-DT (C.D. Cal.). In this class action bondholder litigation, which was ordered consolidated in Los Angeles by the Panel on Multidistrict Litigation in 2002, Mr. Bottini represented the outside director defendants. After obtaining dismissal of most of the claims against the outside directors, Mr. Bottini obtained dismissal of the remaining claims against the outside directors for a combined payment of \$102,500. The other defendants not represented by Mr. Bottini paid \$27 million to settle the case. See 2005 U.S. Dist. LEXIS 13627 (C.D. Cal. June 10, 2005).

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- *Deane v. Tombros (In re NPS Pharmaceuticals Securities Litigation)*, No. 60913838 (Utah Dist. Ct., Salt Lake City). Mr. Bottini and his firm, Johnson Bottini LLP, were Lead Counsel in this shareholder derivative action filed against current and former officers and directors of NPS Pharmaceuticals, Inc. This matter was settled on terms that required the implementation of significant corporate therapeutic changes at NPS.
- *In re American Express ERISA Litigation*, No. 08 Civ. 10834 (JGK) (S.D.N.Y.). Mr. Bottini served as one of the lawyers representing the plaintiffs, who asserted class action claims under ERISA on behalf of plan participants due to breaches of fiduciary duties by the defendants.

Biographies of Attorneys

Francis A. Bottini, Jr.

Mr. Bottini practices in the areas of securities class actions, consumer and privacy/data breach class actions, mergers & acquisitions, antitrust class actions, shareholder derivative litigation, and ERISA class action litigation. Prior to forming Bottini & Bottini, Inc., Mr. Bottini was a partner at several firms, including Chapin Fitzgerald & Bottini LLP, Johnson Bottini, LLP, and Wolf Haldenstein Adler Freeman & Herz LLP. Mr. Bottini has successfully achieved numerous multi-million-dollar recoveries in securities, consumer, shareholder derivative, and antitrust class action cases throughout the country. Mr. Bottini served as an Adjunct Professor of Business Law at the University of San Diego from 1995 to 1997. Mr. Bottini is a 1991 graduate of St. Louis University (B.A. *magna cum laude*), and the University of San Diego School of Law (J.D. *cum laude* 1994), where he was the Lead Articles Editor of the San Diego Law Review and received the American Jurisprudence Award in Property. Mr. Bottini is admitted to practice before the United States Supreme Court, all California state and federal courts, the United States Court of Appeals for the Second, Fifth, Seventh, Eighth, Ninth, and Tenth Circuits, the United States District Court for Colorado, and the United States District Court for the Northern District of Illinois. He is AV-rated by Martindale-Hubbell.

The following are some examples of Mr. Bottini's reported cases:

- *Houser v. CenturyLink, Inc.*, 2024 COA 96, 2024 Colo. App. LEXIS 1058 (Colorado Court of Appeals, August 22, 2024) (reversing dismissal of securities class action brought under Section 11 of the Securities Act of 1933 pertaining to the merger of Centurylink and Level 3 Communications and holding, as a matter of first impression, that shareholders can rely on confidential witness allegations in other lawsuits).
- *Pampena v. Musk*, 2024 U.S. Dist. LEXIS 138528 (N.D. Cal. Aug. 5, 2024) (denying defendant Elon Musk's motion for judgment on the pleadings in a securities fraud class action under Section 10(b) of the Securities Exchange Act of 1934).
- *Aerogrow International, Inc. v. Eighth Judicial District of Nev.*, 511 P.3d 1035 (Nev. Supreme Court 2022). By Order dated June 30, 2022, the Nevada Supreme Court ruled in Plaintiff's favor, affirming a district court order upholding all Plaintiffs' claims in a shareholder class action, and in the process confirmed the applicable standard for bringing "invalid merger" claims under Nevada law. Bottini & Bottini is

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sole Lead Counsel in the case.

- *Diaz v. First American Home Buyers Protection Corp.*, 732 F.3d 948 (9th Cir. 2013) (holding that an unaccepted offer of judgment pursuant to F.R.C.P. 68 for full amount of plaintiff's damages does not moot a plaintiff's case; 9th Circuit refused to follow other circuits which had held to the contrary).
- *Wilhoite v. Xiaodi Hou*, 2024 U.S. Dist. LEXIS 12040 (S.D. Cal. Jan. 23, 2024) (order granting Plaintiffs' Motion for TRO to prevent company executives from transferring intellectual property to China).
- *Petry v. Gilead Sciences, Inc.*, 2020 Del. Ch. LEXIS 347 (Nov. 24, 2020) (entering judgment in Plaintiff's favor after inspection demand trial) and *Petry v. Gilead Sciences, Inc.*, 2021 Del. Ch. LEXIS 156 (Jul. 22, 2021) (granting Plaintiffs' fee-shifting motion under Delaware law after trial).
- *Reyes v. Zynga, Inc.*, No. 12-05065 JSW, 2013 WL 5529754 (N.D. Cal. Jan. 23, 2013) (granting plaintiff's motion to remand claims brought under the Securities Act of 1933 to state court).
- *Cook v. McCullough*, No. 11 C 9119, 2012, U.S. Dist. LEXIS 114621, 2012 WL 3488442 (N.D. Ill. August 13, 2012) (denying motion to dismiss in shareholder derivative action brought on behalf of Career Education Corporation against its officers and directors for breach of fiduciary duty);
- *Snellink v. Gulf Resources, Inc.*, No. 11-cv-03722-ODW, 2012 U.S. Dist. LEXIS 67839 (C.D. Cal. May 15, 2012) (denying motion to dismiss in securities-fraud class action complaint);
- *Smith v. Apollo Group, Inc.*, No. CV-11-0722-PHX-PGR, 2012 U.S. Dist. LEXIS 3672 (D. Ariz. Jan. 11, 2012) (denying defendants' motion to stay shareholder derivative case pending completion of an internal investigation by a Special Committee of the Board of Directors and also denying a stay of the case until resolution of a related securities-fraud class action case);
- *Ferguson v. Corinthian Colleges, Inc.*, No. SACV 11-0127 DOC (AJWx), 2012 U.S. Dist. LEXIS 1358 (C.D. Cal. Jan. 5, 2012) (denying defendants' motion to stay case pending interlocutory appeal of order denying motion to compel arbitration as to plaintiffs' claims for injunctive relief under California Business & Professions Code §17200 et seq.); 2011 U.S. Dist. LEXIS 119261 (C.D. Cal. Oct. 6, 2011) (denying in part a motion to compel arbitration);
- *Rosendahl v. Bridgepoint Education, Inc.*, No. 11cv0061 WQH (WVG), 2011 U.S. Dist. LEXIS 119735 (S.D. Cal. Oct. 17, 2011) (denying in part motion to dismiss consumer class action complaint alleging fraud and misrepresentation by for-profit college);
- *Bottini v. City of San Diego*, 27 Cal. App. 5th 281 (2018) (affirming trial court's grant of mandamus in action to set aside City Council resolution due to the improper use

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of baseline in California Environmental Quality Act (“CEQA”) appeal; successfully arguing that prior California Supreme Court opinion was abrogated in light of subsequent U.S. Supreme Court precedent);

- *Juen v. Alain Pinel Realtors, Inc.*, 32 Cal. App. 5th 972 (2019) (6th Dist.) (affirming denial of petition to compel arbitration; rejecting defendants’ reliance on custom-and-habit evidence and post-contract-formation assent to arbitration);
- *Spracher v. Paul M. Zagaris, Inc.*, 39 Cal. App. 5th 1135 (2019) (1st Dist.) (affirming denial of petition to compel arbitration; concluding that plaintiff carried the heavy burden of proving that defendants waived the right to compel arbitration);
- *In re Fidelity Nat’l Home Warranty Co. Cases*, 46 Cal. App. 5th 812 (2020) (4th Dist.) (concluding, as a matter of first impression, that an order dismissing a class action without resolving class notice does not constitute an appealable judgment; reversing in part after concluding that the time between assignment to a coordination motion judge and decision on petition for coordination must be excluded from the time to bring the case to trial);
- *In re Extreme Networks, Inc. Shareholder Derivative Litigation*, No. C-07- 02268-RMW, 2009 U.S. Dist. LEXIS 111445 (N.D. Cal. Nov. 17, 2009), reconsideration denied by, 2010 U.S. Dist. LEXIS 32685 (N.D. Cal. Apr. 2, 2010) (denying motion to dismiss and upholding shareholder derivative complaint, finding that plaintiff had adequately alleged demand futility under Federal Rule of Civil Procedure 23.1);
- *In re Brocade Communications Systems, Inc. Derivative Litigation*, 615 F. Supp. 2d 1018 (N.D. Cal. 2009) (denying in part and granting in part motion to dismiss in shareholder derivative action, after Mr. Bottini was retained by the Company’s Special Litigation Committee and an amended complaint was filed on behalf of the Company);
- *In re Dynamic Random Access Memory Antitrust Litigation*, No. M 02-1486, 2006 U.S. Dist. LEXIS 39841 (N.D. Cal. June 5, 2006) (granting motion for class certification in direct purchaser antitrust class action involving DRAM computer memory);
- *Karlin v. Alcatel*, No. SA CV 00-0214-DOC, 2001 WL 1301216 (C.D. Cal. Aug. 13, 2001) (denying defendants’ motion for summary judgment);

On April 18-20, 2005, Mr. Bottini gave a presentation on Securities Class Action Litigation at the 2nd Annual CFO Forum in Seoul, South Korea.

Albert Y. Chang

Mr. Chang specializes in representing shareholders and consumer in class actions. He also has extensive experience litigating privacy, data breach, and *qui tam* cases, and has substantial experience handling appeals.

Before joining Bottini & Bottini, Inc. in 2009, Mr. Chang had over ten years of experience in

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federal litigation. He served as a judicial law clerk to United States District Judge Suzanne B. Conlon for the Northern District of Illinois and to United States District Judge Roger T. Benitez for the Southern District of California.

In addition to his judicial clerkships, Mr. Chang litigated complex cases on behalf of both plaintiffs and defendants. He prosecuted securities and ERISA class actions on behalf of shareholders. He also defended executives, energy companies, insurers, and trade associations for six years at the New York office of Dewey & LeBoeuf LLP, where he focused on litigating high-stakes cases and conducting corporate internal investigations.

A member of the New York and California bars, Mr. Chang is admitted to practice in numerous federal trial and appellate courts. He is a graduate of Beloit College (B.A. 1997) and Indiana University School of Law-Bloomington (J.D. 2001). He is fluent in Cantonese and Mandarin.

Aaron P. Arnzen

Aaron P. Arnzen is an experienced litigator and trial attorney who specializes in representing shareholders in class action and derivative litigation.

Prior to joining Bottini & Bottini, Mr. Arnzen was an Assistant United States Attorney in the Southern District of California. At the U.S. Attorney's Office, Mr. Arnzen primarily focused on the investigation and prosecution of complex securities fraud schemes, including insider trading, accounting fraud, market manipulation, offering frauds, and Ponzi schemes. He was the lead prosecutor in the criminal case against Gina Champion-Cain, who carried out the largest Ponzi scheme in the history of the District. Mr. Arnzen has well-honed trial skills, having conducted jury trials on behalf of the United States in cases involving insider trading, pump-and-dump schemes, government procurement fraud, mortgage fraud, perjury, and drug smuggling. Mr. Arnzen was also named Chief of the Major Frauds and Public Corruption Section of the U.S. Attorney's Office, where he oversaw hundreds of white-collar investigations. In addition, Mr. Arnzen served as the Office's designated Financial Fraud Coordinator, responsible for providing input on all aspects of financial- and securities fraud-related investigations in the Office, and coordinating matters that intersected with other federal and state authorities.

Before he was a federal prosecutor, Mr. Arnzen served as a Staff Attorney and Senior Trial Counsel with the United States Securities and Exchange Commission's Division of Enforcement, having been posted in the SEC's New York and San Francisco Regional Offices. While at the SEC, Mr. Arnzen acted as the primary SEC enforcement attorney dedicated to the investigation of Bernard Madoff and his co-conspirators. He also litigated and investigated cases focused on high frequency trading, asset management, broker-dealer practices, accounting fraud, Ponzi schemes, and manipulative trading.

Mr. Arnzen began his legal career with Cooley LLP, where he represented corporate and individual clients in criminal and regulatory inquiries, internal investigations, and class action securities litigation. He second-chaired the successful defense of a "Big 5" audit engagement partner in successive federal criminal trials that cumulatively lasted more than five months. He also co-chaired the firm-wide Associates Committee, and received the San Diego Volunteer Lawyer Program's award for Pro Bono Lawyer of the Year.

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In addition, Mr. Arnzen has in-house business experience, having worked for a multi-national company as a Certified Public Accountant in financial reporting, internal auditing, and financial analysis roles.

Mr. Arnzen is a 2001 graduate, with honors, of the University of North Carolina, Chapel Hill, School of Law, and a 1994 graduate of the University of Cincinnati, where he graduated summa cum laude with a degree in Business Administration. While at UNC, Mr. Arnzen served as an Articles Editor for the Law Review. His articles include *U.S. v. Dickerson: A Case Study in Executive Constitutional Interpretation*, 78 N.C. L. REV. 1153 (2000). Mr. Arnzen was certified as a public accountant by the Ohio Board of Accountancy (license currently inactive). He is admitted to California State Bar; District of Columbia Bar; Ninth Circuit Court of Appeals; and the United States District Courts for the Southern, Central, and Northern Districts of California.

Anne Bottini Beste

Ms. Beste is of counsel to Bottini & Bottini, Inc. She practices complex civil litigation, with an emphasis in consumer, shareholder, and privacy class actions. She is a 1992 graduate of Northwestern University School of Law. She received her undergraduate degree in 1989 from Boston College, where she was Phi Beta Kappa and graduated *magna cum laude* with a B.A. in Economics. From 1996 to 2001, Ms. Beste practiced complex civil litigation at Swidler Berlin Shereff Freidman, LLP in Washington, D.C. Her practice at Swidler Berlin included employment litigation, environmental litigation, and trade secret litigation. Ms. Beste is admitted to practice in Washington, D.C., Missouri, Illinois, and California. Her reported cases include *Petry v. Gilead Sciences, Inc.*, 2020 Del. Ch. LEXIS 347 (Nov. 24, 2020) (entering judgment in Plaintiff's favor after inspection demand trial) and *Petry v. Gilead Sciences, Inc.*, 2021 Del. Ch. LEXIS 156 (Jul. 22, 2021) (Court granted Plaintiffs attorneys' fees and expenses in inspection demand under Delaware law).

Nina M. Bottini

Nina M. Bottini is a 2001 graduate of Heinrich-Heine-University School of Law, Dusseldorf, Germany, and received an LL.M. degree (Masters in Comparative Law) from California Western School of Law in 2006. Ms. Bottini specializes in securities class action litigation, ERISA class action litigation, antitrust, securities, and shareholder derivative actions.

Her representative cases include *In re DRAM Antitrust Litigation*, MDL No. 1486 (N.D. Cal.), and *In re Brocade Communications Systems, Inc. Deriv. Litig.*, No. 1:05cv41683 (Cal. Super. Ct., County of Santa Clara).

Michelle Ciccarelli Lerach

Ms. Lerach is a 1993 graduate of the University of Kentucky School of Law and is admitted to the Kentucky and California bars. Ms. Lerach has dedicated her life to fighting for those without enough voice, from fighting for immigrants' rights as a young law student to serving as partner/Of Counsel to the nation's largest plaintiff's firms, representing shareholders, workers, and consumers in a broad range of complex and class-action litigation for fraudulent business practices, human rights abuses, and labor and employment violations.

Bottini & Bottini, Inc. Firm Resume

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After graduating from the University of Kentucky College of Law, Ms. Lerach served as law clerk to the Honorable Sara Walter Combs, Kentucky Court of Appeals, and practiced

law in Lexington (Newberry, Hargrove & Rambicure, PSC) and Louisville (Greenbaum, Doll & McDonald, LLP) before relocating to California in 1999.

In California, she joined Milberg Weiss and was a lead litigator in many cases, including *Does I v. The Gap, Inc.*, Case No. 01-0031 (D.N. Mariana Islands), a case on behalf of approximately 25,000 sweatshop workers against leading clothing manufacturers, which successfully concluded with a \$20 million settlement and a precedent-setting Monitoring Program to oversee labor and human rights practices in Saipan's garment factories. During her time at the firm and successor firms, she also worked on cases on behalf of the Sierra Club & the International Brotherhood of Teamsters (cross-border trucking), as well as a number of high-profile securities class actions such as Enron (\$7.3 billion recovered) and coordinated private actions like WorldCom. In 2008, she received the Consumer Attorneys of California, Women's Law Caucus Award as Outstanding Consumer Advocate.

Ms. Lerach's passion for law intersects with activism both in her pro bono work and in her teaching: she worked as a consultant to the Liberian Ministry of Gender & Development with respect to that country's proposed constitutional revisions, specifically as relates to gender neutrality; an outspoken critic of current GMO labeling policy, she was involved in the 2012 California ballot initiative to label GMOs (Prop 37), organizing university forums and debating opponents of the measure in San Diego, and served on the steering committee of Californians for GE Labeling, which spearheaded the renewed effort to achieve GMO labeling in California in 2016; and she is an advocate for sustainable farm internship programs, and was chosen as one of San Diego Magazine's 50 People to Watch 2011 for this work.

Ms. Lerach speaks regularly at a number of institutions, including previous presentations at the Buchmann Faculty of Law at Tel Aviv University (regarding the recently adopted Israeli class-action statute), Cornell University Law School (Joint JD/MBA Program), the University of Kentucky College of Law (Randall-Park Colloquium), and most recently the University of San Diego, moderating panels on Ethical Eating and Water Matters (in conjunction with the Changemaker Challenge) and the Future Thought Leaders series on behalf of the Berry Good Food Foundation on UCTV, for which she has received four San Diego Press Club Excellence in Journalism Awards. She was the author of "Improving Corporate Governance Through Litigation Settlements," *Corporate Governance Review*.

Ms. Lerach serves as the Vice Chair of the Board of the University of California Press Foundation, focused on progressive scholarship; a member of the Advisory Board of the Women Peacemakers Program at the Kroc Institute for Peace & Justice at the University of San Diego; an Advisor to Kiss the Ground, devoted to promoting regenerative agriculture, connecting sustainable agricultural practices to the larger issue of climate change, and Executive Producer to a documentary film of the same name slated for release 1/18; and Founder/President of the Berry Good Food Foundation.

Ms. Lerach is currently serving as one of the lead counsel in *Mayberry et al., Derivatively as members and Beneficiaries of Trust Funds on behalf of the Kentucky Retirement Systems v. Aldridge et al.*, CASE No. 2019-CA-000043-OA (Circuit Court, Franklin, Kentucky), a derivative

Bottini & Bottini, Inc. Firm Resume
Page 23

action seeking to recover billions of dollars in losses sustained by the Kentucky Retirement System due to wrongdoing committed by KKR, Blackstone, and various individual defendants.

Stephanie M. Ammirati

Ms. Ammirati is a paralegal specializing in complex civil litigation, consumer class actions, and shareholder derivative litigation. Before joining the firm in 2010, Ms. Ammirati developed a legal career as an attorney in both private practice and government service. She is a member of the Washington State Bar Association as well as the Idaho State Bar, and has an extensive range of experience in civil litigation.

Between 2006 and 2010 Ms. Ammirati served as a Deputy Attorney General at the Office of the Attorney General for the State of Idaho. Before her appointment as a Deputy Attorney General, Ms. Ammirati had nine years of experience in civil litigation while in private practice in Seattle. Additionally, she devoted time to volunteer work in the community by serving as a Court-Appointed Special Advocate (CASA) for many years. She also assisted domestic violence victims by providing pro bono legal services at the New Beginnings Family Law Clinic, and was a Board of Trustees Member of the FRIENDS of CASA.

Ms. Ammirati received her Juris Doctor from Loyola Law School where she graduated on the Dean's List and was the recipient of the Wiley W. Manuel Award for Pro Bono Legal Services. While in law school, she developed her legal skills through Loyola's externship programs, performing clinical work at the Civil Appellate Division of the Los Angeles City Attorney's Office, the Maynard Toll Pro Se Counseling Center, and the Alliance for Children's Rights. Ms. Ammirati received her Bachelor of Arts degree from Pepperdine University where she graduated *summa cum laude* and was awarded Valedictorian of her class.

Shelby Ramsey

Ms. Ramsey has ten years of experience as a complex litigation paralegal, primarily in plaintiffs' securities class actions, mergers and acquisitions, ERISA matters, shareholder derivative actions, and consumer and employee class action litigation.

Ms. Ramsey earned a Bachelor of Arts degree in Legal Studies, with a Minor in Speech Communications, in 2006 from Chapman University. She received her American Bar Association-approved Paralegal certificate from the University of San Diego in 2007.

EXHIBIT 7

1 David. S. Casey, Jr. SBN 60768
2 *dcasey@cglaw.com*
3 Gayle M. Blatt, SBN 122048
4 *gmb@cglaw.com*
5 CASEY GERRY SCHENK
6 FRANCAVILLA BLATT & PENFIELD, LLP
7 110 Laurel Street
8 San Diego, CA 92101
9 Telephone: 619.238.1811
10 Facsimile: 619.544.9232

11 *Counsel for the End Payer Plaintiffs*
12 *Ana Gabriela Felix Garcia, Kathleen Garner, Amy*
13 *Jackson, Kathleen Lingnofski, Katherine*
14 *McMahon, Laura Montoya, Kirsten Peck, Audra*
15 *Rickman, Erica Rodriguez, and Joelyna San*
16 *Agustin*

17 UNITED STATES DISTRICT COURT
18 SOUTHERN DISTRICT OF CALIFORNIA

19 IN RE: PACKAGED SEAFOOD
20 PRODUCTS ANTITRUST
21 LITIGATION

) Case No.: 15-MD-2670 DMS (MSB)
)
) **DECLARATION OF GAYLE M.**
) **BLATT IN SUPPORT OF END**
) **PAYER PLAINTIFFS' MOTION**
) **FOR ATTORNEYS' FEES,**
) **COSTS, EXPENSES, AND**
) **SERVICE AWARDS**

22 _____
23 This Document Relates to:
24 End Payer Plaintiffs Class Track

)
) DATE: November 22, 2024
) TIME: 1:30 p.m.
) JUDGE: Hon. Dana M. Sabraw
) COURT: 13A (13th Floor)
)
)
)
)

1 I, Gayle M. Blatt, declare:

2 1. I am the head of the complex litigation team at Casey Gerry Schenk
3 Francavilla Blatt & Penfield (“Casey Gerry”). I have been licensed to practice law in
4 the state of California since 1985. I am admitted to practice in the U.S. District Courts
5 for the Southern, Central, Eastern, and Northern Districts of California. The following
6 facts are within my personal knowledge, and if called as a witness, I could and would
7 testify competently to them.

8 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
9 Attorneys’ Fees, Costs, Expenses, and Service Awards.

10 3. On September 10, 2015, Casey Gerry filed a proposed class action
11 lawsuit on behalf of Amy Joseph, against Bumble Bee Foods, LLC, TriUnion
12 Seafoods, LLC, Starkist Company, and King Oscar, Inc., in the U.S. District Court,
13 Southern District of California and assigned Case No. 3:15-cv-02017-DMS-MSB.
14 The Joseph action was consolidated into the instant action with other similar actions
15 filed in other jurisdictions nationwide as a Multi-District Litigation titled, *In Re:*
16 *Packaged Seafood Products Litigation*, No. 15-MD-2670 in the Southern District of
17 California (the “Action”).

18 4. The principal counsel at Casey Gerry are David S. Casey, Jr. and Gayle
19 M. Blatt, who have practiced civil litigation on behalf of consumers and individuals
20 in California since 1974 and 1985, respectively. The firm generally employs 19
21 attorneys practicing in the areas of consumer class action, unfair competition law,
22 financial fraud, aviation and maritime litigation, fire litigation, and personal injury. I
23 head the complex litigation team, specifically related to consumer protection,
24 financial fraud, and unfair competition class action matters. Attached hereto as
25 **Exhibit A** is the Casey Gerry Firm resume.

26 5. Casey Gerry’s attorneys have a long history of successfully handling
27 large scale, complex class actions across a range of industries. I and my firm bring
28 substantial experience in complex litigation matters with a history of litigating in an

1 efficient and practical manner, including as Lead or Co-Lead Class Counsel, or in
2 other leadership positions, in numerous class actions. *See Exhibit A.*

3 6. Casey Gerry has an extensive background in consumer protection class
4 action litigation. Collectively, we have litigated numerous class action cases across
5 the country involving unfair competition claims, including the following recent
6 matters in which we have had a leadership position:

- 7 • *In re: Bank of America California Unemployment Benefits Litigation*, Case No.
8 21-md-02292-GPC-MSB (S.D. Cal.) (Interim Liaison Counsel on behalf of
9 Casey Gerry);
- 10 • *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products*
11 *Liability Lit.*, the “Audi CO₂” and “Porsche Gasoline” cases, Case No. 15-md-
12 02672-CRB (N.D. Cal.) (Plaintiffs’ Steering Committee);
- 13 • *In Re: Wells Fargo Collateral Protection Insurance Litigation*, No. 8:17-ml-
14 02797-AG-KES (C.D. Cal.) (Liaison Counsel);
- 15 • *In Re: 23andMe, Inc., Customer Data Security Breach Litigation*, No. 3:24-
16 md-03098-EMC (N.D. Cal.) (Interim Co-Lead Counsel);
- 17 • *Burgos v. American Honda Motor Company*, No. 2:23-cv-02128-AB-SK (C.D.
18 Cal.) (Interim Co-Lead Counsel);
- 19 • *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Product*
20 *Liability Litigation*, Case No. 17-md-02777-EMC (N.D. Cal.).

21 7. I and my firm have been involved in the litigation of this Action under
22 the direction of Class Counsel, including, among other tasks, reviewing and editing
23 complaint, attending hearings, communicating with numerous class members and
24 undertaking representation of several plaintiffs, evaluating substance of documents
25 produced by Defendants, compiling information from review of Defendants’
26 documents, special projects related to targeted searches of Defendants’ documents,
27 deposition preparation, attending and participating in depositions, preparing
28 deposition summaries, responding to Defendants’ discovery requests and other

1 discovery related projects, legal research and drafting research memoranda, reviewing
 2 and compiling documents for experts, class certification projects, and Plaintiff
 3 communication throughout the entirety of the litigation.

4 8. The current hourly rates for Casey Gerry attorneys and staff that have
 5 worked on the Action and the last set rates while employed for any former employees
 6 below, as well as their hours spent working on the Action as of September 1, 2024,
 7 and their corresponding lodestar, are as follows:

Casey Gerry Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Wendy M. Behan, Partner	\$685.00 per hour	70.10	\$48,018.50
Michael Benke, Associate	\$850.00 per hour	123.20	\$104,720.00
Gayle M. Blatt, Partner	\$1035.00 per hour	622.30	\$644,080.50
David S., Casey, Jr., Partner	\$1200.00 per hour	76.40	\$91,680.00
David Casey III, Associate	\$525.00 per hour	18.10	\$9,502.50
James Davis, Associate	\$475.00 per hour	18.40	\$8,740.00
Jason Evans, Partner	\$850.00 per hour	1.3	\$1,105.00
P. Camille Guerra, Partner	\$875.00 per hour	1383.70	\$1,210,737.50
Jessica Jagir, Contract Attorney	\$450.00 per hour	20.50	\$9,225.00
Ethan T. Litney, Associate	\$340.00 per hour	0.20	\$68.00

1	Jeremy Robinson, Partner	\$995.00 per hour	133.10	\$132,434.50
2				
3	Alyssa M. Williams, Associate	\$340 per hour	8.90	\$3,026.00
4				
5	Sheilah Buack, Paralegal	\$215 per hour	2.90	\$623.50
6				
7	Michelle Davis (Springer), Paralegal	\$325 per hour	.10	\$32.50
8				
9				
10	Vicki Ratajesak, Paralegal	\$265 per hour	119.20	\$31,588.00
11				
12	Nancy Sinning, Paralegal	\$265.00 per hour	3.20	\$848.00
13				
14	TOTAL:			\$2,296,429.50
15				

16 9. These records were prepared from contemporaneous, daily time records
 17 regularly prepared and maintained by Casey Gerry in its usual course and manner.
 18 Casey Gerry maintains detailed records regarding the amount of time spent by its
 19 professionals, and the lodestar calculation is based on Casey Gerry’s current billing
 20 rates. These records are available for review at the request of the Court.

21 10. In my judgment and based on my experience in complex class action
 22 litigation and other litigation, the number of hours expended, and the services
 23 performed by my firm, were reasonable and necessary for my firm’s representation
 24 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
 25 hours spent on each task.

26 11. I have general familiarity with the range of hourly rates typically charged
 27 by plaintiffs’ class action counsel specifically in the field of unfair competition in the
 28 geographical area where my firm practices and throughout the United States, both on

1 a current basis and historically. From that basis, I am able to conclude that the rates
2 charged by my firm are commensurate with those prevailing in the market for such
3 legal services furnished in complex class action litigation such as this. My firm’s
4 hourly rates were most recently approved in *In re: US Fertility LLC Data Security*
5 *Lit.*, No. 8:21-cv-00299 (D. Md.).

6 12. My firm has incurred unreimbursed costs of \$53,163.95 so far in
7 litigating the Action, consisting of the following categories of costs:

Category	Cost
Online Research	\$5,959.01
Telephone/Conference Calls/Postage	\$392.10
Court & Filing Fees	\$400.00
Assessment Fees	\$35,689.38
Travel	\$10,346.46
Service of Process	\$377.00
Total:	\$53,163.95

18 13. Throughout the litigation, my firm and I worked under the direction of
19 Class Counsel, and I made every effort to operate as efficiently as possible and to
20 avoid unnecessary duplication. I coordinated with Class Counsel for all work
21 performed and costs incurred in this matter.

22 I declare under penalty of perjury under the laws of the United States that the
23 foregoing is true and correct. Executed on October 1, 2024, at San Diego, California.

25 Dated: October 1, 2024

By: /s/ Gayle M. Blatt
GAYLE M. BLATT

EXHIBIT A

CaseyGerry

CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP

FIRM RÉSUMÉ

**110 Laurel St.
San Diego, CA 92101
T: 619-238-1811
F: 619-544-9232
www.caseygerry.com**

FIRM OVERVIEW

Founded in 1947, San Diego based firm of Casey Gerry Schenk Francavilla Blatt & Penfield, LLP “CaseyGerry” is one of the oldest plaintiffs’ law firms in California and is nationally recognized. Our firm focuses on complex civil litigation, with an emphasis on consumer protection, class actions, product defect, pharmaceutical and serious personal injury matters. Our attorneys have held numerous leadership roles in coordinated cases at both the state and federal level. We have prosecuted a variety of consumer fraud, unfair business practices, TCPA, product defect, and other complex mass torts and class action matters. We have litigated cases against companies such as Volkswagen, Exxon, Amazon, Sony, Toyota, General Motors, AT&T, Mitsubishi, Apple, Inc., Wells Fargo, Bank of America, American Express, Honda, Discover Financial Services, and Yahoo, among others.

CaseyGerry represented then Lt. Gov. Gray Davis in his private attorney general action against the tobacco industry. We were successful in obtaining a settlement of over \$25 billion for the citizens of California, and also took part in successfully resolving other similar tobacco cases in other states. Our firm also was part of the trial team and played a leadership role in the Exxon Valdez litigation, which resulted in a \$5 billion verdict. And recently, the firm obtained a first of its kind appellate victory against Amazon involving strict liability of online marketplaces.

The firm has extensive experience in class action, mass tort and other complex litigation. Managing partner, David Casey was appointed to serve on the Plaintiffs’ Steering Committees for *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Lit.*, Case No. 15-md-02672-CRB (N.D. Cal.), which included the related “Audi CO₂” and “Porsche Gasoline” cases. Working with partner Gayle Blatt, they represented over 500,000 owners and lessees of Volkswagen diesel vehicles in the third largest car recall in history, over 100,000 owners and lessees of Audi vehicles and approximately 500,000 Porsche owners and lessees. Mr. Casey was also appointed in *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Product Liability Lit*, Case No. 17-md-02777-EMC (N.D. Cal.) and worked with Ms. Blatt, successfully representing approximately 100,000 owners and lessees of EcoDiesel Jeep Grand Cherokees and Ram 1500 trucks.

Firm members have also served on court-appointed leadership committees, including cases against Yahoo!, Wells Fargo, Apple, Intel and the NFL.

The firm's experienced lawyers have earned numerous local, regional and national accolades and awards bestowed for professional success. Our lawyers have been president of, or currently hold, leadership positions and longtime affiliations with the California State Bar Association, American Association for Justice (AAJ,

formerly known as American Trial Lawyers Association “ATLA”), Consumer Attorneys of California (CAOC), Consumer Attorneys of San Diego (CASD), San Diego County Bar Association, Lawyers Club of San Diego, California Women Lawyers, North County Bar Association, Korean American Bar Association San Diego, South Asian Bar Association of San Diego, Filipino American Lawyers of San Diego, and Tom Homann LGBT Law Association. Our partners have been elected to such prestigious organizations as the American Board of Trial Advocates, the International Academy of Trial Lawyers, and the International Society of Barristers. Four partners have served as president of the Consumer Attorneys of San Diego. Five of the firm’s partners are members of the American Board of Trial Advocates (ABOTA), and partner Frederick Schenk is past president of the executive board of the San Diego chapter of ABOTA.

CASEYGERRY ATTORNEYS

David S. Casey, Jr.

David S. Casey, Jr. is the senior partner of CaseyGerry, the firm that his father founded in 1947. He began his career as a prosecutor and has handled over 70 jury trials during the course of his over forty-year legal career. He is a past president of the Association of Trial Lawyers of America (now the American Association for Justice), Consumer Attorneys of California, Western Trial Lawyers Association, and San Diego Trial Lawyers Association (now Consumer Attorneys of San Diego).

Mr. Casey is a proven leader nationwide. During his tenure as president of ATLA (now AAJ), which at the time was an organization of approximately 60,000 lawyers nationwide, he was one of a small group of people who proposed the Victims Compensation Fund for victims of the unprecedented terrorist attacks of September 11, 2001. Thereafter, AAJ formed Trial Lawyers Care (TLC) to coordinate what would become one of the largest pro bono programs in history. TLC helped 1,739 eligible claimants from 35 states and 11 countries, and the recovery to these claimants exceeded \$2 billion dollars.

Mr. Casey is also a leader in the state of California. He undertook a lead role in California on behalf of then Lieutenant Governor Gray Davis in his private attorney general action against the Tobacco Industry, instigated when the state of California declined to participate in the litigation with other states' Attorneys General. This litigation involved multiple billion-dollar companies, who had been involved in litigation over the effects of tobacco use for decades. Mr. Casey was involved in extensive negotiations in Washington, DC, and proposed legislation. After Gov Davis' election as Governor of California, a global settlement resulted in the resolution of all claims.

During the course of his career, Mr. Casey has represented American POWs in litigation for having been treated as slave laborers during World War II and his firm was co-counsel in the Exxon Valdez Oil Spill litigation. He also represented Honda dealers in one of the most massive fraud schemes on Honda dealers in the history of the United States.

Mr. Casey was appointed to serve on the Plaintiffs' Steering Committee for *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Lit.* Following his appointment in *Volkswagen*, he was appointed in *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Product Liability Lit.* He was also appointed in *In re: Wells Fargo Collateral Protection Insurance Lit.*, in which he helped negotiate a favorable settlement, and to the

PSC for *In re: National Football League Players' Concussion Injury Lit.*, representing the interests of thousands of former NFL players.

Having opted out of the class action, he represented the family of Junior Seau against the NFL in the national head injury litigation, as well as represented the family of Tony Gwynn for the wrongful death resulting from his use of smokeless tobacco.

Mr. Casey has served as the Lawyer Representative for the United States District Court, Southern District of California and as a current board member for the Ninth Judicial Circuit Historical Society. He is honored to have been inducted into the San Diego Consumer Attorneys Hall of Fame. He is also a member of such prestigious, invitation-only, organizations, such as the International Academy of Trial Lawyers, International Society of Barristers and American Board of Trial Advocates.

David S. Casey, Jr., has received over 100 accolades including his recognition as one of the Top Plaintiff's Lawyers in the State of California by the Daily Journal in 2015, 2016, 2018, 2019, 2020 and 2021.

Gayle M. Blatt

Heading the firm's complex litigation practice group, Ms. Blatt concentrates her practice on consumer class actions, data security cases, and pharmaceutical and medical device cases. She joined CaseyGerry more than 30 years ago and has become well known for representing injured clients and consumers in a wide range of high profile, multi-million-dollar cases.

Ms. Blatt serves by appointment on the Plaintiffs' Executive Committees in *In re: ZF- TRW Airbag Control Units Products Liability Lit.*, Case No. 19-ml-02905-JAK-FFM (C.D. Cal.); and served on the Plaintiffs' Steering Committee in *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Lit.*, Case No. 18-md-2828-SI (D. Or.), *In re: Apple Inc. Device Performance Lit.*, Case No. 18-md-02827-EJD (N.D. Cal.), and *In re Chrysler Pacifica Fire Recall Products Liability Litigation*, Case No. 22-md-03040 (E.D. Mich.). She served as Co-Liaison Counsel in *In re: Incretin Mimetics Product Liability Lit.*, Case No. 13-md-02452-AJB-MDD (S.D. Cal.), and in *In re: Hydroxycut Marketing and Sales Practices Lit.*, Case No. 09-md-02097 (S.D. Cal.). She worked closely with partner David S. Casey, Jr. on the *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Lit.*, the "Audi CO₂" and "Porsche Gasoline" cases, Case No. 15-md-02672-CRB (N.D. Cal.) representing hundreds of thousands of vehicle owners whose claims included misrepresentation of the attributes of their vehicles and on the *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Product Liability Litigation*, Case No. 17-md-

02777-EMC (N.D. Cal.) resulting in relief obtained for approximately 100,000 owner and lessees of EcoDiesel Jeep Grand Cherokee and Ram 1500 trucks. Ms. Blatt also worked closely with David S. Casey, Jr. in representing consumers affected by forced placed insurance in *In Re: Wells Fargo Collateral Protection Insurance Litigation*, Case No. 8:17-ml-02797-AG-KES (C.D. Cal.).

Ms. Blatt serves as interim co-lead counsel in *In Re: 23andMe, Inc., Customer Data Security Breach Litigation*, No. 3:24-md-03098-EMC (N.D. Cal.); interim co-lead counsel in *Cilluffo v. Subaru of America, Inc. et al.*, Case No. 23-cv-01897-RBK-MJS (D. N.J.), interim co-lead counsel in *Burgos v. American Honda Motor Company*, Case No. 2:23-cv-02128-AB-SK (C.D. Cal.), interim co-lead counsel in *In re: Netgain Technology, LLC, Consumer Data Breach Lit.*, 21-cv-1210-SRN-LIB (D. Minn.), as interim co-lead counsel in *DeSue v. 20/20 Eye Care Network, Inc. et al.*, Case No. 21-cv-61275-RAR (S.D. Fla.), lead counsel in *Pfeiffer et al v. RadNet, Inc.*, Case No. 20-cv-09553-RGK-SK (C.D. Cal.), lead counsel in *In re: Waste Management Data Breach Lit.*, Case No. 21-cv-06199-DLC (S.D. N.Y.), interim co-lead counsel in *In re: Warner Music Group Data Breach Lit.*, Case No. 20-cv-07473-PGG (S.D.N.Y.), and class counsel in *In re: US Fertility LLC Data Security Lit.*, Case No. 8:21-cv-00299 (D. Md.). Ms. Blatt also serves on Casey Gerry's behalf, as Interim Liaison Counsel, for *In re: Bank of America California Unemployment Benefits Litigation*, Case No. 21-md-02992-GPC-MSB (S.D. Cal.). Additionally, she has served as class counsel in *In re: Citrix Data Breach Lit.*, Case No. 19-cv-61350-RKA (S.D. Fla.), and serves on the Plaintiffs' Executive Committee in *In re: EyeMed Vision Care, LLC Data Security Breach Lit.*, Case No. 21-cv-00036-DRC (S.D. Ohio). Ms. Blatt was also appointed to the five-member PEC overseeing the class action litigation related to the massive Yahoo data breaches, Case No. 16-MD-02752 (N.D. Cal.). She served on the law and briefing committee in the consolidated class action *Adkins v. Facebook, Inc.*, Case No. 18-05982-WHA (N.D. Cal.). She previously served as settlement class counsel in *Sung et al v. Schurman Fine Papers d/b/a Schurman Retail Group*, Case No. 17-cv-02760-LB (N.D. Cal.), and liaison counsel in *In re: Sony Gaming Networks and Customer Data Security Breach Lit.*, Case No. 11-md-02258-AJB (S.D. Cal.).

Ms. Blatt has received three Outstanding Trial Lawyer awards from the Consumer Attorneys of San Diego. She was recognized as one of the Top Plaintiff's Lawyers in California for 2021 and Top Women Lawyers 2021 by the Daily Journal. She has been named one of San Diego's Top 25 Female Attorneys 2007, 2009 and from 2013 to 2022 and the Top 10 San Diego Lawyers for 2019 to 2024 by *San Diego Super Lawyers*. Ms. Blatt was named one of San Diego's Best Attorneys of 2019 to 2021 by San Diego Daily Metro, one of San Diego's most influential women 2018 to 2020 and one of the top 50 Influential Professionals by the San Diego Daily Transcript. Blatt was named one of the Top 500 Influential Business Leaders, San Diego Business Journal 2019. She was named one of the Lawdragon 500 Leading Plaintiff Consumer Lawyers 2019 to 2024 and is listed annually in

Best Lawyers. Ms. Blatt was also named Best Car Accident Lawyer in San Diego, Forbes 2023-2024, and Best Lawyers in America, Best Lawyers 2023-2024.

For ten years, Ms. Blatt served on the Board of Directors of the Consumer Attorneys of San Diego and served as President of the organization in 2007. As President, she was honored as Trial Lawyer Association Chapter President of the Year by Consumer Attorneys of California. She received a President's Award from Consumer Attorneys of San Diego. Ms. Blatt currently serves on the Board of Trustees for her alma mater, California Western School of Law. She also serves on the board of the Tom Homann Law Association Foundation and is a past president of the San Diego County Bar Foundation.

Frederick Schenk

Frederick Schenk is a tenacious litigator and CaseyGerry partner for decades and concentrates his practice on products liability, serious personal injury, and asbestos law. In fact, Frederick, who has been with CaseyGerry for more than 30 years, achieved the largest verdict ever in San Diego against an asbestos manufacturer – Owens Corning Fiberglass – obtaining a \$2.4 million verdict in punitive damages as well as economic losses.

In addition, he is a specialist in auto collision litigation and co-author of the LexisNexis California Automobile Litigation Handbook. Over the years, Schenk has received numerous awards and honors for his work – including recognition as an Outstanding Trial Lawyer from the Consumer Attorneys of San Diego, and twice recognized by Best Lawyers as San Diego's Trial Lawyer of the Year in the area of mass torts and class actions. He has remained active in both community and professional groups and finds tremendous gratification in his work as an attorney, especially when he provided services to the families of the victims of 9/11 via Trial Lawyers Care, the largest pro bono program in the history of American jurisprudence.

Mr. Schenk received numerous awards, including the San Diego County Bar Association's Community Service Award and Consumer Attorneys of San Diego's Outstanding Trial Lawyer Award. He serves on the Board of Governors for the American Association for Justice. He is current president for the San Diego Chapter of American Board of Trial Advocates.

Schenk served as president of the San Diego County Fair board and was re-appointed by California Governor Jerry Brown to serve another four-year term on the board which oversees all activities at the Del Mar Fairgrounds.

Jeremy K. Robinson

Jeremy Robinson is the Chair of Casey Gerry's Motion and Appellate Practice and is widely acknowledged as one of the premier legal writers and analysts in the state. As a result, he has been named the Consumer Advocate of the Year for 2020 by the Consumer Attorneys of San Diego.

Most recently, Robinson secured a precedent-setting decision against online retail titan Amazon. See, *Bolger v. Amazon.com* (2020) 53 Cal.App.5th 431. The decision marked the first time a state appellate court anywhere in the country has ruled against Amazon on this issue, and currently is the only published appellate decision in the nation holding Amazon strictly liable. The result was significant enough to be featured in stories by Bloomberg, The Washington Post, The New York Times, USA Today, CNBC, and many other national and international news and tech outlets.

In this same vein, Robinson also helped co-author, with National Advocacy Group, Public Justice amicus briefs in two other key appeals involving Amazon, *Oberdorf v. Amazon.com Inc.*, 930 F.3d 136, *rehearing en banc granted and opinion vacated*, 936 F.3d 182 (3rd Cir. 2019) and *McMillan v. Amazon.com, Inc.*, (Fifth Cir. No. 20-20108). And Robinson worked tirelessly behind the scenes on AB 3262, a bill aimed at holding online marketplaces to the same standard as traditional retailers.

Mr. Robinson is admitted to practice in all state and federal courts in California and the Third, Fifth, and Ninth Circuit Courts of Appeals. In addition to the *Bolger* decision, he also secured a precedent-setting ruling in *M.F. v. Pacific Pearly Hotel Management, LLC* (2017) 16 Cal.App.5th 693, a case in which Robinson successfully urged the expansion of FEHA provisions to a rape committed by an intruder on the premises. Robinson has also worked extensively in the class action arena, playing key roles in nationwide Multi-District Litigation cases like *In re: Yahoo! Inc. Customer Data Security Breach Lit.*, 16-MD-02752-LHK (N.D. Cal.) and *In re: Wells Fargo Collateral Protection Insurance Lit.*, 8:17-ML-2797-AG-KES (C.D. Cal.)

Outside of his case work, Robinson is a prolific and in-demand writer and speaker on emerging legal issues. This includes regular articles for the *Daily Journal* and *Daily Transcript*, many CLE-approved presentations and webinars, and a book chapter. He is also a charter member and Barrister in the San Diego Appellate Inns of Court and is a member of the Consumer Attorneys of San Diego, Consumer Attorneys of California, San Diego County Bar Association, and Lawyers' Club. He was named Consumer Advocate of the year 2021 by the Consumer Attorneys of San Diego, a San Diego Super Lawyer, Best Lawyers 2020 and 2021 and Leaders in Law 2020 by the San Diego Business Journal.

Robert J. Francavilla

Mr. Francavilla is a widely respected trial lawyer and was recently honored as Consumer Attorneys of San Diego's Trial Lawyer of the Year for 2017. He has made an important difference in the lives of many, as well as earned many accolades and high-profile verdicts and settlements over the years. Specializing in serious personal injury, premises liability and highway design cases, he has successfully handled the gamut of complex cases, including tragic losses involving wrongful death, paraplegia, quadriplegia, severe burns, loss of limbs and major orthopedic injuries.

Mr. Francavilla has received honors including LA Daily Journal's Top 25 Plaintiff's Lawyers 2015 and 2020, Trial Lawyer of the Year 2016 by the Consumer Attorneys of San Diego and a six-time awardee of the Consumer Attorneys of San Diego's Outstanding Trial Lawyers Award. He has been named Best Lawyers "Lawyer of the Year" 2022, he is a San Diego Super Lawyer 2007 to 2021, Lawdragon 500 Leading Plaintiff Lawyers, among other awards.

Thomas D. Penfield

During his almost 30-year tenure with the firm, Mr. Penfield has handled numerous multi-million-dollar cases, concentrating his practice on personal injury, products liability and class actions, including serving as co-counsel in a jury trial representing H&H Cerritos against U.S. Mineral Products, Inc., obtaining a \$14.1 million verdict. He has also been involved in numerous class action lawsuits, including a case against the City of San Diego – an effort that helped residents reclaim millions in damages that was mischarged for sewer services – which was settled for \$40 million.

With a distinguished legal background, he was a supervising trial lawyer with the Defenders Program of San Diego and then a clinical Professor at the University of San Diego School of Law before joining CaseyGerry in 1988. Mr. Penfield continues to teach as an adjunct professor at the University of San Diego School of Law, and regularly lectures both nationally and internationally on trial techniques and persuasion.

Mr. Penfield served as President of the North County Bar Association. He is one of only nine attorneys in California to earn the recognition of Diplomate in the National College of Advocacy for American Association for Justice. He is also a member of the American Board of Trial Advocates and a Master in the American Inns of Court.

Thomas D. Luneau

With a legal career spanning three decades, Mr. Luneau has had his share of formidable opponents in the courtroom over the years. He started his career as a state-licensed private investigator, joining CaseyGerry in 1982 as an investigator.

Now a talented litigator who has prosecuted many complex cases, he focuses his practice primarily on premises and products liability and serious personal injury cases, earning numerous multi-million verdicts and settlements — including cases involving defective industrial drilling machinery, motorcycle lane splitting injuries, concussion injuries, wrongful death and more. Other high profile matters he has handled include cases involving abuse by a CHP officer who intentionally broke the ankle of a handcuffed suspect (4th amendment violation excessive force), and the wrongful death of an inmate at Donovan State Prison (8th amendment violation cruel and unusual punishment).

In addition, he has successfully represented numerous military and law enforcement personnel and their family members from entities including the San Diego Police Department, the San Diego County Sheriff's Department, Riverside County Sheriff's Department, California Highway Patrol, and the United States Border Patrol.

Luneau is a member of the American Board of Trial Advocates. He has received numerous awards, including the Consumer Attorneys of San Diego's Outstanding Trial Lawyer Award.

Jason C. Evans

Jason C. Evans is an attorney specializing in complex litigation and personal injury. Throughout his career, he has handled hearings, pleadings, depositions, trial, mediations, and memoranda for a number of multi-million dollar civil and class actions.

He previously worked for the San Diego Volunteer Lawyer program, drafting requests for restraining orders for victims of domestic and elder abuse, and was a legal assistant for Spach, Capaldi and Waggaman, LLP, in Newport Beach.

He was selected as one of the San Diego Business Journal's Next Top Business Leaders under 40 for 2020, Top 40 Under 40, 2020 by the Daily Transcript, Super Lawyers Rising Star 2015-2021, San Diego Super Lawyers 2018, 2015 SD Metro 40 Under 40 Awards, and 2017 CASD Outstanding Trial Lawyer Award.

P. Camille Guerra

P. Camille Guerra is a key member of the complex litigation team, focusing on consumer protection class actions, data breach and privacy violations, defective products, financial fraud, and false advertising.

Ms. Guerra serves as interim co-lead counsel in *Cilluffo v. Subaru of America, Inc. et al.*, Case No. 23-cv-01897-RBK-MJS (D. N.J.). She also works with partner Gayle M. Blatt on *In Re: 23andMe, Inc., Customer Data Security Breach Litigation*, No. 3:24-md-03098-EMC (N.D. Cal.), *In re: US Fertility LLC Data Security Lit.*, Case No. 8:21-cv-00299 (D. Md.), *In re: Bank of America California Unemployment Benefits Litigation*, Case No. 21-md-02992-GPC-MSB (S.D. Cal.), *Burgos v. American Honda Motor Company*, Case No. 2:23-cv-02128-AB-SK (C.D. Cal.), and *In re Chrysler Pacifica Fire Recall Products Liability Litigation*, Case No. 22-md-03040 (E.D. Mich.).

She worked with David S. Casey, Jr. and Gayle M. Blatt on the *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Lit.*, the “Audi CO₂” and “Porsche Gasoline” cases, Case No. 15-md-02672-CRB (N.D. Cal.) representing hundreds of thousands of vehicle owners whose claims included misrepresentation of the attributes of their vehicles and on the *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices Product Liability Litigation*, Case No. 17-md-02777-EMC (N.D. Cal.) resulting in relief obtained for approximately 100,000 owner and lessees of EcoDiesel Jeep Grand Cherokee and Ram 1500 trucks, and *In Re: Wells Fargo Collateral Protection Insurance Litigation*, Case No. 8:17-ml-02797-AG-KES (C.D. Cal.), representing consumers affected by forced placed insurance.

While obtaining a Master of Advanced Studies in health policy and the law at the University of California, San Diego, Ms. Guerra co-authored an article on counterfeit Avastin that was published in the prestigious Nature Reviews Clinical Oncology. She also researched and co-authored “USA Criminal and Civil Prosecutions Associated with Illicit On-line Pharmacies: Legal Analysis and Global Implications,” which appeared in Med Access.

Guerra attended Eotvos Lorand University in Budapest, Hungary, University of Prishtina in the former Yugoslav Republic of Kosova, and Thomas Jefferson School of Law. She is fluent in Spanish and has studied Arabic, French, Italian, Russian, and Farsi.

Adam B. Levine

Adam B. Levine is a key member of the serious personal injury team, focusing on product defect, premises, auto and aviation cases. He has worked on a variety of serious cases including: a federal product defect case involving a military parachute

that deployed inside an airplane, killing a decorated Navy Seal; a federal case against the Border Patrol after one its agents crashed a truck into a client riding a motorcycle; a product defect and negligence case where his client suffered a serious arm injury while riding as a passenger in a UTV; a case against the City of San Diego that settled for \$1 million after his client tripped over uneven concrete in a crosswalk and suffered permanent injuries; and high-profile litigation against Big Tobacco involving smokeless tobacco or “dip.”

He is on the board of directors for the Consumer Attorneys of San Diego, is co-chair of the personal injury section of the North County Bar Association, is on the board of directors for the NLD section of the Consumer Attorneys of California and writes for the product defect column in the Trial Bar News.

Levine was named a San Diego Super Lawyers Rising Star in 2017- 2020. He was also awarded the North County Bar Association’s Rising Star award in 2018 and was named in the top 40 Under 40 by The Daily Transcript and San Diego Metro Magazine. He was named in the Best Lawyers: Ones to Watch and has received 14 American Jurisprudence Awards, CWSL, Kennedy Scholar, Academic Excellence Award, Trustees’ Award, CWSL, Academic Excellence Award, CWSL and Trustees’ Award, CWSL.

David S. Casey III

David Casey III is an attorney specializing in personal injury. He has worked extensively for both the complex litigation and personal injury teams at Casey Gerry. Recently, he participated in the TAP program as one of the first participants, during which time he tried multiple criminal cases as a volunteer deputy district attorney with the South Bay office of the San Diego County District Attorney.

Casey III attended the University of San Diego and focused his time at school on trial advocacy and complex litigation. He received a CALI award for his paper analyzing American and European attitudes toward online privacy and the “right to be forgotten.” He externed for the Honorable Anthony Battaglia at the United States District Court for the Southern District of California. He also interned and graduated from Gerry Spence’s acclaimed Trial Lawyers College in 2018.

Casey III has been accepted to the Wallace inn as an Associate Member and was names in Best Lawyers: Ones to Watch 2021 and 2022.

Eric Ganci

Eric Ganci is a graduate of Thomas Jefferson School of Law. He is an associate attorney and member of the personal injury team. Before joining CaseyGerry, Eric ran his own firm focused on representing people arrested for driving under the influence. During that time, he tried 72 cases to verdict: 70 jury trials and 2 bench

trials. In that work, after completing required coursework and passing a certification exam, Eric earned the designation as a Lawyer-Scientist by the American Chemical Society, Chemistry and the Law Division.

Ganci is a member of Consumer Attorneys of San Diego, Lawyers Club of San Diego (Board Member 2012-2016, Photography Co-Chair 2011-2013, and Champagne & Chocolates Affair Co-Chair 2012), San Diego County Bar Association (New Lawyers Division Board of Directors, Community Service Chair 2012, New Lawyers Division Board of Directors, Newsletter Chair 2011), and former President and Vice President of Thomas Jefferson SOL Alumni Association (2009-2014).

He was awarded Thomas Jefferson SOL Adjunct Professor of the Year, Thomas Jefferson SOL A. Thomas Golden Honorary Alumnus of the Year, San Diego's Top 40 Under 40 (2011) and Outstanding Service by a New Lawyer by San Diego County Bar Association (2011). He is a former graduate of the Trial Lawyers College, and has been teaching at the College since 2016, and assisting with civil and criminal trials across the country.

Katie McBain

Katie McBain is a graduate of California Western School of Law. She is a member of the complex litigation team. Prior to joining CaseyGerry, Katie successfully litigated bench trials, counseled retirement and pension systems regarding compliance with local, state and federal laws, with particular focus on the County Employees Retirement Law of 1937, and consulted business owners regarding labor and employment issues. She is a member of Lawyers Club of San Diego, Contributor to the Conference of California Bar Associations, and a member and volunteer of Think Dignity, a non-profit focused on empowering our community to advance basic dignity for those living on the street. Katie is proficient in Spanish.

Samantha Kaplan

Samantha Kaplan is an associate attorney at CaseyGerry where she works with the personal injury team. She received her Juris Doctor from Georgetown University and a Bachelor of Arts degree in International Development and Africana Studies from Tulane University. Prior to joining CaseyGerry, Ms. Kaplan worked as a law clerk with the U.S. State Department Office of the Assistant Legal Advisor where she wrote legal briefs as part of the U.S. submissions to the Iran-U.S. Claims Tribunal, conducted legal research, wrote memoranda on Investor State Dispute Settlements and Bilateral Investment issues, and more.

Michael Benke

Michael Benke is part of the CaseyGerry complex litigation team. He received his JD degree from Berkeley Law School (Boalt Hall) with a concurrent degree from

Berkeley's Goldman School of Public Policy, where he focused on quantitative methods. During law school, he externed for Judge M. Margaret McKeown of the Ninth Circuit Court of Appeals.

Following law school Mr. Benke served as an attorney in the chambers of California Supreme Court Justice Joyce L. Kennard, and subsequently, received trial and appellate experience with the economic crimes and appellate divisions of the San Diego County District Attorney. He has served in the Fourth District Court of Appeal, Division One, as a research assistant to Associate Justice Joan Irion, and has argued cases before the California Court of Appeal, Division Two (San Bernardino).

He is also a medical doctor. Following his legal education and experience, he attended and received his MD degree at Saint George's University, where testing and academics earned him the highest merit scholarship at entry. Most recently, in his clinical years he rotated through Eisenhower Hospital and Desert Regional Medical Center in Palm Springs, Arrowhead Regional Medical Center in San Bernardino, and the Santa Clara County hospital system. He completed sub-internships in medicine, hospital-based family medicine, and psychiatry. While in medical school, Mr. Benke worked as a law clerk for CaseyGerry.

Benke is licensed to practice law in California and the state of New York, including the federal Southern District of New York. He is fluent in Spanish.

Noah Moss

Noah Moss is a civil trial lawyer at CaseyGerry where he works with the personal injury team. He joined the firm after working with a prestigious Personal Injury law firm in Bakersfield, CA as a trial attorney. Prior to that, Noah worked for a big New York firm where he represented pharmaceutical companies in Patent litigation. During his time representing large corporations, Noah realized that he wanted to join a law practice that worked for the individual not against them. This led to his transition to personal injury law.

Moss received his Juris Doctorate from Loyola University, Chicago School of Law, with a certificate in Advocacy and International Law. In addition, he received a Master of Laws degree in IP & Information Technology Law from Fordham Law School, New York. For his undergraduate studies, he attended University of California San Diego, graduating with a Bachelor of Science in Biology and Molecular Biology.

Howie Bruno

Howie Bruno is an associate attorney at CaseyGerry where he works with the personal injury team. He joined the firm after working with a prestigious New York

law firm. He received his Juris Doctorate degree from the University of Virginia School of Law. During law school, he was a law clerk for Judge Francis Hodgson, Jr. of the Superior Court of New Jersey, Chancery Division.

Since becoming an attorney, Howie has maintained an active pro bono practice focused on domestic violence, immigration, and civil rights issues. Howie is licensed to practice law in California and New York, and is a member of the San Diego County Bar Association and the Consumer Attorneys of San Diego. Howie also serves on the Board of Directors of the San Diego Volunteer Lawyer Program.

Alyshia Lord

Alyshia Lord brings a robust background in plaintiff law, specializing in personal injury and premises liability litigation. Alyshia has dedicated her legal career to advocating for those harmed by the negligent actions of others, including survivors of sexual abuse, victims of premises injuries, and individuals impacted by auto accidents. Before joining CaseyGerry, she honed her litigation and client advocacy skills.

Throughout her career, Alyshia has demonstrated unwavering commitment to seeking justice for her clients, whether they have been affected by medical malpractice, traffic accidents, or childhood sexual abuse. Her holistic approach to the law and relentless pursuit of optimal outcomes for her clients have distinguished her as a highly effective attorney. Alyshia's dedication to service is evident not only in her professional achievements but also through her active participation in pro bono work, notably with Bunny's Buddies, and her contributions to the American Inns of Court, the Lawyer's Club of San Diego, and the Consumer Attorneys associations of both San Diego and Los Angeles.

SELECT LEADERSHIP POSITIONS

- *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Lit.*,
MDL No. 2672
- *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Products Liability Lit.*,
MDL No. 2777
- *In re: ZF-TRW Airbag Control Units Products Liability Lit.*,
Case No. 19-ml-02905 JAK (C.D. Cal.)
- *In re: Chrysler Pacifica Fire Recall Products Liability Lit.*,
MDL No. 3040
- *Cilluffo v. Subaru of America, Inc. et al.*,
Case No. 23-cv-01897-RBK-MJS (D. N.J)
- *Burgos v. American Honda Motor Company*, Case No. 2:23-cv-02128-AB-SK (C.D. Cal.)
- *In re: Waste Management Data Breach Lit.*,

Case No. 21-cv-06199-DLC (S.D. N.Y.)

- *In re: Netgain Technology, LLC, Consumer Data Breach Lit.*,
Case No. 21-cv-1210-SRN-LIB (D. Minn.)
- *DeSue v. 20/20 Eye Care Network, Inc. et al.*,
Case No. 21-cv-61275-RAR (S.D. Fla.)
- *In re: Bank of America California Unemployment Benefits Lit.*,
Case No. 3:21-md-02992-LAB-MSB (S.D. Cal.)
- *In re the Exxon Valdez*,
Case No. CV-89-00095-HRH,
Exxon Shipping Co v. Baker, 554 U.S. 471 (2008)
- *Vinsant v. US Fertility, LLC*,
Case No. 8:21-cv-00225 (S.D. Md.)
- *In re: Warner Music Group Data Breach*,
Case No. 1:20-cv-07473-PGG (S.D. N.Y.)
- *In re: RadNet, Inc. Data Breach*,
Case No. 2:20-cv-09553 (C.D. Cal.)
- *In re: Citrix Data Breach Lit.*,
Case No. No:19-cv-61350 (S.D. Fla.)
- *In re: EyeMed Vision Care, LLC Data Security Breach Lit.*,
Case No. 1:21-cv-00036-DRC (S.D. Oh.)
- *In re: Intel Corp. CPU Marketing, Sales Practices*,
MDL No. 2828
- *In re: Apple Inc. Device Performance Lit.*,
MDL No. 2827
- *In re: Wells Fargo Collateral Protection Insurance Lit.*,
MDL No. 2797
- *In re: YAHOO! Inc. Customer Data Security Breach Lit.*,
MDL No. 2752
- *In re: National Football League Players' Concussion Injury Lit.*,
MDL No. 2323

- *In re: World War II Era Japanese Forced Labor*,
MDL No. 1347
- *In re: Apple and AT&T iPad Unlimited Data Plan Lit.*,
Case No. 10-cv-02553(N.D. Cal.)
- *In re: Hydroxycut Marketing and Sales Practice Lit.*,
MDL No. 2087
- *In re: Sony Gaming Networks & Customer Data Security Breach Lit.*,
MDL No. 2258
- *In re: Incretin Mimetics Products Liability Lit.*,
MDL No. 2452
- *Ellis v. R.J. Reynolds Tobacco Co.*,
San Diego Super. Ct., Case No. 706458
- *Scott v. American Tobacco*,
No. 01-2498 (La. 9/25/01), 795 So.2d 1176, and No. 02-2449 (La.
11/15/02), 830 So.2d 294, and No. 2004-2095 (La. App. 4th Cir. 2/7/07)
- *In re: American Honda Motor Co., Inc. Dealerships Relations Lit.*,
MDL No. 1069
- *Rose v. Bank of America*,
Case No. 11-cv-02390
- *Steinfeld v. Discover Financial Services, et al.*,
Case No. 12-cv-01118
- *Villa, et al. v. City of Chula Vista*,
San Diego Super. Ct., Case No. 37-2011-00093296
- *Gehrich, et al. v. Chase Bank USA, N.A., et al.*,
Case No. 12-cv-05510
- *Blue Shield of California Affordable Care Act Cases*,
JCCP 4800
- *Galvez v. Waste Management*,
JCCP 4534

- *Shames v. City of San Diego, et al.*,
San Diego Super. Ct., Case No. GIC 831539
- *Cardiff v. General Motors Corporation, coordinated with Valve
Automation and Controls, Inc., et al v. General Motors Corp., et al.*,
San Diego Super. Ct., Case No. EC 016530

EXHIBIT 8

Mila F. Bartos
Finkelstein Thompson LLP
2201 Wisconsin Avenue, NW
Suite 200
Washington, DC 20007

Counsel for the End Payer Plaintiffs
Mila F. Bartos

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: PACKAGED SEAFOOD	)	Case No.: 15-MD-2670 DMS (MSB)
PRODUCTS ANTITRUST)	
LITIGATION	)	DECLARATION OF
	)	MILA F. BARTOS IN SUPPORT
	)	OF END PAYER PLAINTIFFS’
	)	MOTION FOR ATTORNEYS’
	)	FEES, COSTS, EXPENSES, AND
	)	SERVICE AWARDS
<hr/>		
This Document Relates to:	)	DATE: November 22, 2024
End Payer Plaintiffs Class Track	)	TIME: 1:30 p.m.
	)	JUDGE: Hon. Dana M. Sabraw
	)	COURT: 13A (13th Floor)
)	
)	
)	
)	
)	
)	
<hr/>		

I, Mila F. Bartos declare:

1. I am a Partner at the law firm of Finkelstein Thompson, LLP, “Finkelstein Thompson.” I have been licensed to practice law in the state of District of Columbia since 1994. I am admitted to practice in the U.S. District Courts for Maryland, District of Columbia and West Virginia. The following facts are within my personal knowledge, and if called as a witness, I could and would testify competently to them.

2. I submit this declaration in support of End Payer Plaintiffs' Motion for Attorneys' Fees, Costs, Expenses, and Service Awards.

3. On September 10, 2015, our firm filed a proposed class action lawsuit on behalf of our client against Bumble Foods LLC, Starkist Company, Tri-Union Seafoods LLC, and King Oscar, Inc., in the United States District Court For The Southern District of California and assigned Case No. 3:15-cv-02012-BAS-RBB. Our client's action was consolidated into the instant action with other similar actions filed in other jurisdictions nationwide as a Multi-District Litigation titled, *In Re: Packaged Seafood Products Litigation*, No. 15-MD-2670 in the Southern District of California (the "Action").

4. The principal counsel at FINKELSTEIN THOMPSON is MILA F. BARTOS, who has practiced civil litigation on behalf of consumers and individuals in Washington, DC since 1994. The firm generally employs attorneys practicing in suits involving antitrust violations, fraud and crime in the banking, securities and commodities industries, and consumer fraud. Attached hereto as **Exhibit A** is FINKELSTEIN THOMPSON's Firm resume.

5. FINKELSTEIN THOMPSON's attorneys have a long history of successfully handling class actions across a range of industries, including antitrust cases. I bring substantial experience in complex litigation matters with a history of litigating in an efficient and practical manner.

6. I have an extensive background in antitrust and consumer protection class action litigation. I have litigated dozens of class action cases across the country involving consumer, antitrust and unfair competition claims, including the following recent matter in which my firm has a leadership position:

- 1:11-cv-01882-RJL Burke v. Visa Inc. et al (D.C. Dist.)(Co-Lead Counsel);

7. I and my firm have been involved in the litigation of this Action under the direction of Class Counsel, including, among other tasks, extensively

investigating the claims prior to filing and after the filing of the initial complaint. Correspondence and calls with plaintiff and potential putative class members regarding potential claims and status updates. Drafting and filing and initial complaint. Researching areas of law regarding the complaint. Coordinating with plaintiffs’ counsel regarding consolidation and leadership issues. Reviewing plaintiff documents responsive to discovery and working with Plaintiff’s estate regarding ongoing claim issues and settlement.

8. The current hourly rates for FINKELSTEIN THOMPSON’s attorneys and staff that have worked on the Action, as well as their hours spent working on the Action as of September 1, 2024, and their corresponding lodestar, are as follows:

FINKELSTEIN THOMPSON’s Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Douglas G. Thompson, Jr., Partner	\$850.00 per hour	15.00	\$12,835.00
Mila F. Bartos, Partner	\$850.00 per hour	17.20	\$14,620.00
Rosemary M. Rivas, Partner	\$625.00 per hour	2.70	\$1,687.50
Michael G. McLellan, Partner	\$625.00 per hour	41.20	\$25,750.00
Alyssa T. Dang, Associate	\$300.00 per hour	13.50	\$4,050.00
Rosalee B.C. Thomas, Associate	\$475.00 per hour	.90	\$427.50
Quinton A. Roberts, Associate	\$350.00 per hour	2.40	\$840.00
Christopher W. Terril, Associate	\$325 per hour	4.80	\$1,560.00
Timekeeper	Current Rate	Hours	Lodestar
Gordon M. Fauth, Of Counsel	\$850.00 per hour	7.80	\$6,630.00
TOTAL:			\$69,214.00

9. These records were prepared from contemporaneous, daily time records

regularly prepared and maintained by FINKELSTEIN THOMPSON in its usual course and manner. FINKELSTEIN THOMPSON maintains detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on FINKELSTEIN THOMPSON's current billing rates. These records are available for review at the request of the Court.

10. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm's representation of Plaintiffs, in coordination with Class Counsel, who approved the tasks, and the hours spent on each task.

11. I have general familiarity with the range of hourly rates typically charged by plaintiffs' class action counsel specifically in the field of unfair competition and antitrust in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I am able to conclude that the rates charged by my firm are commensurate with those prevailing in the market for such legal services furnished in complex class action litigation such as this. My firm's hourly rates were most recently approved by the following Courts:

- *O'Bannon v. NCAA*, 114 F. Supp. 3d 819, 827 (N.D. Cal. 2015) ("And after reviewing the plaintiffs' evidence-including extensive affidavits submitted by plaintiffs' attorneys describing how the requested rates are in line with those prevailing in the community- the Court finds that plaintiffs have satisfied their burden of demonstrating the reasonableness of plaintiffs' counsel's hourly rates."), adopted in relevant part by *O'Bannon v. NCAA*, No. C 09-3329 CW, 2016 US. Dist. LEXIS 44131, at *38 (N.D. Cal. Mar. 31, 2016).
- *In re Heartland Payment Sys.*, 851 F. Supp. 2d 1040, 1087 (S.D. Tex. 2012) ("The hourly rates used are reasonable").
- *Leitz v. Kraft Foods Grp., Inc.*, Civil Action No. 3:15-CV-262-HEH, 2016 U.S. Dist. LEXIS 35623, at *22 (E.D. Va. Mar. 10, 2016) (the attorneys' fees were fair and reasonable.)

- *In re Anthem, Inc. Data Breach Litig.*, 15-md-02617 (ECF No. 1047) (N.D. Cal. August 16, 2018) - approving fees including FTLLP's hourly rates.

12. My firm has incurred costs of \$69,214.00 so far in litigating the Action, consisting of the following categories of costs:

Category	Cost
Online Research	\$127.50
Reproduction/Duplication	\$5.90
Telephone/Conference Calls	\$0.00
Postage	\$10.96
Court & Filing Fees	\$0.00
Express Delivery/Messenger	\$46.16
Total:	\$190.52

13. Throughout the litigation, my firm and I worked under the direction of Class Counsel, and I made every effort to operate as efficiently as possible and to avoid unnecessary duplication. I coordinated with Class Counsel for all work performed and costs incurred in this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on October 3, 2024, at Washington, DC.

Dated: October 4, 2024

By: /s/ Mila F. Bartos
MILA F. BARTOS

EXHIBIT A



FIRM RESUME

2024

2201 Wisconsin Avenue, NW, Suite 200, Washington, DC 20007

FINKELSTEIN THOMPSON, LLP

FINKELSTEIN THOMPSON LLP (“the firm”), is a complex litigation firm, with offices in Washington, DC and Berkeley, CA, focusing primarily on suits involving antitrust violations, fraud and crime in the banking, securities and commodities industries, and consumer fraud.

By concentrating exclusively on litigation, rather than a generalized transactional practice, the firm avoids the conflicts of interest, both actual and philosophical, that can arise from multi-faceted representation, and is able to offer the kind of hard-hitting approach that modern complex litigation demands. Since 1993, the firm has served in a leadership position in cases that have recovered many hundreds of millions of dollars for investors and consumers.

Because the outcome of litigation is often dependent on the strength of expert testimony, the firm has developed strong working relationships with nationally prominent outside consultants in the areas of securities, commodities, antitrust, banking, consumer fraud, marketing and economics.

HISTORY

The firm was founded in March 1977 by Burton H. Finkelstein and Douglas G. Thompson, Jr. The firm's office is located in Washington, DC.

EXPERIENCE

The firm is involved in class action litigation in federal and state courts nationwide. It has developed a reputation for successful and thorough representation of class clients against many of the largest and most powerful companies in the country. As part of our efforts to serve our clients’ interests in the most effective and efficient manner possible, the firm has established ongoing relationships with other class action law firms whose size, location or expertise complement our own. We are proud to have won judgments and negotiated settlements that have recovered an aggregate of over one billion dollars for class members.

Douglas G. Thompson, Jr., one of the founding and named partners of the firm, has prosecuted and defended complex civil and criminal matters for over forty years. The firm has practiced before the Securities and Exchange Commission, Commodity Futures Trading Commission, Federal Trade Commission, Federal Communications Commission, U.S. Copyright Office, New York Stock Exchange, Chicago Board of Trade, National Association of Securities Dealers, National Futures Association, Financial Industry Regulatory Authority and in various state and federal trial and appellate courts across the country, in civil and criminal enforcement matters and in private damage litigation. The firm has considerable expertise and experience in defending and prosecuting complex financial class action claims.

SECURITIES & COMMODITIES CLASS ACTION LITIGATION

Since its inception in 1977, the firm's securities litigation practice has extended across a wide range of shareholders' securities litigation, from accounting fraud, allegations of insider trading, proxy statement fights, and minority shareholder rights being violated, to cases alleging misstatements in prospectuses. The firm has litigated substantive federal issues under the Securities Act of 1933, the Securities Exchange Act of 1934, the Reform Act of 1995, and tender offers under the Williams Act, derivative suits under State and Federal law, and unfair business practices claims.

Our clients have included institutional investors, pension funds, high-net worth individuals and retail investors. While few class action securities suits go to trial, substantial skill and experience is required to investigate, prepare, and litigate the underlying claims to successful resolution. The firm enjoys a national reputation for high-quality and successful recoveries for our clients.

The firm also selectively prosecutes actions pursuant to the Commodity Exchange Act regarding market manipulations involving commodity futures and options. To date, the firm has enjoyed considerable success in these matters, which are recognized as some of the most difficult causes of action to successfully pursue.

SETTLED REPRESENTATIVE SECURITIES AND COMMODITIES CLASS ACTION CASES

1. In re Merrill Lynch & Co., Inc. Research Reports Litigation, MDL 1484 (S.D.N.Y.) – Executive Committee member; Lead Counsel in six of the underlying actions; \$125 million settlement achieved.
2. In re Natural Gas Commodity Litigation, No. 03cv6186 (S.D.N.Y.) – Co-Lead Counsel; over \$100 million achieved in settlements.
3. In re Dairy Farmers Of America, Inc. Cheese Antitrust Litigation, No. 09-cv-03690 (N.D. Ill.) – Allocation Counsel for Core Period Claims; achieved allocation of 92.5% of \$46 million settlement to Core Period Claimants.
4. PaineWebber Securities Litigation, No. 94cv8547 (S.D.N.Y.) – Executive Committee member; \$200 million settlement achieved.
5. Freeland v. Iridium World Communications, Ltd., No. 99cv1002 (D.D.C.) – Liaison Counsel and Executive Committee member; \$47.5 million settlement achieved.
6. Prudential Securities Litigation, MDL 1005 (S.D.N.Y.) – Executive Committee member & Co-Chair of Settlement Committee; \$150 million settlement achieved.

7. Kidder Peabody Securities Litigation, No. 94cv3954 (S.D.N.Y.) – Executive Committee member; \$19 million settlement achieved.
8. Rudolph vs. UT Starcom, et al, No. 3:07-CV-04578-SI (N.D.Ca.) – The firm serves as sole Lead Counsel in a securities fraud class action against UT Starcom and certain officers in connection alleged illegal backdating of executive stock options. \$9.5 million settlement achieved
9. Holly Glenn v. Polk Audio, Inc., No. 99cv4768 (Md. Cir. – Baltimore) – Co-lead Counsel; \$4.8 million settlement achieved (an increase of nearly 50% of shareholder buyout value).
10. Grecian v. Meade Instruments, Inc., No. 06cv908 (C.D. Cal.) – Sole Lead Counsel on behalf of shareholders claiming securities fraud violations related to alleged illegal backdating of executive stock options. Settlement achieved for \$3 million and corporate governance changes.
11. In re Facebook, Inc., IPO Securities & Derivative Litig., (S.D.N.Y.) MDL No. 12-2389 (RWS) —_Co-Lead Class Counsel in class actions against defendant Facebook and certain of its directors and officers alleging violations of the Securities Act of 1933 and Securities Exchange Act of 1934 and against the NASDAQ OMX Group Inc. \$26.5 million settlement achieved.

ANTITRUST CLASS ACTION LITIGATION

Federal and state antitrust laws are primarily concerned with protecting the economy and promoting competition between businesses by preventing (i) collusion among competitors that might result in restraints on competition in a given industry or market, and (ii) anti-competitive conduct by a particular entity who holds monopoly power in a given industry or market.

The firm is involved in several cases on behalf of individuals and businesses that have been injured by the anti-competitive behavior of other companies. These cases involve allegations such as market manipulation, monopolization, price-fixing, and predatory practices. Below is a sample of the cases in which we have been intensively involved:

SETTLED REPRESENTATIVE ANTITRUST CLASS ACTION CASES

1. In re Dynamic Random Access Memory (DRAM) Antitrust Litigation, No. M-02-1486 (N.D.Cal.) – Executive Committee member for indirect purchaser claims; settlement achieved for \$310 million (on appeal).
2. In re Relafen Antitrust Litigation, No. 01cv12239 (D. Mass.) – Executive Committee member in federal direct purchaser case, settlement achieved - \$175 million.
3. Heliotrope General, Inc. v. Sumitomo Corporation, et al., Master Case No.

701679 (Cal. Super. - San Diego) – Co-Lead Counsel; multiple settlements achieved totaling \$87.35 million.

4. In re Warfarin Sodium Antitrust Litigation, MDL 1232 (D. Del.) – Discovery Committee member and Co-lead Counsel in state case; settlement achieved in the companion national case - \$44.5 million.
5. Ryan Rodriguez v. West Publishing Corp. and Kaplan, Inc., No. CV-05-3222 R (MCx) (Cal. Central District Court) – An antitrust class action where FT LLP served as one of three law firms alleging nationwide national antitrust violations. \$49 million settlement finally approved.
6. In re Reformulated Gasoline (RFG) Antitrust and Patent Litigation, No. 05cv1671 (C.D. Cal.) – Co-Lead Counsel in a certified class action lawsuit that alleges antitrust and common law violations which resulted in increased prices for RFG for purchasers. \$48 million settlement achieved

CONSUMER CLASS ACTION LITIGATION

In federal and state courts throughout the country, the firm represents consumers who have been injured or defrauded. Our cases involve individuals or classes of individuals who have been physically or economically damaged by the wrongdoing of others. Some of our cases seek to obtain financial relief, medical monitoring, injunctions and revised notification for classes of plaintiffs. Some of the cases we have brought include:

SETTLED REPRESENTATIVE SECURITY BREACH CLASS ACTION CASES

1. In Re TJX Companies Retail Security Breach Litigation, MDL 1838 (D. Mass.) Counsel in class action lawsuit alleging statutory and common law violations that resulted in a security breach of consumers' debit and credit card information. \$200 million settlement achieved.
2. Lockwood v. Certegy Check Serv., Inc., No. 8:07-cv-01434-SDM-TGW (M.D. Fla.) Counsel in class action lawsuit alleging common law violations that resulted in a security breach of consumers' personal and financial information. Available benefits made to Settlement Class Members of over \$500 million.
3. In re Countrywide Financial Corp. Customer Data Security, MDL 1998 (W.D. Ky.) Co-lead counsel in class action lawsuit alleging violations of common law, the California Business and Professions Code, and the Fair Credit Report Act, for data breach involving consumers' personal and financial information. Settlement resulted in a credit monitoring protection package for the class, the creation of an identity theft reimbursement fund of \$5 million, and the creation of an expense reimbursement fund for class members of \$1.5 million to compensate class members for actions taken as a result of the data breach.

SETTLED REPRESENTATIVE CONSUMER CLASS ACTION CASES

1. Gael M. Carter, et al. v. Associates Financial Services Co., Inc., et al., No. 96cv4652 (Tex. Dist. – Dallas County) – The firm played a pivotal role in pursuing the claims of millions of class members in a number of suits in states across the country against The Associates n/k/a Citifinancial, alleging consumer fraud relating to home equity and personal loan terms. Settlements achieved in the state, federal and companion FTC cases totaling \$240 million.
2. Cavan et al. v. Sears Roebuck & Co. and Whirlpool Corp., No. 04CH10354 (Ill. Circuit Court - Cook County) – Co-Lead counsel for consumer class action based upon the sale of Calypso® washing machines. Nationwide settlement reached and approved by the Court.
3. In re Diet Drugs Products Liability Litigation, MDL 1203 (E.D. Pa.). Co-Chair of the Non-PMC litigation group prosecuting class certification of claims not advanced by Plaintiffs’ Management Committee.
4. Schulte v. Fifth Third Bank, 1:09-cv-06655 (N.D. Ill.) – Co-lead counsel in a consumer class action alleging re-sequencing of consumer banking transactions in highest to lowest order with intention of maximizing overdraft fee revenue. Nationwide settlement resulted in a settlement fund of \$9.5 million and injunctive relief valued at over \$100 million. First re-sequencing/overdraft fee settlement in the nation where bank agreed to terminate high to low re-sequencing as part of relief to the class.

SECURITY BREACH CLASS ACTION CASES

1. Ruiz v. Gap Inc. and Vangent, Inc., No. 09-15971 (9th Cir. 2010), Finkelstein Thompson was counsel in a class action lawsuit alleging claims of negligence, breach of contract, bailment, violations of the UCL, California Civil Code § 1798.85 (“§ 1798.85”), and California’s Constitutional right to privacy. This was one of the first 9th Circuit opinion to find standing for data breach victims (unpublished opinion).
2. Krottner v. Starbucks Corporation, No. 09-35823 (9th Cir. 2009), Finkelstein Thompson was counsel in a security breach class action lawsuit alleging two claims against Starbucks for breaches of contract and negligence. This was one of the first 9th Circuit opinions to find standing for data breach victims (published opinion).
3. Richardson, et al. v. Tricare Management Activity, et al., 1:11-cv-01961 (D.D.C.) Co-Lead counsel, law suits alleging violations of the federal Privacy Act as a result of a security breach of insureds’ personal and health information.
4. In re Heartland Payment Systems Inc. Customer Data Security Breach Litigation, MDL 2046 (S.D. Tex.)- Co-Lead counsel in this class action lawsuit that resulted

from a security breach of consumers' personal and financial information. Finkelstein Thompson represented consumers in two of the first data breach cases where the Ninth Circuit found standing for data breach victims.

5. In re CarrierIQ, Inc. Consumer Privacy Litig., 12-md-02330-EMC- Executive Committee member, suits were filed against CarrierIQ and various cell phone manufacturers for violations of federal wiretap laws and state consumer protection laws by allowing a pre-installed application, also referred to as Carrier IQ, to capture and record mobile phone users' keystrokes and location data.
6. In Re Janis v. Health Net, Inc. et al. 2:12-cv-01171-KJM-EF (E.D. Cal.), Finkelstein Thompson filed suit in California state court, seeking to redress Health Net Inc.'s failure to adequately safeguard Plaintiffs' private personal, financial and health information. According to Health Net, approximately 1.9 millions individuals may have been affected by the breach.
7. In re: Target Corporation Customer Data Security Breach Litigation, MDL No. 14-2522 (D. Minn.) (PAM/JJK), suits were filed seeking to redress Target's failure to adequately safeguard the credit and debit card data of approximately 40 million customers resulting in unauthorized third-party access to Target's payment card data from November 27, 2013 through December 15, 2013. Finkelstein Thompson played an active role in the discovery stage of the litigation.

CONSUMER CLASS ACTION CASES

1. In re Avandia Marketing, Sales Practices and Products Liability Litigation, MDL 1871 (E.D. Pa.) - FT served as a member of the Plaintiffs Steering Committee and Co-Chair of the Class Action Sub-Committee. The suit alleges that SmithKline Beecham Corporation d/b/a GlaxoSmithKline used marketing schemes to deliberately conceal and affirmatively misrepresent the significant heart attack or heart-disease related risks associated with the use of the Avandia, Avandamet and Avandaryl – medications used to treat Type II diabetes.

THIRD-PARTY PAYOR CLASS ACTION CASES

1. United Benefit Fund v. GlaxoSmithKline LLC, MDL 1871 (E.D. Pa.)- the firm served as a member of the Plaintiffs' Steering Committee, Co-Chairs the Class Action Sub-Committee, and was counsel of record for a third-party payor class action alleging that GSK created, monitored and/or controlled various marketing firms, physicians and ghostwriters to promote and disseminate – through sponsored events and publications – misleading messages about safety and efficacy relating to the use of Avandia.

FALSE CLAIMS ACT LITIGATION

The firm maintains an active practice under the Federal False Claims Act (also known as “*qui tam*” litigation). Through representation of whistleblowers who have independent knowledge of government contract fraud, the firm seeks to secure the return of millions of dollars to federal and state treasuries. The firm has investigated and filed *qui tam* claims in connection with the student loan industry.

BURTON H. FINKELSTEIN

Partner
(1937-2013)

BURTON H. FINKELSTEIN practiced securities litigation for more than forty years, first with the Securities and Exchange Commission, and then in private practice. At the SEC, he was special trial counsel and an Assistant Director of the Enforcement Division, where he was in charge of the administrative, civil and criminal litigation nationwide enforcement program. In 1970, he joined the New York firm of Phillips, Nizer, Benjamin, Krim & Ballon and was a partner in their Washington, D.C. office until 1977, when he and Mr. Thompson formed the firm now known as FINKELSTEIN THOMPSON LLP.

In private practice, Mr. Finkelstein participated in more than twenty securities fraud trials in cities throughout the United States, representing broker-dealers, principals and securities salesmen, attorneys, accountants, publicly and privately held companies and officers and directors of such companies. He also represented companies and individuals in SEC investigations, and served as special counsel to public companies in conducting internal investigations.

Mr. Finkelstein earned a B.B.A. degree in accounting from City College of New York in 1959 and an L.L.B. degree from the University of Pennsylvania in 1962. After military service and a brief stint as law clerk to the General Counsel of the Federal Power Commission, he began his securities litigation career as trial counsel at the SEC's Washington Regional Office.

Mr. Finkelstein appeared as a panelist in securities litigation and enforcement seminars for the Practising Law Institute, New York Law Journal and the American Law Institute - American Bar Association (ALI-ABA). He was an adjunct professor of law at Georgetown University Law School from 1979 to 1998. His course was entitled "Securities and Financial Frauds - Enforcement and Litigation."

Mr. Finkelstein practiced in the Washington, D.C. office.

DOUGLAS G. THOMPSON, JR.

Partner

DOUGLAS G. THOMPSON, JR. has specialized in administrative and civil trial and appellate litigation in private practice for over forty years. His practice has been concentrated in the areas of securities, commodities, banking, communications, and other complex business and financial transactions. Mr. Thompson has represented clients in federal court and before the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, the Federal Communications Commission, the Copyright Royalty Tribunal, and the Criminal Division of the Department of Justice. Mr. Thompson has litigated securities and commodities claims in failed savings and loan cases on behalf of the RTC and FDIC. As lead counsel for the FDIC, Mr. Thompson won a jury verdict of more than \$1 million after a lengthy trial involving commodities fraud issues.

Mr. Thompson received his A.B. and M.A. degrees in economics from Stanford University and his J.D. degree from Stanford Law School in 1969. He taught at the Stanford Law School in 1969-70 and clerked for Judge Ben. C. Duniway of the United States Court of Appeals, Ninth Circuit, in 1970-71. Following his clerkship, Mr. Thompson joined the law firm of Wilmer, Cutler & Pickering, Washington, DC, where he was a litigator in communications and securities law. In 1977, he joined with Mr. Finkelstein in the formation of the firm now known as FINKELSTEIN THOMPSON LLP.

Mr. Thompson is a member of the bar of the District of Columbia and the State of California and of several federal district and appellate courts.

MILA F. BARTOS

Partner

MILA F. BARTOS has been with FINKELSTEIN THOMPSON LLP since January 1995. Ms. Bartos practices in the fields of both antitrust litigation and consumer fraud class action cases, including adulterated and toxic products. She is a 1990 graduate of the University of Wisconsin - Madison where she received a joint Bachelor of Arts degree in English and Communications. Ms. Bartos then attended the American University Washington College of Law where she received her Juris Doctor in 1993. At American University, Ms. Bartos was a co-founder of the *American University Journal of Gender and Law* and was a member of the Editorial Board.

Ms. Bartos is the author of the article, "Law Firm Collaboration Via Extranets" published in the Law Library Resource Xchange. She is also an active member of the Chairman's Council of the Appleseed Foundation. Ms. Bartos is a member of the Maryland and District of Columbia Bars.

ROBERT O. WILSON
Of Counsel

ROBERT WILSON re-associated as Of Counsel with FINKELSTEIN THOMPSON LLP since February 2015 and practices in the fields of *qui tam*, shareholder, consumer protection, and antitrust litigation. Mr. Wilson graduated from James Madison University in 2003, with a Bachelor of Arts in English, with a minor in Theatre. He graduated *cum laude* from George Mason University School of Law in 2008. While in law school, he served on the editorial board of the *George Mason University Civil Rights Law Journal*.

Mr. Wilson was an associate with the firm from 2011 to 2014. Before joining Finkelstein Thompson LLP, Mr. Wilson clerked for the Honorable David S. Schell of the Fairfax Circuit Court, in the 19th Judicial Circuit of Virginia, and practiced civil and criminal litigation in the Northern Virginia area.

Mr. Wilson's published works include *A Defense of Disclosure-based Settlements in US M&A Litigation*, Financier Worldwide.com (February 2013); *Free Speech v. Trial by Jury: The Role of the Jury in the Application of the Pickering Test*, 18 *George Mason University Civil Rights Law Journal* 389 (2008); and *Dura Pharmaceuticals: Loss Causation Redefined or Merely Clarified?*, *Journal of Taxation and Regulation of Financial Institutions*, September/October 2007, at 5 (with Donald J. Enright).

Mr. Wilson is a member of the Virginia and District of Columbia bars.

EXHIBIT 9

(Intentionally left blank)

EXHIBIT 10

1 Alex Tramontado
2 Wolf Haldenstein Adler Freeman & Herz LLP
3 750 B Street, Suite 1820,
4 San Diego, CA 92101
5 Tel: 619-239-4599
6 Email: tramontano@whafh.com

7 *Counsel for the End Payer Plaintiff*
8 *Thomas E. Willoughby III*

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
12 PRODUCTS ANTITRUST)
13 LITIGATION) **DECLARATION OF THOMAS J.**
14) **McKENNA IN SUPPORT OF END**
15) **PAYER PLAINTIFFS' MOTION**
16) **FOR ATTORNEYS' FEES,**
17) **COSTS, EXPENSES, AND**
18) **SERVICE AWARDS**

19 _____)
20 This Document Relates to:) DATE: November 22, 2024
21 End Payer Plaintiffs Class Track) TIME: 1:30 p.m.
22) JUDGE: Hon. Dana M. Sabraw
23) COURT: 13A (13th Floor)
24)
25)
26)
27)
28)

1 I, Thomas J. McKenna declare:

2 1. I am a Member of Gainey McKenna & Egleston (the “Gainey McKenna
3 & Egleston” or “GM&E”). I have been licensed to practice law in the State of New
4 York since 1985. I am admitted to practice in the U.S. District Courts for the Eastern,
5 Southern and Western Districts of New York, the District of Colorado, the Eastern
6 District of Wisconsin, the Second, Fifth, Sixth, Eighth and Eleventh Circuit Court of
7 Appeals and the Supreme Court of the United States. The following facts are within
8 my personal knowledge, and if called as a witness, I could and would testify
9 competently to them.

10 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
11 Attorneys’ Fees, Costs, Expenses, and Service Awards.

12 3. On September 28, 2015, we filed a proposed class action lawsuit on
13 behalf of our client, Thomas E. Willoughby, III, against Bumble Bee Foods LLC,
14 Starkist Company, Tri-Union Seafoods LLC, and King Oscar, Inc., in the Southern
15 District of California and were assigned Case No.:15-cv-02160. Our client’s action
16 was consolidated into the instant action with other similar actions filed in other
17 jurisdictions nationwide as a Multi-District Litigation titled, *In Re: Packaged Seafood*
18 *Products Litigation*, No. 15-MD-2670, in the Southern District of California (the
19 “Action”).

20 4. GM&E’s attorneys have a long history of successfully handling class
21 actions across a range of industries, including antitrust cases. I bring substantial
22 experience in complex litigation matters with a history of litigating in an efficient and
23 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
24 actions. A copy of GM&E’s firm résumé is attached hereto as **Exhibit A**.

25 6. I have an extensive background in consumer protection, class action and
26 antitrust litigation. I have litigated multiple class action cases across the country
27 involving antitrust and consumer claims, including for example the following:

28

- 1 • *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*, MDL
- 2 No. 2542;
- 3 • *In re Columbia University Tuition Refund Action*, Civil Action No.: 1:20-cv-
- 4 03208 (S.D.N.Y.);
- 5 • *Kincheloe v. University of Chicago et al.*, Civil Action No.: 1:20-cv-03015
- 6 (N.D. Ill.)
- 7 • *Rand v. The Travelers Indemnity Company*, Civil Action No.: 7:21-cv-10744
- 8 (S.D.N.Y.); and
- 9 • *In re Pool Products Distribution Market Antitrust Litigation*, MDL No. 2328.

10 7. I and my firm have been involved in the litigation of this Action under
 11 the direction of Class Counsel, including, among other tasks, investigating the claims,
 12 both before and after filing the initial complaint (including calls and correspondence
 13 with potential plaintiffs and class members contacting us for advice and status
 14 updates); researching underlying issues of law and drafting the initial complaint;
 15 coordinating with other plaintiffs’ counsel regarding consolidation and leadership
 16 issues; assisting in drafting the consolidation and leadership motions; meeting and
 17 conferring with defense counsel regarding various issues; reviewing documents
 18 produced by Defendant and available to the public; and assisting in various stages of
 19 litigation.

20 8. The current hourly rates for GM&E’s attorneys and staff that worked on
 21 the Action, as well as their hours spent working on the Action from inception to
 22 September 1, 2024, and their corresponding lodestar, are as follows:

GM&E’s Lodestar through September 1, 2024			
Timekeeper	Current Hourly Rate	Hours	Lodestar
Thomas J. McKenna, Partner	\$895	207.90	\$186,070.50
Gregory M. Egleston,	\$875	37.65	\$32,943.75

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GM&E’s Lodestar through September 1, 2024			
Timekeeper	Current Hourly Rate	Hours	Lodestar
Partner			
Robert Schupler, Senior Counsel	\$595	635.33	\$378,021.35
Noemi Rivera, Paralegal	\$285	23.75	\$6,768.75
Elaine Rosa, Paralegal	\$260	32.15	\$8,359.00
Rebecca Ramotar, Paralegal	\$250	5.20	\$1,300.00
TOTAL:		941.98	\$613,463.35

9. These records were prepared from contemporaneous, daily time records regularly prepared and maintained by GM&E in its usual course and manner. GM&E maintains detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on GM&E’s current billing rates. These records are available for review at the request of the Court.

10. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm’s representation of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the hours spent on each task.

11. I have general familiarity with the range of hourly rates typically charged by plaintiffs’ class action counsel specifically in the field of unfair competition and antitrust in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I am able to conclude

1 that the rates charged by my firm are commensurate with those prevailing in the
2 market for such legal services furnished in complex class action litigation such as this.
3 My firm’s hourly rates were most recently approved by the following Courts:

- 4 • *In re Columbia University Tuition Refund Action*, Civil Action No.: 1:20-cv-03208 (S.D.N.Y.); and
- 6 • *Kincheloe v. University of Chicago et al*, Civil Action No.: 1:20-cv-03015 (N.D. Ill.).

8 12. My firm has incurred unreimbursed costs of \$12,487.34 so far in
9 litigating the Action, consisting of the following categories of costs:

Category	Cost
Online Research	\$68.79
Reproduction/Duplication	\$146.90
Telephone/Fax/Postage	\$61.05
Travel/Parking/Miscellaneous	\$295.88
Balance of Unreimbursed Litigation	\$11,914.72
Fund Contributions	
Total:	\$12,487.34

13 13. Throughout the litigation, my firm and I worked under the direction of
14 Class Counsel, and I made every effort to operate as efficiently as possible and to
15 avoid unnecessary duplication. I coordinated with Class Counsel for all work
16 performed and costs incurred in this matter.

17 I declare under penalty of perjury under the laws of the United States that the
18 foregoing is true and correct. Executed on this 27th day of September 2024, at New
19 York, New York.

20 Dated: September 27, 2024 By: /s/ Thomas J. McKenna
21 Thomas J. McKenna

EXHIBIT A

Gainey McKenna & Egleston

Attorneys at Law
www.gme-law.com

260 MADISON AVENUE
22ND FLOOR
NEW YORK, NY 10016
TEL: (212) 983-1300
FAX: (212) 983-0383

375 ABBOT ROAD
PARAMUS, NJ 07652
TEL: (201) 225-2001
FAX: (201) 225-9002

FIRM RÉSUMÉ

I. Introduction

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

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

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

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

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

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

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

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

II. Notable Achievements

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

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

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

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

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

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

Consumer Actions

- *In re Columbia University Tuition Refund Action*, Civil Action No.: 1:20-cv-03208 (S.D.N.Y.) (Court Appointed Co-Lead Counsel);

- *In re Columbia College Rankings Action*; Civil Action No.: 1:22-cv-05945-PGG (S.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In re USAA Data Security Litigation*, Civil Action No.: 7:21-cv-05813 (S.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *Rand v. The Travelers Indemnity Company*, Civil Action No.: 7:21-cv-10744 (S.D.N.Y.) (Counsel for the Proposed Class);
- *Flatscher v. The Manhattan School of Music*, Civil Action No.: 1:20-cv-4496 (S.D.N.Y.) (Counsel for the Proposed Class);
- *Kincheloe v. University of Chicago et al*, Civil Action No.: 1:20-cv-03015 (N.D. Ill.) (Court Appointed Co-Lead Counsel);
- *Cuevas v. California Baptist University*, Action No.: CVRI2000805 (C.A. Sup. Ct., Riverside Cty) (Co-Counsel for the Proposed Class);
- *Adavenaixx v. Howard University*, Civil Action No.: 23-cv-663 (D.C.) (Counsel for the Proposed Class);
- *Lam v. University of Florida, et al.*, Case No. 2021 CA 1026 (8th Jud. Cir., Alachua Cty., Fl.) Removed to Federal Court, Civil Action No. 21-cv-00137 (N.D. Fl. – Remanded (Counsel for the Proposed Class);
- *Broer v. Florida State University, et al.*, Case No.: 2021 CA 000859 (2nd Jud. Cir., Leon Cty., Fl.) Removed to Federal Court, Civil Action No.: 4:21-cv-00328 (N.D. Fl. – Remanded (Counsel for the Proposed Class);
- *Rivadeneira v. University of South Florida, et al.* Case No.: 2021 CA 3148 (13th Jud. Cir., Hillsborough Cty., Fl.) Removed to Federal Court, Civil Action No.: 21-cv-01925, (M.D. Fl.) (Counsel for the Proposed Class);
- *Garcia v. Florida International University, et al.*, Case No.: 2021 CA 010899 (11th Jud. Cir., Miami-Dade Cty. Fl.) Removed to Federal Court, Civil Action No.: 21-cv-22988, (S.D. Fl.) (Counsel for the Proposed Class);
- *Levine v. Santa Fe College, et al.* Case No. 01 2021 CA 001012 (8th Jud. Cir., Alachua Cty., Fl.) (Counsel for the Proposed Class);
- *De Moura Neves v. Broward College*, Case No.: CACE21008446 (17th Jud. Cir. Broward Cty., Fl.) (Counsel for the Proposed Class);

- *Loeb v. The Curators of the University of Missouri*, Case No.: 20BA-CV02127 (13th Jud. Cir., Boone Cty, MO) (Counsel for the Proposed Class);
- *Placko, et al., v. The University of Illinois, et al.*, Civil Action No.: 1:20-03451 (N.D. Ill.) (Counsel for the Proposed Class);
- *Placko v. Michigan State University*, Court of Claims No. 20-000120-MK (Mi. State Court of Claims) (Court Appointed Co- Lead Counsel);
- *Jairo Jara, et al., v. DeVry Education Group, Inc., et al.*, Civil Action No.: 1:16-cv-10168 (N.D. Ill.);
- *Dumont v. Litton Loan Servicing, LP*, Civil Action No.: 1:12-cv-2677-ER-LMS (S.D.N.Y.) (Gainey McKenna & Egleston and Robbins Geller Rudman & Dowd LLP were plaintiffs’ co-lead counsel in a putative class action lawsuit filed in the United States District Court for the Southern District of New York on behalf of thousands of homeowners in New York, New Jersey and Pennsylvania. The lawsuit alleged, among other things, that Litton Loan Servicing (“Litton”) and Ocwen Loan Servicing (“Ocwen”) engaged in a deceptive scheme to delay or deny permanent mortgage loan modifications through the federal Home Affordable Modification Program (“HAMP”) to desperate homeowners, systematically breaching their contractual obligations to homeowners, committing deceptive trade practices, and causing significant financial harm);
- *Schroeder, et al. v. Countrywide Home Loans, Inc. Bank of America, et al.*, Civil Action No.: 07-cv-1363 (PGS) (D.N.J.) (Class Counsel in nationwide class action on behalf of United States Military Service members overcharged on their mortgages in violation of the Service members’ Civil Relief Act; recovery of \$5.962 million for more than 17,000 service members); and
- *Stamm v. My Pillow, Inc. a Minnesota Corporation, a/k/a My Pillow Direct, LLC*, Index No.: 651472/2017 (N.Y. Sup. Ct.).

ERISA Class Actions

- *In re Comcast Corp. ERISA Litig.*, Master File No.: 08-cv-00773-HB (E.D. Pa.) (recovery of \$5 million for the employees’ 401(k) plan);
- *Simeon v. Affiliated Computer Services, Inc. et al.*, Civil Action No.: 06-cv-1592 (N.D. Tex.) (Co-Lead Counsel in ERISA Class Action) (recovery of \$1.5 million for the employees’ 401(k) plan);
- *Herrera v. Wyeth, et al.*, Civil Action No.: 08-cv-04688 (RJS) (S.D.N.Y.) (recovery of \$2 million for the employees’ 401(k) plan);

- *Douglas J. Coppess v. Healthways, Inc.*, Civil Action No.: 10-cv-00109 (M.D. Tenn.) (Lead Counsel in ERISA Class Action) (recovery of \$1.25 million for the employees' 401(k) plan);
- *In re Int'l Game Tech. ERISA Litig.*, Civil Action No.: 09-cv-00584 (D. Nev.) (Co-Lead Counsel in ERISA class action) (recovery of \$500,000 for the employees' 401(k) plan);
- *Jennifer Jones v. NovaStar Fin., Inc.*, Civil Action No.: 08-cv-490 (NKL) (W.D. Mo.) (Co-Lead Counsel in ERISA Class Action) (recovery of \$925,000 for the employees' 401(k) plan);
- *Page v. Impac Mortgage Holdings, Inc., et al.*, Civil Action No.: 07-cv-1447 (C.D. Cal.) (Co-Lead Counsel in ERISA Class Action) (recovery of \$300,000 for the employees' 401(k) plan);
- *Fulmer v. Scott Klein, et al.*, Civil Action No.: 09-cv-2354-N (N.D. Tex.) (Lead Counsel in ERISA Class Action);
- *In re Pilgrims Pride Stock Investment Plan ERISA Litig.*, Civil Action No.: 08-cv-000472-TJW-CE (E.D. Tex.) (Co-Lead Counsel in ERISA Class Action);
- *In re UBS ERISA Litig.*, Civil Action No.: 08-cv-6696 (S.D.N.Y.) (Co-Lead Counsel in ERISA Class Action);
- *Rinehart v. Lehman Brothers Holdings Inc., et al.*, Civil Action No.: 08-cv-5598 (S.D.N.Y.) (Co-Lead Counsel in ERISA Class Action);
- *Usenko v. Sunedison Semiconductor, LLC., et al.*, Civil Action No.: 17-cv-2227 (E.D. Mo.) (*de facto* Co-Lead Counsel in ERISA Class Action);
- *Harris and Ramos v. Amgen, Inc., et al.*, Civil Action No.: 07-cv-5442 (C.D. Cal.) (Co-Lead Counsel in ERISA Class Action);
- *Russell v. Harman Int'l Industries Inc., et al.*, Civil Action No.: 07-cv-02212 (D. of Columbia) (*de facto* Lead Counsel in ERISA Class Action);
- *Mellot v. Choicepoint, Inc., et al.*, Civil Action No.: 05-cv-1340 (N.D. Ga.) (Co-Lead Counsel in ERISA Class Action);
- *In re Eastman Kodak ERISA Litig.*, MASTER FILE NO. 6:12-CV-06051-DGL (W.D.N.Y.) (Co-Counsel in ERISA Class Action); and
- *Sheedy v. Adventist Health System Sunbelt Healthcare Corporation., et al.*, Civil Action No.: 6:16-cv-01893-GAP (M.D. Fl.) (Interim Lead Counsel in ERISA

Action).

Securities Class Actions

- *In re Kiromic Biopharma, Inc. Securities Litigation*, Civil Action: No.: 22-cv-6690 (S.D.N.Y) (Court Appointed Lead Counsel in securities fraud Class action);
- *In re VimpelCom Ltd. Securities Litig.*, Civil Action: No.: 1:15-cv-08672 (ALC) (S.D.N.Y.) (Lead Counsel in securities fraud Class action);
- *Fogel v. Vega, et al.*, Civil Action No.: 1:13-cv-02282-KPF (S.D.N.Y.) (Lead Counsel in securities fraud Class Action against Wal-Mart de Mexico SAB de CV, Ernesto Vega, Scot Rank, and Wal-Mart Stores, Inc.);
- *Floridia et al v. Dolan, et al.*, Civil Action No.: 14-cv-03011 (D. Minn.) (Lead Counsel in securities fraud Class Action);
- *In re Netsol Technologies, Inc.*, Civil Action No.: 14-cv-05787 (C.D. Cal.) (Lead Counsel in securities fraud Class Action);
- *Singh v. Tri-Tech Holdings, Inc.*, Civil Action No.: 13-cv-09031 (Co-Lead Counsel in securities fraud Class Action);
- *Jason v. Junfeng Chen, et al.*, Civil Action No.: 12-cv-1041 (S.D.N.Y) (Lead Counsel in securities fraud Class action);
- *Anderson v. Peregrine Pharmaceuticals, Inc., et al.*, Civil Action No.: 12-cv-01647 PSG (FMOx) (C.D. Cal.) (Lead Counsel in securities fraud Class Action);
- *Araj v. JML Portfolio Mgmt. Ltd., et al.*, Civil Action No.: 09-cv-00903 (M.D. Fla.) (Co-Lead Counsel in securities fraud Class Action);
- *Hanson et al, v. Frazer, LLP., et al.*, Civil Action No.: 12-cv-3166 (S.D.N.Y.) (Lead Counsel in securities fraud Class Action);
- *Labit v. Glenn Zagoren, et al.*, Civil Action No.: 03-cv-2298; (S.D.N.Y.) (Co-Lead Counsel in securities fraud Class Action);
- *Karp v. SI Financial Group, Inc., et al.*, Civil Action No: 19-cv-199 (D. Conn.) (Lead Counsel in securities fraud Class Action); and
- *Evans v. Mohawk Industries, Inc. et al.*, Civil Action No.: N20C-01-259 (Sup. Ct. Del.) (Class Counsel in a securities Class Action).

Derivative Actions

- *Recupero v. Friedli, et al.*, Civil Action No.: 1:17-cv-00381-JKB (D. Md.) (Court Appointed Interim Lead Counsel in Derivative Action) (settlement achieved on behalf of Osiris Therapeutics, Inc. consisting of corporate governance reforms);
- *In re Fifth Street Finance Corp., Stockholder Litig.*, C.A. No.: 12157-VCG (Del. Chancery) (Court Appointed Co-Lead Counsel in Derivative Action) (settlement achieved in cooperation with other derivative actions venued elsewhere for monetary and non-monetary corporate benefits conferred on corporation);
- *Hamdan v. Munro, et al.*, Civil Action No.: 3:16-cv-03706-PGS (D. N.J.) (Lead Counsel in Derivative Action) (settlement achieved on behalf of Intercloud Systems, Inc. consisting of corporate reforms);
- *In Re Capstone Turbine Corp. Stockholder Derivative Litigation*, Civil Action No.: CV16-01569-DMG (C.D. Cal) (Court Appointed Co-Lead Counsel in Derivative Action);
- *Nahar, et al., v. Bianco, et al.*, Civil Action No.: 2:16-cv-00756-RSL (W.D. Wash.) (Court Appointed Co-Lead Counsel in Derivative Action) (settlement achieved on behalf of CTI Biopharma Corp. in cooperation with other derivative actions venued elsewhere consisting of corporate reforms);
- *In re Provectus Biopharmaceuticals Inc. Derivative Litig.*, Civil Action No.: 3:14-cv-00372-PLR-HBG (E.D. Tenn.) (Co-Lead Counsel in Derivative Action) (settlement consisting of corporate governance reforms achieved on behalf of Company);
- *Loyd v. Giles, et al.*, Case No.: 2015CV33429 (Colo., Denver County) (settlement consisting of corporate governance reforms achieved on behalf of Ampio Pharmaceuticals, Inc.);
- *Vacek v. Awad, et al.*, Civil Action No.: 2:17-cv-02820 (E.D. Pa.) (settlement achieved on behalf of Walter Investment Management Corp. consisting of corporate reforms);
- *Giesbrecht v. Lee, et al.*, Civil Action No.: 3:13-cv-0697 (D. Nev.) (settlement achieved in cooperation with other derivative actions venued elsewhere for corporate benefits conferred on L&L Energy, Inc.);
- *Hapka v. Dennis Crowley, et al.*, 50-2005 CA (15th Judicial Circuit in and for Palm Beach County, Florida) (*de facto* Lead Counsel in Derivative Action) (settlement

achieved on behalf of Spear & Jackson, Inc. for monetary benefits conferred on corporation);

- *Nieman v. Ira B. Lampert, et al.*, Civil Action No.: 05-cv-60574 (S.D. Fl.) (*de facto* Co-Lead Counsel in Derivative Action) (settlement consisting of corporate governance reforms achieved on behalf of Concord Camera Corp.);
- *Riley v. Jorge Mas, et al.*, Case No.: 04-cv-27000 (11th Judicial Circuit in and for Dade County, Florida) (Lead Counsel in Derivative Action) (settlement consisting of corporate governance reforms achieved on behalf of Mastec, Inc.);
- *Ramseur v. Callidus Software, Inc., et al.*, Civil Action No.: 04-cv-4419 (N.D. Cal.) (Co-Counsel in Derivative Action) (settlement achieved on behalf of Callidus Software, Inc. consisting of corporate reforms);
- *Emond v. Murphy, et al.*, Civil Action No.: 2:18-cv-09040 (C.D. Cal.) (settlement achieved in cooperation with other derivative action venued elsewhere for corporate benefits conferred on Izea Worldwide, Inc. consisting of corporate reforms);
- *In re India Globalization Capital, Inc. Derivative Litigation*, Civil Action No.: 1:18-cv-3698 (D. Md.) (Court Appointed Co-Lead Counsel) (settlement in principle reached in cooperation with other derivative action);
- *In re Revolution Lighting Technologies, Inc. Derivative Action*, Civil Action No.: 1:19-cv-03913 (S.D.N.Y.) (Court Appointed Co-Lead Counsel) (settlement in principle reached in cooperation with other derivative action venued elsewhere);
- *Kelly Nicole Desmond-Newman v. Saagar Govil, et al.*, Civil Action No.: 18-cv-03992 (E.D. NY) (Court Appointed Interim Lead Counsel in Derivative Action) (settlement achieved on behalf of Cemtrex, Inc. consisting of corporate reforms in cooperation with other derivative action venued elsewhere);
- *Savage, Spencer, et al., v. Kay, Robert B., et al.*, Index No.: 162407/2015 (*de facto* lead counsel in Derivative Action) (settlement achieved on behalf of iBIO, Inc. consisting of corporate reforms);
- *Labare v. Dunleavy, et al.*, Civil Action No.: 3:15-cv-01980 (D. N.J.) (co-counsel) (settlement achieved on behalf of Ocean Power Technologies, Inc. consisting of corporate reforms);
- *In re Marriott International Customer Security Data Breach Litigation – Derivative Track*, Civil Action No.: 8:19-md-02879 (D. Md.) (Court Appointed Co-Lead Counsel);

- *In re Mullen Automotive, Inc. Derivative Litigation*, Civil Action No.: 22-5336-DMG (AGRx) (C.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re iRobot Corporation Derivative Litigation*; Civil Action No.: 1:20-cv-10034 (D. Mass.) (Court Appointed Co-Lead Counsel);
- *In re CBL & Associates Properties, Inc. Stockholder Derivative Litigation*; Consolidated Case No.: 2020-0011-JTL (Chancery Delaware) (Court Appointed Co-Lead Counsel);
- *In re Ormat Technologies, Inc. Derivative Litigation*, Civil Action No.: 3:18-cv-00439 (D. Nev.) (Court Appointed Co-Lead Counsel);
- *In re 22nd Century Group, Inc. Derivative Litigation*, Civil Action No.: 1:19-cv-00479 (W.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *Thiese v. Giles. et al.*, Civil Action No.: 18-cv-02558-RBJ (D. Co.) (Court Appointed Co-Lead Counsel in Derivative Action);
- *In re Rev Group, Inc. Derivative Litigation*, Civil Action No.: 1:19-cv-0009 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re LendingClub Corporation Stockholder Derivative Litigation*, Civil Action No.: 3:18-cv-04391(N.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In Re Zillow Group, Inc. Shareholder Derivative Litigation*, Civil Action No.: 17-cv-1568 (W.D. Wash) (Court Appointed Co-Lead Counsel; motion to dismiss denied);
- *Bonessi v. Bank of the Ozarks, Inc. (Nominal Defendant)*, Civil Action No.: 4:19-cv-00567-DPM (E.D. Ark.) (*de facto* lead counsel in Derivative Action; motion to dismiss fully briefed);
- *Kates v. Metlife, Inc. (Nominal Defendant)*, Civil Action No.: 1:19-cv-01266-LPS-JLH (D. Del.) (co-counsel in Derivative Action; motion to dismiss fully briefed);
- *Behrman, et al. v. Dentsply Sirona, Inc. (Nominal Defendant)*, Civil Action No.: 1:19-CV-00772-RGA (D. Del.) (*de facto* lead counsel in Derivative Action; motion to dismiss fully briefed);
- *Wajda v. Lipocine, Inc. (Nominal Defendant)*, C.A. No.: 2019-0122-JTL (Del. Chancery) (*de facto* lead counsel in Derivative Action; motion to dismiss fully briefed);

- *In Re stamps.com Derivative Litigation*, Civil Action No.: 2:19-cv-04272 (C.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Taronis technologies, Inc. Shareholder Derivative Litigation*, Civil Action No.: 2:19-cv-04547 (D. Ariz.) (Court Appointed Co-Lead Counsel);
- *In Re Cloudera, Inc. Stockholder Derivative Litigation*, Civil Action No.: 1:19-cv-01422 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re CVS Health Corporation Derivative Litigation*, Civil Action No.: 17-378 (D. RI) (Court Appointed Co-Lead Counsel);
- *In re Colony Capital Stockholder-Derivative Litigation*, Civil Action No.: 1:18-cv-03176 (Court Appointed Co-Lead Counsel);
- *Klein v. Arora, et al.*, Civil Action No.: 19-cv-03148 (N.D. Ill.) (Court Appointed Co-Lead Counsel in Derivative Action);
- *Mina Pastagia, et al., v. Charles J. Philippin, et al.*, Case No.: 2018-CH-07432 (Chancery Illinois, Cook County) (Interim Lead Counsel in Derivative Action involving Ulta Beauty, Inc.);
- *Ruth v. CannaVest Corp. (Nominal Defendant)*, Civil Action No.: 2:15-cv-00481 (D. Nev.) (*de facto* lead counsel in Derivative Action);
- *In re Johnson & Johnson Talc Stockholder Derivative Litigation*, Lead Case No.: 3:19-cv-18874-FLW-LHG (Court Appointed Executive Committee in the Derivative Action);
- *In re Beyond Meat, Inc. Derivative Litigation*, Civil Action No.: 20-2524 (C.D. Cal.) (Court Appointed Co-Lead Counsel);
- *Lee v. TrueCar, Inc. (Nominal Defendant)*, Case No 2019-0988 (Chancery Delaware) (Court Appointed Interim Lead Counsel);
- *In re Crown Castle International Corp. Derivative Litigation*, Civil Action No.: 20-cv-00606 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Acer Therapeutics, Inc. Derivative Litigation*, Civil Action No. 19-cv-01505 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Curo Group Holdings, Corp., Derivative Litigation*, Civil Action No.: 20-cv-00851 (D. Del.) (Court Appointed Co-Lead Counsel);

- *In re Zoom Video Communications Shareholder Derivative Litigation*, Civil Action No.: 1:20-cv-00797-LPS (D. Del.) (Court Appointed Co-Lead Counsel);
- *In Re Inovio Pharmaceuticals, Inc. Derivative Litigation*, Civil Action No. 2:20-cv-01962 (E.D. Pa.) (Court Appointed Co-Lead Counsel);
- *In re Exela Technologies, Inc. Shareholder Derivative Litigation*, Civil Action No.: 3:20-CV-1800 (N.D. Tex) (Court Appointed Co-Lead Counsel);
- *In re Blink Charging Company Stockholder Derivative Litigation*, Civil Action No. 2020-019815-CA-01 ((11th Judicial Circuit in and for Dade County, Florida) (Co-Lead Counsel in Derivative Action);
- *In re Tyson Foods Inc. Derivative Litigation*, Civil Action No.: 21-00730 (E.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In re Quantumscape Corporation Derivative Litigation*, Civil Action No: 21-00989 (N.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Velodyne Lidar, Inc. Derivative Litigation*, Civil Action No.: 21-cv-00369 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Peabody Energy Corp. Derivative Litigation*, Civil Action No 20-cv-01747 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Plug Power Inc. Derivative Litigation, Civil Action No.:* 1:21-cv-02753 (S.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In re Co-Diagnostics, Inc. Derivative Litigation*, Civil Action No.: 20-cv-00654 (D. UT) (Court Appointed Co-Lead Counsel);
- *In re Stride Inc. Derivative Litigation*, Civil Action No.: 20-cv-01731 (D. Del) (Court Appointed Co-Lead Counsel);
- *In re Tricida Stockholder Derivative Litigation*, Civil Action No.: 1:21-cv-00205 (D. Del.) (Court Appointed Lead Counsel);
- *In re Cytodyn Stockholder Derivative Litigation*, Civil Action No.: 3:21-cv-05422 MLP (W.D. Wash.) (Court Appointed Co-Lead Counsel);

- *In Re AcelRx Pharmaceuticals, Inc. Derivative Litigation*, Civil Action No.: 3:21-cv-05197 (N.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Appharvest Inc. Shareholder Derivative Litigation*, Civil Action No.: 1:22-cv-02037 (S.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In re View Derivative Litigation*, Civil Action No.: 21-1719 (D. Del.) (Court Appointed Co-Lead Counsel);
- *In re Opendoor Technologies, Inc. Stockholder Derivative Litigation*, Civil Action No.: 2023-0642 (Del. Chancery) (Court Appointed Co-Lead Counsel);
- *In Re Cormedix Inc. Derivative Litigation*, Civil Action No: 2:21-Cv-18493 (D.N.J.) (Court Appointed Co-Lead Counsel);
- *In re SesenBio, Inc., Derivative Litigation*, Civil Action No.: 1:21-cv-11538 (D. Mass) (D. MA) (Court Appointed Co-Lead Counsel);
- *In re Beyond Meat, Inc. Stockholder Derivative Litigation*, Civil Action No.: 23-5954-MWF (C.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Veru, Inc. Stockholder Derivative Litigation*, Civil Action No.: 2:23-cv-01164-SCD (E.D. WI) (Court Appointed Co-Lead Counsel);
- *In re Novavax, Inc. Shareholder Derivative Litigation*, Case No. C-15-CV-21-000618 (Cir. Ct. Mont. Cty) (Court Appointed Co-Lead Counsel);
- *In Re RTX Corporation (F/K/A Raytheon Technologies Corporation) Derivative Litigation*, Civil Action No.: C.A. No. 20-cv-1614-MN (D. Del.) (Court Appointed Co-Lead Counsel);
- *In Re C3.AI, Inc. Derivative Litigation*, Civil Action No. 4:22-cv-03031-HSG (N.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In re Kenvue, Inc. Derivative Litigation*, Civil Action No.: 3:24-cv-00307-MAS (D. N.J.) (Court Appointed Co-Lead Counsel);
- *In Re Hawaiian Electric Industries, Inc. and Hawaiian Electric Company, Inc. Derivative Litigation.*, Civil Action No. 3:23-cv-06627-JSC (N.D. Cal.) (Court Appointed Co-Lead Counsel);
- *In Re Unity Software, Inc. Stockholder Derivative Litigation*, Case No. 2023-0499-PAF (Del. Chancery) (Court Appointed Co-Lead Counsel);

- *In Re The Beauty Health Company Consolidated Stockholder Derivative Litigation*, Civil Action No.: C.A. No. 2024-0114-LWW (Del. Chancery) (Court Appointed Co-Lead Counsel);
- *In Re Snowflake, Inc. Derivative Litigation*, Case No. 24-cv-426-CFC (D. Del.) (Court Appointed Co-Lead Counsel);
- *In Re Bluebird Bio, Inc. Stockholder Derivative Litigation*, Case No.: 1:24-cv-11674-PBS, (D. Mass.) (Court Appointed Co-Lead Counsel);
- *Spiteri v. Branson et al.*, Case No.: 1:22cv933, (E.D.N.Y.) (Court Appointed Co-Lead Counsel);
- *In Re Prudential Financial, Inc. Derivative Litigation*, Case No.: ESX-L-6550-20 (Sup. Ct. NJ, Essex Cty.) (Court Appointed Co-Lead Counsel); and
- *In re Chargepoint Holdings, Inc. Derivative Litigation*, Case No.: 5:24-cv-00149-EKL (N.D. Cal) (Court Appointed Co-Lead Counsel).

Anti-Trust Class Actions

- *In re: Package Seafood Products Antitrust Litig.*, Civil Action No.: 15-MD-2670 (JLS) (MDD) (S.D. Cal.) (co-counsel in on-going anti-trust action);
- *In re Pool Products Distribution Market Antitrust Litigation*, MDL No. 2328 (Member of the committee in anti-trust action) (settlement obtained from several defendants); and
- *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*, MDL No. 2542 (co-counsel in on-going anti-trust action).

FLSA Actions

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

IV. Attorneys

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

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

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

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

Before starting his own law practice, Mr. McKenna was associated with Cahill, Gordon & Reindel ("Cahill") in New York City, practicing class actions and securities law, insurance coverage

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

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

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

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

- *Shane v. Kenneth E. Edge, et al.*, Civil Action No.: 10-cv-50089 (N.D. Ill.) (recovery of \$3.35 million for the company's 401(k) plan);

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

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

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

Robert J. Schupler received his bachelor’s degree in 1979 from Drexel University (Philadelphia, PA), and received his J.D. in 1982 from Southwestern University School of Law (Los Angeles, CA).

Mr. Schupler began his legal career at a boutique law firm in Los Angeles where he focused on civil litigation and transactional matters. He returned “home” to the Philadelphia area in the 90’s and shortly thereafter began focusing on class action litigation and complex tort and commercial disputes, assisting in litigation matters which included *Sunbeam* and *WorldCom*.

Mr. Schupler has the unique experience of working for both plaintiff and defense litigation firms. While working at an internationally recognized defense law firm, Mr. Schupler concentrated on healthcare related products liability litigation matters. In one of these matters, Mr. Schupler was responsible for the administration of a multi-billion dollar settlement involving tens of thousands of plaintiff claimants.

In 2015, Mr. Schupler began working with Gainey McKenna & Egleston. He has assisted GME in prosecuting numerous class action and shareholder derivative actions, including:

- *In Re: Packaged Seafood Products Antitrust Litigation*, Civil Action No.: 15-MD-2670 JLS (MDD) (S. D. Cal.);
- *George Dumont, et al. vs. Litton Loan Servicing LP, et al.*, Civil Action No.: 7:12-cv-02677-ER-LMS (S.D.N.Y.);
- *Gordon Niedermayer, et al. v. Steven A. Kriegsman, et al.*, Civil Action No.: 11800-VCMR (Chancery Delaware);
- *Arthur P. Cardi, et al. v. FXCM Inc., et al.*, Civil Action No.: 1:17-cv-4699-PAC-HBP (S. D.N.Y.);
- *In Re Rocket Fuel, Inc. Derivative Litigation*, Civil Action No.: 4:15-cv-04625-PJH (N.D. Cal.);
- *Douglas Labare v. Charles Dunleavy, et al.*, Civil Action No.: 3:15-cv-01980-FLW-LHG (D. N.J.);
- *Waseem Hamdan vs. Mark Munro, et al.*, Civil Action No.: 2:16-cv-03706 (D. N.J.);
- *In Re VimpelCom, Ltd. Securities Litigation*, Civil Action No.: 1:15-cv-08672-ALC (S.D.N.Y); and
- *Shuli Chiu, et al., v. Michelle Dipp, et al.*, Civil Action No.: 1:17-cv-11382 (D. Mass.).

Mr. Schupler is a member of the Bar of the State of Pennsylvania and is also admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

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

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

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

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

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

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

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

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

- *Town of Fairfield, et al. v. Allianz Global Investors U.S. LLC*, No. 20-cv-05817 (S.D.N.Y.) (settled ERISA class action on behalf of institutional investors)

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

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

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

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

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

EXHIBIT 11

1 Betsy C. Manifold (182450)
manifold@whafh.com
2 Rachele R. Rickert (190634)
rickert@whafh.com
3 Marisa C. Livesay (223247)
livesay@whafh.com
4 **WOLF HALDENSTEIN ADLER**
FREEMAN & HERZ LLP
5 750 B Street, Suite 2770
San Diego, CA 92101
6 Telephone: 619/239-4599
7 Facsimile: 619/234-4599

8 *Counsel for the End Payer Plaintiffs*

9 [Additional Counsel Listed on Signature Page]

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

12 IN RE: PACKAGED SEAFOOD
13 PRODUCTS ANTITRUST
14 LITIGATION

Case No. 15-MD-2670 DMS (MSB)

**DECLARATION OF MICHELE S.
CARINO IN SUPPORT OF END
PAYER PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS,
EXPENSES, AND SERVICE
AWARDS**

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16
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18 This Document Relates To:
19 End Payer Plaintiffs Class Track
20
21

DATE: November 22, 2024
TIME: 1:30 p.m.
JUDGE: Hon. Dana M. Sabraw
COURT: 13A (13th Floor)

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1 I, Michele S. Carino, declare:

2 1. I am Of Counsel at Greenwich Legal Associates LLC (“GLA”). I haven
3 been licensed to practice law in the State of New York since 2000 and in the State of
4 Delaware since 2010. I am admitted to practice in the U.S. District Courts for the
5 Southern and Eastern District of New York and the District of Delaware. The
6 following facts are within my personal knowledge, and if called as a witness, I could
7 and would testify competently to them.

8 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
9 Attorneys’ Fees, Costs, Expenses, and Service Awards.

10 3. The following proposed class action lawsuits were filed on behalf of
11 GLA’s clients:

12 a. *Blumstein v. Bumble Bee Foods LLC*, No. 15cv02186 (S.D. Cal.,
13 Sep. 30, 2015) filed on behalf of client Barbara Blumstein against
14 defendants Bumble Bee Foods LLC, Starkist Company, Tri-Union
15 Seafoods LLC and King Oscar, Inc.

16 b. *Olive v. Bumble Bee Foods LLC*, No. 15cv01909 (S.D. Cal., Aug.
17 28, 2015) filed on behalf of clients Paul Berger, Marc Blumstein,
18 Sterling King, Brian Levy, John Trent

19 c. *Cooper v. Bumble Bee Foods LLC*, No. 15cv2216 BAS JMA (S.D.
20 Cal. Oct. 5, 2015) filed on behalf of clients Jody Cooper, Beth
21 Milliner, and Liza Milliner against defendants Bumble Bee Foods
22 LLC, Starkist Company, Tri-Union Seafoods LLC and King
23 Oscar, Inc.

24 d. *Daniels v. Bumble Bee Foods LLC*, No. 16cv00185 (S.D. Cal. Jan.
25 25, 2016) filed on behalf of client Sunde Daniels against
26
27

28

- 1 defendants Bumble Bee Foods LLC, Starkist Company, Tri-Union
2 Seafoods LLC and King Oscar, Inc.
- 3 e. *Nelson v. Bumble Bee Foods LLC*, No. 15cv01979 (S.D. Cal., Sep.
4 4, 2015) filed on behalf of clients Jessica Decker and Nancy Stiller
5 against defendants Bumble Bee Foods LLC, Starkist Company,
6 Tri-Union Seafoods LLC and King Oscar, Inc.
- 7 f. *In re Packaged Seafood Products Antitrust Litigation*, No.
8 15md2670 (S.D. Cal., Dec. 9, 2015) filed on behalf of clients John
9 Pels, John Frick, and Robert Skaff against defendants Bumble Bee
10 Foods LLC, Starkist Company, Tri-Union Seafoods LLC and King
11 Oscar, Inc.

12
13 Our clients' actions were consolidated into the instant action with other similar
14 actions filed in other jurisdictions nationwide as a Multi-District Litigation titled, *In*
15 *Re: Packaged Seafood Products Litigation*, No. 15-MD-2670 in the Southern District
16 of California (the "Action")

17 4. GLA has a long history of successfully handling class actions across a
18 range of industries, including consumer, antitrust, and securities cases. I personally
19 have an extensive background in complex litigation matters, having litigated
20 numerous shareholder derivative, mass tort, consumer protection, and securities class
21 actions in cases across the country on behalf of both individual and institutional
22 clients.

23 5. GLA have been involved in the litigation of this Action under the
24 direction of Class Counsel, including, among other tasks, conducting the initial client
25 intake; reviewing pleadings, motions, and briefs; apprising clients of case
26 developments from inception through trial preparation and eventual settlement for the
27 duration of the Action; overseeing client discovery, including gathering documents,
28

1 responding to discovery requests, and preparing for depositions; preparing clients for
2 potential trial testimony; and assisting clients with the claims filing process.

3 6. The current hourly rates for GLA attorneys and staff that have worked on
4 the Action, as well as their hours spent working the Action as of September 1, 2024,
5 and their corresponding lodestar, are as follows:

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<u>Timekeeper</u>	<u>Current Rate</u>	<u>Hours</u>	<u>Lodestar</u>
8 Brandon Lacoff, 9 Partner	\$850	15	\$12,750.00
10 Adam Frankel, 11 Partner	\$750	200.70	\$150,525.00
12 Michele Carino, 13 Of Counsel	\$750	133.50	\$100,125.00
14 Martin Lacoff, 15 Officer	\$650	80	\$52,000.00
16 TOTAL:			<u>\$315,400.00</u>

17
18

19 7. These records were prepared from contemporaneous, daily time records
20 regularly prepared and maintained by GLA in its usual course and manner. GLA
21 maintains detailed records regarding the amount of time spent by its professionals, and
22 the lodestar calculation is based on GLA's current billing rates. These records are
23 available for review at the request of the Court.

24 8. In my judgment and based on my experience in complex class action
25 litigation and other litigation, the number of hours expended, and the services
26 performed by my firm, were reasonable and necessary for my firm's representation of
27
28

1 Plaintiffs, in coordination with Class Counsel, who approved the tasks and the hours
2 spent on each task.

3 9. I have general familiarity with the range of hourly rates typically charged
4 by plaintiffs' class action counsel specifically in the field of unfair competition and
5 antitrust in the geographical area where my firm practices and throughout the United
6 States, both on a current basis and historically. From that basis, I am able to conclude
7 that the rates charged by my firm are commensurate with those prevailing in the
8 market for such legal services furnished in complex class action litigation such as this.

9 10. My firm is not seeking reimbursement of any costs or expenses.

10 11. Throughout the litigation, my firm and I worked under the direction of
11 Class Counsel and made every effort to operate as efficiently as possible and to avoid
12 unnecessary duplication. We coordinated with Class Counsel for all work performed
13 and costs incurred in this matter.
14

15 I declare under penalty of perjury under the laws of the United States that the
16 foregoing is true and correct. Executed on October 8, 2024 at Bayside, New York.
17

18
19 DATED: October 8, 2024

By: 
Michele S. Carino

EXHIBIT 12

1 STUART G. GROSS (#251019)
2 sgross@grosskleinlaw.com
3 **GROSS KLEIN PC**
4 The Embarcadero
5 Pier 9, Suite 100
6 San Francisco, CA 94111
7 t (415) 671-4628
8 f (415) 480-6688

9 *Counsel for the End Payer Plaintiffs*
10 *Carl Leshner, Sarah Metivier*
11 *Schadt, Greg Stearns, and*
12 *Karren Fabian*

13 UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA

15 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
16 PRODUCTS ANTITRUST)
17 LITIGATION) **DECLARATION OF STUART G.**
18) **GROSS IN SUPPORT OF END**
19) **PAYER PLAINTIFFS’ MOTION**
20) **FOR ATTORNEYS’ FEES,**
21) **COSTS, EXPENSES, AND**
22) **SERVICE AWARDS**

23 _____)
24 This Document Relates to:) DATE: November 22, 2024
25 End Payer Plaintiffs Class Track) TIME: 1:30 p.m.
26) JUDGE: Hon. Dana M. Sabraw
27) COURT: 13A (13th Floor)
28)

1 I, Stuart G. Gross, declare:

2 1. I am a shareholder at Gross Klein PC (“Gross Klein”). I have been
3 licensed to practice law in the state of California since 2007 and in the state of New
4 York since 2005. I am admitted to practice in the U.S. District Courts for the Northern,
5 Eastern, Central, and Southern Districts of California, and the Southern District of
6 New York, as well as in the Second Circuit, the Ninth Circuit, and the Supreme Court
7 of the United States. The following facts are within my personal knowledge, and if
8 called as a witness, I could and would testify competently to them.

9 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
10 Attorneys’ Fees, Costs, Expenses, and Service Awards.

11 3. On September 25, 2015, I filed a proposed class action lawsuit on behalf
12 of my clients against Bumble Bee Foods LLC, Tri-Union Seafoods LLC, Starkist
13 Company, and King Oscar, Inc., in the Southern District of California and assigned
14 Case No. 3:15-cv-02144. My client’s action was consolidated into the instant action
15 with other similar actions filed in other jurisdictions nationwide as a Multi-District
16 Litigation titled, *In Re: Packaged Seafood Products Litigation*, No. 15-MD-2670 in
17 the Southern District of California (the “Action”).

18 4. I am the sole shareholder at Gross Klein. I have practiced civil litigation
19 on behalf of consumers, individuals, businesses, public entities, non-profits, and
20 Indian Tribes in California, New York, and nationwide since 2004. The firm generally
21 employs three attorneys. The firm handles, on both a class and non-class basis,
22 antitrust, environmental, commercial, and financial fraud and other complex
23 litigation. Attached hereto as **Exhibit A** is Gross Klein’s resume.

24 5. Gross Klein’s attorneys have a long history of successfully handling
25 class actions across a range of industries, including antitrust cases. I bring substantial
26 experience in complex litigation matters with a history of litigating in an efficient and
27 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
28 actions. *See Exhibit A* at 2-4.

1 6. I have an extensive background in antitrust and consumer protection
 2 class action litigation. I have litigated more than a dozen class action cases across the
 3 country involving antitrust and unfair competition claims, including the following
 4 recent matters in which I have a leadership position:

- 5 • *Little, et al. v. Pacific Seafood Procurement, LLC, et al.*, No. 23-01098 (N.D.
 6 Cal) (Lead Counsel);
- 7 • *Lambrix v. Tesla, Inc.*, No. 23-01145 (N.D. Cal) (Defendant Discovery Co-
 8 Chair);
- 9 • *Cramer, et al. v. Elements Mountain Company, et al.*, No. TCU17-6880 (Cal.
 10 Superior Ct., Nevada County) (Co-Lead Counsel);
- 11 • *In re: Puerto Rico Cabotage*, No. 08-1960 (D.P.R.) (Member of Executive
 12 Committee)

13 7. I and my firm have been involved in the litigation of this Action under
 14 the direction of Class Counsel, including, among other tasks, investigating the claims,
 15 drafting the initial complaint, and coordinating with other plaintiffs’ counsel
 16 regarding consolidation and leadership issues.

17 8. The current hourly rates for Gross Klein attorneys and staff that have
 18 worked on the Action, as well as their hours spent working on the Action as of
 19 September 1, 2024, and their corresponding lodestar, are as follows:

Gross Klein Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Stuart Gross, Shareholder	\$895 per hour	6.03	\$5,414.75
Daniel Goldberg, Associate	\$515 per hour	2.32	\$1,194.80
TOTAL:			\$6,609.55

1 9. These records were prepared from contemporaneous, daily time records
2 regularly prepared and maintained by Gross Klein in its usual course and manner.
3 Gross Klein maintains detailed records regarding the amount of time spent by its
4 professionals, and the lodestar calculation is based on Gross Klein’s current billing
5 rates. These records are available for review at the request of the Court.

6 10. In my judgment and based on my experience in complex class action
7 litigation and other litigation, the number of hours expended, and the services
8 performed by my firm, were reasonable and necessary for my firm’s representation
9 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
10 hours spent on each task.

11 11. I have general familiarity with the range of hourly rates typically charged
12 by plaintiffs’ class action counsel specifically in the field of unfair competition and
13 antitrust in the geographical area where my firm practices and throughout the United
14 States, both on a current basis and historically. From that basis, I am able to conclude
15 that the rates charged by my firm are commensurate with those prevailing in the
16 market for such legal services furnished in complex class action litigation such as this.
17 My firm’s hourly rates were most recently approved by the following Courts:

- 18 • *Cramer, et al. v. Elements Mountain Company, et al.*, No. TCU17-6880 (Cal.
19 Superior Ct., Nevada County);
- 20 • *San Francisco Herring Association, et al. v. Chevron U.S.A. Inc.*, No. C21-
21 00317 (Cal. Superior Ct., Contra Costa County); and
- 22 • *San Francisco Herring Association, et al. v. Pacific Gas and Electric*
23 *Company, et al.*, No. 14-cv-04393 (N.D. Cal)

24 12. My firm has incurred costs of \$402.00 so far in litigating the Action,
25 consisting of the following categories of costs:

Category	Cost
Court & Filing Fees	\$402.00
Total:	\$402.00

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13. Throughout the litigation, my firm and I worked under the direction of Class Counsel, and I made every effort to operate as efficiently as possible and to avoid unnecessary duplication. I coordinated with Class Counsel for all work performed and costs incurred in this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 26, 2024, at Sebastopol, California.

Dated: September 26, 2024 By: /s/ Stuart G. Gross
Stuart. G. Gross

EXHIBIT A



The Embarcadero
Pier 9, Suite 100
San Francisco, CA 94111
415.671-4826

305 Broadway, Suite 777
New York, NY 10007
212.658.1219

www.grosskleinlaw.com



Since the formation of its predecessor firm in 2011, Gross Klein PC has established a track record of taking on and winning complex and difficult cases against the most formidable of adversaries.

Gross Klein represents both plaintiffs and defendants in antitrust, environmental, commercial, financial fraud, and other complex litigation. As a result, the firm's attorneys have broad experience on both sides of the "v," giving them a unique insight into the process of moving cases toward successful resolutions. We know what motivates both our clients and our opponents, and this informs not just our courtroom strategy but also our approach to negotiation and settlement. The firm's unique perspective and tenacious commitment to achieving our clients' objectives are the foundation of our firm's record of success.

Gross Klein and its attorneys have particular experience litigating complex, multi-party actions, on a class and non-class basis, on behalf of small businesses, commercial fishers, community organizations, Indian tribes, individuals, and public entities. These actions include many arising out of price-fixing conspiracies and other violations of competition laws, as well as environmental contamination, commercial torts, and constitutional challenges. The firm and its attorneys have a proven track record of successfully prosecuting and, in some instances, defending their clients in, these high-profile and high-dollar multiparty cases.

Gross Klein's attorneys thrive on figuring out and solving whatever challenges are brought to them and, as a result, the firm has become, for many repeat clients, their go-to for complicated cases, and, for the same clients and others, the firm to which they send others who have such cases.

ANTITRUST AND OTHER CLASS ACTIONS

- ✦ ***Little, et al. v. Pacific Seafood Procurement LLC, et al.*** (Northern District of California): The firm is sole lead counsel in a price-fixing action on behalf of commercial crabbers against dozens of crab buyers alleged to have conspired to suppress the price paid to crabbers for Dungeness crab in California, Oregon, and Washington.
- ✦ ***Lambrix, et al., v. Tesla, Inc.*** (Northern District of California): The firm is co-chair of discovery on Tesla in case pursuing tying and other antitrust and consumer protection claims on behalf of Tesla owners and lessees against Tesla for allegedly monopolizing and restraining trade in the aftermarket for repair services and Tesla-compatible parts.
- ✦ ***In re Shale Oil Antitrust Litig.*** (District of New Mexico): The firm is part of a coalition of firms pursuing price-fixing claims on behalf of end purchasers of petroleum products against major shale oil producers.
- ✦ ***In re Granulated Sugar Antitrust Litig.*** (District of Minnesota): The firm is part of a coalition of firms pursuing price-fixing claims on behalf of commercial end purchasers of sugar against major sugar producers.
- ✦ ***In re California Gasoline Spot Market Antitrust Litig.*** (Northern District of California): The firm is part of a coalition of firms that successfully prosecuted price-fixing claims on behalf of a class of end purchasers of gasoline.
- ✦ ***In re Capacitors Antitrust Litig.*** (Northern District of California): The firm was part of a coalition of firms that successfully prosecuted price-fixing claims on behalf of a class of direct purchasers of capacitors.
- ✦ ***Cramer, et al. v. Elements Mountain Company, et al.*** (Nevada County, CA Superior Court): The firm was co-lead counsel for a class of homeowners who successfully brought price-fixing claims against providers of snow removal services.
- ✦ ***Frost, et al. v. LG Corp., et al.*** (Northern District of California): The firm, with co-counsel, brought antitrust claims on behalf of former LG and Samsung employees arising out of an alleged agreement between the companies not to hire each other's employees.
- ✦ ***San Francisco Herring Association, et al. v. Chevron USA, Inc.*** (Contra Costa County, CA Superior Court): The firm was sole lead counsel for a class of commercial herring fishers who successfully sued Chevron for environmental claims arising out of an oil spill into the San Francisco Bay.
- ✦ ***In re Gerova Finc. Group, Ltd. Securities Litig.*** (Southern District of New York): The firm, as sole counsel, successfully defended a former executive in a securities class action arising out of various hedge fund redemption-related transactions.
- ✦ ***Marilley, et al. v. Bonham*** (Northern District of California): The firm was sole lead counsel for a class of commercial fishers in a constitutional challenge of California statutes that set discriminatory commercial fishing licensing fees for non-residents.

MULTIPLAINTIFF (NON-CLASS) ACTIONS

- ✦ ***Burchell, et al. v. City and County of San Francisco, et al.*** (San Francisco County, CA Superior Court): The firm was sole counsel for approximately thirty commercial fishers in a successful commercial tort action against the City of San Francisco and its security contractors arising out of a massive fire that destroyed millions of dollars' worth of the plaintiffs' fishing gear and other equipment stored in a warehouse owned by the city.
- ✦ ***San Francisco Manufactured Gas Plant Litigation*** (Northern District of California): The firm, as sole counsel, has successfully pursued and is presently pursuing, over twenty separate cases against PG&E on behalf of homeowners, commercial fishers, and concerned citizens arising out of historical manufactured gas plant contamination in San Francisco and areas offshore thereof. The cases have thus far resulted in many tens of millions of dollars in compensation and two separate consent decrees that require PG&E to investigate and remediate the contamination.
- ✦ ***Crooked Goat Brewing, et al. v. Barlow Star, et al.*** (Sonoma County, CA Superior Court): The firm was sole counsel for a dozen small businesses in a successful commercial tort action against their commercial landlord for failures arising out of the devastating flooding of a commercial development.
- ✦ ***North Bay Fires*** (Northern District of California & San Francisco County, CA Superior Court): The firm has successfully pursued, with co-counsel, property, business loss, and other claims on behalf of homeowners and a major resort developer against PG&E arising out of fires caused by its failure to maintain and repair its electrical transmission.
- ✦ ***Ma, et al. v. NP Sand and Sea Partners, LLC, et al.*** (San Francisco County, CA Superior Court): The firm was sole counsel for several investors in the successful pursuit of fraud claims arising out of numerous real estate investment ventures.
- ✦ ***Facebook Pre-IPO Investments*** (pre-litigation resolution): The firm successfully represented over a dozen investors who purchased Facebook shares from insiders prior to the company's initial public offering and whose investments were challenged as invalid by Facebook.
- ✦ ***Tomales Bay Oyster Co., et al. v. United States Department of the Interior, et al.*** (Northern District of California): The firm, as sole counsel, represented a group of aquaculture companies, restaurants, non-profit organizations, and individuals in a suit to prevent or delay the closure of an oyster farming operation, successfully delaying the closure.

OTHER COMPLEX ACTIONS

- ✦ ***Paskenta Band of Nomlaki Indians, et al. v. Crosby, et al.*** (Eastern District of California): The firm was lead counsel for a federally recognized Indian tribe in a successful RICO action against its former leaders, numerous financial institutions, and other individuals arising out of an over decade long embezzlement scheme. The firm also worked closely with federal law enforcement to secure the prosecution, conviction, and lengthy sentencing of the former leaders, as well as orders of restitution against them.
- ✦ ***Fund.com, Inc. v. AdvisorShares Investments, LLC et al.***, (New York Supreme Court - Commercial Division): The firm was lead counsel for a seed investor in the successful prosecution of freeze-out claims related to an investment in an ETF advisory company.
- ✦ ***Bair, et al. v. Caltrans, et al.*** (Northern District of California & Humboldt County, CA Superior Court): The firm has led, and continues to lead, a series of successful environmental law challenges of a planned road project through an ancient old-growth redwood forest in a state park located in Humboldt County, California.
- ✦ ***Kukushkin v. Med Thrive Cooperative, et al.*** (San Francisco County, CA Superior Court): The firm, as sole counsel, attained a jury verdict after a multiweek investment fraud trial, in favor of investors in a cannabis venture.
- ✦ ***Kwak v. French Laundry Partners, L.P.*** (JAMS Arbitration): The firm, as sole counsel, attained an arbitration award after a multiweek arbitration hearing, in favor of a co-founder of a food products company spinoff formed in partnership with Thomas Keller.
- ✦ ***Iness Solutions v. Cisco Systems, et al.*** (Santa Clara County, CA Superior Court): The firm, as sole counsel, successfully defended a former executive and his wife against claims by his former employer, Cisco Systems, arising out of alleged procurement misconduct. Working closely with the executive's criminal defense attorneys, the firm also leveraged the civil case to attain a highly favorable result for the executive in a related criminal proceeding in the Northern District of California.
- ✦ ***Bliquez v. Simpson*** (Sonoma County, CA Superior Court): The firm, as sole counsel, attained a jury verdict that included punitive damages after a multiweek jury trial in favor of an individual on contract and other claims arising out of a dispute concerning multiple real properties and other interests, also defeating related counterclaims.
- ✦ ***San Francisco Herring Association v. United States Department of the Interior, et al.*** (Northern District of California): The firm led an action on behalf of San Francisco commercial herring fishers that challenged the authority of the United States Department of the Interior to prohibit fishing in portions of the San Francisco Bay.

ATTORNEY PROFILES

Stuart G. Gross

Stuart G. Gross is an accomplished litigator at both the trial and appellate court levels, with two decades of experience representing businesses, individuals, public entities, non-profits, Indian tribes, and others in antitrust, environmental, commercial, financial fraud, and other complex litigation matters. He is consistently tapped to take on the most complex and seemingly intractable matters, often by current and former clients and those they have referred. His advocacy has led to successful verdicts and substantial settlements for a wide variety of clients in an array of cases.

Prior to forming, in 2011, the firm that became Gross Klein PC, Mr. Gross was an antitrust, environmental, and complex litigator with Cotchett, Pitre & McCarthy, LLP and Shearman & Sterling, LLP. Mr. Gross clerked for the Honorable Samuel Conti of the United States District Court of the Northern District of California. Mr. Gross's representative matters at Cotchett, Pitre & McCarthy, LLP and Shearman & Sterling LLP include:

- ✦ ***In re Municipal Derivative Antitrust Litigation*** (Southern District of New York): Mr. Gross was the principal day-to-day attorney for approximately two dozen California and New York cities, counties, agencies, and non-profit entities in successful bid-rigging litigation against the providers and brokers of municipal finance investment products.
- ✦ ***In re Puerto Rican Cabotage Antitrust Litigation*** (District of Puerto Rico): Mr. Gross was a member of the executive committee on behalf of a class of direct purchasers who successfully sued the providers of shipping services for price fixing.
- ✦ ***In re International Air Transportation Surcharge Antitrust Litigation*** (Northern District of California): Mr. Gross was a member of the litigation team that successfully prosecuted price-fixing claims on behalf of a class of direct purchasers of transatlantic flights.
- ✦ ***In re Ambac Bond Insurance Litigation*** (San Francisco Superior Court): Mr. Gross was the principal day-to-day attorney for approximately twenty California cities, counties, agencies, and non-profit entities in antitrust litigation against credit rating agencies and providers of municipal bond insurance.
- ✦ ***Syngenta Seeds v. Monsanto*** (District of Delaware): Mr. Gross was part of the representation of Syngenta in monopolization claims against Monsanto.
- ✦ ***Coleman (Parent) Holdings v. Morgan Stanley & Co.*** (Circuit Court of Palm Beach County): Mr. Gross was part of the trial team in the successful defense of Morgan Stanley in a multi-billion dollar securities fraud action.
- ✦ ***Cosco Busan Oil Spill Litigation*** (Northern District of California and San Francisco Superior Court): Mr. Gross led the successful representation of multiple classes of commercial fishers in parallel federal and California state court actions for claims arising out of an oil spill in San Francisco Bay.



Mr. Gross also has a strong background in international economic law on which he has published several frequently cited articles. He has advised the governments of New Zealand and Australia in trilateral trade negotiations with Malaysia, has been called by Indonesia's highest court to testify as an expert witness concerning Indonesia's international investment treaty obligations, and has represented local communities before international investment dispute tribunals.

Mr. Gross is admitted to practice before all state and federal courts in California, the Southern and Eastern Districts of New York, New York state courts, the Second Circuit, the Ninth Circuit, and the Supreme Court of the United States. Thompson Reuters has named Mr. Gross a Super Lawyer every year since 2013 and designated him a Rising Star each year from 2009 to 2012.

Mr. Gross graduated *cum laude* from the University of Michigan Law School and received a Master of Arts in Southeast Asian Studies from the University of Michigan.

Travis H. A. Smith

Travis Smith is an assertive and pragmatic litigator dedicated to achieving success for his clients both in and out of the courtroom. His education, which focused on environmental and international law, enables him to apply novel approaches and perspectives to the issues faced by his clients, and his background in non-profit and public-interest work gives him the tools to reach his clients' objectives on tight budgets and timeframes.

At Gross Klein, Travis successfully represented a group of commercial fishers in a negligence action related to a catastrophic fire that destroyed the plaintiffs' fishing equipment. His work involved extensive discovery and factual workup which, in addition to effective motion practice, secured a significant settlement. Travis also represents homeowners and commercial fishers against PG&E arising out of historical manufactured gas plant ("MGP") contamination in the Marina and Fisherman's Wharf neighborhoods of San Francisco and areas offshore thereof. His work on these cases has yielded millions of dollars in payments and other consideration for injured homeowners and has helped force PG&E to clean up contamination in public rights of way and in the San Francisco Bay.

Prior to joining Gross Klein, Travis litigated complex wage-and-hour class actions on behalf of employees in California state courts and in federal courts throughout the country. In this capacity, he engaged in motion practice throughout the life cycles of large class and representative actions, managed discovery and sampling studies, took and defended depositions, participated in mediations, and drafted and negotiated settlement agreements. In under two years, Travis and his team recovered tens of millions of dollars on behalf of their clients.

Travis earned his J.D. from the University of California, San Francisco College of the Law and his L.L.M. from the School of Oriental and African Studies (SOAS) at the University of London. While in London, he wrote his dissertation on informal grievance mechanisms in the World Bank organizations and subsequently collaborated with international NGOs to develop strategies for sanctioning



international human rights offenders. In 2024, Travis was named a Super Lawyers “Rising Star” by Thompson Reuters.

Ross A. Middlemiss

Ross is a persistent and adaptable advocate committed to achieving the goals of his clients and serving the public interest. He has experience litigating a variety of environmental and land use issues in state and federal court and, in addition to litigation, he frequently engages in the administrative processes of state and local agencies concerning land use planning and water policy.

Ross received a J.D. with an environmental law concentration from the University of California, San Francisco College of the Law. While at UC Law and during his post-bar year, Ross was a Lawyers for America fellow working in the environmental non-profit space. Subsequently, as a legal fellow and staff attorney at the Center for Biological Diversity, Ross gained valuable experience and expertise in building and litigating cases under the California Environmental Quality Act. This work resulted in stopping destructive sprawl development projects in Southern California, protecting wildlands from logging and agricultural expansion in Northern California, and securing a significant settlement agreement to fund conservation acquisitions and local community initiatives to combat climate change.

While at the Center, a significant portion of Ross’ work concerned water supply and quality issues in California. This advocacy addressed the impacts on water supply and quality of proposed mixed-used development projects at urban/wildland interface locations throughout California. This work required both legal and scientific expertise, in combination with a familiarity with the regulatory schemes covering local and regional water conveyance, storage, and use in California and the western U.S. Ross continues to employ his environmental law expertise in representing Gross Klein clients in Endangered Species Act litigation, contamination cases, in addition to other land use matters.

EXHIBIT 13

1 DANIEL E. GUSTAFSON
dgustafson@gustafsongluek.com
2 DANIEL C. HEDLUND
dhedlund@gustafsongluek.com
3 DANIEL J. NORDIN
dnordin@gustafsongluek.com
4 **GUSTAFSON GLUEK PLLC**
5 120 South Sixth Street, Suite 2600
6 Minneapolis, MN 55402
7 Telephone: (612) 333-8844
Facsimile: (612) 339-6622

8 *Counsel for the End Payer Plaintiffs*
9 *Nay Alidad, Barbara Buening, Edgardo Gutierrez,*
10 *Lisa Hall, Tya Hughes, Marissa Jacobus, Zenda Johnston,*
Steven Kratky, Elizabeth Perron, Valerie Peters, and Rob Etten

11
12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
15 PRODUCTS ANTITRUST)
16 LITIGATION) **DECLARATION OF DANIEL C.**
17) **HEDLUND IN SUPPORT OF END**
18) **PAYER PLAINTIFFS’ MOTION**
19) **FOR ATTORNEYS’ FEES,**
20) **COSTS, EXPENSES, AND**
21) **SERVICE AWARDS**

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DECLARATION OF DANIEL C. HEDLUND IN SUPPORT OF END PAYER PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES, COSTS, EXPENSES AND SERVICE AWARDS
CASE NO. 15-MD-2670 DMS (MSB)

1 I, Daniel C. Hedlund, declare:

2 1. I am a member at Gustafson Gluek PLLC (“Gustafson Gluek”). I have
3 been licensed to practice law in the state of Minnesota since 1995. I am admitted to
4 practice in the U.S. District Courts for the District of Minnesota and the Eighth Circuit
5 Court of Appeals. The following facts are within my personal knowledge, and if called
6 as a witness, I could and would testify competently to them.

7 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
8 Attorneys’ Fees, Costs, Expenses, and Service Awards.

9 3. On September 29, 2015, I filed a proposed class action lawsuit on behalf
10 of my clients against Defendants Bumble Bee Foods, LLC, StarKist Company, Tri-
11 Union Seafoods LLC, and King Oscar, Inc. in the Southern District of California and
12 assigned Case No. 15-cv-02173. My clients’ action was consolidated into the instant
13 action with other similar actions filed in other jurisdictions nationwide as a Multi-
14 District Litigation titled, *In Re: Packaged Seafood Products Litigation*, No. 15-MD-
15 2670 in the Southern District of California (the “Action”).

16 4. The principal counsel at Gustafson Gluek is Daniel C. Hedlund, who has
17 practiced civil litigation on behalf of consumers and individuals in Minnesota since
18 1995. The firm generally employs 25 attorneys practicing in the areas of consumer
19 class action, unfair competition law, antitrust, and securities. I head the firm’s
20 antitrust litigation team, specifically related to consumer protection and antitrust class
21 action matters. Attached hereto as **Exhibit A** is the Gustafson Gluek Firm resume.

22 5. Gustafson Gluek’s attorneys have a long history of successfully handling
23 class actions across a range of industries, including antitrust cases. I bring substantial
24 experience in complex litigation matters with a history of litigating in an efficient and
25 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
26 actions. *See Exhibit A* at 3.

27 6. I have an extensive background in antitrust and consumer protection
28 class action litigation. I have litigated many class action cases across the country

1 involving antitrust and unfair competition claims, including the following recent
 2 matters in which I and my firm have had a leadership position:

- 3 • *In re DRAM Antitrust Litig.* (N.D. Cal.);
- 4 • *Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd.*
 5 *(E.D.N.Y.)*;
- 6 • *In re Deere & Company Repair Services Antitrust Litig.* (N.D. Ill.)
- 7 • *In re Pork Antitrust Litig.* (D. Minn.);
- 8 • *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.); and
- 9 • *In re Beef DPP Antitrust Litig.* (D. Minn.).

10 7. I and my firm have been involved in the litigation of this Action under
 11 the direction of Class Counsel, including, among other tasks, extensively
 12 investigating the claims, both before and after filing the initial complaint;
 13 coordinating with other plaintiffs’ counsel regarding consolidation and leadership
 14 issues; communicating with our clients regarding various stages of litigation,
 15 including for purposes of responding to discovery requests; negotiating productions
 16 from non-parties pursuant to subpoenas; attending and taking depositions of non-
 17 parties; participating in preparation for the deposition of one of our clients and
 18 attending that deposition; communicating and meeting with many class
 19 representatives in preparation for their potentially testifying at trial; preparing
 20 testimonial stipulations regarding the class representatives in preparation for trial and
 21 subsequently drafting the motion for summary judgment on the same issues.

22 8. The current hourly rates for Gustafson Gluek attorneys and staff that
 23 have worked on the Action, as well as their hours spent working on the Action as of
 24 September 1, 2024, and their corresponding lodestar, are as follows:

Gustafson Gluek Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Daniel E. Gustafson, Partner	\$1,200.00 per hour	6.25	\$7,500.00

1	Karla M. Gluek, Partner	\$1,100.00 per hour	1.50	\$1,650.00
2	Dennis J. Stewart	\$1,200.00 per hour	17.50	\$21,000.00
3	Partner			
4	Daniel C. Hedlund	\$1,100.00 per hour	280.50	\$308,550.00
5	Partner			
6	Jason S. Kilene	\$1,000.00 per hour	133.50	\$133,500.00
7	Partner			
8	Kirk B. Hulett	\$975.00 per hour	316.75	\$308,831.25
9	Partner			
10	Catherine K. Smith	\$900.00 per hour	292.25	\$263,025.00
11	Partner			
12	Michelle J. Looby	\$975.00 per hour	290.50	\$283,237.50
13	Partner			
14	David A. Goodwin	\$900.00 per hour	11.00	\$9,900.00
15	Partner			
16	Daniel J. Nordin	\$800.00 per hour	896.75	\$717,400.00
17	Partner			
18	Joshua J. Rissman	\$850.00 per hour	15.75	\$13,387.50
19	Partner			
20	Shashi K. Gowda	\$500.00 per hour	104.75	\$52,375.00
21	Associate			
22	Bailey Twyman-Metzger	\$600.00 per hour	6.25	\$3,750.00
23	Associate			
24	Ling S. Wang	\$600.00 per hour	59.00	\$35,400.00
25	Associate			
26	Brittany Resch	\$650.00 per hour	99.25	\$64,512.50
27	Associate			
28	Sarah Katona	\$150.00 per hour	1.50	\$225.00

1	Law Clerk			
2	Jamie L. Holzer	\$350.00 per hour	135.25	\$47,337.50
3	Paralegal			
4	Sarah A. Moen	\$375.00 per hour	.50	\$187.50
5	Paralegal			
6	Diana Jakubauskiene	\$350.00 per hour	6.00	\$2,100.00
7	Paralegal			
8	Danette K. Mundahl	\$300.00 per hour	1.50	\$450.00
9	Paralegal			
10	Chelsea M. Noble	\$275.00 per hour	3.25	\$893.75
11	Paralegal			
12	Shaurae Williams	\$125.00 per hour	15.25	\$1,906.25
13	Administrative			
14	TOTAL:			\$2,277,118.75

16 9. These records were prepared from contemporaneous, daily time records
 17 regularly prepared and maintained by Gustafson Gluek in its usual course and manner.
 18 Gustafson Gluek maintains detailed records regarding the amount of time spent by its
 19 professionals, and the lodestar calculation is based on Gustafson Gluek’s current
 20 billing rates. These records are available for review at the request of the Court.

21 10. In my judgment and based on my experience in complex class action
 22 litigation and other litigation, the number of hours expended, and the services
 23 performed by my firm, were reasonable and necessary for my firm’s representation
 24 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
 25 hours spent on each task.

26 11. I have general familiarity with the range of hourly rates typically charged
 27 by plaintiffs’ class action counsel specifically in the field of unfair competition and
 28 antitrust in the geographical area where my firm practices and throughout the United

1 States, both on a current basis and historically. From that basis, I am able to conclude
2 that the rates charged by my firm are commensurate with those prevailing in the
3 market for such legal services furnished in complex class action litigation such as this.

4 My firm’s hourly rates were most recently approved by the following Courts:

- 5 • *In re Pork Antitrust Litig.*, No. 0:18-cv-01776-JRT (D. Minn., Apr. 11, 2023);
- 6 and
- 7 • *In re Broiler Chicken Antitrust Litig.*, 1:16-cv-08637 (N.D. Ill. Apr. 19, 2022).

8 12. My firm has incurred costs of \$102,603.50 so far in litigating the Action,
9 consisting of the following categories of costs:

11 Category	11 Cost
12 Online Research	\$2,607.95
13 Reproduction/Duplication	\$465.20
14 Telephone/Conference Calls	\$104.55
15 Postage	\$49.18
16 Court & Filing Fees	\$412.00
17 Courier & Fed Ex	\$638.34
18 Air Fare	\$6,242.70
19 Meals & Entertainment	\$366.62
20 Lodging	\$2,500.74
21 Transportation	\$732.88
22 Assessments	\$88,483.34
23 Total:	\$102,603.50

24
25 13. Throughout the litigation, my firm and I worked under the direction of
26 Class Counsel, and I made every effort to operate as efficiently as possible and to
27 avoid unnecessary duplication. I coordinated with Class Counsel for all work
28 performed and costs incurred in this matter.

1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct. Executed on September 27, 2024, at Minneapolis,
3 Minnesota.

4 Dated: September 27, 2024

By: /s/ Daniel C. Hedlund
DANIEL C. HEDLUND

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Exhibit A



Firm Resume

MINNEAPOLIS OFFICE
120 South Sixth Street
Suite 2600
Minneapolis, MN 55402

CALIFORNIA OFFICE
600 W. Broadway
Suite 3300
San Diego, CA 92101

p. 612-333-8844
www.gustafsongluek.com

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Firm Overview

Gustafson Gluek PLLC is a 21-attorney law firm with a national practice specializing in complex litigation. The firm has offices in Minneapolis, Minnesota and San Diego, California. Gustafson Gluek attorneys seek to vindicate the rights of, and recover damages for, those harmed by unfair business practices, such as illegal price fixing, deceptive trade practices, and the distribution of unsafe medical devices, as well as enjoin companies from engaging in these types of practices in the future.

Founded in 2003, Gustafson Gluek's attorneys have consistently been recognized by their clients, peers, and courts across the country as leaders in their fields. They have been chosen to lead some of the largest and most complex multi-district litigations. Attorneys at Gustafson Gluek have received national and state-wide awards and honors and are routinely called upon by other leading firms to assist in taking on some of the largest companies and defense firms in the world. Gustafson Gluek was named number six in the Top 25 Lead Counsel in antitrust complaints filed from 2009 – 2022 in the 2022 Antitrust Annual Report produced by the University of San Francisco Law School and The Huntington National Bank. Gustafson Gluek was also listed as number sixteenth in the list of firms with the highest number of antitrust settlements and in the top 25 Lead Counsel in Class Recoveries. Finally, our firm had four antitrust class cases to obtain final approval of settlements in 2022.

Core values of Gustafson Gluek include supporting the community and promoting diversity in the legal profession. Its attorneys have held leadership positions and actively participate in numerous national, state and affinity legal organizations, including the Federal Bar Association, the Board for Fund for Legal Aid, Minnesota State Bar Association, the Infinity Project, Minnesota Women Lawyers, Minnesota Association of Black Lawyers, the Lavender Bar Association and American Antitrust Institute. Gustafson Gluek was instrumental in founding the Pro Se Project, a collaboration with the Minnesota District Court pairing indigent federal litigants with attorneys and Gustafson Gluek devotes hundreds of hours each year to pro bono service through the Pro Se Project and other organizations.

Leadership Positions

Gustafson Gluek's attorneys are frequently recognized by their peers and the courts as experienced and capable leaders and, as such, have been appointed to lead numerous complex litigations including the following:

Crowell v. FCA USA LLC (D. Del.)

Interim Co-Lead Counsel

In re 3M Combat Arms Earplug Litig. (Minn.)

Co-Lead Counsel

In re Bank of America Unauthorized Account Opening Litig. (W.D.N.C)

Co-Lead Class Counsel

In re Broiler Chicken Antitrust Litig. (N.D. Ill.)

Co-Lead Counsel for Commercial and Institutional Indirect Purchaser Plaintiffs

In re CenturyLink Residential Customer Billing Disputes Litig. (D. Minn.)

Executive Committee Chair

In re Crop Inputs Antitrust Litig. (E.D. Mo.)

Co-Lead Counsel

In re Dealer Management Systems Antitrust Litig. (N.D. Ill.)

Plaintiffs' Steering Committee

In Re: Deere & Company Repair Services Antitrust Litig. (N.D. Ill.)

Co-Lead Counsel

In re DPP Beef Litig. (D. Minn.)

Co-Lead Counsel

In re DRAM Antitrust Litig. (N.D. Cal. and multiple state court actions)

Co-Lead Counsel for Indirect Purchasers

In re Eyewear Antitrust Litig. (S.D.N.Y.)

Co-Lead Counsel for the Putative Direct Purchaser Class

In re Flash Memory Antitrust Litig. (N.D. Cal.)

Plaintiffs' Steering Committee

In re Google Digital Publisher Antitrust Litig. (N.D. Cal.)

Plaintiffs' Leadership Committee

In re Interior Molded Doors Indirect Purchaser Antitrust Litig. (E.D. Va.)

Co-Lead Counsel

In re Medtronic, Inc. Implantable Defibrillators Products Liability Litig. (D. Minn.)

Co-Lead Counsel

In re Medtronic, Inc. Sprint Fidelis Leads Products Liability Litig. (D. Minn.)

Lead Counsel

In re Net Gain Data Breach Litig. (D. Minn.)

Executive Committee

In re: Pacific Market International, LLC Stanley Tumbler Litig. (W.D. Wa.)

Interim Executive Committee

In re Pork Antitrust Litig. (D. Minn.)

Co-Lead Counsel for Consumer Indirect Purchaser Plaintiffs

In re Regents of the University of Minnesota Data Litig. (Minn.)

Lead Counsel

In re Syngenta Litig. (Minn.)

Co-Lead Class Counsel, Settlement Counsel

In re Vitamin C Antitrust Litig. (E.D.N.Y.)

Co-Lead Counsel for Indirect Purchasers

Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd. (E.D.N.Y.)

Co-Lead Counsel

Powell Prescription Center v. Surescripts, LLC (N.D. Ill.)

Lead Counsel Committee

Quaife, et al. v Brady Martz Data Securities Litig. (D.N.D.)

Interim Co-Lead Counsel

St. Barnabas Hospital, Inc. et al. v. Lundbeck, Inc. et al. (D. Minn.)

Interim Class Counsel

Vikram Bhatia, D.D.S., et al., v. 3M Company (D. Minn.)

Co-Lead Counsel

Case Outcomes

Gustafson Gluek has recovered billions of dollars on behalf of its clients since its founding in 2003. Gustafson Gluek has helped vindicate the rights of, and recover damages for, those harmed by unfair business practices such as illegal price fixing, deceptive trade practices, and the distribution of unsafe or defective devices, as well as enjoin companies from engaging in these types of practices in the future. A list of representative cases the Firm previously litigated and the outcomes of those cases is set forth below.

Antitrust

In re Automotive Parts Antitrust Litig. (E.D. Mich.)

Gustafson Gluek was an integral part of the team representing a class of indirect purchases of various automotive components. Plaintiffs alleged that the defendants engaged in a sprawling price fixing conspiracy to artificially increase the price of several different automobile components. Gustafson Gluek helped recover over \$1.2 billion for the class.

In Re Blue Cross Blue Shield Antitrust Litig. (N.D. Ala.)

Gustafson Gluek was appointed as a member of the Damages and Litigation Committees representing a class of subscribers of Blue Cross Blue Shield insurance in multiple states. Plaintiffs alleged the defendants entered into a de facto price allocation agreement via the “licensing” agreements for use of the Blue Cross Blue Shield name and trademarks. The parties reached a settlement that established a \$2.67 billion Settlement Fund. Settling Defendants also agreed to make changes in the way they do business that Plaintiffs believe will increase the opportunities for competition in the market for health insurance.

In re Capacitors Antitrust Litig. (N.D. Cal.)

Gustafson Gluek represented a class of indirect purchasers of electrolytic or film capacitors. Plaintiffs alleged that at least fifteen multinational corporations conspired to fix the prices of capacitors that they manufactured and sold

worldwide and into the United States. Gustafson Gluek attorneys worked closely with Lead Counsel throughout the litigation, which eventually recovered \$84.49 million for the class.

In re Containerboard Antitrust Litig. (N.D. Ill.)

Gustafson Gluek represented a class of direct purchasers of containerboard products and was a defendant team leader. Plaintiffs alleged that defendant containerboard manufacturers conspired to fix the price of containerboard. As a team leader, Gustafson Gluek handled all aspects of discovery, including the depositions of several senior executives. Gustafson Gluek helped to secure over \$376 million for the class.

In re Cathode Ray Tube (CRT) Antitrust Litig. (N.D. Cal.)

Gustafson Gluek represented a class of direct purchasers of CRT screens used for computer monitors and televisions. Plaintiffs alleged that defendants conspired to fix the price of these products in violation of the antitrust laws. Gustafson Gluek had a significant discovery role in the prosecution of this antitrust class action, which resulted in settlements totaling \$225 million for the class.

In re DRAM Antitrust Litig. (N.D. Cal. and multiple state court actions)

Gustafson Gluek was appointed Co-Lead Counsel for the indirect purchasers in this nationwide class action against both national and international memory-chip manufacturers. This case dealt with the conspiracy surrounding the pricing of the memory chips commonly known as Dynamic Random Access Memory (or DRAM). DRAM is used in thousands of devices on a daily basis, and Gustafson Gluek was integral in achieving a settlement of \$310 million for the class.

In re Dealer Management Systems Antitrust Litig. (N.D. Ill.)

Gustafson Gluek has been appointed as a member of the Steering Committee representing a class of car dealerships. Plaintiffs allege that defendants unlawfully entered into an agreement that reduced competition and increased prices in the market for Dealer Management Systems ("DMS") and data

integration services related to DMS. Plaintiffs have reached a settlement with one defendant but continue to litigate against the remaining defendants.

In re Domestic Drywall Antitrust Litig. (E.D. Pa.)

Gustafson Gluek represented a class of direct purchasers of drywall in this antitrust case. Plaintiffs alleged that the defendant manufacturers conspired to artificially increase the price of drywall. Gustafson Gluek played an active role in the litigation. A class was certified, and Gustafson Gluek helped recover over \$190 million for the class.

In re Lithium Ion Batteries Antitrust Litig. (N.D. Cal.)

Gustafson Gluek represented a class of direct purchasers of lithium ion batteries in a multidistrict class action. Plaintiffs alleged collusive activity by the world's largest manufacturers of lithium ion batteries, which are used in everything from cellular phones to cameras, laptops and tablet computers. Gustafson Gluek had a significant discovery role in the prosecution of this antitrust class and helped recover over \$139 million for the class.

In re Interior Molded Doors Indirect Purchaser Antitrust Litig. (E.D. Va.)

Gustafson Gluek served as Co-Lead Counsel with two other firms representing a class of indirect purchasers of interior molded doors. Plaintiffs alleged that two of the country's largest interior molded door manufacturers conspired to inflate prices in the market. Defendants settled with the class for \$19.5 million.

Precision Associates, Inc., et al. v. Panalpina World Transport (Holding) Ltd., et al. (E.D.N.Y.)

Gustafson Gluek was Co-Lead Counsel representing a class of direct purchasers of freight forwarding services in this international case against 68 defendants. Plaintiffs alleged that defendants engaged in an international conspiracy to fix, inflate, and maintain various charges and surcharges for freight forwarding services in violation of U.S. antitrust laws. Gustafson Gluek worked to secure over \$450 million for the class.

In re Resistors Antitrust Litig. (N.D. Cal.)

Gustafson Gluek worked closely with Lead Counsel representing indirect purchasers of linear resistors. Plaintiffs alleged that the defendant manufacturers conspired to increase the price of linear resistors, thereby causing indirect purchasers to pay more. After engaging in extensive discovery, Plaintiffs recovered a total of \$33.4 million in settlements for the indirect purchaser class.

In re TFT-LCD (Flat Panel) Antitrust Litig. (N.D. Cal.)

Gustafson Gluek served an integral role handling complex discovery issues in this antitrust action representing individuals and entities that purchased LCD panels at supracompetitive prices. Gustafson Gluek attorneys worked on a range of domestic and foreign discovery matters in prosecuting this case. The total settlement amount with all of the defendants was over \$1.1 billion.

The Shane Group, Inc., et al. v. Blue Cross Blue Shield of Michigan (E.D. Mich.)

Gustafson Gluek was appointed interim Co-Lead Counsel representing a class of purchasers of hospital healthcare services. Plaintiffs alleged that defendant Blue Cross Blue Shield of Michigan used its market position to negotiate contracts with hospitals that impeded competition and increased prices for patients. Gustafson Gluek worked to secure \$29.9 million on behalf of the class.

Consumer Protection

Baldwin et al. v. Miracle Ear et al. (D. Minn.)

Gustafson Gluek represented consumers who received unwanted telemarketing

calls from HearingPro for sale of Miracle Ear brand hearing aid products in violation of the Telephone Consumer Protection Act. Gustafson Gluek played an important role in recovering an \$8 million settlement for the class.

Syngenta Corn Seed Litig. (Minn. & D. Kan.)

Gustafson Gluek was appointed Co-Lead Counsel for the class of Minnesota corn farmers suing Syngenta for negligently marketing its Agrisure/Viptera corn seed before it had been approved in all of the major corn markets. Gustafson Gluek was an integral part of the litigation team in Minnesota, participating in all facets of discovery, motion practice and expert work. Dan Gustafson was one of the lead trial counsel and was also appointed as part of the settlement team. Ultimately, these cases settled for \$1.51 billion on behalf of all corn farmers in America.

In re Centurylink Sales Practices and Securities Litig. (D. Minn.)

Gustafson Gluek was Chair of the Executive Committee and represented a class of current and former CenturyLink customers who paid too much for their phone, internet or television services due to CenturyLink's unlawful conduct. Plaintiffs alleged that CenturyLink engaged in deceptive marketing, sales, and billing practices across dozens of states. Ultimately, Plaintiffs recovered \$18.5 million in settlements for the class.

Yarrington, et al. v. Solvay Pharmaceuticals, Inc. (D. Minn.)

Gustafson Gluek represented a class of individuals alleging unfair competition and false and deceptive advertising claims against Solvay Pharmaceuticals in the marketing of Estratest and Estratest HS, prescription hormone therapy drugs. Gustafson Gluek helped recover \$16.5 million for the class.

Data Breach

In re Equifax Inc. Customer Data Security Breach Litig. (N.D. Ga.)

Gustafson Gluek represented a class of individuals whose personal information was impacted as the result of Equifax's deficient data security practices. Plaintiffs reached a settlement where Equifax agreed to pay \$380 million towards the fund for class benefits and an additional \$125 million for out-of-pocket losses in addition to credit monitoring and identity restoration services.

Landwehr v. AOL Inc. (E.D. Va.)

Gustafson Gluek served as class counsel in this lawsuit, alleging that AOL made available for download to its members' search history data, which violated these AOL members' right to privacy under the Federal Electronic Communications Privacy Act. Plaintiffs reached a settlement with AOL that made \$5 million available to pay the claims of class members whose search data was made available for download by AOL.

The Home Depot, Inc., Customer Data Security Breach Litig. (N.D. Ga.)

Gustafson Gluek represented credit unions and a class of financial institutions whose card members' payment data was compromised as the result of Home Depot's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a settlement agreement with Home Depot for \$27.25 million for the class members.

Greater Chautauqua Federal Credit Union v. Kmart Corporation (N.D. Ill.)

Gustafson Gluek served on the court-appointed Plaintiffs' Steering Committee representing a class of financial institutions whose card members' payment data was compromised as a result of Kmart's deficient data security practices. These financial institutions lost time and money responding to the data breach. Plaintiffs reached a \$5.2 million settlement with K-Mart for the class.

Experian Data Breach Litig. (C.D. Cal.)

Gustafson Gluek represented a class of consumers whose personally identifiable information, including Social Security numbers and other highly sensitive

personal data, was compromised as the result of Experian's deficient data security practices. Many of these consumers lost time and money responding to the data breach, and they face an ongoing risk of identity theft, identity fraud, or other harm. Plaintiffs reached a \$22 million settlement and as a part of the settlement, defendants also agreed and have begun undertaking certain remedial measures and enhanced security measures, which they will continue to implement, valued at over \$11.7 million.

Product Liability

In re 3M Combat Arms Earplugs (Minn.)

Gustafson Gluek served as co-lead counsel for individuals seeking damages for hearing loss and other-related injuries due to the use of defective earplugs manufactured by 3M. Ultimately, Gustafson Gluek helped recover over \$6 billion for over 250,000 individuals who had been injured by this product.

Bhatia v. 3M Co. (D. Minn.)

Gustafson Gluek represented a class of dentists who bought 3M Lava Ultimate Restorative material for use in dental crowns. Gustafson Gluek was appointed as Co-Lead Counsel for Plaintiffs, who alleged that the 3M Lava material failed at an unprecedented rate, leading to substantial loss of time and money for the dentists and injury to the patients. Gustafson Gluek helped secure a settlement of approximately \$32.5 million for all of the dentists who had suffered damages from the failure of this product.

Medtronic, Inc., Sprint Fidelis Leads Products Liability Litig. (D. Minn.)

Gustafson Gluek was Lead Counsel representing Plaintiffs, who had Medtronic's Sprint Fidelis Leads implanted in them. Plaintiffs alleged that Medtronic's Sprint Fidelis Leads contained serious defects that cause the leads to fracture, resulting in unnecessary shocks. Ultimately, these cases settled for over \$200 million on behalf of thousands of injured claimants who participated in the settlement. The settlement included a seven-year claim period in which individuals who were

registered to participate in the settlement could make a claim if their device failed or was removed within that time period for reasons related to the alleged defect.

Medtronic, Inc. Implantable Defibrillators Products Liability Litig. (D. Minn.)

Gustafson Gluek was appointed Co-Lead Counsel in this MDL representing individuals, who were implanted with certain implantable defibrillators manufactured by Medtronic, Inc. Plaintiffs alleged that these certain Medtronic's implantable cardioverter defibrillators (ICDs), and cardiac resynchronization therapy defibrillators (CRT-Ds) contained serious battery defects, which resulted in a recall of the products at issue. Plaintiffs alleged that Medtronic, Inc. knew about this defect, intentionally withheld important information from the FDA and the public and continued to sell the devices for implantation into patients facing life-threatening heart conditions. Gustafson Gluek, in its role as Co-Lead Counsel, helped secure a settlement of approximately \$100 million dollars for claimants who participated in the settlement.

Intellectual Property & Patent Misuse

Augmentin Litig. (E.D. Va.)

Gustafson Gluek represented a class of direct purchasers of the pharmaceutical drug, Augmentin. Plaintiffs alleged that defendant GlaxoSmithKline violated the antitrust laws by unlawfully maintaining its monopoly over Augmentin and preventing the entry of generic equivalents. Gustafson Gluek helped recover \$62.5 million for the class.

Dryer, et al., v. National Football League (D. Minn.)

The U.S. District Court for the District of Minnesota appointed Gustafson Gluek Lead Settlement Counsel in *Dryer v. NFL*. In that capacity, Gustafson Gluek represented a class of retired NFL players in protecting their rights to the use of their likenesses in marketing and advertising. Gustafson Gluek helped secure a

settlement with the NFL that created unprecedented avenues of revenue generation for the class.

In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig. (E.D.N.Y.)

Gustafson Gluek represented a proposed class of End-Payor Plaintiffs in this antitrust class action. Plaintiffs alleged that defendant Allergan engaged in a multifaceted conspiracy to delay generic competition for its brand-name drug Restasis. Gustafson Gluek helped recover \$30 million for the class.

Spine Solutions, Inc., et al. v. Medtronic Sofamore Danek, Inc., et al. (W.D. Tenn.)

Gustafson Gluek was one of the counsel representing the plaintiff, Spine Solutions, Inc. and Synthes Spine So., L.P.P., in a patent litigation against Medtronic Sofamor Danek, Inc. and Medtronic Sofamor Donek, USA. The patent at issue in that case involved technology relating to spinal disc implants. This case went to trial in November 2008 and a jury verdict was returned in favor of our clients. The jury found willful infringements and awarded both lost profits and reasonable royalty damages to our clients.

In re Wellbutrin SR Antitrust Litig. (E.D. Pa.)

Gustafson Gluek played an integral role in this pharmaceutical class action. The firm represented direct purchasers of Wellbutrin SR, who alleged that defendant GlaxoSmithKline defrauded the U.S. Patent and Trademark Office and filed sham lawsuits against its competitors, which delayed the availability of the generic version of Wellbutrin SR to consumers. As a result of this delay, Plaintiffs alleged that they paid more for Wellbutrin SR than they would have if the generic version had been available to them. Gustafson Gluek was actively involved in the investigation, discovery, motion practice, and trial preparation for this case and served an essential role in the mediation that resulted in a \$49 million settlement to the direct purchasers.

APPELLATE ADVOCACY

Gustafson Gluek has experienced, seasoned appellate advocates who can assist in getting the right result. Because Gustafson Gluek attorneys have tried complex cases to jury and bench verdicts, they understand how important the trial court is to a successful appeal.

Gustafson Gluek's appellate attorneys draw from many years of experience practicing before courts at every level of the state and federal system. They have successfully briefed and argued a variety of complex class and non-class cases and been called upon by peers to assist in the appellate process for their clients as well. In addition, they have frequently written briefs and appeared as amicus curiae (friend of the court) on behalf of several professional organizations.

Gustafson Gluek appellate attorneys are admitted to practice in the following appellate courts:

- First Circuit Court of Appeals
- Third Circuit Court of Appeals
- Fifth Circuit Court of Appeals
- Eighth Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- Eleventh Circuit Court of Appeals
- Minnesota State Court of Appeals
- Minnesota Supreme Court
- United States Supreme Court

The following is a representative list of cases in which Gustafson Gluek attorneys argued before the Eighth Circuit include:

- *Graves, et al v. 3M Company*
- *Bryant, et al. v. Medtronic, Inc., et al.*
- *Dryer, et al. v. National Football League*
- *Graves v. 3M Company*
- *Haddock v. LG Electronics USA, Inc.*
- *Rick, et al. v. Wyeth, Inc., et al.*
- *Karsjens, et al. v. Piper, et al.*
- *LaBrier v. State Farm Fire and Casualty Co.*
- *MN Senior Foundation, et al. v. United States, et al.*
- *Larson v. Ferrellgas Partners*
- *Smith v. Fairview Ridges Hospital*
- *Song v. Champion Pet Foods USA, Inc.*
- *Beaulieu v. State of Minnesota*

Practice Areas and Current Cases

Antitrust

Gustafson Gluek PLLC is devoted to the prosecution of antitrust violations. Gustafson Gluek attorneys have litigated antitrust cases in federal and state courts across the United States.

Federal and state antitrust laws are designed to protect and promote competition among businesses by prohibiting price fixing and other forms of anticompetitive conduct. Violations can range from straight forward agreements among competitors to raise prices above competitive prices to complicated schemes that affect relationships between different levels of a market.

Ongoing prosecution of these illegal schemes helps protect the average consumer from being forced to pay more than they should for everyday goods. Below are some representative antitrust cases that Gustafson Gluek is currently involved in:

Colon v. NCAA (E.D. CA)

Gustafson Gluek represents a potential class of Division I College Coaches who had been designated by the NCAA as “Volunteer Coaches” and not allowed to receive any wages or benefits for their service. Plaintiffs allege that the NCAA actively suppressed wages of these Division I Collegiate coaches in violation of the federal antitrust laws.

In re Broiler Chicken Antitrust Litig. (N.D. Ill.)

Gustafson Gluek is part of the Co-Lead counsel team for class of commercial indirect purchasers such as restaurants. The case alleges chicken suppliers colluded to artificially restrict the supply and raise the price of chicken in the United States. As part of the Co-Lead counsel team, Gustafson Gluek helped defeat several of the defendants' motions for summary judgment, succeeded in getting the class certified and prepared the case for trial. To date we have helped recover over \$100 million in settlements from seven defendants.

In re Crop Inputs Antitrust Litig. (E.D. Mo.)

Gustafson Gluek is Co-Lead counsel representing a class of farmers alleging that manufacturers, wholesalers and retailers conspired to artificially increase and fix the price of crop inputs (e.g., seeds, fertilizers, pesticides) used by farmers.

In re Deere & Company Repair Services Antitrust Litig. (N.D. Ill.)

Gustafson Gluek has been appointed as Co-Lead counsel on behalf of a proposed class of farmers who purchased repair services from John Deere. Plaintiff alleges Deere monopolized the market for repair and diagnostic services for its agricultural equipment in order to inflate the price of these services.

In re Disposable Contact Lens Antitrust Litig. (M.D. Fla.)

Gustafson Gluek represents a class of individuals who purchased contact lenses made by Alcon, CooperVision, Bausch + Lomb, and Johnson & Johnson. Plaintiffs allege that these manufacturers unlawfully conspired to impose minimum resale price agreements on retailers, which restricts retailers' ability to lower prices to consumers. The class was certified, and Gustafson Gluek attorneys were members of the trial team. Ultimately the case settled with all the defendants and that settlement received final approval from the Court.

In re Domestic Airline Travel Antitrust Litig. (D.D.C.)

Gustafson Gluek is part of a team representing passengers of the airlines alleging antitrust violation against various airlines. The court denied defendants' motion to dismiss. Discovery has concluded and summary judgement motions have been submitted. There have been settlements with two of the defendants in this litigation to date.

In re DPP Beef Litig. (D. Minn.)

Gustafson Gluek has been appointed Co-Lead Counsel for a proposed class of direct purchasers of beef. Plaintiffs allege that Cargill JBS, Tyson and National Beef Packing Company conspired to fix and maintain the price of beef in violation of the federal antitrust laws resulting in supracompetitive prices for

beef. This litigation is ongoing, but plaintiffs have reached a \$52.5 million settlement with one defendant.

In re Fragrance Indirect Purchaser Antitrust Litig. (D.N.J.)

Gustafson Gluek has been appointed Co-Lead Counsel for a proposed class of indirect purchasers of fragrances and fragrance ingredients. Plaintiffs allege that the world's largest fragrance manufacturers conspired to fix and maintain the price of fragrances and fragrance ingredients in violation of federal and state antitrust laws resulting in supracompetitive prices for plaintiffs and proposed class they seek to represent.

In re Generic Pharmaceuticals Pricing Antitrust Litig. (E.D. Pa.)

Gustafson Gluek represents a class of Direct Purchaser Plaintiffs and is part of a team of law firms alleging anti-competitive conduct by more than twenty generic drug manufacturers with respect to more than 100 generic drugs, including drugs used to treat common and serious health conditions such as diabetes and high blood pressure. Cases have been brought on behalf of several distinct groups of plaintiffs, including Direct Purchaser Plaintiffs, Indirect Purchaser Plaintiffs, multiple individual plaintiffs, and the State AGs. There are currently more than a dozen separate cases related to various drugs, which have been organized into three groups for the purposes of case management. The court has denied the motion to dismiss, and discovery is ongoing.

In re Google Digital Publisher Antitrust Litig. (N.D. Cal.)

Gustafson Gluek has been appointed to the Leadership Committee representing a class of publishers who sold digital advertising space via Google. Plaintiffs allege that Google's anticompetitive monopolistic practices led to digital publishers being paid less for their advertising space than they otherwise would have been paid in a competitive market.

In re Hard Disk Drive Suspension Assemblies Antitrust Litigation (ND Cal.)

Gustafson Gluek is representing the End User Purchaser plaintiffs who purchased products containing Hard Disk Drive ("HDD") Suspension Assemblies. Plaintiffs

allege that manufacturers TDK, NHK, and their respective subsidiaries entered into a cartel agreement to fix prices of HDD suspension assemblies. Defendants' summary judge was denied and motion for class certification is pending. This litigation is ongoing.

In re Packaged Seafood Products Antitrust Litig. (S.D. Cal.)

Plaintiffs alleged that a cartel of the largest producers of tuna products in the United States conspired to fix and maintain prices of shelf-stable packaged tuna in violation of federal and state antitrust laws resulting in supracompetitive prices for plaintiffs and the proposed class. Gustafson Gluek represented plaintiffs and a class of end-payer plaintiffs who purchased packaged tuna products.

In re Pork Antitrust Litig. (D. Minn.)

Gustafson Gluek has been appointed Co-Lead counsel for a class of indirect purchasers of pork products. Plaintiffs allege that the Defendants violated the federal antitrust laws resulting in supracompetitive prices for pork. The Class was certified and there have been settlements reached with certain defendants for over \$90 million dollars. The litigation continues against the remaining defendants.

Powell Prescription Center, et al. v. Surescripts, LLC, et al. (N.D. Ill.)

Gustafson Gluek has been appointed Co-Lead Counsel for a proposed class of pharmacies alleging that defendants Surescripts, RelayHealth, and Allscripts Healthcare Solutions conspired to monopolize and restrain trade in the e-prescription services market in violation of the antitrust laws. This litigation is ongoing, but plaintiffs have reached a \$10 million settlement with defendant RelayHealth.

Consumer Protection

Gustafson Gluek PLLC has led class action lawsuits on behalf of consumers alleging consumer protection violations or deceptive trade practices. These

cases involve claims related to the false marketing of life insurance, defective hardware in consumer computers, misleading air compressor labeling, and rental car overcharges. Below are some representative cases involving consumer protection claims that Gustafson Gluek is currently litigating:

Broadway v. Kia America, Inc. (D. Minn.)

Gustafson Gluek represents proposed nationwide classes of people who purchased certain models of Kia and Hyundai automobiles that lack an engine immobilizer which makes those vehicles unsafe and prone to theft.

Crowell, et al., v. FCA USA LLC (D. Del.)

Gustafson Gluek serves as interim co-lead counsel in case representing individuals who purchased Jeep 4XE vehicles at a substantial premium only to find that the electric battery does not operate as advertised and does not allow the vehicle to drive in electric only mode. The vehicles will get locked out of the battery operation and require a trip to the dealership to repair them.

Gisairo, et al. v. Lenovo (United States) Inc. (D. Minn.)

Gustafson Gluek represents proposed classes of consumers who purchased various Lenovo laptop computers. These computers suffer from a common hinge failure that renders the products partially or completely useless.

In re: Nurture Baby Food Litig. (S.D.N.Y.)

Gustafson Gluek represents proposed nationwide classes of consumers that purchased HappyBaby or HappyTots baby food products. Plaintiffs allege that these baby foods were deceptively labeled, marketed, and sold because they contain undisclosed levels of heavy metals and contaminants.

In re: Pacific Market International, LLC, Stanley Tumbler Litig. (W.D. Wa.)

Gustafson Gluek serves on the interim executive committee representing a proposed class of individuals who purchased the popular Stanley line of mugs.

Unbeknownst to those consumers, Stanley mugs are manufactured using toxic lead.

In re Plum Baby Food Litig. (N.D. Cal.)

Gustafson Gluek represents proposed nationwide classes of consumers who purchased Plum Organics baby food products. Plaintiffs allege that these baby foods were deceptively labeled, marketed, and sold because they contain undisclosed levels of heavy metals and contaminants.

In re Recalled Abbott Infant Formula Products Liability Litig. (N.D. Ill.)

Gustafson Gluek represents proposed nationwide classes of consumers that purchased infant formula products manufactured, marketed, and sold by Abbott. Plaintiffs allege that these baby formula products were deceptively labeled, marketed, and sold because they contain undisclosed levels of heavy metals and contaminants.

In re Theo's Dark Chocolate Litig. (N.D. Cal.)

Gustafson Gluek represents proposed nationwide classes of consumers that purchased Trader Joe's dark chocolate products. Plaintiffs allege that these dark chocolate products were deceptively labeled, marketed, and sold because they contain undisclosed levels of heavy metals and contaminants.

In re Trader Joe's Co. Dark Chocolate Litig. (S.D. Cal.)

Gustafson Gluek represents proposed nationwide classes of consumers that purchased Trader Joe's dark chocolate products. Plaintiffs allege that these dark chocolate products were deceptively labeled, marketed, and sold because they contain undisclosed levels of heavy metals and contaminants.

Kevin Brnich Electric LLC, et al. v. Siemens Industry, Inc. (N.D. Ga.)

Gustafson Gluek represents a proposed class of electricians and consumers who purchased Siemens Ground Fault Circuit Interrupter products. These products are prone to premature nuisance faulting.

Krohn v. Pacific Market International, LLC (W.D. Wa.)

Gustafson Gluek represents a proposed class of individuals who purchased the popular Stanley line of mugs. Unbeknownst to those consumers, Stanley mugs are manufactured using toxic lead.

Thelen, et al, v HP Inc. (D. Del.)

Gustafson Gluek represents proposed classes of consumer who purchased various HP laptop computers. These computers suffer from a common hinge defect that renders the products partially or completely useless.

CONSTITUTIONAL LITIGATION

Gustafson Gluek is devoted to the protection of the constitutional liberties of all individuals. The Firm has litigated several cases at the federal court level on matters involving civil commitment, police brutality, prisoner mistreatment and government misuse of private property. Below are some representative cases involving constitutional claims that Gustafson Gluek is currently litigating or has recently litigated:

Doe v. Hanson et al. (Minn.)

Gustafson Gluek represents a former juvenile resident of Minnesota Correctional Facility – Red Wing who alleges he was sexually assaulted by a staff member over the course of several years. Despite alleged knowledge of the risk of the abuse to the juvenile, the Correctional Facility did nothing to protect the juvenile. A settlement was reached in 2021, which included significant financial compensation for the victim, required additional training for the MCF-Red Wing staff, and 3 policy changes at MCF-Red Wing.

Carr v. City of Robbinsdale (Minn.)

Gustafson Gluek represented an individual whose car was seized by the Robbinsdale police. The client was a passenger in her car, when the driver was pulled over and arrested for driving under the influence. The officer seized the

car pursuant to Minnesota's civil forfeiture statute. Gustafson Gluek filed a complaint challenging the constitutionality of the Minnesota civil forfeiture laws. However, prior to any meaningful litigation, the parties were able to settle the case.

Khottavongsa v. City of Brooklyn Center (D. Minn.)

Gustafson Gluek represented the family of a man killed by Brooklyn Center police in 2015. Gustafson Gluek brought section 1983 claims, alleging the officers used excessive force and ignored his medical needs, and that the City of Brooklyn Center failed to train and supervise the officers. Defendant's motion for summary judgment was largely defeated. The case settled prior to trial.

Hall v. State of Minnesota (Minn.)

Gustafson Gluek successfully litigated a case against the State of Minnesota regarding the State's Unclaimed Property Act. On behalf of plaintiffs, the Firm achieved a ruling that a portion of the State's Unclaimed Property Act was unconstitutional and, as a result, the statute was changed, and property returned to individuals.

Karsjens, et al. v. Jesson, et al. (D. Minn.)

Gustafson Gluek represents a class of Minnesota's civilly committed sex offenders on a pro bono basis through the Federal Bar Association's Pro Se Project. Gustafson Gluek has been litigating this case since 2012, alleging that Minnesota's civil commitment of sex offenders is unconstitutional and denies the due process rights of the class. After a six-week trial in February and March of 2015, Minnesota District Court Judge Donovan Frank found in favor of the class, ruling that the Minnesota Sex Offender Program (MSOP) is unconstitutional, and ordering that extensive changes be made to the program. That order was reversed on appeal. Gustafson Gluek continues to vigorously advocate for the class on the remaining claims and pursue a resolution that will provide constitutional protections to those civilly committed to the MSOP.

Jihad v. Fabian (D. Minn.)

Gustafson Gluek represented an individual bringing suit against the State of Minnesota, the Department of Corrections and others alleging violations of his religious rights relating to his incarcerations in the Minnesota Corrections Facility in Stillwater. Gustafson Gluek was able to secure a settlement for the plaintiff which involved a change in the Department of Corrections policy to provide plaintiff with halal-certified meals at the correction facilities.

Samaha, et al. v. City of Minneapolis, et al. (D. Minn.)

Gustafson Gluek is representing several peaceful protestors who were subject to excessive force at the George Floyd protests in May 2020. While peacefully protesting, the plaintiffs were subjected to tear gas, pepper spray and other violence. The case sought declaratory and injunctive relief, including a judgment that the City of Minneapolis has a custom, policy and practice of encouraging and allowing excessive force.

Wolk v. City of Brooklyn Center, et al. (D. Minn.)

Gustafson Gluek is representing a peaceful protestor who was subject to excessive force at the Daunte Wright protests in April 2021. While peacefully protesting, the plaintiff was subjected to tear gas, pepper spray, and was shot by a less lethal munition. The case is on-going and seeks both damages and injunctive relief to change the policies of the law enforcement agencies that were involved.

DATA BREACH

Gustafson Gluek PLLC is actively involved in several major data breach cases across the country. Our attorneys work to protect and defend individuals' sensitive personally identifiable information and hold companies accountable when their online security measures fail to protect that valuable information. Our

team works on all aspects of these fast-paced cases from investigating breaches, to litigating cases, to reaching favorable resolutions for our clients. As set forth below, attorneys at Gustafson Gluek serve in key leadership roles representing consumers in regional and national data breach cases.

In re 23AndMe, Inc., Customer Data Security Breach Litigation (N.D. Cal.)

Gustafson Gluek represents a proposed class of individuals whose sensitive personally identifiable genetic and health information was accessed by unauthorized persons. This case is in its early stages and has recently been consolidated in the Northern District of California.

In re AT&T, Inc. Customer Data Security Breach Litigation (ND. Tex.)

Gustafson Gluek represents a proposed class of 73 million current and former AT&T customers whose sensitive personally identifiable information was accessed by unauthorized third parties.

Mackey v. UnitedHealth Group Inc. et al. (D. Minn.)

Gustafson Gluek represents a proposed class of millions of individuals who had their Personally Identifiable Information (“PII”) accessed by unauthorized parties. That information was stored and controlled by Change Healthcare, Inc., a subsidiary of UnitedHealth Group that specializes in payment management services in the healthcare industry. This case is in the early stages of litigation.

Mekhail v. North Memorial Health Care (D. Minn.)

Gustafson Gluek serves as counsel representing a proposed class of individuals who had their personally identifiable information (“PII”) tracked on North Memorial’s website and shared with Meta/Facebook for impermissible marketing purposes in contravention to US Department of Health and Human Services guidelines.

In re Netgain Technology, LLC Consumer Data Breach Litigation (D. Minn.)

Gustafson Gluek serves on the Interim Executive Committee in this matter, where over 800,000 individuals had their sensitive personal information such as billing

information, Social Security numbers, patient identifiers, and more were stolen by cyber criminals.

Okash v. Essentia Health (D. Minn.)

Gustafson Gluek serves as counsel representing a proposed class of individuals who had their personally identifiable information (“PII”) tracked on North Memorial’s website and shared with Meta/Facebook for impermissible marketing purposes in contravention to US Department of Health and Human Services guidelines.

Quaife v. Brady Martz & Associates PC (D. ND)

Gustafson Gluek has been appointed interim co-lead counsel in a case alleging that individuals had their personally identifiable information (“PII”) accessed by unauthorized third parties. That information was controlled by Defendant Brady Martz & Associates, PC, which is a firm offering accounting, tax, and audit services. The information in question includes financial account numbers, debit/credit card numbers, security codes, passwords, and PINs.

Salinas, et al v. Block, Inc. et al (N.D. Cal.)

Gustafson Gluek represents a proposed class of millions of consumers whose financial records and information were accessed by unauthorized third parties. This case has reached a proposed settlement valued at \$15 million plus injunctive relief.

PRODUCT LIABILITY

Sometimes, consumers are injured by the products they purchase. Products liability is an area of law that seeks to hold manufacturers of products that have injured individuals responsible for the injuries their defective products caused.

These defective products range from medical devices to vehicles to diapers and many others. Gustafson Gluek PLLC represents consumers against

the manufacturers of these defective products and has been able to achieve sizable recoveries on behalf of injured individuals. Below are some representative product liability cases that Gustafson Gluek is currently litigating:

In re FCA US LLC Monostable Electronic Gearshift Litig. (E.D. Mich.)

Gustafson Gluek serves on the Plaintiffs' Steering Committee and represents individuals who owned or leased 2012-2014 Dodge Chargers, 2014-2015 Chrysler 300s, and 2014-2015 Jeep Grand Cherokees. Plaintiffs allege that these vehicles contain defective gearshifts, which allow vehicles to roll away out of the park position. Issue classes have been conditionally certified.

Krautkramer et al., v. Yamaha Motor Corporation, U.S.A. (D. Minn.)

Gustafson Gluek represents a proposed class of individuals who own or lease a range of Yamaha off-road vehicles. Plaintiffs allege that these vehicles are subject to overheating and engine failure due to a defect in the vehicle engines.

Mackie et al v. American Honda Motor Co., Inc. et al. (D. Minn.)

Gustafson Gluek represents a proposed class of consumers who purchased or leased 2019-2021 Honda CR-V and Civic vehicles, and 2018-2021 Accord vehicles equipped with "Earth Dreams" 1.5L direct injection engines. Plaintiffs allege that these vehicles contain an engine defect which causes fuel contamination of the engine oil resulting in oil dilution, decreased oil viscosity, premature wear and ultimate failure of the engines, engine bearings, and other internal engine components, and an increased cost of maintenance.

Reynolds, et al., v. FCA US, LLC (E.D. Mich.)

Gustafson Gluek represents a proposed class of individuals who owned or leased 2018-2020 Jeep Wrangler and 2020 Jeep Gladiator vehicles. Plaintiffs allege that these vehicles contain a defective front axle suspension system that causes the steering wheel to shake violently while operating at highway speeds.

Rice v. Electrolux Home Prod., Inc. (M.D. Pa.); Gorchzynski v. Electrolux

Home Products, Inc. (D.N.J.)

Gustafson Gluek represents classes of individuals who own an Electrolux microwave with stainless-steel handles. Plaintiffs in these cases allege that these certain microwaves, which were sold to be placed over a cooktop surface, have stainless steel handles that can heat to unsafe temperatures when the cooktop below is in use.

Woronko v. General Motors, LLC (E.D. Mich.)

Gustafson Gluek represents a proposed class of individuals who owned or leased 2015-2016 Chevrolet Colorado and GMC Canyon vehicles. Plaintiffs allege that these vehicles are equipped with a defective electrical connection that causes the vehicles to lose power steering while driving under a variety of conditions. This case is in the initial pleading stage.

Pro Bono & Community

Gustafson Gluek recognizes that those who provide legal services are in a unique position to assist others. The Firm and its members strongly believe in giving back to the community by providing legal services to those in need. The law can make an immense difference in an individual's life; however, effectively navigating the legal system is not an easy task. Providing pro bono legal services promotes access to justice, by giving counsel to those who otherwise would not have it.

In keeping with this commitment to providing representation to those who otherwise do not have access to representation, Dan Gustafson was one of four lawyers who helped develop and implement the Minnesota *Pro Se* Project for the Minnesota Chapter of the Federal Bar Association. Because the Federal Bar Association did not have funding for the project, Gustafson Gluek volunteered to administer the Project during its inaugural year, starting in May 2009, devoting extensive resources to matching pro se litigants with volunteer counsel. In 2010, Chief Judge Michael Davis of the District of Minnesota awarded Dan Gustafson a Distinguished Pro Bono Service Award for "rising to the Court's challenge of bringing the idea of the *Pro Se* Project to fruition and nurturing the Project into its current form." Gustafson Gluek has continued representing clients through the *Pro Se* Project since that time.

Gustafson Gluek Supports the Following Volunteer Organizations

- American Antitrust Institute
- The American Constitutional Society
- Association of Legal Administrators – MN Chapter
- Children's Law Center
- Cookie Cart
- COSAL
- Division of Indian Work
- Domestic Abuse Project
- Federal Bar Association
- Federal *Pro Se* Project
- Great North Innocence Project
- Hennepin County Bar Association
- Innocence Project of MN
- Infinity Project
- Lawyers Concerned for Lawyers
- Minnesota Hispanic Bar Association
- Minnesota Paralegal Association
- Minnesota State Bar Association
- Minnesota Women Lawyers
- MN Chapter of the Federal Bar Association
- Page Education Foundation
- Southern MN Regional Legal Services
- The Fund For Mid-Minnesota Legal Aid
- Volunteer Lawyers Network
- Twin Cities Diversity In Practice

OUR PROFESSIONALS

DANIEL E. GUSTAFSON

Daniel E. Gustafson is a founding member of Gustafson Gluek PLLC. Mr. Gustafson has dedicated his career to helping individuals and small businesses litigate against large corporations for various antitrust, product defect or consumer fraud violations. He has also strived to use his legal skills to represent those who cannot otherwise afford a lawyer. Mr. Gustafson served as an appointed public defender in federal court, he was involved in helping develop the Federal Bar Association's *Pro Se* Project, which coordinates volunteer representation for *pro se* litigants, and he has spent thousands of hours representing individuals on a pro bono basis.



In 2019, he was given a lifetime achievement award by the United States District Court for the District of Minnesota, Minnesota Chapter of the Federal Bar Association and the *Pro Se* Project for his exemplary pro bono work and extraordinary support of the *Pro Se* Project.

Mr. Gustafson is admitted to practice in the United States District Court for the District of Minnesota, the United States District Court for the District of North Dakota, the United States District Court for the Eastern District of Michigan, the United States District Court for the Western District of Michigan, the United States District Court for the Eastern District of Wisconsin, the United States Courts of Appeals for the First, Third, Fifth, Sixth, Eighth and Eleventh Circuits, the Minnesota Supreme Court and in the United States Supreme Court.

Mr. Gustafson was an adjunct professor at the University of Minnesota Law School for many years, teaching a seminar long course on the “Fundamentals of Pretrial Litigation.”

Mr. Gustafson is a past president of the Federal Bar Association, Minnesota

Chapter (2002-2003) and served in various capacities in the Federal Bar Association over the last several years. He was the Vice-Chair of the 2003 Eighth Circuit Judicial Conference held during July 2003 in Minneapolis (Judge Diana E. Murphy was the Chair of the Conference). He is a member of the Hennepin County, Minnesota, Federal, and American Bar Associations.

In September 2011, Mr. Gustafson testified before the House Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet regarding the proposed merger between Express Scripts and Medco. Mr. Gustafson also testified before the United States Congressional Commission on Antitrust Modernization in June 2005. In addition to congressional testimonies, Mr. Gustafson has authored or presented numerous seminars and continuing legal education pieces on various topics related to class action litigation, antitrust, consumer protection or legal advocacy.

Mr. Gustafson served as a law clerk to the Honorable Diana E. Murphy, United States District Judge for the District of Minnesota (1989-91). Following his judicial clerkship, Mr. Gustafson worked in the fields of antitrust and consumer protection class action litigation. In May 2003, Mr. Gustafson formed Gustafson Gluek PLLC where he continues to practice antitrust and consumer protection class action law.

Mr. Gustafson has been actively involved in many cases, in which he, or the Firm, has been named Lead Counsel, Co-Lead Counsel, Co-Lead Trial Counsel, or Settlement Counsel, including:

- *In re DPP Beef Antitrust Litig.* (D. Minn.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *3M Earplugs Litig.* (Minn.)
- *In re Syngenta Litig.* (Minn.)
- *In re Broiler Chicken Antitrust Litig.* (N. D. Ill.)
- *In re Medtronic, Inc. Sprint Fidelis Liability Litig.* (D. Minn.)
- *Precision Assocs. Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.)
- *In re Medtronic, Inc. Implantable Defibrillators Liability Litig.* (D. Minn.)
- *In re Vitamin C Antitrust Litig.* (E.D.N.Y.)

- *In re DRAM Antitrust Litig.* (N.D. Cal.)
- *The Shane Group, Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.)
- *Karsjens v. Jesson* (D. Minn.)
- *Synthes USA, LLC v. Spinal Kinetics* (N.D. Cal.)
- *KBA-Giori, North America, Inc., v. Muhlbauer, Inc.* (E.D. Va.)
- *Spine Solutions, Inc. v. Medtronic Sofamor Danek, Inc.* (W.D. Tenn.)
- *Dryer v. National Football League* (D. Minn.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Wellbutrin SR/Zyban Direct Purchaser Antitrust Litig.* (E.D. Pa.)
- *Reitman v. Champion Petfoods* (C.D. Cal.)
- *Weaver v. Champion Petfoods* (E.D. Wis.)
- *Rydman v. Champion Petfoods* (W.D. Wash.)

Additional Background Information

Education:

- Juris Doctorate (1989)
 - University of Minnesota Law School
- Bachelor of Arts (1986)
 - University of North Dakota

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota
- U.S. Court of Appeals for the First, Second, Third, Fifth, Sixth, Eighth, Tenth and Eleventh Circuits
- U.S. Supreme Court

Recognition:

- Selected by *Minnesota Lawyer* as Minnesota Icon Honoree (2023)
- Richard S. Arnold Award for Distinguished Service (2021)
- Pro Se Project Lifetime Achievement Award (2019)
- Selected by *Super Lawyers* as a Minnesota "Super Lawyer" (2001 - 2023)
- Selected by *Minnesota Lawyer* as Attorney of the Year (2010, 2013, 2017)
- Ranked in the "Top 100 Minnesota Lawyers" by *Super Lawyer* (2012-2023)
- MSBA North Star Lawyer (2012, 2013, 2015, 2018, 2020, 2023)
- American Antitrust Institute Meritorious Service Award (2014)
- Director of The Fund for Legal Aid Board (2014-2018)
- Infinity Project Board Member (2015)
- MWL President's Leadership Circle (2013-2014)
- UST School of Law Mentor (2014-2015)
- AAI Annual Private Enforcement Award and Conference Committee Member

(2014-2016)

KARLA M. GLUEK

Karla M. Gluek is a founding member of Gustafson Gluek PLLC. Ms. Gluek has been practicing in the areas of antitrust and consumer protection class action litigation since 1995, following her clerkship to the Honorable Gary Larson, District Judge, Fourth Judicial District of Minnesota. Ms. Gluek has spent her career representing individuals and small businesses against large corporations for various antitrust, constitutional, product defect or consumer fraud violations.



In May 2003, Ms. Gluek joined Mr. Gustafson in forming Gustafson Gluek PLLC. In 2020, Ms. Gluek was elected as the Firm Manager for Gustafson Gluek, becoming the first woman to serve in that position at the Firm.

Throughout her law career, Ms. Gluek has also spent thousands of hours representing individuals on a pro bono basis as part of her commitment to justice for all. She has served as a volunteer attorney for the Minnesota Federal Bar Association's Federal *Pro Se* Project.

Ms. Gluek is admitted to practice in the United States District Court for the District of Minnesota and the Eighth Circuit Court of Appeals. She is a member of the Hennepin County, Minnesota, and Federal Bar Associations. Ms. Gluek is also an active member of the Minnesota Women's Lawyers. Ms. Gluek is a Board Member for the Fund for Mid-Minnesota Legal Aid.

She has been recognized several times as a North Star Lawyer for providing at least 50 hours of pro bono legal services in a calendar year to individuals with need. She has assisted in the representation of *pro se* litigants through the Federal Bar Association's *Pro Se* Project in addition to those referred to Gustafson Gluek by other sources. She was part of the team at Gustafson Gluek that represented a class of civilly committed sex offenders challenging the

constitutionality of Minnesota's commitment statutes in *Karsjens et al v. Jesson* (D. Minn.).

Ms. Gluek has been designated as a Minnesota "Super Lawyer" from 2011-2023 and has twice been selected as one of *Minnesota Lawyer's* Attorneys of the Year. Ms. Gluek was also named in the inaugural class of Top Women in Law by *Minnesota Lawyer* in 2023.

Ms. Gluek has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *3M Company Earplugs Litig.* (Minn.)
- *In re Broiler Chicken Antitrust Litig.* (N. D. Ill) *In re Regents of the University of Minnesota Data Litig.* (Minn.)
- *In re Syngenta Litig.* (Minn.)
- *In re Medtronic, Inc. Sprint Fidelis Liability Litig.* (D. Minn.)
- *In re Medtronic, Inc. Implantable Defibrillators Liability Litig.* (D. Minn.)
- *Karsjens v. Jesson* (D. Minn.)
- *Synthes USA, LLC v. Spinal Kinetics* (N.D. Cal.)
- *KBA-Giori, North America, Inc., v. Muhlbauer, Inc.* (E.D. Va.)
- *Spine Solutions, Inc. v. Medtronic Sofamor Danek, Inc.* (W.D. Tenn.)
- *Dryer v. National Football League* (D. Minn.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Wellbutrin SR/Zyban Direct Purchaser Antitrust Litig.* (E.D. Pa.)
- *Reitman v. Champion Petfoods* (C.D. Cal.)
- *Weaver v. Champion Petfoods* (E.D. Wis.)
- *Rydman v. Champion Petfoods* (W.D. Wash.)

Additional Background Information

Education:

- Juris Doctor (JD)
 - William Mitchell College of Law
 - *cum laude*, J.D. (1993)
- Bachelor of Arts (BA)

- o University of St. Thomas (1990)

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

Recognition:

- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2011 – 2023)
- Selected by *Minnesota Lawyer* as an Attorney of the Year (2014, 2017)
- Selected by *Minnesota Lawyer* as a Top Women in Law (2023)
- MSBA North Star Lawyer (2012, 2013, 2015, 2018, 2020, 2021, 2023)

ABOU B. AMARA, JR.

Mr. Amara joined Gustafson Gluek PLLC as an associate in August 2021, after clerking for Associate Justice Anne K. McKeig and Associate Justice Paul C. Thissen of the Minnesota Supreme Court. As an associate at the Firm, Mr. Amara will be representing individuals and small businesses alleging antitrust, consumer, civil rights, and constitutional, and financial securities violations in both state and federal court. Before clerking on the Minnesota Supreme Court, Mr. Amara was an associate attorney at a well-respected Minneapolis law firm.



During law school, Mr. Amara was a two-time National Moot Court individual champion—earning the “Best Oralist” award at both the 2018 William E. McGee National Moot Court Competition on Civil Rights and the 2019 Evan A. Evans National Moot Court Competition on Constitutional Law. Mr. Amara was also elected by his law school classmates to serve as commencement speaker.

Before law school, Mr. Amara had an extensive career in the legislative and political arena, including serving as a top aide to the Minnesota Speaker of the House, Minnesota Secretary of State, and frequent TV/radio commentator and analyst on Minnesota politics and public affairs.

In 2015, Mr. Amara was named to Twin Cities Business Magazine’s “100 Minnesotans to Know” list for his impact in the public affairs arena and honored as a Minnesota “Shaper of the Future” by the publication. In 2021-2022, Mr. Amara was recognized as an Outstanding Newer Lawyer of the Year by the Minnesota State Bar Association, in 2022 he was named an “Up and Coming Lawyer” by *Minnesota Lawyer Magazine*, and just this year was listed as a 2024 “Top Lawyers in Minnesota” by *Minnesota Monthly*.

Mr. Amara is the 2024-2025 Co-Chair of the Minnesota Chapter of the Federal Bar Association's **Legal Education Committee and has previously served as Vice President and Treasurer of the Minnesota Association of Black Lawyers.**

Mr. Amara has worked on several cases in which Gustafson Gluek is, or has been appointed to leadership positions or been actively involved, including:

- *In re Bank of America Unauthorized Account Opening Litig.* (W.D.N.C.) (Interim Co-Lead Counsel)
- *Conry, et. al. v. Gerber Products Co.* (E.D. Va.),
- *In re Wells Fargo Mortgage Discrimination Litig.* (N.D. Cal.)
- *Colon, et. al. v. National Collegiate Athletic Association (NCAA)* (E.D. Cal.)
- *Michel Sharritt, et al. v. DuPage County (IL) Treasurer* (N.D. Ill.)
- *In re DPP Beef Litig.* (D. Minn.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *Roamingwood Sewer v. National Diversified Sales, Inc.* (M.D. Pa.)
- *Mortgage Refinancing* (N.C. Cal.)

Additional Background Information

Education:

- Juris Doctor
 - University of St. Thomas
- Master of Public Policy
 - University of Minnesota
 - Hubert H. Humphrey School of Public Affairs
- Bachelor of Arts (BA)
 - University of Wisconsin-Eau Claire

Court Admissions:

- Minnesota Supreme Court (Minn.)
- United States District Court for the District of Minnesota (D. Minn.)

Recognition:

- Named Outstanding New Lawyer of the Year by the Minnesota State Bar Association (2022)
- Selected by *Minnesota Lawyers* as an "Up and Coming Attorney of the Year"

(2022)

- MSBA North Star Lawyer (2021, 2023)

AMANDA M. WILLIAMS

Amanda M. Williams is a member of Gustafson Gluek PLLC. Ms. Williams joined the Firm in 2005, following her clerkship with the Honorable Gordon W. Shumaker, Minnesota Court of Appeals. Since then, she has been actively litigating consumer protection, product liability, and antitrust class actions.



Ms. Williams is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota. Ms. Williams is an active member of Minnesota Women Lawyers and is former chair of the Law School Scholarship Committee. She currently serves on the Board of the Infinity project, which is an organization whose mission is to increase the gender diversity of the state and federal bench to ensure the quality of justice in the Eighth Circuit.

She serves as a volunteer attorney for the Minnesota Federal Bar Association's Federal *Pro Se* Project and is a recipient of the Minnesota chapter of the Federal Bar Association's 2011 Distinguished *Pro Bono* Service award.

Ms. Williams has been recognized as a "Rising Star" from 2014-2019 by *Super Lawyers* and was selected as one of *Minnesota Lawyer's* Attorneys of the Year in 2017. Ms. Williams was also designated as a Minnesota "Super Lawyer" by *Super Lawyer* in 2021.

Ms. Williams has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or actively involved including:

- *In re Regents of the University of Minnesota Data Litig.* (Minn.)
- *Colon v. NCAA* (E.D. Cal.)
- *In re Medtronic, Inc., Implantable Defibrillators Prod. Liab. Litig.* (D. Minn.)
- *In re Syngenta Litig.* (Minn.)

- *In re Asacol Antitrust Litig.* (D. Mass.)
- *Ciofoletti et al. v. Securian Financial Group, Inc.* (D. Minn.)
- *Reed, et al. v. Advocate Health Care, et al.* (N.D. Ill.)
- *3M Company Earplugs Litig.* (Minn.)
- *In re Medtronic Inc. Sprint Fidelis Leads Prod. Liab. Litig.* (D. Minn.)
- *Karsjens et al v. Jesson* (D. Minn.)
- *St. Jude (Pinsonneault v. St. Jude Medical, Inc., et al. (D. Minn.); Houlettev. St. Jude Medical Inc., et al. (D. Minn.); Rouse v. St. Jude Medical, Inc., et al. (D. Minn.))*
- *American Home Realty Network (Regional Multiple Listing Service of Minnesota, Inc., d/b/a NorthstarMLS v. American Home Realty Network, Inc., (D. Minn.); Metropolitan Regional Information Systems, Inc., v. American Home Realty Network, Inc. (D. Md.); Preferred Carolinas Realty, Inc., v. American Home Realty Network, Inc., d/b/a Neighborcity.com (M.D.N.C.))*

Additional Background Information

Education:

- Juris Doctor (2004)
 - University of Minnesota Law School
 - Jessup International Law Moot Court
 - Comparative international law program in Greece
- Bachelor of Arts (2001)
 - Gustavus Adolphus College
 - *Magna cum laude*
 - *Phi Beta Kappa*

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

Recognition:

- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2021-2023)
- Selected by *Super Lawyers* as a Minnesota “Rising Star” (2013 – 2019)
- Selected by *Minnesota Lawyer* as an Attorney of the Year (2017 & 2022)
- MSBA North Star Lawyer (2015)
- Minnesota District Court’s Distinguished Pro Bono Service Award (2011)

BAILEY TWYMAN-METZGER

Bailey Twyman-Metzger joined Gustafson Gluek in March 2023 after working as an attorney editor at Thomson Reuters, where she was actively involved in pro bono work. Prior to her work at Thomson Reuters, Ms. Twyman-Metzger was a Robina Post-Graduate Fellow at the Advocates for Human Rights.



Ms. Twyman-Metzger practices in the areas of consumer protection and antitrust litigation, where she represents individuals and small businesses in both federal and state court. Bailey is an active member of the Minnesota Lavender Bar Association, Federal Bar Association, Minnesota Bar Association, and Minnesota Women Lawyers.

Ms. Twyman-Metzger is a 2015 graduate of Miami University with a B.A. in History and Women, Gender, and Sexuality Studies, and a minor in Art History, and a 2018 cum laude graduate of the University of Minnesota Law School. While in law school, Ms. Twyman-Metzger was a staffer and Lead Symposium Editor for the Minnesota Journal of Law & Inequality. Ms. Twyman-Metzger was also a student attorney and student director for the University of Minnesota Human Rights Litigation and International Legal Advocacy Clinic.

Ms. Twyman-Metzger has worked on several cases in which Gustafson Gluek is, or has been appointed to leadership positions or been actively involved, including:

- *In re DPP Beef Litig.* (D. Minn.)
- *Google Digital Publisher Antitrust Litig.* (S.D. N.Y.)
- *In re Cathode Ray Tube (CRT) Antitrust Litig.* (N.D. Cal.)
- *3M Company Earplugs Litig.* (Minn.)

Additional Background Information

Education:

- Juris Doctor (2018)
 - University of Minnesota Law School
 - Lead Symposium Editor, Minnesota Journal of Law & Inequality
- Bachelor of Arts (2015)
 - Miami University

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

CATHERINE K. SMITH

Catherine Sung-Yun K. Smith is a member of Gustafson Gluek PLLC. Since joining the Firm in 2007, Ms. Smith has been practicing in the area of complex antitrust and consumer protection litigation, particularly cases involving foreign entities. Ms. Smith is fluent in Korean and English and also has basic language skills in German, Japanese, and Chinese.



Ms. Smith has been serving on the Antitrust Enforcement Award Judging Committee for the American Antitrust Institute since 2015. Ms. Smith was selected as a Minnesota “Rising Star” from 2013-2016 by *Law & Politics Magazine*. She was named Super Lawyer in 2022-2023, and also was selected as one of Minnesota’s Attorney of the Year in 2023. She is an active member of Minnesota Women Lawyers and the Federal Bar Association focusing on issues of diversity.

Ms. Smith has represented many *pro se* litigants through the Federal Bar Association’s *Pro Se* Project in addition to those referred to Gustafson Gluek by other sources and received the Distinguished Pro Bono Service Award in 2010 for her efforts.

She is a graduate of Korea University (B.A. 2000) and a graduate of University of Minnesota Law School (J.D. 2005). Ms. Smith is admitted to the New York Bar, Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

Ms. Smith has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Abbott Infant Formula Products Liability* (N.D. Ill.)
- *Lopez et al. v. Mead Johnson Nutrition Co. et al.* (N.D. Ill.)
- *In re Trader Joe’s Dark Chocolate Litig.* (S.D. Cal.)

- *In re Theo's Dark Chocolate Litig.* (N.D. Cal.)
- *In re Nurture Baby Food Litig.* (S.D.N.Y.)
- *In re Plum Baby Food Litig.* (N.D. Cal.)
- *Thomas et al v. Beech-Nut Nutrition Company* (N.D.N.Y)
- *Baldwin et al v. Miracle-Ear, Inc.* (D. Minn.)
- *In re Gerber Co. Heavy Metals Baby Food Litig.* (E.D. Va.)
- *In re Hard Disk Drive Suspension Assemblies Antitrust Litig.* (N.D. Cal.)
- *In re Cathode Ray Tube (CRT) Antitrust Litig.* (N.D. Cal.)
- *Fuentes et al. v. Jiffy Lube International, Inc.* (E.D. Pa)
- *In re Juul Labs, Inc., Antitrust Litig.* (N.D. Cal.)
- *In re Lithium Ion Batteries Antitrust Litig.* (N.D. Cal.)
- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)*In re Optical Disk Drive Products Antitrust Litig.* (N.D. Cal.)
- *In re TFT-LCD (Flat Panel) Antitrust Litig.* (N.D. Cal.)
- *In re Remicade Antitrust Litig.* (E.D. Pa.)
- *Fath et al. v. Honda North America, Inc.* (D. Minn.)
- *Penrod et al. v. K&N Engineering, Inc.* (D. Minn.)
- *Frost et al. v. LG Corp., et al.* (N.D. Cal.)
- *In re Railway Industry Employee No-Poach Antitrust Litig.* (W.D. Pa.)
- *In re Korean Air Lines Co. Ltd. Antitrust Litig.* (C.D. Cal.)
- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)

Additional Background Information

Education:

- Juris Doctor (2005)
 - University of Minnesota Law School
 - Director of the Civil Practice Clinic
 - Director of William E. McGee National Civil Rights Moot Court Competition
 - Participant in the Maynard Pirsig Moot Court
- Bachelor of Arts (2000)
 - Korea University

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota
- Appellate Division of the New York State Supreme Court
- U.S. District Court for the Northern District of New York

Recognition:

- **Selected by Minnesota Lawyer as Attorney of the Year (2023)**
- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2022-2023)
- Selected by *Super Lawyers* as a Minnesota “Rising Star” (2013 – 2016)
- Minnesota District Court’s Distinguished Pro Bono Service Award (2010)

DANIEL C. HEDLUND

Daniel C. Hedlund is a member of Gustafson Gluek PLLC, having joined the Firm in 2006. Throughout his legal career, Mr. Hedlund has practiced in the areas of antitrust, securities fraud, and consumer protection, and, in 2021, Mr.



Hedlund was named Co-Chair the Firm's antitrust litigation team.

Mr. Hedlund is admitted to practice in the United States District Court for the District of Minnesota, the Eighth Circuit Court of Appeals, and in Minnesota State Court. He is a member of the Federal, American, Minnesota, and Hennepin County Bar associations. Mr. Hedlund is active in the Minnesota Chapter of the Federal Bar Association (FBA), recently completing a term as President for the Minnesota chapter of the FBA. He has previously served in several roles for the Minnesota Chapter including: Co-Vice President for the Eighth Circuit, Co-Vice President Legal Education; Co-Vice President, Special Events; Co-Vice President, Monthly Meetings; Secretary; and Liaison between the FBA and the Minnesota State Bar Association. He has served as Chairman for the Antitrust Section of the Minnesota State Bar Association (MSBA), Secretary for the MSBA Consumer Litigation Section, and is past President of the Committee to Support Antitrust Laws. In addition, he has been appointed twice by the Court to serve on Panels for Magistrate Judge Selection in the District of Minnesota.

In addition to presenting at numerous CLEs, Mr. Hedlund has testified multiple times before the Minnesota legislature on competition law, and before the Federal Rules Committee.

From 2013-2023, he has been designated as a Minnesota "Super Lawyer," in the field of antitrust law. He was also ranked in the Top 100 Minnesota Lawyers by *Super Lawyers* in 2015 and 2017-2021. Mr. Hedlund has served as a volunteer attorney for the Minnesota Federal Bar Association's Federal *Pro Se* Project and

is the recipient of the Minnesota District Court's Distinguished *Pro Bono* Service Award in 2011.

Mr. Hedlund served as a law clerk on the Minnesota Court of Appeals (1997) and in the Fourth Judicial District of Minnesota (1995-1996).

Mr. Hedlund has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Beef DPP Antitrust Litig.* (D. Minn.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Interior Molded Doors Indirect Purchaser Antitrust Litig.* (E.D. Va.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re Deere & Company Repair Services Antitrust Litig.* (N.D. Ill.)
- *Bhatia v. 3M Co.* (D. Minn.)
- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *Kleen Prods. v. Intl. Paper (Containerboard Antitrust Litig.)* (N.D. Ill.)
- *In re CenturyLink Sales Practices and Securities Litig.* (D. Minn.)
- *Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.)
- *The Shane Group, Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.)
- *In re Vitamin C Antitrust Litig.* (E.D.N.Y.)
- *In re Blue Cross Blue Shield Antitrust Litig.* (N.D. Ala.)
- *In re DRAM Antitrust Litig.*

Additional Background Information

Education:

- Juris Doctor (1995)
 - University of Minnesota Law School
 - Note and Comment Editor:
Minnesota Journal of Global Trade
- Bachelor of Arts (1989)
 - Carleton College

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

Recognition:

- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2013 – 2023)
- Ranked in Top 100 Minnesota Lawyers by *Super Lawyers* (2015, 2017 – 2021)
- Minnesota District Court’s Distinguished Pro Bono Service Award (2011)
- Recipient of the Federal Bar Association’s John T. Stewart, Jr. Memorial Fund Writing Award (1994)

Publications:

- Co-Authored “Plaintiff Overview” in *Private Antitrust Litigation 2015 – Getting the Deal Through*
- Contributor to *Concurrent Antitrust Criminal and Civil Procedure 2013 – American Bar Association*

DANIEL J. NORDIN

Daniel J. Nordin joined Gustafson Gluek PLLC as an associate in 2011 after graduating from the University of Minnesota law school. Since joining the Firm, he has practiced in the areas of antitrust and consumer protection, representing primarily small businesses and individuals bringing claims against large corporations. Mr. Nordin became a member of Gustafson Gluek in 2019.



In addition to his day-to-day practice, Mr. Nordin has represented several individuals through the Minnesota Federal Bar's *Pro Se* Project, a program that matches pro se litigants with pro bono attorneys.

Mr. Nordin is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota. He is also a member of the Federal Bar Association and the Minnesota Bar Association.

In law school, Mr. Nordin was a Managing Editor on the *Minnesota Journal of Law, Science & Technology*. He also volunteered as a Tenant Advocate with HOME Line, a nonprofit tenant advocacy organization, through the University of Minnesota Law School's Public Interest Clinic.

Mr. Nordin has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *Google Digital Publisher Antitrust Litig.* (S.D.N.Y.)
- *In re Crop Inputs Antitrust Litig.* (E.D. Mo.)
- *Jones v. Varsity Brands, LLC* (W.D. Tenn.)
- *In re Hard Disk Drive Suspension Assemblies Antitrust Litig.* (N.D. Cal.)
- *In re Surescripts Antitrust Litigation* (N.D. Ill.)
- *In re FICO Antitrust Litig.* (N.D. Ala.)
- *In re Blue Cross Blue Shield Antitrust Litig.* (N.D. Ala.)

- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *In re Packaged Seafood Products Antitrust Litig.* (S.D. Cal.)
- *In re Resistors Antitrust Litig.* (N.D. Cal.)
- *The Shane Group, Inc., et al., vs. Blue Cross Blue Shield of Michigan* (E.D. Mich.)
- *In re Parking Heaters Antitrust Litig.* (E.D.N.Y.)
- *In re Drywall Antitrust Litig.* (E.D. Pa.)

Additional Background Information

Education:

- Juris Doctor (2011)
 - University of Minnesota Law School
 - Magna cum laude
 - Managing Editor: Minnesota Journal of Law Science & Technology
- Bachelor of Arts (2007)
 - University of Minnesota
 - with distinction

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota
- U.S. District Court for the Eastern District of Michigan

Recognition:

- Selected by *Super Lawyers* as a Minnesota “Rising Star” (2018 – 2022)
- MSBA North Star Lawyer (2020, 2023)

DAVID A. GOODWIN

David A. Goodwin is a member of Gustafson Gluek PLLC. When Mr. Goodwin joined the Firm in 2008, he began practicing in the areas of antitrust, securities and consumer protection. Since then, he has represented many small businesses and individuals in litigating their claims against some of the largest companies in the world.



In addition, Mr. Goodwin has served as counsel to many individuals on a pro bono basis through his work with the Minnesota Federal Court's *Pro Se* Project, which matches pro se litigants with pro bono attorneys. Through the *Pro Se* Project, Mr. Goodwin has represented individuals in bringing employment claims, constitutional claims and other civil claims that might otherwise not have been heard.

Mr. Goodwin is admitted to practice in the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

Mr. Goodwin is active in the Federal Bar Association on the national level as well as with the Minnesota Chapter. He has served as a National Director of the FBA. He is also a past Chair of the Younger Lawyers Division. Currently, he is an Eighth Circuit Vice President. David is also a Director of the Minnesota Chapter of the FBA, where he serves as the FBA Liaison for the *Pro Se* Project. Mr. Goodwin is also active with the Minnesota State Bar Association, where he has served as a Co-Chair of the Consumer Litigation Section.

Mr. Goodwin is currently or has recently worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or actively involved including:

- *Kevin Brnich Electric LLC et al. v. Siemens Industry Inc.* (N.D. Ga.)
- *In Re: Group Health Plan Litig.* (D. Minn.)
- *Crowell, et al. v. FCA US, LLC* (D. De.)
- *In Re: Kia Hyundai Vehicle Theft Marketing, Sales Practices, and Products Liability Litigation* (C.D. Cal.)
- *Thelen, et al., v. HP, Inc.* (D. De.)
- *Salinas, et al., v. Block, Inc., et al.,* (N.D. Cal.)
- *Hogan v. Amazon, Inc.* (N.D. Ill.)
- *Krukas et al. v. AARP, Inc., et al.* (D.D.C.)
- *FCA US LLC Monostable Electronic Gearshifts Litig.* (E.D. Mich.)
- *Krautkramer v. Yamaha Motor Corporation, USA* (D. Minn.)
- *Reynolds, et al., v. FCA US, LLC* (E.D. Mi.)
- *Gisairo v. Lenovo (United States) Inc.* (D. Minn.)
- *Kottemann Orthodontics, P.L.L.C. v. Delta Dental Plans Association, et al.* (D. Minn.)
- *In re: Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *Karsjens et al. v. Harpstead, et al.* (D. Minn.)
- *Phillips v. Caliber Home Loans* (D. Minn.)
- *Woronko v. General Motors, LLC* (E.D. Mich.)
- *Dryer et al. v. National Football League* (D. Minn.)
- *National Hockey League Players' Concussion Injury Litig.* (D. Minn.)
- *In re Aluminum Warehousing Antitrust Litig.* (S.D.N.Y.)
- *In re: National Prescription Opioids Litig.* (N.D. Oh.)

Additional Background Information

Education:

- Juris Doctor (2006)
 - DePaul University College of Law
- Bachelor of Arts (2001)
 - University of Wisconsin

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

Recognition:

- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2022-2024)
- Selected by *Super Lawyers* as a Minnesota “Rising Star” (2013 – 2018)
- MSBA North Star Lawyer (2012-2016, 2018, 2020, 2021, 2023)

DENNIS STEWART

Dennis Stewart joined Gustafson Gluek PLLC as a member in 2019, opening the Firm's San Diego office. Mr. Stewart comes to Gustafson Gluek with years of experience in litigating antitrust, consumer and securities class and individual actions. His cases have ranged across a wide variety of industries including carbon fiber, credit card fees, interchange, casino gaming, sports broadcasting, college athletics, rental car fees, electronics components, medical devices, medical services, casino gaming, and defense procurement.



He is currently serving as one of the counsel in the leadership group in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.* He also is one of the counsel participating in the representation of End Purchaser Plaintiffs in *In re Packaged Seafood Products Antitrust Litig.* (S.D. Cal.), Commercial and Industrial Indirect Purchaser Plaintiffs in *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.) and one of the trial counsel in *In re: Cathode Ray Tube (CRT) Antitrust Litig.* (N.D. Cal.). Mr. Stewart recently served as one of the counsel who successfully obtained an injunction requiring the National Womens Soccer League to permit a 15 ½ year old womens soccer player to play in the NWSL despite a minimum age rule which would have blocked her participation in the league.

Between 1981 and 1985, he worked for a major San Diego law firm and engaged in a general commercial litigation practice. Between 1985 and 1988, Mr. Stewart served as a trial attorney with the Antitrust Division of the United States Department of Justice. While at the Antitrust Division, Mr. Stewart participated in investigations and trials involving alleged criminal violations of the antitrust and related laws in waste hauling, movie exhibition, and government procurement and was lead trial counsel in the successful prosecution through trial of *United States v. Saft America, Inc.* (D.N.J.).

Since leaving government service, Mr. Stewart has served as Lead Counsel,

Principal Counsel and/or Trial Counsel in numerous antitrust, consumer and securities cases, both class and non-class. He was Lead Trial Counsel in *Knapp v. Ernst & Whinney* (9th Cir. 1996), in which a plaintiffs' verdict was returned in a Rule 10b-5 securities fraud class action, and *Hall v. NCAA*, (D. Kan.) in which Plaintiffs' verdicts were returned for NCAA assistant coaches.

Mr. Stewart has also served as Co-Lead Trial Counsel, Co-Lead Counsel, Trial Counsel or played an integral role in the following litigation:

- *Colon v. NCAA* (E.D. Cal.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Airline Ticket Commission Antitrust Litig.* (D. Minn.)
- *In re Contact Lens Antitrust Litig.* (M.D. Fla.)
- *In re Lifescan Consumer Litig.* (N.D. Cal.)
- *Carbon Fiber Antitrust Litig.* (C.D. Cal.)
- *In re Currency Conversion Litig.* (S.D.N.Y.)
- *Schwartz v. Visa* (Cal. Sup Ct.)
- *In re Polypropylene Carpet Antitrust Litigation* (N.D. Ga.)
- *Shames v. Hertz Corp.* (S.D. Cal.)
- *In re Broadcom Securities Litig.* (C.D. Cal.)
- *In re: Cathode Ray Tube (CRT) Antitrust Litig.* (N.D. Cal.)

Additional Background Information

Education:

- Juris Doctor
 - Hofstra University
- College of the Holy Cross (1976)

Court Admissions:

- California Supreme Court
- California Court of Appeal
- U.S. District Court for the District of California

Recognitions:

- Selected by *Super Lawyers* as a California "Super Lawyer" (2012 – 2018; 2022)

FRANCES MAHONEY-MOSEDALE

Ms. Mahoney-Mosedale became an associate of Gustafson Gluek PLLC in 2021 after clerking for the firm throughout law school.

Ms. Mahoney-Mosedale represents individuals and small businesses on behalf of themselves and/or a class in the in the areas of consumer protection, product defect, and antitrust. Ms. Mahoney-Mosedale is actively involved in assisting to represent individuals on a pro bono basis through the Minnesota Federal Bar Associations Pro Se Project, which matches pro se litigants to pro bono clients. She is an active member of Minnesota Women Lawyers, the American Bar Association, Federal Bar Association, Minnesota State Bar Association, and the Lavender Bar Association.



Ms. Mahoney-Mosedale has a Bachelor of Arts from Lewis & Clark college, graduating with a major in English and a minor in Gender Studies. Frances is also a graduate of the University of Minnesota Law School.

Ms. Mahoney-Mosedale has worked on several cases in which Gustafson Gluek is, or has been appointed to leadership positions or been actively involved, including:

- *Deere & Company Repair Services Antitrust Litig.* (N.D. Ill.)
- *3M Company Earplugs Litig.* (Minn.)
- *Samaha, et al. v. City of Minneapolis, et al* (D. Minn.)
- *Google Digital Publisher Antitrust Litig.* (S.D.N.Y.)
- *Jones v. Varsity Brands, LLC* (W.D. Tenn.)

Additional Background Information

Education:

- Juris Doctor (2021)
 - University of Minnesota Law School
- Bachelor of Arts (2016)
 - Lewis and Clark College

Court Admissions:

- Minnesota Supreme Court
- United States District Court for the District of MN

JASON S. KILENE

Jason Kilene is a member of Gustafson Gluek PLLC. He is a graduate of the University of North Dakota (B.A. 1991) and a graduate of the University of North Dakota School of Law (J.D., *with distinction*, 1994).

Mr. Kilene joined Gustafson Gluek in 2003 and became a member shortly thereafter. Prior to joining Gustafson Gluek, Mr. Kilene served as a law clerk to the Honorable Bruce M. Van Sickle, United States District Judge for the District of North Dakota.

Following his clerkship, Mr. Kilene represented numerous clients in the areas of commercial and complex litigation. Since then, Mr. Kilene has continued his practice in the areas of antitrust, consumer protection and other complex litigation.

Mr. Kilene is admitted to the Minnesota Bar, North Dakota Bar and is admitted to practice in the United States District Court for the District of Minnesota and the District of North Dakota. He is also a member of the Hennepin County, Minnesota, North Dakota, and Federal Bar Associations.

Mr. Kilene currently represents individuals and businesses harmed by anticompetitive business practices. He was part of the trial team that successfully recovered damages suffered by his clients due to alleged defective software in *In re J.D. Edwards World Solutions Company, (AAA)* (trial counsel for plaintiffs Quantegy and Amherst). Mr. Kilene also plays a significant role in identification, investigation, initiation and development of complex class action matters, along with his significant involvement with client relations.

Mr. Kilene has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)



- *In re Transpacific Passenger Air Transportation Antitrust Litig.* (N.D. Cal.)
- *In re Domestic Drywall Antitrust Litig.* (E.D. Pa.)
- *In re Payment Card Interchange Fee and Merchant Discount Litig.* (E.D.N.Y.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Domestic Drywall Antitrust Litig.* (E.D. Penn.)
- *In re Lithium Ion Batteries Antitrust Litig.* (N.D. Cal.)
- *In re Optical Disk Drive Antitrust Litig.* (N.D. Cal.)

Additional Background Information

Education:

- Juris Doctor (1994)
 - University of North Dakota School of Law
 - with distinction
- Bachelor of Arts (2016)
 - University of North Dakota

Court Admissions:

- Minnesota Supreme Court
- United States District Court for the District of MN
- North Dakota Supreme Court
- United States District Court for the District of ND

JOE NELSON

Mr. Nelson joined Gustafson Gluek PLLC as an associate in November 2022 after clerking for the Honorable Kate Menendez at the United States District Court for the District of Minnesota and the Honorable James B. Florey at the Minnesota Court of Appeals.

Mr. Nelson will be practicing in the areas of antitrust, product defect, consumer protection and civil rights. He has already delved into constitutional issue for pro bono cases at Gustafson Gluek and has been investigating potential product defect cases.



Mr. Nelson graduated *cum laude* from Mitchell-Hamline School of Law in 2019. While in law school, he served as an editor on the Mitchell-Hamline Law Review and volunteered with the Self-Help Clinic, which helps individuals represent themselves in court. He also clerked for a Twin Cities plaintiff's employment law firm.

Mr. Nelson is committed to the protection of civil rights, consumer safety, and fair competition.

Additional Background Information

Education:

- Juris Doctor (2019)
 - Mitchell-Hamline School of Law
 - Editor: Minnesota Mitchell-Hamline Law Review
- Bachelor of Arts (2014)
 - Saint John's University

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

JOSHUA J. RISSMAN

Joshua Rissman joined Gustafson Gluek in 2010 as an associate and became a member of the Firm in 2018. Since joining the Firm, Mr. Rissman has focused his practice on antitrust and class action litigation. Mr. Rissman prides himself on vigorously representing small businesses and individuals damaged by wrongful corporate and government conduct.



In addition to his antitrust class action practice, Mr. Rissman has brought several pieces of important constitutional litigation involving mistreatment of juvenile detainees and police brutality. He currently represents a former juvenile detainee who alleges he was abused at the Minnesota Correctional Facility – Red Wing, and that the administration was aware of the risks to the juvenile and failed to protect him. *Doe v. Hanson et al.* (Minn.) Mr. Rissman was also the lead attorney in a section 1983 constitutional rights action brought on behalf of the family of a man killed by Brooklyn Center police officers in 2015. *Khottavongsa v. City of Brooklyn Center* (D. Minn.). Mr. Rissman is currently representing a class of protestors who were unlawfully subjected to tear gas and pepper spray in the protest following the George Floyd protest. *Samaha, et al. v. City of Minneapolis, et al* (D. Minn.).

Mr. Rissman was selected a Minnesota Rising Star by Super Lawyers in the area of antitrust litigation (2014 – 2020) and was selected as a “Super Lawyer” in 2021. He is the Treasurer of the Antitrust Section of the Federal Bar Association, and counsel member of the Minnesota Bar Association Antitrust Section. Joshua also participates in the *Pro Se* Project, representing civil litigants in federal court who would otherwise go without representation.

Mr. Rissman has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re DPP Beef Antitrust Litig.* (D. Minn.)
- *In re Containerboard Antitrust Litig.* (N.D. Ill.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In National Hockey League Players' Concussion Injury Litig.* (D. Minn.)
- *Precision Assocs., Inc. v. Panalpina World Transport (Holding) Ltd.* (E.D.N.Y.)
- *In re Lithium Batteries Antitrust Litig.* (N.D. Cal.)
- *In re Optical Disk Drives Litig.* (N.D. Cal.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Opana Antitrust Litig.* (N.D. Ill.)
- *City of Wyoming et al. v. Procter & Gamble Company* (D. Minn.)

Additional Background Information

Education:

- Juris Doctor (2010)
 - University of Minnesota School of Law
 - *cum laude*
- Bachelor of Arts (2005)
 - University of Minnesota
 - *magna cum laude*

Court Admissions:

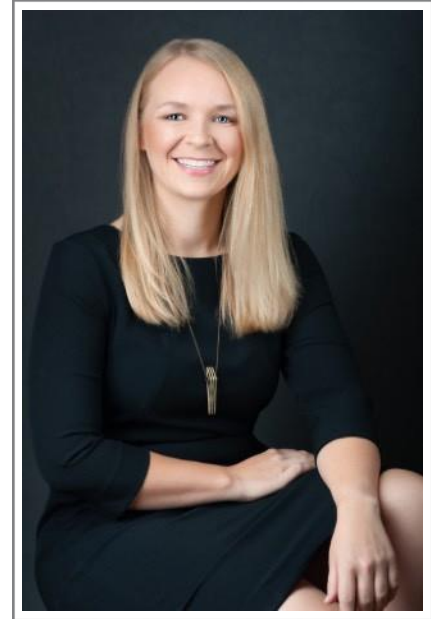
- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

Recognition:

- Selected by *Super Lawyers* as a Minnesota "Super Lawyer" (2021-2023)
- Selected by *Super Lawyers* as a Minnesota "Rising Star" (2014 – 2020)

KAITLYN L. DENNIS

Kaitlyn L. Dennis joined Gustafson Gluek PLLC as an associate in 2016. Since joining the Firm, Ms. Dennis has practiced in the areas of consumer protection, product liability, and antitrust litigation. In 2022, she was appointed to serve as Interim Co-Lead Counsel in the *In re Deere Repair Services Antitrust Litigation*, making her among the youngest attorneys ever appointed to serve as co-lead counsel in a nationwide class action.



In addition to her regular practice, Ms. Dennis has assisted multiple *pro se* litigants through the Federal Bar Association's *Pro Se* Project and is recognized as a North Star Lawyer for providing at least 50 hours of pro bono legal services in a calendar year. She was lead attorney in an arbitration trial alleging workplace discrimination on behalf of a *pro bono* client.

She is an active member of the American Bar Association, Federal Bar Association, Minnesota Bar Association, Minnesota Women Lawyers, and is the Chair of the Young Lawyers Division of the Committee to Support the Antitrust Laws ("COSAL"). In 2022, Ms. Dennis was one of the primary authors of an amicus brief filed by COSAL in the ninth circuit in the *Epic v. Apple* appeal. She is also one of the authors contributing to the forthcoming Rule of Reason Handbook for the ABA Antitrust Section.

Ms. Dennis is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota.

Prior to joining Gustafson Gluek, Ms. Dennis worked as a fellowship attorney at the Equal Employment Opportunity Commission and assisted the Honorable Arthur J. Boylan, ret., during the mediation of the bankruptcy of the Archdiocese of St. Paul and Minneapolis.

Ms. Dennis has worked on several cases in which Gustafson Gluek is or had been

appointed to leadership positions or been actively involved including:

- *In re Deere & Company Repair Services. Antitrust Litig.*, (N.D. Ill.)
- *In re Crop Inputs Antitrust Litig.* (E.D. Mo.)
- *In re Generic Pharmaceuticals Pricing Antitrust Litig.* (E.D. Pa.)
- *Hogan v. Amazon.com* (W.D. Wash.)
- *Reynolds v. FCA* (E.D. Mich.)
- *In re Surescripts Antitrust Litig.* (N.D. Ill.)
- *Wood Mountain Fish LLC v. Mowi ASA* (S.D. Fla.) (Farmed Atlantic Salmon Indirect Purchaser Antitrust Litigation)
- *In re Interior Molded Doors Indirect Purchaser Antitrust Litig.* (E.D. Va.)
- *In re Equifax, Inc. Customer Data Security Breach Litig.* (N.D. Ga.)
- *FCA US LLC Monostable Electronic Gearshifts Litig.* (E.D. Mich.)
- *Kjessler v. Zaappaaz, Inc. et al.* (S.D. Tex.)
- *Fath v. American Honda Motor Co., Inc.* (D. Minn.)
- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)
- *In re Volkswagen "Clean Diesel" Marketing Sales Practices, and Products Liability Litig.* (N.D. Cal.)

Additional Background Information

Education:

- Juris Doctor (2015)
 - University of Minnesota Law School
 - Dean's List (2012-2015)
 - Managing Editor of *MN Law Review*
- Bachelor of Arts (2010)
 - Southwestern University

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

Recognition:

- MSBA North Star Lawyer (2018-2021)

Publications:

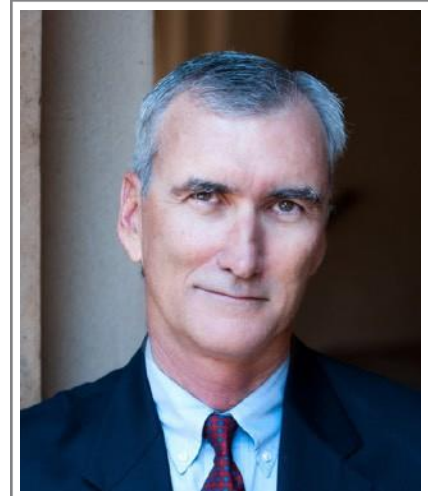
- Committee to Support the Antitrust Laws (COSAL) – Amicus Brief in *Epic v. Apple* (9th Cir. 2022)
- ABA, Handbook on the Rule of Reason (1st. Ed.) (forthcoming)

Speaking:

- American Antitrust Association, Young Lawyer's Breakfast (2019)
- Minnesota Federal Bar Association, *Pro Se Project and a Pint* (2019)

KIRK HULETT

Kirk Hulett joined Gustafson Gluek PLLC in 2019 and is located in the San Diego office. Mr. Hulett has been named a San Diego Top Rated Securities Lawyer by Super Lawyers Magazine each year since 2010.



Mr. Hulett graduated from the University of California San Diego, where he obtained his undergraduate degree (1978). He then graduated cum laude from the University of San Diego School of Law (J.D. 1983), where he was Managing Editor of the University of San Diego Law Reporter. Since 1984, Mr. Hulett has specialized in the representation of plaintiffs in securities, antitrust, employment and consumer class actions as well as representing individuals and businesses in complex litigation.

Prior to co-founding Hulett Harper Stewart LLP in 2000, Mr. Hulett was a partner in the largest national class action firm in the country. He has testified before the California Assembly Business and Professions Committee on the topic of potential regulatory and auditor liability reforms following the Enron financial collapse and participated as a panelist on several occasions. He has been named a San Diego Top Rated Securities Lawyer by Super Lawyers Magazine each year since 2010. He is admitted to all of the District Courts in California, numerous other District Courts across the country by pro hac admission, the Ninth Circuit Court of Appeals and the United States Supreme Court. Mr. Hulett joined Gustafson Gluek as a member in 2019.

Mr. Hulett has been Lead or Co-Lead Counsel in dozens of class actions throughout the country, including *In re American Continental Corp./Lincoln Savings & Loan Securities Litig.* (D. Ariz.); *In re Media Vision Technology Securities Litig.* (N.D. Cal.); *Home Fed.* (S.D. Cal.); and *Gensia Pharmaceuticals.* (S.D. Cal.). He was Co-Lead trial counsel for a trustee in *Guy F. Atkinson Co. v. PriceWaterhouse LLP, et al.* (N.D. Cal.), a liability action against

PriceWaterhouseCoopers, LLP, and represents several bankruptcy estates in seeking recovery against officers, directors and professionals.

He also successfully represented defrauded individual investors in the *Abbott et al. v. Worldcom Co.* (S.D.N.Y). He was Co-Lead Counsel the securities class action, *Enriquez v. Edward Jones & Co. L.P.* (E.D. Mo.). Mr. Hulett also represented defrauded individual investors in *Bachman et al. v. A.G. Edwards* (Circuit Ct. of St. Louis) for breach of fiduciary duty. He represented an elderly individual in a Ponzi scheme case, *Meyerhoff v. Gruttadaria, et al.*, (San Diego Superior Court) against one of Wall Street's most prominent investment banks and was successful in obtaining a full recovery for the victim. He was Co- Lead Trial Counsel in *Pauma Band of Luiseno Mission Tribe v. Harrah's Operating Co., et al.* (San Diego Superior Court) on behalf of a San Diego area based Native American Tribe against Caesars Entertainment and Harrah's. Mr. Hulett has most recently been involved in representing victims of an antitrust conspiracy among the three largest suppliers of canned tuna in the world in *In Re Packaged Seafood Products Antitrust Litig.* (S.D. Cal.).

Additional Background Information

Education:

- Juris Doctor (1983)
 - University of San Diego Law School
- Bachelor of Arts (1978)
 - University of California, San Diego

Court Admissions:

- California Supreme Court
- U.S. District Court for the District of California
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Supreme Court

Recognition:

- Selected by *Super Lawyers* as a California "Super Lawyer" (2010-2018; 2020)

MARY NIKOLAI

Mary Nikolai joined Gustafson Gluek PLLC as an associate in 2019, after clerking for the Honorable Luis Bartolomei, District Judge, Fourth Judicial District of Minnesota. Since joining the Firm, Ms. Nikolai has represented individuals and classes in asserting various consumer fraud and product defect claims. Ms. Nikolai is currently on the litigation team – of which Gustafson Gluek has been appointed to serve as Interim Class Counsel – representing consumers in a class action against Jeep for its manufacturing, marketing, and distributing of Jeep Wrangler and Cherokee 4xe vehicles without disclosing a key defect that prohibits the vehicles from operating in an all-electric mode. Ms. Nikolai was also part of the legal team that took on *Brewster v. USA*, a pro bono case involving a veteran who sustained injuries during his surgery and subsequent treatment at the Veterans Affairs Medical Center. The team overcame a variety of challenges to secure a significant settlement for their client.



Ms. Nikolai is admitted to the Minnesota State Bar and the United States District Court for the District of Minnesota. She is also an active member of the Federal Bar Association and the Minnesota Women’s Lawyers, participating as a member of the Partner Leadership Council (PLC).

During law school, Ms. Nikolai clerked for two Twin Cities law firms and was a judicial extern for the Honorable Patrick Schiltz. She was also a Certified Student Attorney at the St. Thomas Interprofessional Center for Counseling and Legal Services, where she represented a family seeking asylum in the United States, which was ultimately granted. She also represented individuals at detained master calendar and bond hearings.

Ms. Nikolai has worked on several cases in which Gustafson Gluek is or had been

appointed to leadership positions or been actively involved including:

- *Key v. Breville USA, Inc.* (N.D. Ca.)
- *Crowell v. FCA U.S. LLC* (D. Del.)
- *Krohn v. Pacific Market International LLC* (W.D. Wa.)
- *Havrilla v. Centene Corporation* (N.D. Ill.)
- *Hernandez v. Newrez, LLC* (E.D. Pa.)
- *In re Gerber Products Company Heavy Metals Baby Food Litig.* (E.D. Va.)
- *In re Nurture Baby Food Litig* (S.D.N.Y)
- *In re Plum Baby Food Litig.* (N.D. Cal.)
- *Castorina v. Bank of America, N.A.* (E.D. Va.)
- *Turner et al v. Chipotle Mexican Grill, Inc.* (D. Colo.)
- *Reitman v. Champion Petfoods* (C.D. Cal.)
- *Weaver v. Champion Petfoods* (E.D. Wis.)
- *In re Big Heart Pet Brands Litig.* (N.D. Cal.)
- *Krukas et al. v. AARP, Inc., et al.* (D.D.C.)
- *Bhatia v. 3M Co.* (D. Minn.)
- *Doe v. Hanson et al.* (Minn.)
- *Hudock v. LG Electronics USA, Inc.* (D. Minn.)
- *Brewster v. United States* (D. Minn.)

Additional Background Information

Education:

- Juris Doctor (2018)
 - University of St. Thomas
 - Clinic Student of the Year (2017 -2018)
- Bachelor of Arts (2012)
 - DePaul University

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

Recognition:

- MSBA North Star Lawyer (2020)

- MSBA North Star Lawyer (2021)

MATT JACOBS

Matt joined Gustafson Gluek PLLC as an associate in September 2023 after clerking for the Honorable Elise L. Larson at the Minnesota Court of Appeals. As an associate, Matt will represent clients vindicating their rights under antitrust, consumer protection, constitutional, and products liability laws. Matt is a passionate advocate for a fairer economy and improved access to justice.



Matt graduated from the University of Minnesota law school. During law school, Matt clerked for an impact litigation firm advocating for low-wage workers rights and represented workers in unemployment benefits appeals as a certified student attorney. He was the first Minnesota Farmers Union Fellow at the Minnesota Attorney General's Office, where he worked exclusively on issues at the intersection of antitrust and agriculture, such as the right-to-repair. Matt was a founding member of the University of Minnesota Law Students for Economic Justice.

Additional Background Information

Education:

- Juris Doctor (2022)
 - University of Minnesota
- Master of Arts (2012)
 - University of Oregon
- Bachelor of Arts (2006)
 - University of Oregon

Court Admissions:

- Minnesota Supreme Court

MICHELLE J. LOOBY

Michelle J. Looby is a member of Gustafson Gluek PLLC. Ms. Looby joined Gustafson Gluek in 2008 and became a member in 2015. She co-chairs the Firm's antitrust group.

In the courtroom, Ms. Looby has served in leadership roles including as co-lead counsel, in numerous class actions. Outside the courtroom, Ms. Looby is actively involved in the legal community serving on the Advisory Board of the American Antitrust Institute, as the Immediate Past Chair and Diversity & Inclusion Liaison for the Minnesota State Bar Association's Antitrust Section, and on the executive committee of the Coalition in Support of the Antitrust Laws. In addition, she is actively involved in the American Bar Association, Federal Bar Association, and Minnesota Women Lawyers, previously having served on its Board of Directors. Ms. Looby also served on Law360's Competition Editorial Advisory Board, a leading daily legal news and intelligence service that reaches over one million recipients each day.



Ms. Looby is admitted to the Minnesota Bar and is admitted to practice in the United States District Court for the District of Minnesota and the United State District Court for the District of North Dakota.

Ms. Looby has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Crop Inputs* (E.D. Mo.)
- *In re Interior Molded Doors Antitrust Litig.* (E.D.V.A.)
- *In re DPP Beef Litig.* (D. Minn.)
- *In re Dealer Management Systems Antitrust Litig.* (N.D. Ill.)
- *Precision Associates, Inc. et al. v. Panalpina World Transport (Holding), Ltd., et al.* (E.D.N.Y.)
- *Powell Prescription Center, et al. v. Surescripts, LLC et al.* (N.D. Ill.)

- *In re CenturyLink Residential Customer Billing Disputes Litig.* (D. Minn.)
- *In re Allura Fiber Cement Siding Products Liability Litig.* (D.S.C.)
- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re Generic Pharmaceuticals Pricing Antitrust Litig.* (E.D. Pa.)
- *In re Automotive Parts Antitrust Litig.* (E.D. Mich.)
- *In re Opana ER Antitrust Litig.* (N.D. Ill.)
- *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig.* (E.D.N.Y.)
- *In re Asacol Antitrust Litig.* (D. Mass.)
- *In re Celebrex (Celecoxib) Antitrust Litig.* (E.D. Va.)

Additional Background Information

Education:

- Juris Doctor (2007)
 - William Mitchell College of Law
 - William Mitchell Law Review (2005-2007)
 - Assistant Editor (2006-2007)
 - Recipient of the CALI Excellence for the Future Award
- Bachelor of Arts (2004)
 - University of Minnesota
 - *with distinction*

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

Recognition:

- Selected by *Super Lawyers* as a Minnesota “Super Lawyer” (2021-2023)
- Selected by *Super Lawyers* as a Minnesota “Rising Star” (2014 – 2020)
- American Antitrust Institute Award for Outstanding Antitrust Litigation Achievement by a Young Lawyer (2015)
- American Antitrust Institute Award for Outstanding Antitrust Litigation Achievement in Private Practice (2022)
- Selected as an Attorney of the Year by Minnesota Lawyer (2023)

SHASHI GOWDA

Mr. Gowda is an associate at Gustafson Gluek PLLC. He graduated from the University of Minnesota Law School and clerked for the Honorable Christian Sande of the Fourth Judicial District of Minnesota. Mr. Gowda joined Gustafson Gluek as an associate in July of 2022.



As an associate, Mr. Gowda represents those who are alleging antitrust, consumer protection, constitutional, and products liability violations.

Mr. Gowda graduated from Virginia Commonwealth University with a Bachelor of Science in Economics. He then went on to the University of Minnesota Law School, where he was a staffer and managing editor for the Minnesota Law Review. He was also a certified student attorney with the University of Minnesota Consumer Protection Clinic, where he helped guide clients through consumer protection claims.

Mr. Gowda is an active member of the Minnesota State Bar Association, Federal Bar Association, and Minnesota Asian Pacific American Bar Association.

Mr. Gowda has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *Hogan v. Amazon, Inc.* (N.D. Ill.)
- *Google Digital Publisher Antitrust Litig.* (S.D.N.Y.)
- *Reynolds, et al., v. FCA US, LLC* (E.D. Mi.)
- *In re Recalled Abbott Infant Formula Products Liability Litig.* (N.D. Ill.)
- *In re Gerber Co. Heavy Metals Baby Food Litig.* (E.D. Va.)
- *In re Plum Baby Food Litig.* (N.D. Cal.)

- *Gorczynski v. Electrolux Home Products, Inc. (D.N.J.)*

Additional Background Information

Education:

- Juris Doctor (2020)
 - University of Minnesota Law School
 - Managing Editor: Minnesota Law Review
- Bachelor of Science (2017)
 - Virginia Commonwealth University

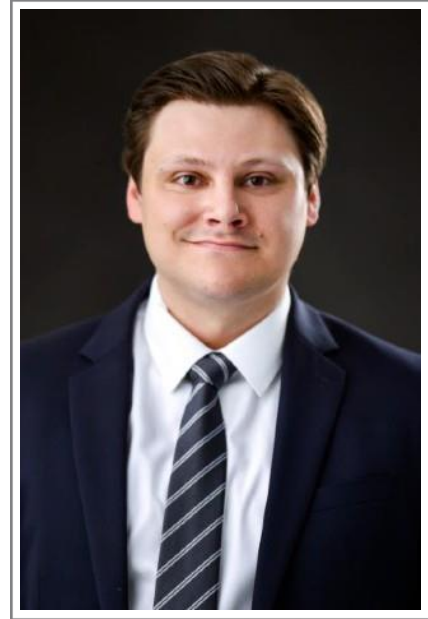
Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota

TONY STAUBER

Mr. Stauber joined Gustafson Gluek as an associate in 2021 after serving as a law clerk to the Honorable Caroline H. Lennon, District Judge, First Judicial District of Minnesota.

As an associate at the Firm, Mr. Stauber represents individuals and businesses who are harmed by illegal collusion and price-fixing schemes between competitors, and violations of state and federal consumer protection statutes. Additionally, Mr. Stauber practices in the area of civil rights, where he has represented clients in high-profile cases involving police brutality and other constitutional violations. He is passionate about pursuing claims on behalf of clients who have been harmed by institutions of power – whether those are gigantic corporations or law enforcement agencies.



Mr. Stauber is an active member of the Minnesota and Federal bar associations and is using his legal education to improve access to justice for all litigants. Mr. Stauber believes that all individuals and businesses deserve their day in court. Mr. Stauber graduated from the University of Minnesota with a B.A. in English Literature. He graduated magna cum laude from Mitchell Hamline School of Law. While in law school, Mr. Stauber was Vice President of the Mitchell Hamline Hovenkamp Antitrust Society, Membership Coordinator of the Mitchell Hamline Chapter of the American Civil Liberties Union, and a student researcher and member of the Mitchell Hamline Sex Offender Litigation and Research Center. Additionally, Tony was the Production Editor of the Mitchell Hamline Journal of Public Policy and Practice, where he was a published author of an article on the topic of qualified immunity.

Mr. Stauber has been an active member of the National Speech and Debate Association and the Minnesota State High School League as a speech and debate coach for ten years.

Mr. Stauber has worked on several cases in which Gustafson Gluek is or had been appointed to leadership positions or been actively involved including:

- *In re Broiler Chicken Antitrust Litig.* (N.D. Ill.)
- *In re Beef DPP Antitrust Litig.* (N.D. Ill.)
- *In re Pork Antitrust Litig.* (D. Minn.)
- *In re Local TV Advertising Antitrust Litig.* (N.D. Ill.)
- *Karsjens v. Jesson* (D. Minn.)
- *Samaha v. City of Minneapolis* (D. Minn.)
- *Wolk v. City of Brooklyn Center* (D. Minn.)
- *Baldwin v. Miracle Ear, Inc.* (D. Minn.)
- *Brnich v. Siemens* (N.D. Ga.)

Additional Background Information

Education:

- Juris Doctor
 - Mitchell Hamline School of Law
 - *magna cum laude*
 - Production Editor: Mitchell Hamline Journal of Public Policy and Practice
- Bachelor of Arts
 - University of Minnesota

Court Admissions:

- Minnesota Supreme Court
- U.S. District Court for the District of Minnesota
- Eighth Circuit Court of Appeals

Recognition:

- Selected by *Minnesota Lawyers* as an “Up and Coming Attorney of the Year” (2023)

EXHIBIT 14

1 HULETT HARPER STEWART LLP
 2 KIRK B. HULETT, SBN 110726
 3 DENNIS STEWART, SBN 99152
 4 1262 Kettner Blvd., Suite 1803
 5 San Diego, CA 92101
 Telephone: (619) 338-1133
 Facsimile: (619) 338-1139

6 *Counsel for the End Payer Plaintiffs*
 7 *Colberg, Lown, Juetten, Kennedy, Burr, Buff,*
 8 *Buening, Hughes and Ruiz*

9 UNITED STATES DISTRICT COURT

10 SOUTHERN DISTRICT OF CALIFORNIA

11 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
 12 PRODUCTS ANTITRUST)
 13 LITIGATION)

**) DECLARATION OF KIRK B.
) HULETT IN SUPPORT OF END
) PAYER PLAINTIFFS' MOTION
) FOR ATTORNEYS' FEES,
) COSTS, EXPENSES, AND
) SERVICE AWARDS**

14 _____)
 15 This Document Relates to:)
 16)
 17)
 18 End Payer Plaintiffs Class Track)
 19)
 20)
 21)
 22)
 23 _____)

DATE: November 22, 2024
 TIME: 1:30 p.m.
 JUDGE: Hon. Dana M. Sabraw
 COURT: 13A (13th Floor)

1 I, Kirk B. Hulett, declare:

2 1. I am a partner at Hulett Harper Stewart LLP (the “Hulett Harper”). I have
3 been licensed to practice law in the state of California since 1983. I am admitted to
4 practice in the U.S. Southern, Northern and Central District Courts for the State of
5 California, the Ninth Circuit Court of Appeals, and the Supreme Court of the United
6 States. The following facts are within my personal knowledge, and if called as a
7 witness, I could and would testify competently to them.

8 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
9 Attorneys’ Fees, Costs, Expenses, and Service Awards.

10 3. In September 2015, Hulett Harper filed a proposed class action lawsuit
11 on behalf of our client against StarKist, Bumble Bee and Chicken of the Sea in the
12 U.S District Court of Southern California and assigned Case No. 15-MD-2670 DMS
13 (MSB). Our client’s action was consolidated into the instant action with other similar
14 actions filed in other jurisdictions nationwide as a Multi-District Litigation titled, *In*
15 *Re: Packaged Seafood Products Litigation*, No. 15-MD-2670 in the Southern District
16 of California (the “Action”).

17 4. The principal counsel in this matter at Hulett Harper is Kirk B. Hulett,
18 who has practiced civil litigation on behalf of consumers and individuals in California
19 since 1983. The firm generally employed several attorneys practicing in the areas of
20 consumer class actions, anti-trust class actions, and securities fraud class actions until
21 June of 2019, at which point my partner Dennis Stewart and I joined Gustafson, Gluek
22 LLP, where our work on this case, including being assigned co-trial counsel
23 responsibilities continued through the end of the case. Attached hereto as **Exhibit A**
24 is the Hulett Harper Firm resume.

25 5. Hulett Harper’s attorneys have a long history of successfully handling
26 class actions across a range of industries, including antitrust cases. We brought
27 substantial experience in complex litigation matters with a history of litigating in an
28

1 efficient and practical manner, including as Lead or Co-Lead Class Counsel in
2 numerous class actions. *See Exhibit A.*

3 6. We have an extensive background in antitrust and consumer protection
4 class action litigation. We litigated dozens of class action cases across the country
5 involving antitrust and unfair competition claims, including the following recent
6 matters in which we had a substantial position:

- 7 • *In re Cathode Ray Tube (CRT) Antitrust Litigation*, No. 07-cv-05944-
8 SC, MDL No. 1917 (N.D. Cal.)
- 9 • *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*,
10 No. M-02-1486 PSH (N.D. Cal.)
- 11 • *In re Currency Conversion Fee Antitrust Litigation*, 265 F. Supp. 2d 385
12 (S.D.N.Y. 2003)
- 13 • *In re Korean Airlines Co. Ltd. Antitrust Litigation*, No. 04-MDL-01891
14 (C.D. Cal.)
- 15 • *In re Freight Forwarders Antitrust Litigation*, No. 1:08-cv00042
16 (E.D.N.Y.)
- 17 • *In re Disposable Contact Lens Antitrust Litigation*, No. 3-15-MD-2626-
18 JRK (M.D. Fla.)
- 19 • *Manmohan Dhillon, et al. v. Anheuser-Busch, LLC et al.*, Case
20 No. 14CECG03039 JMS (Sup. Ct. Fresno County)
- 21 • *Shames v. The Hertz Corporation*, Case No. 07-CV-2174-MMA(WMc)
22 (S.D. Cal. May. 16, 2012)

23 7. Our firm was involved in the litigation of this Action under the direction
24 of Class Counsel, including, among other tasks, pre-filing factual investigation, draft
25 of original and consolidated action complaint and amended complaints, legal
26 research, drafting and editing motions and responses to motions including motions to
27 dismiss, class certification, and discovery. Our firm reviewed hundreds of thousands
28 of pages of discovery produced by these defendants and numerous third parties. We

1 were also assigned the task of working with the team of other firms to assist in
 2 assuring quality of document review summaries and analysis. Our firm was specially
 3 charged with maintaining close contact with the nearly 100 class representatives who
 4 were dispersed across the country. Our firm was also tasked with preparing class
 5 representatives for deposition and trial and preparing responses to written discovery
 6 and securing any documents relating to the case. Our firm defended many of the class
 7 representatives' depositions and were lead deposition examiners of several key tuna
 8 executives. We were also charged with assisting in our experts' preparation, and their
 9 reports and deposition preparation process. We also participated in numerous strategy
 10 and case planning meetings throughout the case. We also prepared and attended court
 11 hearings on class certification, motions to dismiss and discovery related matters. Our
 12 firm was also tasked with preparing numerous witnesses for trial and charged with
 13 conducting trial examination of such witnesses.

14 8. Below are the current hourly rates for myself and my partner Dennis
 15 Stewart and the hourly rates as of June 2019 of our former associates and paralegal,
 16 as well as the hours spent working on the Action between the commencement of the
 17 cases in 2015 to July 1, 2019, and their corresponding lodestar, which are as follows:

Hulett Harper's Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Kirk B. Hulett, Partner	\$975.00 per hour	1,105.25	\$1,077,618.75
Dennis J. Stewart, Partner	\$1,200.00 per hour	501.3	\$601,560.00
Karen Stefano, Associate	\$550.00 per hour	346.8	\$190,740.00
Bridget Gramme, Associate	\$475.00 per hour	20.5	\$9,737.50
Katherine Gonzalez, Paralegal	\$240.00 per hour	63.2	\$15,168.00
TOTAL:			\$1,894,824.25

1 9. These summaries were prepared from the contemporaneous, daily time
2 records regularly prepared and maintained by Hulett Harper in its usual course of
3 business and manner. Hulett Harper maintains detailed records regarding the amount
4 of time spent by its professionals, and the lodestar calculation is based on the current
5 billing rates of partners Kirk Hulett and Dennis Stewart and rates as of 2019 for all
6 others. These records are available for review at the request of the Court.

7 10. In my judgment and based on my experience in complex class action
8 litigation and other litigation, the number of hours expended, and the services
9 performed by my firm, were reasonable and necessary for my firm's representation
10 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
11 hours spent on each task.

12 11. I have general familiarity with the range of hourly rates typically charged
13 by plaintiffs' class action counsel specifically in the field of unfair competition and
14 antitrust in the geographical area where my firm practices and throughout the United
15 States, both on a current basis and historically. From that basis, I am able to conclude
16 that the rates charged by my firm are commensurate with those prevailing in the
17 market for such legal services furnished in complex class action litigation such as this.
18 Hulett Harper's hourly rates were most recently approved by the following Courts:

- 19 • *In re Currency Conversion Fee Antitrust Litigation*, 265 F. Supp. 2d 385
20 (S.D.N.Y. 2003)
- 21 • *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*,
22 No. M-02-1486 PSH (N.D. Cal.)
- 23 • *In re Cathode Ray Tube (CRT) Antitrust Litigation*, No. 07-cv-05944-
24 SC, MDL No. 1917 (N.D. Cal.)

25 12. My firm has incurred unreimbursed costs of \$52,331.97 so far in
26 litigating the Action, consisting of the following categories of costs:

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Category	Cost
Online Research	\$3,093.69
Reproduction/Duplication	\$327.10
Travel, meals and accommodations	\$21,482.43
Service of Process	\$323.75
Court & Filing Fees	\$2,105.00
Assessments	\$25,000.00
Total:	\$52,331.97

13. Throughout the litigation, my firm and I worked under the direction of Class Counsel, and we made every effort to operate as efficiently as possible and to avoid unnecessary duplication. I coordinated with Class Counsel for all work performed and costs incurred in this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on October 20, 2024, at San Diego, California.

By: /s/ Kirk B. Hulett
KIRK B. HULETT

EXHIBIT A

HULETT HARPER STEWART

LLP

550 West C Street, Suite 1500
San Diego, CA 92101
Tel: (619) 338-1133
Fax: (619) 338-1139
www.hulett.harper.stewart.com

FIRM RESUME

Hulett Harper Stewart LLP was established in July 2000 to provide quality representation to individual and corporate clients in the areas of complex business, securities, antitrust, consumer, and class litigation and arbitration. Our three partners bring to the firm more than 80 years of experience as counsel in numerous large, high-visibility cases.

The partners at Hulett Harper Stewart LLP have considerable experience acting as lead trial and principal counsel in numerous antitrust, securities and consumer class and individual actions. Hulett Harper Stewart has obtained a number of multi-million dollar verdicts and settlements for its individual and class clients, including a \$127.5 million settlement with Edward Jones & Co. involving an alleged unlawful “revenue sharing” program; a \$60 million settlement of a class action against A.G. Edwards for breach of fiduciary duty claims; a \$336 million settlement with Visa, MasterCard and major credit card issuing banks relating to foreign currency conversion practices; a \$30 million settlement in *Stenovich v. Eccles*, a breach of fiduciary duty class action challenging the fairness of a bank acquisition; an \$11 million settlement after trial commenced in an action by a bankruptcy trustee against a debtor’s former outside auditors; a full recovery for an elderly individual who lost over \$40 million as part of what was then Wall Street’s largest single-broker fraud in history; and a \$22.5 million settlement for individual clients from WorldCom and the officers and directors of a WorldCom controlled company. The firm also played substantial roles in the successful prosecution of securities fraud class actions against Broadcom, Inc., which was settled for \$150 million on the eve of trial, and against Quest Software, which was settled for \$29.4 million.

The key strengths of our firm include:

Attorney Experience – Our partners have decades of collective practice in significant complex litigation, arbitration, and class action representation, and have been recognized for diligence, energy, skill, and imagination.

Case Success – As lead or co-lead counsel, we have both litigated cases to verdict and secured or participated in securing hundred of millions of dollars in class action and other settlements in both the courts and in arbitration.

Client Focus – Actions we have brought have benefited businesses, classes of consumers, investors, and employees – and addressed financial fraud and anticompetitive market practices.

Practice Depth – Our litigation practice combines a solid understanding of antitrust law, consumer and investor protection, and corporate governance.

Our mission is to provide high quality legal services and personal attention to our clients in a select number of cases. We place our clients' interests first and employ legal strategies designed to achieve for them the most favorable outcome possible.

Here is a sample of some of the results we have achieved, and significant cases in which we are currently involved:

Currency Conversion Cases

In *Schwartz v. Visa*, Dennis Stewart was principal trial counsel in a California consumer action seeking to recover inadequately disclosed currency conversion fees charged by Visa and MasterCard. After a six-month trial, judgments worth hundreds of millions of dollars were entered. Hulett Harper Stewart was also one of the principal counsel for certified classes prosecuting a separate federal court case in New York.

A \$336 million dollar settlement was reached. A similar nationwide consumer class action against American Express also litigated by Hulett Harper Stewart was successfully resolved, resulting in a settlement of \$75 million.

Enriquez v. Edward D. Jones & Co.
(St. Louis City Circuit Court, Missouri):

Hulett Harper Stewart was co-lead class counsel against Edward Jones & Co., one of the largest brokerage firms in the United States in a case which sought the recovery of funds Edward Jones received from mutual funds in exchange for Edward Jones agreeing to recommend those funds as its "preferred funds." A settlement of \$127 million was achieved.

In re Broadcom Corp. Securities Litigation
(C.D. Cal.):

Hulett Harper Stewart played a significant role in the prosecution of this large federal securities class action, which settled within weeks of trial for \$150 million.

Bachman v. A.G. Edwards, Inc.
(St. Louis Circuit Court, Missouri)

Hulett Harper Stewart was co-lead counsel on behalf of a class of persons who maintained brokerage accounts at A.G. Edwards in a case which claimed that the Defendant breached its fiduciary duties by receiving payments from mutual fund companies whose fund shares were held by the Class. A proposed settlement of \$60 million was reached and is awaiting Court approval.

In re Conseco Life Insurance Company Cost of Insurance Litigation
(C.D. Cal.):

Hulett Harper Stewart represented lead-plaintiff and former U.S. Senator Jake Garn and other life insurance policy holders, and was on the executive committee prosecuting this nationwide consumer class action. A settlement valued at more than \$300 million was obtained.

Stenovich v. Eccles
(3d Dist. Utah):

The firm represented a class of shareholders in asserting breach of fiduciary duty claims in connection with a proposed merger, which were settled within days of trial for nearly \$30 million.

Guy F. Atkinson, Inc. v. PricewaterhouseCoopers LLP
(N.D. Cal.):

The firm was co-lead trial counsel on behalf of one of the then largest construction companies in America. The case was successfully settled for \$11 million after trial commenced.

Abbott, et al. v. John D. (“Jack”) Phillips, et al.
(San Francisco Superior Court):

The firm represented several individuals in a securities fraud action against World Access and Worldcom. A settlement of \$22.5 million was achieved.

Middlesex Retirement System v. Quest Software, Inc.
(C.D. Cal.):

Hulett Harper Stewart was liaison counsel in this securities class action alleging improper backdating of stock option grants. The case was settled for \$29.4 million.

In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation
(E.D.N.Y.)

Hulett Harper Stewart was one of the principal counsel which worked closely with co-lead counsel prosecuting litigation on behalf of a nationwide class of merchants alleging antitrust violations against Visa, MasterCard, and affiliated banks involving interchange fee and related practices. A settlement fund totaling \$7.2 billion and ground-breaking injunctive relief was approved at the District Court level and is currently on appeal.

Shames v. Hertz Corp., et al.
(S.D. Cal.):

Hulett Harper Stewart served as principal counsel in this antitrust class action concerning rental car fees. An approved settlement was reached and fully approved and executed. In the course of the District Court’s opinion approving the settlement the Court, referring to Hulett Harper Stewart and their co-counsel, stated that “the quality of representation was exceptional. Class counsel fought hard for the class....”

In re Cathode Ray Tube (CRT) Antitrust Litigation
(N.D. Cal.)

Hulett Harper Stewart worked closely with lead and trial counsel in the final stages of this antitrust class action which resulted in proposed settlements totaling over \$550 million which are pending approval.

Partners

BLAKE MUIR HARPER graduated from the University of Utah College of Law in 1981, where he served as Executive Editor of the Utah Law Review and received an award in a national legal writing competition. He then served as law clerk to the Honorable David K. Winder, U.S. District Judge for the District of Utah. Mr. Harper has directed as lead class counsel prosecution of numerous securities and consumer actions throughout the United States, including *Stenovich v. Eccles* (3d Dist. Ct. Utah) (settled for \$30 million); *In re L.A. Gear Sec. Litig.* (C.D. Cal.) (settled for more than \$50 million); *In re Genentech Sec. Litig.* (N.D. Cal.) (settled for \$29 million); *In re Bonneville Pacific Securities Litigation* (D. Utah) (settled for \$25 million); *In re Network Equipment Technologies Sec. Litig.* (N.D. Cal.) (settled for cash and securities valued in excess of \$23 million); *Cytryn v. Cook*, (N.D. Cal.) (settled for \$19.5 million). He has also obtained a \$2 million settlement in an individual investor arbitration. Mr. Harper was one of the trial counsel in *In re Apple Computer Sec. Litig.*, No. C-84-20198(A)-JW (N.D. Cal.), where in 1991 a jury verdict was obtained against two corporate officers in a case where damages exceeded \$100 million. He played a significant role in prosecuting *In re Broadcom Securities Litigation*, No. SACV 01-275 (GLT) (MLGx) (C.D. Cal.) (settled for \$150 million) and *Middlesex Retirement System v. Quest Software* (C.D. Cal.) (settled for \$29.4 million). He has taught at PLI and Lorman seminars on topics of accountant liability and civil procedure.

KIRK B. HULETT graduated from the University of California San Diego in 1978. Mr. Hulett graduated *cum laude* from the University of San Diego School of Law in 1983, where he was Managing Editor of the University of San Diego Law Reporter. Since 1984, Mr. Hulett has specialized in the representation of plaintiffs in securities and consumer class actions, participating as lead or co-lead counsel in dozens of class actions throughout the country, including *Lincoln Savings* (D. Az.); *Media Vision* (N.D. Cal.); *Home Fed* (S.D. Cal.); and *Gensia Pharmaceuticals* (S.D. Cal.). After a nearly six-month trial in the *Lincoln Savings* case, the jury returned a verdict exceeding \$250 million. Mr. Hulett was co-lead trial counsel in a multimillion dollar auditor liability action against *PriceWaterhouseCoopers, LLP* and was lead counsel on behalf of a class against Edward Jones & Company, which recently settled for \$127.5 million. He testified before the California Assembly Business and Professions Committee on the topic of potential regulatory and auditor liability reforms following the Enron financial collapse.

DENNIS STEWART received his Bachelor of Arts from the College of the Holy Cross in 1976 and his Juris Doctor with distinction from Hofstra University in 1981, where he was a member of the Law Review. Between 1981 and 1985 he worked for a major San Diego law firm and engaged in general commercial litigation practice. Between 1985 and 1988, Mr. Stewart served as a trial attorney with the Antitrust Division of the United States Department of Justice. While at the Antitrust Division, Mr. Stewart participated in investigations and trials involving alleged criminal violations of the antitrust and related laws and was lead counsel in the successful prosecution through trial of *United States v. Saft America, Inc.*, No. CD88-99(DRD) (D.N.J.). Mr. Stewart has served as lead counsel, principal counsel and/or trial counsel in numerous antitrust, consumer, and securities cases. He was lead trial counsel in *Knapp v. Ernst & Whinney*, 90 F.3d 1431 (9th Cir. 1996), in which a plaintiffs' verdict was returned in a Rule 10b-5 securities fraud class action, and *Hall v. NCAA*, No. 94-2392-KHV (D. Kan.), in which a plaintiffs' verdict of \$30 million was returned in an antitrust class action. He also served as co-lead trial counsel in *In re Airline Ticket Commission Antitrust Litigation*, MDL 1058, an antitrust class action which settled for \$85 million, *In re Contact Lens Antitrust Litigation*, which settled for \$90 million, and in *In re Lifescan Consumer Litigation*, a consumer class action which settled for \$45 million. He has served as co-lead counsel in the *Carbon Fiber Antitrust Litigation* which resulted in a pre-trial settlement of

\$67.5 million, and in the *In re Currency Conversion Litigation*, and trial counsel in *Schwartz v. Visa*. He also played a significant role in prosecuting *In re Broadcom Securities Litigation*, No. SACV 01-275 (GLT) (MLGx) (C.D. Cal.), settled for \$150 million. He is a member of the California and New York bars and continues to specialize in antitrust, consumer, and other complex litigation. He has served on the Executive Committee of the State Bar of California Antitrust and Unfair Competition Section and of the Association of Business Trial Lawyers, and has lectured on antitrust and class action topics for the Practising Law Institute, The American Bar Association Antitrust Section, and the California State Bar Antitrust and Trade Regulation Section.

* * * *

KAREN THOMAS STEFANO (of Counsel) is a JD/MBA with more than twenty years of litigation experience. She has litigated complex commercial cases in state and federal courts throughout the United States, emphasizing securities class actions, consumer class actions, and intellectual property disputes, and has tried more than twenty-five cases as sole lead trial counsel. She served as a Judicial Extern to the Honorable J. Lawrence Irving, United States District Court, Southern District of California. Prior to attending law school, Ms. Stefano served as a Legislative Aide to Congressman Robert T. Matsui in Washington, D.C.

Ms. Stefano received her B.A. from the University of California, Berkeley in 1985, a J.D. from the University of California, Davis in 1990, and an M.B.A. with an emphasis in corporate finance from the University of San Diego in 2004. She is also a licensed real estate broker. Ms. Stefano has made substantial contributions to the San Diego legal community, serving as a Commissioner on the City of San Diego Ethics Commission from 2003 to 2007, serving on the Board of Directors of the San Diego Volunteer Lawyer Program from 2003 to 2007, and serving on the Board of Directors for the San Diego County Bar Association from 1996-1999. She also served on the State Bar of California's Committee on Professional Responsibility and Conduct. In 2005 she received the San Diego Volunteer Lawyer Program's Annual Award for Pro Bono Service, and in 1995 received the Annual Award for Outstanding Service to the San Diego County Bar Association.

JULIE KEARNS has been litigating complex class action cases in federal court since 2006. Her practice has focused on prosecuting claims of securities fraud and, more recently, antitrust violations. Ms. Kearns is also experienced in pursuing claims governed by California law.

A native Southern Californian, Ms. Kearns attended the University of California, Santa Barbara, earning her B.A. with a double major in Political Science and Law and Society in 2003. She earned her J.D. *cum laude* from Thomas Jefferson School of Law in San Diego in 2006.

During law school, Ms. Kearns served as Judicial Intern for the Honorable Judge William S. Cannon during a time in which he handled the entire civil trial calendar for the San Diego Superior Court, South County Division. She also completed multiple internships in the field of public criminal defense on both a state and federal level.

In 2015, Ms. Kearns was awarded the distinction of Best of the Bar by the San Diego Business Journal and named a Rising Star by Super Lawyers. Among other organizations, she has for several years been a member of the American Inns of Court, Louis M. Welch Inn.

EXHIBIT 15

LAW OFFICE OF JERALD M. STEIN
Jerald M. Stein, Esq.
835 Main Street
Margaretville, NY 12455
Tel: (845) 586-6111
Fax: (844) 380-9475
Email: JMSteinLaw@gmail.com

Counsel for the End Payer Plaintiff Greg Stearns

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
PRODUCTS ANTITRUST)
LITIGATION) **DECLARATION OF JERALD M.**
) **STEIN IN SUPPORT OF END**
) **PAYER PLAINTIFFS' MOTION**
) **FOR ATTORNEYS' FEES,**
) **COSTS, EXPENSES, AND**
) **SERVICE AWARDS**

_____))
This Document Relates to:) DATE: November 22, 2024
) TIME: 1:30 p.m.
End Payer Plaintiffs Class Track) JUDGE: Hon. Dana M. Sabraw
) COURT: 13A (13th Floor)
)
)
)
)
_____))

I, **Jerald M. Stein**, declare:

1. I am the sole member at the Law Office of Jerald M. Stein (the “Law Office of Jerald M. Stein”). I have been licensed to practice law in the state of New York since 1991. I am admitted to practice in the U.S. District Courts for the Eastern and Southern Districts of New York. The following facts are within my personal knowledge, and if called as a witness, I could and would testify competently to them.

2. I submit this declaration in support of End Payer Plaintiffs’ Motion for Attorneys’ Fees, Costs, Expenses, and Service Awards.

3. On September 25, 2015, I filed a proposed class action lawsuit on behalf of my client against Bumble Bee Foods LLC, Tri-Union Seafoods LLC, Starkist Company, and King Oscar, Inc., in the United States District Court for the Southern District of California and assigned Case No. 3:15-cv-02144-DMS-MSB (*Leshner et al v. Bumble Bee Foods LLC et al*). My client’s action was consolidated into the instant action with other similar actions filed in other jurisdictions nationwide as a Multi-District Litigation titled *In Re: Packaged Seafood Products Litigation*, No. 15-MD-2670 in the Southern District of California (the “Action”).

4. The principal counsel at Law Office of Jerald M. Stein is Jerald M. Stein, who has practiced civil litigation on behalf of consumers and individuals in New York since 1991. I am the sole attorney at the firm, practicing in the areas of consumer class action, unfair competition law, and securities fraud litigation. Attached hereto as **Exhibit A** is the Law Office of Jerald M. Stein Firm resume.

5. Jerald M. Stein has a long history of successfully handling class actions across a range of industries, including antitrust cases. I bring substantial experience in complex litigation matters with a history of litigating in an efficient and practical manner, including as Lead or Co-Lead Class Counsel in numerous class actions. *See Exhibit A* at #.

6. I have an extensive background in antitrust and consumer protection class action litigation. I have litigated dozens of class action cases across the country involving antitrust and unfair competition claims.

7. I have been involved in the litigation of this Action under the direction of Class Counsel, with a primary focus on the sub-class of plaintiffs for the State of Maine and in particular, preparing plaintiff Greg Stears for possible deposition and/or appearance at trial and assisted in preparing this filing and the concurrently filed motion papers in support of final approval of the Settlement.

8. The current hourly rates for Law Office of Jerald M. Stein attorneys and staff that have worked on the Action, as well as their hours spent working on the Action as of September 1, 2024, and their corresponding lodestar, are as follows:

Law Office of Jerald M. Stein Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Jerald M. Stein, Partner	\$600/ hour	21.73	\$13,040.00
TOTAL:			\$13,040.00

9. These records were prepared from contemporaneous, daily time records regularly prepared and maintained by Law Office of Jerald M. Stein in its usual course and manner. Law Office of Jerald M. Stein maintains detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on Law Office of Jerald M. Stein's current billing rates. These records are available for review at the request of the Court.

10. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm's representation of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the hours spent on each task.

11. I have general familiarity with the range of hourly rates typically charged

by plaintiffs' class action counsel specifically in the field of unfair competition and antitrust in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I am able to conclude that the rates charged by my firm are commensurate with those prevailing in the market for such legal services furnished in complex class action litigation such as this. My firm's hourly rates were most recently approved by the following Courts:

- *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, No. I :05-MD-1720 (EDNY, Dec. 13, 2019).

12. My firm has not incurred costs in litigating the Action. 13.

Throughout the litigation, my firm and I worked under the direction of Class Counsel, and I made every effort to operate as efficiently as possible and to avoid unnecessary duplication. I coordinated with Class Counsel for all work performed and costs incurred in this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on October 2, 2024, at Margaretville, New York.

Dated: October 2, 2024

By: /s/ Jerald M. Stein
JERALD M. STEIN

EXHIBIT A

LAW OFFICE OF JERALD M. STEIN

835 Main Street
Margaretville, NY 12455
Tel: (845) 586-6111
fax (844) 380-9475
e-mail: jmsteinlaw@gmail.com

PROFESSIONAL EXPERIENCE

- April 1998 - present **LAW OFFICE OF JERALD M. STEIN** New York, NY
Sole practitioner
 - Antitrust, securities fraud and consumer protection litigation practice focused on class action cases throughout the country.
- Jan. 2022 - present **ROXBURY TOWN JUSTICE** Roxbury, NY
- Sept. 1990 - April 1998 **GARWIN, BRONZAFT, GERSTEIN & FISHER, L.L.P.** New York, NY
Associate
 - Research, development and initiation of new cases for firm concentrating in plaintiffs' securities law class action and derivative litigation, antitrust and consumer protection.
 - Drafted complaints and briefs for federal district and appeals courts and the Delaware Chancery Court, and memoranda on all facets of securities litigation, antitrust and bankruptcy.
 - Drafted brief that made new Delaware corporate law [[In re USACafes Litigation](#)].
 - Installed and maintained computer system and local area network (LAN).
- May 1989 - Aug. 1989 **WINSTON & STRAWN (f/k/a Cole & Deitz)** New York, NY
Summer Associate
 - Prepared documents relating to bond offering.
 - Researched and prepared memoranda of law concerning real estate, banking and insurance litigation issues.
- Oct. 1985 - July 1987 **COFFEE, SUGAR & COCOA EXCHANGE** New York, NY
Compliance Investigator
 - Independently conducted routine and special investigations to ensure member compliance with the rules of the Exchange and the Commodities Futures Trading Commission.
 - Prepared complaints for presentation in Exchange enforcement proceedings.

EDUCATION

- Sept. 1987 - May 1990 **Boston University School of Law** Boston, MA
Juris Doctor
ANNUAL REVIEW OF BANKING LAW, Executive Editor for Publications
- Sept. 1981 - May 1985 **Tufts University** Medford, MA
Bachelor of Arts, *cum laude*
Double major: Economics and International Relations
Varsity Ice Hockey
- Sept. 1983 - June 1984 **Instituto de Estudios Europeos** Madrid, Spain
Junior Year Abroad program
Focus on Spanish language; political, economic and cultural studies.

Curriculum vitae highlights

Admitted to the New York bar 1991; United States District Court, Southern District of New York (1993); United States District Court, Eastern District of New York (2003); Second Circuit Court of Appeals (2004); admitted pro hac vice to United States District Court & Bankruptcy Court, District of Delaware and Delaware Chancery Court.

Attorney Stein, through association with prior firms and in his own firm, has been representing clients in class action lawsuits involving securities fraud, consumer protection, antitrust, FLSA overtime and discrimination cases since 1990. Cases which he has litigated and/or in which his prior firm(s) served as lead counsel or co-lead counsel include:

- *In re USACafes L.P. Litig.*, Civ. A. No. 11146, Delaware Chancery Court (Co-lead counsel) (made new Delaware law: directors of a Delaware corporate general partnership owe a fiduciary duty to the limited partners);
- *In re Nuveen Fund Litigation*, United States District Court for the Northern District of Illinois, C.A. NO 94-CV-0360 (Conlon, J.) (Co-Lead Counsel) (recovery of \$24 million in cash); and
- *Trumper v. Travelers Indemnity Company*, United States District Court for the Southern District of Texas, 4:04-cv-04157 (Ellison, J.) (Co Lead Counsel) (recovery of 100% of unpaid overtime for all opt-in class members).

EXHIBIT 16

1 Robert J. Gralewski, Jr. (State Bar No. 196410)
2 KIRBY McINERNEY LLP
3 1420 Kettner Boulevard, Suite 100
4 San Diego, CA 92101
5 Telephone: (858) 834-2044
6 bgralewski@kmlp.com

7
8 *Counsel for the End Payer Plaintiffs*

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
12 PRODUCTS ANTITRUST)
13 LITIGATION) **DECLARATION OF ROBERT J.**
14) **GRALEWSKI, JR. IN SUPPORT**
15) **OF END PAYER PLAINTIFFS’**
16) **MOTION FOR ATTORNEYS’**
17) **FEES, COSTS, EXPENSES, AND**
18) **SERVICE AWARDS**

19 _____)
20 This Document Relates to:) DATE: November 22, 2024
21 End Payer Plaintiffs’ Class Track) TIME: 1:30 p.m.
22) JUDGE: Hon. Dana M. Sabraw
23) COURT: 13A (13th Floor)
24)
25)
26)
27)
28)

DECLARATION OF ROBERT J. GRALEWSKI, JR. ISO END PAYER PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES, COSTS, EXPENSES AND SERVICE AWARDS
CASE NO. 15-MD-2670 DMS (MSB)

1 I, Robert J. Gralewski, Jr., declare:

2 1. I am a partner at the law firm of Kirby McInerney LLP (“Kirby
3 McInerney” or “KM”). I have been licensed to practice law in the state of California
4 since August 20, 1998. I am admitted to practice in all federal and state courts in the
5 state of California. The following facts are within my personal knowledge, and if
6 called as a witness, I could and would testify competently to them.

7 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
8 Attorneys’ Fees, Costs, Expenses, and Service Awards.

9 3. On September 10, 2015, I filed a proposed class action lawsuit on behalf
10 of my clients Jinkyong Moon, Correy Norris, Clarissa Simon, and Nigel Warren
11 against Bumble Bee Foods LLC, StarKist Company, Tri-Union Seafoods LLC, and
12 King Oscar, Inc. in the United States District Court for the Southern District of
13 California and assigned Case No. 3:15-cv-02006-H-JMA. My clients’ action was
14 consolidated into the instant action with other similar actions filed in other
15 jurisdictions nationwide as a Multi-District Litigation titled, *In Re: Packaged Seafood*
16 *Products Litigation*, No. 15-MD-2670 in the Southern District of California (the
17 “Action”).

18 4. I have represented individual consumers and small businesses in
19 California and nationwide since 1999. My firm employs approximately 35 attorneys
20 practicing in the areas of antitrust, arbitration, commodities, consumer fraud,
21 corporate governance, healthcare fraud, securities, whistleblower, and structured
22 finance. I manage the firm’s California office and am one of the lawyers who oversees
23 its antitrust practice group. Attached hereto as **Exhibit A** is the Kirby McInerney Firm
24 Resume.

25 5. Kirby McInerney’s attorneys have a long history of successfully
26 handling class actions across a range of industries, including antitrust cases. I
27 personally bring substantial experience in complex litigation matters with a history of
28

1 litigating in an efficient and practical manner, including as Lead or Co-Lead Class
2 Counsel, in numerous class actions. *See Exhibit A* at 17-18.

3 6. I have an extensive background in antitrust and consumer protection
4 class action litigation. Throughout my career, I have litigated dozens of significant
5 class action cases across the country involving antitrust and unfair competition claims,
6 including the following recent matters in which I have a leadership position:

- 7 • *Colon v. National Collegiate Athletic Association*, No. 1:23-cv-00425-WBS
8 (E.D. Cal.); and
- 9 • *In re Cathode Ray Tube (CRT) Antitrust Litigation*, No. 17-cv-04067-JST
10 (N.D. Cal.).

11 7. Kirby McInerney is one of the core firms who have actively litigated all
12 aspects of this Action under the direct supervision of Class Counsel. Throughout the
13 case, Class Counsel regularly relied on KM to perform important and vital tasks. For
14 example, I was tasked with the responsibility for first chairing many of the Dongwon
15 and StarKist depositions, including Namjung Kim and Insoo Cho’s depositions in
16 Seoul, South Korea. During the lead up to the class certification evidentiary hearing,
17 I defended class representative depositions, and Class Counsel placed me in charge
18 of coordinating EPPs’ coverage of and examination at all DPP, CFP, and DAP
19 depositions. I then supported Class Counsel at the evidentiary hearing. Following
20 certification and under the direction of Class Counsel, I drafted significant portions
21 of EPPs’ Motion for Summary Judgment (which the Court granted in part). Following
22 the deposition of Steve Hodge in early 2023 (which I second-chaired), I served as a
23 member of the trial team, and my firm and I performed myriad tasks in connection
24 with that role including: (1) acting as lead trial counsel for StarKist in Plaintiffs’ mock
25 jury exercise, (2) serving as one of the primary liaisons with Defendants on all pre-
26 trial matters, (3) selecting trial exhibits and designating deposition testimony, (4)
27 drafting the successful motion to admit guilty pleas and related documents, and (5)
28 briefing and arguing motions in limine. Ultimately, I consulted with Class Counsel

1 and provided strategic guidance concerning settlement. Throughout the case, other
 2 members of my firm supported the Action in various ways including by reviewing
 3 documents, performing legal research, and attending depositions.

4 8. The current hourly rates for Kirby McInerney attorneys and staff that
 5 have worked on the Action, as well as their hours spent working on the Action as of
 6 September 1, 2024, and their corresponding lodestar, are as follows:

Kirby McInerney Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Robert Gralewski, Partner	\$1,200.00 per hour	2,900.40	\$3,480,480.00
Peter Linden, Partner	\$995.00 per hour	1.50	\$1,492.50
William Harris, Of Counsel	\$700.00 per hour	.80	\$560.00
Karina Kosharsky, Of Counsel	\$850.00 per hour	6.80	\$5,780.00
Fatima Brizuela, Associate	\$425.00 per hour	1,053.10	\$447,567.50
Emily Finestone, Associate	\$475.00 per hour	39.00	\$18,525.00
Sarah Flohr, Associate	\$700.00 per hour	42.50	\$29,750.00
Marko Radisavljevic, Associate	\$700.00 per hour	3.60	\$2,520.00
Nicole Veno, Associate	\$600.00 per hour	55.00	\$33,000.00
Kim Marcus, Staff Attorney	\$400.00 per hour	31.30	\$12,520.00
Andrew Kubik, Staff Attorney	\$600.00 per hour	6.60	\$3,960.00
Fatima Brizuela, Law Clerk	\$250.00 per hour	19.90	\$4,975.00
Samantha Greenberg, Law Clerk	\$275.00 per hour	58.20	\$16,005.00
Kristen Bolster, Paralegal	\$300.00 per hour	5.10	\$1,530.00
Elizabeth Ely, Paralegal	\$300.00 per hour	2.00	\$600.00
Robert Familiar, Paralegal	\$300.00 per hour	.30	\$90.00
Marya Jureidini, Paralegal	\$275.00 per hour	2.40	\$660.00
Fabiha Khan, Paralegal	\$300.00 per hour	32.50	\$9,750.00
Ethan Klotz, Paralegal	\$250.00 per hour	55.40	\$13,850.00

Casey Liu, Paralegal	\$275.00 per hour	55.40	\$15,235.00
Justin Somelofske, Paralegal	\$300.00 per hour	2.0	\$600.00
TOTAL:			\$4,099,450.00

9. These records were prepared from contemporaneous documents and daily time records regularly prepared and maintained by Kirby McInerney in its usual course and manner. Kirby McInerney maintains detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on Kirby McInerney’s current billing rates. These records are available for review at the request of the Court.

10. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm’s representation of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the hours spent on each task.

11. I have general familiarity with the range of hourly rates typically charged by plaintiffs’ class action counsel specifically in the field of unfair competition and antitrust in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I am able to conclude that the rates charged by my firm are commensurate with those prevailing in the market for such legal services furnished in complex class action litigation such as this. My firm’s hourly rates were most recently approved by the following Courts:

- *Doyle v. Reata Pharms., Inc.*, No. 21 Civ. 00987 (E.D. Tex. Mar. 29, 2022) (ECF No. 84);
- *In re: Cathode Ray Tube (CRT) Antitrust Litigation*, No. 07-cv-05944-JST (ECF No. 6078); and
- *In re LIBOR-Based Financial Instruments Antitrust Litigation*, No. 11 MD 2262 (S.D.N.Y. Sept. 5, 2024) (ECF No. 4111).

1 12. My firm has incurred unreimbursed costs of \$132,668.33 to date in
2 litigating the Action, consisting of the following categories:

Category	Cost
Litigation Fund	\$87,700.29
Travel, Meals, Hotels, Misc. Travel	\$32,985.94
Online Research	\$4,709.10
Reproduction/Duplication	\$4,478.87
Expert Fees	\$892.75
Telephone/Conference Calls	\$609.80
Court & Filing Fees	\$553.00
Process Server	\$484.88
Document Management	\$208.91
Postage & Supplies	\$44.79
TOTAL:	\$132,668.33

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16 13. Throughout the litigation, my firm and I worked under the direction of
17 Class Counsel, and I made every effort to operate as efficiently as possible and to
18 avoid unnecessary duplication. I coordinated with Class Counsel for all work
19 performed and costs incurred in this matter.

20 I declare under penalty of perjury under the laws of the United States that the
21 foregoing is true and correct. Executed on September 30, 2024, at San Diego,
22 California.

23 Dated: October 19, 2024 By: /s/ Robert J. Gralewski, Jr.
24 Robert J. Gralewski, Jr.

EXHIBIT A



KIRBY MCINERNEY

Kirby McInerney LLP is a specialist plaintiffs' litigation firm with expertise in antitrust, consumer, commodities, securities, structured finance, whistleblower, healthcare, and other fraud litigation. Throughout our 75-year history, the firm has achieved landmark results and recovered billions of dollars for our clients. In the last decade, KM and our attorneys have emerged as leaders in antitrust litigation with a special focus on violations in the financial services industry, leading ground-breaking litigation, including on appeal.

Our firm has decades of experience representing investors in litigation relating to market manipulation and price fixing for both indirect and direct purchasers, in cases brought under the Sherman Act and state law analogs. KM especially excels in redressing complex financial fraud involving highly specialized markets, such as financial derivatives, where the firm continues to break new ground in terms of the law and size of settlements. The firm has been involved in some of the most cutting-edge areas of market manipulation cases of the last three decades, including participating in the seminal case related to Sumitomo Corporation's manipulation of the copper market, and, more recently, filing the first lawsuit related to the high-profile manipulation of the LIBOR benchmark rate, discussed below.

In addition to our work involving financial products, our experience further spans the markets for gasoline, propane, cement, concrete, steel, potash, silver, and others. KM has extensive experience prosecuting cases against corporations in these industries for violations of the full breadth of antitrust laws: illegal price fixing, unlawful monopolization, monopoly leveraging, illegal tying arrangements, illegal mergers or acquisitions, unfair competition, exclusive dealing, and refusals to deal.

Some of our notable work includes:

- Filing the first private litigation relating to LIBOR manipulation and serving in leadership roles in the LIBOR multi-district litigation, *In re Libor-Based Financial Instruments Antitrust Litig.*, 11-md-02262 (S.D.N.Y.). Specifically, KM is acting as court appointed co-liaison counsel for all class actions in the multi-district litigation and are co-lead counsel for the exchange-based class alleging the fixing of prices of the LIBOR benchmark interest rate. Amongst other successes, KM recently secured the reversal of a lower court ruling that dismissed many foreign banks from the LIBOR action, which is now proceeding against certain non-settling defendants.
- Acting as lead counsel on behalf of the New Mexico State Investment Council in *New Mexico State Investment Council v. Bank of America Corp. et al.*, 21-cv-00606 (D.N.M.) alleging that leading credit default swap (CDS) dealers took part in a more than decade-long, multibillion-dollar scheme to manipulate the benchmark prices used to value credit default swap contracts at settlement.
- Acting as court-appointed Executive committee member and class counsel in *In re Digital Advertising Antitrust Litigation*, 20-cv-03556 (N.D.C.A.), representing publishers alleging that Google monopolized and suppressed competition in online display advertising.
- Acting as lead counsel and head of the discovery committee to a putative class of direct purchasers of brand name and generic equivalents of extended-release venlafaxine hydrochloride capsules against drug manufacturers in *In re Effexor XR Antitrust Litig.*, 11-cv-05479 (D.N.J.). Among the claims, defendants are alleged to have delayed market entry of generic versions and entered reverse payment settlements.
- Acting as one of the firms with primary responsibility for *In re Visa Check/MasterMoney Antitrust Litig.*, 96-cv-05238 (E.D.N.Y.), a case on behalf of a class of retailers in connection with Visa MasterCard policies pertaining

to debit card fees. The litigation resulted in a settlement of over \$3 billion for the class and landmark injunctive relief.

- Serving as lead counsel to classes of indirect purchasers in connection with antitrust proceedings against Microsoft in *Charles Cox and Old Factories, Inc. v. Microsoft Corp.*, 105193/00, Part 3 (N.Y. Sup. Ct.); *Gordon, et al. v. Microsoft Corp.*, MC 00-5994 (Minn. Dist Ct. Hennepin County). These litigations resulted in settlements totaling nearly a billion dollars for consumers in the States of New York, Florida, Tennessee, West Virginia, and Minnesota (where the litigation proceeded to trial). The specific cases cited here, conducted on behalf New York and Minnesota consumers, resulted in recoveries of approximately \$350 million and \$175 million, respectively. In addition, KM served as consulting and advisory counsel to Canadian lead counsel in a similar Canadian class action.
- Acting as lead counsel in *In re JPMorgan Treasury Futures Spoofing Litig.*, 20-cv-03515 (S.D.N.Y.) alleging that JPMorgan unlawfully and intentionally manipulated U.S. Treasury Futures or Options on U.S. Treasury Futures traded on United States-based exchanges, including but not limited to the Chicago Mercantile Exchange, including its subsidiary the Chicago Board of Trade, during the Class Period in violation of the Commodity Exchange Act, 7 U.S.C. §§ 1, et seq. (the “CEA”) and the common law. The case resulted in a settlement of \$15.7 million.
- Acting as co-lead counsel on behalf of a putative class of investors in *In re Deutsche Bank Spoofing Litig.*, 20-cv-03638 (N.D. Ill.), a trading markets manipulation case alleging manipulation through “spoofing” of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.
- Acting as co-lead counsel of a putative class of exchange-based investors in *Dennis v. The Andersons, Inc. et al.*, 20-cv-04090 (N.D. Ill.), a commodities manipulation case alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws.
- Acting as special fiduciary counsel for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, 13-cv-07789 (S.D.N.Y.) for a putative class of participants who traded futures and options in the FX market alleging that 16 of the most prominent investment banks conspired to manipulate the FX rate. The case has already resulted in partial settlements of more than \$2.3 billion.
- Serving in a leadership capacity on behalf of live cattle futures traders in *In re Cattle Antitrust Litigation*, 19-cv-1222 (D. Minn.), a proprietary case on behalf of cattle producers and cattle futures traders. The suit alleges that the “Big 4” meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange.
- Acting as counsel to gold purchasers in *In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, No. 14-md-02548 (S.D.N.Y.), a market manipulation case. This case has resulted in aggregate settlements of \$152 million, subject to final approval.
- Acting as co-lead counsel on behalf of a putative class of investors in *In re Natwest Treasury Futures Spoofing Litig.*, 22-cv-00479, (N.D. of Ill), a trading markets manipulation case alleging manipulation through “spoofing” of U.S. Treasury futures.
- Acting as counsel in *In re Sumitomo Copper Litig.*, 96-cv-4584 (S.D.N.Y.), a seminal case involving Sumitomo Corporation’s manipulation of the copper market which resulted in a settlement of over \$140 million.
- Acting as lead counsel in *In re Reformulated Gasoline (RFG) Antitrust and Patent Litig. and Related Actions*, 05-cv-01671 (C.D.C.A.), an antitrust class action pertaining to Unocal’s alleged manipulation of the standard-setting process for low-emissions reformulated gasoline in California, which plaintiffs claim caused inflated retail prices. This litigation resulted in a \$48 million settlement for indirect purchasers.



Daniel Hume is a managing partner based in our New York office. He leverages more than 25 years of experience to help institutional investors, financial institutions, and individuals recover losses and achieve favorable outcomes in class action and direct securities litigation.

Additionally, he has prosecuted antitrust class actions and obtained significant monetary relief for consumers. Mr. Hume is a partner in our New York office and a member of the firm's management committee.

Some of Mr. Hume's securities work includes:

- Lead counsel representing Wespeth, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals*, a securities class action alleging that Reata made false and/or misleading statements – including in connection with its secondary public stock offerings – concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Counsel in *Maverick Neutral Levered Fund, Ltd. v. Valeant Pharmaceuticals International, Inc.*, alleging that Valeant materially misrepresented its business model, touting artificial and unsustainable growth that was enabled by the company's deceptive and illegal conduct.
- Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries, alleging that HSBC ran money laundering operations out of New York City. The litigation settled for \$72.5 million, the then largest foreign derivatives settlement ever reached and one of the largest insurer-funded cash payments achieved in a U.S. derivatives lawsuit.
- Lead counsel for the investor class in *In re AT&T Wireless Tracking Stock Securities Litigation*, a securities class action which resulted in recovery of \$150 million for the class.
- Lead counsel for a group of Singapore-based investors in a securities class action, *Dandong v. Pinnacle Performance Ltd*, against Morgan Stanley pertaining to notes issued by Cayman Islands-registered Pinnacle Performance Ltd. This litigation resulted in a \$20 million recovery.
- Lead counsel for the investor class in *In re MOL Global, Inc. Securities Litigation*, a securities class action lawsuit alleging that e-payment enabler MOL Global misled shareholders prior to its initial public offering. This litigation resulted in a \$8.5 million recovery.
- Representation of foreign financial institutions in individual lawsuits against Morgan Stanley, Credit Agricole Corporate and Investment Bank, UBS, Deutsche Bank, Credit Suisse, Goldman Sachs, J.P. Morgan, and Barclays pertaining to a number of fraudulent structured investment vehicles and asset-backed collateralized debt obligations.

Some of Mr. Hume's antitrust work includes:

- Lead counsel for consumer classes in connection with antitrust proceedings against Microsoft in the United States and consulting and advisory counsel to Canadian lead counsel in Canada. These litigations have resulted in settlements totaling over \$1 billion for consumers in Canada, Florida, New York, Tennessee, West Virginia, and Minnesota, where the litigation proceeded to trial.
- Representation of a class of retailers in *In re Visa Check/Master Money Antitrust Litigation*, an antitrust case which resulted in a settlement of over \$3 billion for the class.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.

Mr. Hume is admitted to the New York State Bar, U.S. District Courts for the Southern and Eastern Districts of New York, U.S. Courts of Appeals for the Second, Third, Fourth, Fifth, Eighth, and Ninth Circuits, The Appellate Division of the Supreme Court of the State of New York, First Judicial Department, and The United States Supreme Court. Mr. Hume graduated from State University of New York at Albany (B.A. *magna cum laude*, 1988) and Columbia Law School (J.D. 1991).



David E. Kovel is Co-Managing Partner of the firm and is based in our New York office. A former commodities trader, he has extensive experience representing plaintiffs in groundbreaking whistleblower, commodities, antitrust, securities, and corporate governance matters, including on appeal. His work in these areas, which often deals with fraud related to complex financial instruments, continues to set precedents both in terms of the law and size of settlements.

Since June 2021, amongst other activities, Mr. Kovel obtained the then-largest publicly announced single whistleblower award arising under the Dodd-Frank and IRS whistleblower programs, and successfully reversed a lower court ruling that dismissed a large number of foreign banks from *In re Libor-Based Financial Instruments Antitrust Litigation*, the high-profile litigation related to the banks' alleged fixing of the LIBOR benchmark rate, which is now proceeding against certain non-settling defendants.

Mr. Kovel is the head of the litigation section of the New York City Bar Association Committee on Futures and Derivatives Regulation and is a former member of the New York City Bar Association

Antitrust Committee. Prior to joining KM, Mr. Kovel practiced at Simpson Thacher & Bartlett LLP. He speaks Spanish and at one time played professional soccer in Nicaragua.

Some of Mr. Kovel's public whistleblower work includes:

- Represented the person who received nearly \$200 million, the largest-ever individual whistleblower award arising under the Dodd-Frank whistleblower reward program and the then-largest arising under other whistleblower programs including the IRS and the federal and state false claims acts (CFTC WB Award No. 21-WB-07). The information the whistleblower provided catalyzed investigations by the Commodity Futures Trading Commission (CFTC), a U.S. federal regulator, and a foreign regulator into the manipulation of crucial financial benchmarks used by global banks as the basis for the pricing of fixed income securities and derivative products. The CFTC initially rejected the whistleblower's award application, but Mr. Kovel's advocacy resulted in a successful appeal for the client.
- Obtained an \$8.5 million award – the largest-ever settlement in a declined New York State False Claims Act case – for a whistleblower in *Anonymous, et ano. v. Moody's Corporation, et al.*, a groundbreaking case against Moody's and others under the New York State False Claims Act. The litigation brought to light a multi-year, multi-million-dollar tax fraud scheme executed by Moody's and its consultants wherein the company repeatedly underpaid city and state taxes by maintaining a sham insurance corporation as a subsidiary. Mr. Kovel was successful both before the trial court as well as on appeal before the New York City First Department.
- Representation of a whistleblower who alleges that waste-to-energy plant operator Covanta violated environmental regulations by creating hazardous ash as a by-product of the burning of garbage from multiple Long Island towns in *State of New York v. Covanta Hempstead Company et al.* The case has been brought on behalf of New York State, certain local governments on Long Island, and the Long Island Power Authority (LIPA). Over the course of a decade, these local governments paid \$890 million to Covanta to take their communities' garbage in an environmentally safe way. As alleged, Covanta did not, in fact, abide by the necessary protocols to keep the ash that was dumped in the Brookhaven landfill from being hazardous.

Some of Mr. Kovel's confidential ongoing and resolved whistleblower work includes:

- Commodities
- Securities
- Procurement fraud
- Medical Device/Pharmaceutical fraud

Some of Mr. Kovel's appellate work includes:

- Achieved reversal by the Second Circuit under antitrust pleading standards in *Wacker v. J.P. Morgan Chase & Co.* on behalf of traders of silver futures, alleged victims of market manipulation. The case preceded a related Department of Justice criminal investigation into J.P. Morgan that resulted in an over-\$920 million criminal penalty, the then-largest amount of

monetary relief ever imposed by the CFTC.

- Mr. Kovel is involved in various appeals before the Second Circuit on pleading standards, jurisdiction, class certification, and other matters stemming from the high-profile *In re Libor-Based Financial Instruments Antitrust Litigation*, including *Gelboim v. Credit Suisse Group AG*, alleging the fixing of prices of the LIBOR benchmark interest rate.
- Obtained an \$8.5 million award – the largest-ever settlement in a declined New York State False Claims Act case – for a whistleblower in *Anonymous, et ano. v. Moody's Corporation, et al.*, a groundbreaking case against Moody's and others under the New York State False Claims Act. The litigation brought to light a multi-year, multi-million-dollar tax fraud scheme executed by Moody's and its consultants wherein the company repeatedly underpaid city and state taxes by maintaining a sham insurance corporation as a subsidiary. Mr. Kovel was successful both before the trial court as well as on appeal before the New York City First Department.
- Argued an appeal before the Second Circuit on behalf of natural gas futures traders in *Anastasio v. Total Gas & Power North America* alleging market manipulation.

Some of Mr. Kovel's commodities work includes:

- Court-appointed co-liaison counsel for all class actions in the multi-district litigation and co-lead counsel for exchange-based class in the high-profile *In re Libor-Based Financial Instruments Antitrust Litigation and FTC Capital GMBH et al. v. Credit Suisse Group AG et al.* alleging the fixing of prices of a benchmark interest rate. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, and related cases alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. Mr. Kovel and the firm obtained a favorable appeal decision at the Second Circuit Court of Appeals under antitrust laws. The case preceded a related Department of Justice criminal investigation into J.P. Morgan that resulted in an over-\$920 million criminal penalty, the then-largest amount of monetary relief ever imposed by the CFTC.
- Lead counsel on behalf of the New Mexico Attorney General's Office and the New Mexico State Investment Council in *In re Credit Default Swaps Auctions Litigation* alleging that leading credit default swap (CDS) dealers took part in a more than decade-long, multibillion-dollar scheme to manipulate the benchmark prices used to value credit default swap contracts at settlement.
- Selected by the court as co-lead counsel in *In re J.P. Morgan Treasury Futures Spoofing Litigation*, alleging that defendants manipulated U.S. Treasury futures for more than a decade and that this conduct contributed to the bank's recent \$920 million settlement with the DOJ, CFTC, and SEC. The case resulted in a settlement of \$15.7 million.

- Representation of a putative class of exchange-based investors in *Dennis v. The Andersons, Inc. et al.* alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws.
- Counsel to a putative class of investors in *In re Deutsche Bank Spoofing Litigation* alleging manipulation through “spoofing” of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.
- Court-appointed executive committee member and class counsel in *In re Bank of Nova Scotia Spoofing Litigation* alleging that defendants manipulated precious metals futures traded on the New York Mercantile Exchange and the Commodity Exchange, Inc.
- Court-appointed executive committee member and class counsel representing cattle producers and cattle futures traders in *In re Cattle Antitrust Litigation*. The suit alleges that the “Big 4” meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange.
- Co-lead counsel in *In re Reformulated Gasoline (RFG) Antitrust and Patent Litigation and Related Actions*, an antitrust class action pertaining to Unocal’s alleged manipulation of the standard-setting process for low-emissions reformulated gasoline in California, which plaintiffs claim caused inflated retail prices. The case resulted in a \$48 million settlement for indirect purchasers.
- Co-lead counsel for a class of propane purchasers in *In re BP Propane Indirect Purchaser Antitrust Litigation* alleging that defendants monopolized, artificially inflated and/or otherwise improperly manipulated the price of TET propane in the United States, in violation of state and federal antitrust laws. The case resulted in a \$15 million settlement.
- Acted as part of a leadership group which secured a \$13 million settlement for a class of potash purchasers in *In re Potash Antitrust Litigation*, a case alleging certain suppliers of potash, an ingredient in agricultural fertilizers, fixed prices in violation of the Section 1 of the Sherman Act.
- Representation of the defendant in *CFTC v. Shak*, a case brought by the CFTC under the Commodity Exchange Act’s newest provisions for violations of an administrative order in the gold futures market.
- Counsel for a plaintiff on behalf of gold purchasers in *In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, a market manipulation case. The case resulted in settlements of \$152 million.
- Acted as an expert for bankrupt debtor, a purchaser of metals, in *In re Exide Technologies* opining on the dynamics of plaintiffs’ side representation in antitrust and commodities market cases.

Some of Mr. Kovel’s other antitrust work includes:

- Co-lead counsel on behalf of the Wayne County Pension Fund in *In re Ductile Iron Pipe Fittings Antitrust Litigation* alleging the raising and fixing of prices in the market for ductile iron pipe fittings. The case resulted in a settlement of \$4.1 million.

- Lead counsel to various classes of indirect purchasers in connection with major antitrust proceedings against Microsoft. The litigations resulted in settlement totaling nearly a billion dollars for consumers in the states of New York, Florida, Tennessee, West Virginia, and Minnesota (where the litigation proceeded to trial).
- Representation of the City of New York against GlaxoSmithKline in *The City of New York v. GlaxoSmithKline PLC and SmithKline Beecham Corporation* to recover overcharges incurred in connection with the City's purchases for Paxil. The case alleged violations of the federal and state antitrust laws and fraudulent and deceptive conduct before the U.S. Patent Trademark Office and the United States Food and Drug Administration. The case resulted in a recovery of over \$1 million for the City Medicaid Program.

Some of Mr. Kovel's corporate governance work includes:

- Lead counsel in *In re Pfizer Inc. Shareholder Derivative Litigation*, a shareholder derivative action. Mr. Kovel and the firm obtained a \$75 million award and groundbreaking changes to the Board of Director's oversight of regulatory matters.
- Representation of an ad hoc group of shareholders in *In re: Intelsat S.A., et al.*, the Intelsat bankruptcy proceedings, successfully obtaining warrants for the shareholders in a multi-party trial before the bankruptcy court in Virginia.

In addition to his work listed above, Mr. Kovel has an active pro bono practice. He currently serves as General Counsel to the World Jurist Association in a *pro bono* capacity, and has represented, amongst others: clients in need of housing referred through the office of *pro se* litigation in the Southern District of New York; whistleblowers in various governmental settings; clients in foreclosure matters; and a Latino soccer association in its efforts organize and obtain a fair proportion of field time from a municipality.

Mr. Kovel is admitted to the New York State Bar, the Connecticut State Bar, the U.S. District Courts for the Southern, Eastern, and Western Districts of New York, the U.S. Court of Appeals for the First Circuit, Second Circuit, and D.C. Circuit. He has been a member of the New York City Bar Association Committee on Futures and Derivatives Regulation and is a former member of the New York City Bar Association Antitrust Committee. He graduated from Yale University (B.A.), Columbia University School of Law (J.D.), and Columbia University Graduate School of Business (M.B.A.).



Thomas W. Elrod is a partner based in our New York office focusing on securities, commodities, and antitrust litigation. Mr. Elrod joined the firm in 2011.

Some of Mr. Elrod's securities experience includes:

- Lead counsel representing Wespath, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Co-lead counsel in *Macovski v. Groupon Inc. et al.*, a securities class action alleging that the company made materially false and misleading statements and failed to disclose to investors its financial health before ending its sale of physical goods and announcing the departure of two top executives. The case resulted in a \$13.5 million settlement that has received final approval.
- Lead counsel in *In re Citigroup Inc Securities Litigation*, a class action arising out of Citigroup's alleged misrepresentations regarding their exposure to losses associated with numerous collateralized debt obligations. This case settled for \$590 million.
- Class counsel in *Shah v. Zimmer Biomet Holdings*, a securities class action alleging that a medical device company did not disclose systemic quality issues at its manufacturing facility. The case resulted in a \$50 million settlement.
- Co-lead counsel in *Kokareva v. Bristow Group Inc.*, a securities class action alleging that an aviation services provider focused on the oil and gas sector made materially false and misleading statements about its internal controls relating to covenants in the company's secured financing agreements. The case resulted in a \$6.25 million settlement that has received final approval.
- Lead counsel in *In re Hi-Crush Partners L.P. Securities Litigation*, a securities class action alleging that fracking sand producer Hi-Crush Partners misled shareholders regarding a major customer relationship. This case resulted in a \$3.8 million settlement.
- Lead counsel in *Barfuss v. DGSE Companies, Inc.*, a securities class action alleging that a company that sold precious metals to wholesale and retail customers filed materially misleading financial statements. The case resulted in a \$1.7 million settlement.
- Co-lead counsel in *In re Resonant Inc. Securities Litigation*, a securities class action alleging that a mobile phone component company misled investors concerning its ability to meet the terms of a development agreement. The case resulted in a \$2.75 million settlement.
- Representation of municipal issuers, including governmental entities and hospital systems, in FINRA arbitrations alleging misrepresentations by underwriters in connection with Auction Rate Securities issuances.

Some of Mr. Elrod's antitrust and commodities experience includes:

- Selected by the Court as co-lead counsel in *In re J.P. Morgan Treasury Futures Spoofing Litigation*, alleging that defendants manipulated U.S. Treasury futures for more than a decade and that this conduct contributed to the bank's recent \$920 million settlement with the DOJ, CFTC, and SEC. The case has a putative settlement of \$15.7 million.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.
- Court-appointed executive committee member and class counsel in *In re Cattle Antitrust Litigation*, representing cattle producers and cattle futures traders. The suit alleges that the "Big 4" meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange.
- Lead counsel on behalf of a proposed class of Brent crude oil futures traders alleging benchmark manipulation in *In re North Sea Brent Crude Oil Futures Litigation*.
- Representation of exchange-based investors in *Shak v. J.P. Morgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into J.P. Morgan that remains ongoing.

Some of Mr. Elrod's other relevant experience includes:

- Representation of a whistleblower who received the largest-ever individual award (nearly \$200 million) arising under the Dodd-Frank whistleblower reward program after he provided information regarding the manipulation of crucial financial benchmarks used by global banks as the basis for the pricing of fixed income securities and derivative products.
- Representation of a nationwide class of residential mortgage loan borrowers in *Rothstein v. GMAC Mortgage LLC*, a class action alleging violations of the Racketeer Influence and Corrupt Organizations Act. This litigation resulted in a \$13 million settlement against GMAC Mortgage.

- Representation of SEC, CFTC, and FCA whistleblowers who claim that their companies have violated federal law or defrauded the United States Government.

Mr. Elrod is admitted to the New York State Bar, New Jersey State Bar, U.S. District Courts for the Southern and Eastern Districts of New York, U.S. District Court for the District of New Jersey, and U.S. Courts of Appeals for the 2nd, 3rd, 7th, 8th, and 9th Circuits. He graduated from the University of Chicago (B.A. 2005) and Boston University School of Law (J.D. 2009).



David A. Bishop is a partner practicing out of our New York office, where he coordinates domestic client and government relations. David Bishop has been a Kirby McInerney partner since 2008. He coordinates domestic client relations for the firm, working with individuals and institutions on securities, corporate governance, and antitrust matters. Mr. Bishop works with institutions on establishing fraud monitoring programs. He has initiated successful litigation on behalf of a credit union damaged by purchasing built-to-fail credit default options, securities investors harmed by a pharmaceutical company's misrepresentations regarding a drug's viability, and purchasers of financial instruments who were struggling in a manipulated market. He successfully argued an appeal that brought accountability to the board of a large international bank that engaged in systematic illegal money laundering.

Prior to joining the firm, he was a legislator elected in Suffolk County, New York, where he wrote laws reducing pesticide use, addressing water pollution from storm water runoff, increasing childcare, and establishing a living wage.

Some of Mr. Bishop's relevant experience includes:

- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into JPMorgan that remains ongoing.
- Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries, alleging that HSBC ran money laundering operations out of New York City. The litigation settled for \$72.5 million, the then largest foreign derivatives settlement ever reached and one of the largest insurer-funded cash payments achieved in a U.S. derivatives lawsuit.
- Representation in a class action on behalf of homeowners in minority neighborhoods in Nassau County concerning the County's unfair assessment practices.

Representation of the NY State Common Retirement Fund as lead plaintiff in *In re National City Corporation Securities, Derivative & ERISA Litigation*, a securities class action arising from National City's alleged misrepresentations regarding exposure to subprime mortgage-related losses. During the class period, the company's stock fell from approximately \$37 to \$6. This case resulted in a settlement of \$168 million.

- Lead counsel for classes of consumers harmed by price fixing in the LCD flat panel and SRAM markets.
- Co-lead counsel for a class of investors in Goldman Sachs common stock in a securities class action, *Lapin v. Goldman Sachs Group, Inc.*, pertaining to Goldman's alleged instruction to their research analysts to favor procurement of investment banking deals over accuracy in their research. This litigation resulted in a recovery of \$29 million for the class.

Mr. Bishop is admitted to the New York State Bar and U.S. District Court for the Southern and Eastern Districts of New York. He graduated from American University (B.A. 1987) and Fordham University Law School (J.D. 1993).



Anthony F. Fata is a partner based in our Chicago office. For more than 20 years, Mr. Fata has represented clients in complex financial matters, including claims arising under the commodity, securities, antitrust, and whistleblower laws. Mr. Fata has regularly appeared before federal and state courts throughout the United States and in regulatory matters overseen by the Securities and Exchange Commission, Commodity Futures Trading Commission, Financial Industry Regulatory Authority, Chicago Mercantile Exchange, and other governmental and self-regulatory agencies. Mr. Fata has developed and litigated numerous proprietary cases and served in leadership positions.

Prior to joining KM, Mr. Fata practiced at McDermott, Will & Emery LLP, where he defended SEC enforcement matters, securities class actions, shareholder derivative suits, and consumer class actions. He then joined Cafferty Clobes Meriwether & Sprengel LLP to lead the firm's efforts in commodity manipulation matters.

In addition to his law practice, since 2016, Mr. Fata has been an adjunct professor at Seton Hall University School of Law. He teaches J.D., M.S.J., and LL.M candidates in a wide range of financial services courses, including Securities Regulation, Regulating Broker Dealers, Regulating Funds and Advisors, Corporate Finance, Corporate Governance, Financial Crimes Compliance, Regulating Depository Institutions, Financial Privacy, and Corporate Law.

Mr. Fata is active in the Chicago Bar Association, where he serves on the Board of Managers, Co-Chairs the Securities Law Committee and serves on the Editorial Board of the CBA Record. Mr. Fata is also a recurring panelist for the Practising Law Institute Internal Investigations Seminar conducted in Chicago

each year.

Some of Mr. Fata's commodities experience includes:

- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into JPMorgan that remains ongoing.
- *In re Cattle Antitrust Litigation*, No. 19-cv-1222 (D. Minn.): Mr. Fata led efforts to develop this proprietary case on behalf of cattle producers and cattle futures traders. Mr. Fata continues to serve in a leadership capacity on behalf of live cattle futures traders. The suit alleges that the “Big 4” meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange.
- *Dennis v. The Andersons, Inc. et al.*, No. 20-cv-04090 (N.D. of Ill.): Co-lead counsel of a putative class of exchange-based investors alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws. Mr. Fata has led all phases of this litigation.
- *Dufoe v. DraftKings Inc., et al.*, 1:23-cv-10524 (D. Mass.). Counsel to a class of investors that purchased non-fungible tokens (NFTs) from DraftKings Inc., which operates as a daily fantasy sports contest and sports betting company. The case alleges that DraftKings sold unregistered securities and ensured that money stayed on DraftKings’ private and exclusively controlled marketplace, propping up the market for an overall valuation of DraftKings’ NFTs and significantly harming investors.
- *In re Deutsche Bank Spoofing Litigation*, No. 20-cv-03638 (N.D. of Ill.): Co-lead counsel on behalf of a putative class of investors alleging manipulation through “spoofing” of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange. Mr. Fata has led all phases of this litigation.
- *In re Bank of Nova Scotia Spoofing Litigation*, No. 20-cv-11059 (D.N.J.). As a court-appointed Executive Committee member, Mr. Fata has served in a leadership capacity in this suit alleging that defendants manipulated precious metals futures traded on the New York Mercantile Exchange and the Commodity Exchange, Inc.
- *Hershey v. Pacific Investment Management Company LLC*, No. 05-cv-4681 (N.D. Ill.). Mr. Fata served as local counsel and assisted lead counsel's litigation efforts en route to securing a \$118 million settlement from PIMCO, which was accused of manipulating CBOT treasury note futures.

Some of Mr. Fata's consumer experience includes:

- *Apple Device Performance Litigation*, No. 18-md-02827 (N.D. Cal.). Mr. Fata was appointed as

an executive committee member and co-chair of the damages and settlement committee. The case alleges that Apple throttled iPhones to obscure battery issues. The settlement in the case -- in excess of \$310 million -- was approved by the district court and is awaiting review by the Ninth Circuit.

- *Apple iPhone Warranty Litigation*, No. 10-cv-01610 (N.D. Cal.) Mr. Fata developed and filed the first complaint in this proprietary case alleging that Apple breached its warranty to iPhone customers by denying claims based on a pretext of water damage purportedly shown by “liquid contact indicators.” After similar complaints were filed, Mr. Fata worked cooperatively with other plaintiffs' firms and led efforts to secure a \$53 million global settlement for the class.
- *Apple Gift Card Litigation*, No. 20-cv-04812 (N.D. Cal.). Serving as co-lead counsel to a class of consumers who were victims of gift-card scams and from whom Apple allegedly withholds funds. Mr. Fata developed and filed the first complaint in this proprietary case. Drawing on his financial crimes expertise, Mr. Fata developed the factual theories underpinning the case, helped to organize counsel, and led and is currently co-leading efforts on behalf of the class.
- *May v. Google et al.*, 24-cv-01314 (N.D. Cal.). Counsel in a consumer class action alleging that for nearly a decade Google has knowingly kept stolen money from victims of gift card scams who purchased Google Play gift cards.
- *Midway Moving Sales Practices Litigation*, No. 2003-CH-16091 (Cir. Ct. Cook Cty). Mr. Fata developed and filed this proprietary case alleging that a moving company used bait-and-switch estimating practices. He successfully obtained an order certifying the class, and defended it on appeal, *Ramirez v. Midway Moving and Storage, Inc.*, 378 Ill. App. 3d 51, 880 N.E. 2d 653 (Ill. App. 1st Dist. 2007). Following extensive litigation efforts, on the eve of trial, the matter was successfully resolved via a class-wide settlement that returned 100% of claimed damages to customers.
- *eWork Inc. Sales Practices Litigation*, No. 06-cv-00686 (D. Colo.). Mr. Fata developed and filed this proprietary case alleging that an internet job-consultant matchmaker utilized deceptive practices to lure independent consultants to pay for referral services for jobs that did not actually exist. After defeating defendants’ motion to dismiss, *Ramirez v. eWork, Inc.*, No. 06-CV-00686, 2007 WL 2746634 (D. Colo. Sept. 18, 2007), and through additional hard-fought litigation, Mr. Fata successfully led settlement efforts that forced the company to turn 100% of its cash and liquid assets over to the aggrieved customers. The company ceased operations shortly thereafter.

Mr. Fata is also advising clients in confidential ongoing whistleblower matters:

- Securities
 - pump and dump manipulation
 - evidence tampering during investigation
 - asset management fees
- Commodities
 - market manipulation

Mr. Fata regularly authors articles concerning corporate finance, financial markets, and class actions, including:

- *Protecting (or Cracking) the Nest Egg: Why Titles and Contracts Matter When Selecting a Financial Professional*, CBA Record (February 2021) (co-authored with Delaney Slater)
- *Whistleblowers Among Us: The New Regulatory and Self-Policing Paradigm*, CBA Record (May 2018) (co-authored with David Kovel);
- *The Blockchain Bandwagon-Cryptocurrency on the Move: Marketplace Overview and Regulatory Developments*, CBA Record (January 2018) (co-authored with Brian O'Connell)
- *Corporate Cons in the 21st Century: Dealing with the Global Employee Fraud Epidemic*, PLI Internal Investigations Handbook (March 2017) (co-authored with Corey M. Martens)
- *Mitigating, Detecting, and Dealing with Employee Fraud - The Problem of the Inside Job*, CBA Record (January 2017) (co-authored with Corey M. Martens)
- *The Investigation is Internal, But Is This Document Privileged? An Overview of Privilege Issues in Internal Investigations*, PLI Internal Investigations Handbook (April 2016)
- *The Securities Exchange Commission's Whistleblower Program*, PLI Internal Investigations Handbook (March 2015)
- *The Commodity Futures Trading Commission's Whistleblower Program*, PLI Internal Investigations Handbook (March 2014)
- *Untangling the Seamless Web: Seven Critical Assumptions When Planning Investigations*, PLI Internal Investigations Handbook (2013)
- *Doomsday Delayed: How the Court's Party Neutral Clarification of Class Certification Standards in Walmart v. Dukes Actually Helps Plaintiffs*, 62 DePaul Law Review 675 (March 2013)

Mr. Fata is admitted to the Illinois State Bar, U.S. District Courts for the Northern District of Illinois, U.S. District Court for the Eastern District of Michigan, U.S. District Court for the District of Colorado, and U.S. Courts of Appeals for the Sixth, Seventh, and Ninth Circuits. He graduated from Miami University (B.A. 1995) and Ohio State University Moritz College of Law (J.D. 1999).



Randall M. Fox is a partner in our New York office who represents whistleblowers in False Claims Act and IRS, SEC, and CFTC matters about tax, healthcare, procurement, and investment frauds. He was named the Whistleblower Lawyer of the Year for 2021 by The Anti-Fraud Coalition.

Before representing whistleblowers, Mr. Fox served as a government lawyer handling cases filed by whistleblowers alleging frauds committed against public monies. He was the founding Bureau Chief of New York Attorney General's Taxpayer Protection Bureau and, before that, was part of the Attorney General's Medicaid Fraud Control Unit. At the government, he played a key role in several ground-breaking False Claims Act cases, including leading the state's investigation and intervention into a tax whistleblower case against cell phone giant Sprint Corporation, which later settled for \$330 million, and he filed the States' first government-initiated New York False Claims Act case, which recovered more than \$61 million for the New York Medicaid program from pharmaceuticals giant Merck, which was alleged to have falsely marketed its drug Vioxx.

In private practice, Mr. Fox has successfully represented whistleblowers in cases about a wide range of industries. He represented the whistleblower in New York's largest income tax *qui tam* case, which resulted in a \$105 million settlement with a hedge fund billionaire claimed to have disguised the New York source of his income. The whistleblower award was \$22.05 million.

Before his government service, Mr. Fox was a litigation partner at the law firm of LeBoeuf, Lamb, Greene & MacRae, LLP, where his practice focused on defending corporate clients in class actions, commercial disputes, and securities and consumer fraud actions.

Some of Mr. Fox's experience includes:

- Represented the whistleblower in *New York ex rel Tooley LLC v. Sandell*, a New York False Claims Act *qui tam* case against a hedge fund owner for evading New York taxes on about \$475 million in deferred compensation. The case resulted in a \$105 million settlement with a 21% whistleblower award.
- Represented the whistleblower in the healthcare kickbacks case of *New York State ex rel. WB Bros LLC v. Toobian*, where the government intervened in the case and is pursuing criminal kickback charges against radiology businesses and their owner.
- Represented the whistleblower in *United States ex rel. Doe v. FPR Specialty Pharmacy*, a federal False Claims Act *qui tam* case against compounding pharmacy and its owners alleging kickbacks to doctors, independent sales representatives, and patients in the sale of pain creams. The case settled for all of the defendants' limited assets, with a 21% whistleblower award.
- Represented the whistleblower in *New York ex. rel. Raw Data Analytics, LLC v. J.P. Morgan Chase*, a case that established the broad scope of obligations subject to whistleblower claims under the New York False Claims Act.

- Represented the whistleblower in *New York ex rel. Choe v. Spa Castle, Inc.*, a New York False Claims Act case resulting in a civil settlement with a 23% whistleblower award and the criminal conviction of defendants for tax evasions that had been previously unknown to the government.

Mr. Fox is admitted to the New York State Bar, U.S. District Courts for the Southern, Eastern, Western, and Northern Districts of New York, U.S. Courts of Appeals for the Second, Third, Eighth, and Ninth Circuits, and U.S. Tax Court. He graduated from Williams College (B.A. 1988) and New York University (J.D. 1991).



Robert J. Gralewski, Jr. is a partner based in San Diego and manages our California office. Mr. Gralewski has dedicated his entire 24-year legal career to obtaining economic justice for businesses and consumers victimized by price fixing, monopolistic practices, consumer fraud, privacy violations, and unfair employment practices. He has successfully prosecuted a wide variety of federal and state court class actions against multinational conglomerates and Fortune 500 companies in industries including technology, food, automotive, consumer services, and healthcare, including at trial.

Mr. Gralewski has significant experience deposing CEOs, presidents, and other senior executives in high-stakes litigation, including in foreign languages. For example, Mr. Gralewski has first-chaired apex depositions of Samsung, StarKist, and Foster Farms executives in the *In re Cathode Ray Tube (CRT) Antitrust Litigation*, the *In re Packaged Seafood Products Antitrust Litigation*, and the *In re Broiler Chicken Antitrust Litigation* matters, respectively.

In addition to his class cases, Mr. Gralewski maintains an active pro bono practice. Working with Casa Cornelia since 2018, he has succeeded in helping four separate refugees obtain asylum after direct examinations in contested administrative proceedings. In recognition of his dedication and accomplishments, Casa Cornelia awarded Mr. Gralewski its Pro Bono Publico Award in 2019. He is also helped establish COSAL's (The Committee to Support the Antitrust Laws) Diversity, Equity, and Inclusion Committee on which he previously served.

Mr. Gralewski was drafted by the Cincinnati Reds after his senior year in high school but elected to attend college instead.

Some of Mr. Gralewski's experience includes:

- Ongoing representation of a proposed class of Division I college coaches whose wages were illegally fixed at \$0 in *Colon v. National Collegiate Athletic Association*. Recently, the federal judge overseeing the case overruled the NCAA's motion to dismiss the case. The litigation seeks to recover years of back wages on behalf of thousands of hard-working employees who were not paid due to a conspiracy among the NCAA and its member schools.

- Mr. Gralewski leads the KM team as one of the core firms in *In re Cathode Ray Tube (CRT) Antitrust Litigation*, an indirect purchaser antitrust case against some of the largest electronics manufacturers in the world. The case has resulted in settlements on behalf of end payers exceeding \$575 million, and the firm continues to pursue one remaining defendant with a trial set to commence in early 2024. The Special Master in the CRT litigation noted that, "Kirby played an integral role in this case and assumed significant risk....Kirby's work was at a very high level [and] Kirby's work greatly benefitted the Class."
- Representation of a class of purchasers in *In re: Hard Disk Drive Suspension Assemblies Antitrust Litigation*, a case alleging that defendants fixed the prices of suspension assemblies (a critical component of hard disk drives) which artificially increased the prices of computers throughout the U.S. Through the course of his work on the case, Mr. Gralewski has taken several foreign-language depositions of high-level witnesses in Thailand.
- Serving as counsel on behalf of a certified class of restaurants and other commercial and institutional businesses in *In re Broiler Chicken Antitrust Litigation*, a case alleging that numerous poultry producers, such as Tyson and Perdue Farms, conspired to limit production and increase the price of broiler chickens, one of the most common menu items everywhere.
- One of the core firms representing a certified class of everyday-consumers in *In re Packaged Seafood Products Antitrust Litigation*. This case alleges that StarKist, Bumble Bee, Chicken of the Sea, and their parent companies, conspired to fix the price of packaged tuna. StarKist, Bumble Bee and some of their executives have already pleaded guilty, and Bumble Bee's former president was convicted of price fixing by a jury. This case seeks damages for increased prices of this food staple.
- First-chaired numerous arbitration hearings on behalf of employees of a nationwide fast casual chain who were subject to a mandatory arbitration provision. Relying upon JAMS' Employment Arbitration Minimum Standards, he convinced many arbitrators to order broad e-discovery concerning the respondent's practices despite the relatively low-dollar value of the individual proceedings. Ultimately, Mr. Gralewski and KM obtained economic justice for thousands of minimum-wage employees.
- For over a decade, Mr. Gralewski represented classes of businesses and consumers in monopoly cases against Microsoft Corporation in several states and served as consulting and advisory counsel to Canadian lead counsel in a similar Canadian class action. He was an integral member of the trial teams in the Minnesota and Iowa Microsoft class actions which both settled for more than \$350 million after months of hard-fought jury trials. During both trials, Mr. Gralewski was responsible for the evidence and argued evidentiary issues before the trial judges daily. Ultimately, he helped recover more than \$2 billion in the aggregate for businesses and consumers alleged to be overcharged as a result of Microsoft's monopolistic practices.

Mr. Gralewski is admitted to the California State Bar, all of the U.S. District Courts for the State of California, and U.S. District Court for the District of Colorado. He graduated from Princeton University (B.A. 1991) and California Western School of Law (J.D. *cum laude*, 1997).



Karen M. Lerner is a partner in our New York office focused on antitrust and commodities litigation.

Over the course of her career, Ms. Lerner has successfully litigated complex class actions that have recovered billions of dollars on behalf of institutional and individual plaintiffs. She has played important roles in several landmark antitrust cases and remains one of the few women ever appointed as Interim Co-Lead Class Counsel in a Commodity Exchange Act case. In addition to her litigation work, she also advises individuals, corporations and non-profits regarding business practices and corporate governance. In 2022, Ms. Lerner was named a Fellow of the American Bar Foundation, a global honorary society limited to one percent of lawyers licensed to practice in each jurisdiction.

Prior to joining KM, Ms. Lerner was of counsel at McDonough, Korn & Eichhorn, where she handled cases up to and including at trial.

Ms. Lerner is actively involved in promoting volunteerism in the legal community and through women's organizations and is an advocate for diversity and inclusion and is a member of Women Antitrust Plaintiffs' Attorneys (WAPA), an organization for female attorneys who focus their legal practice on representing businesses injured by cartels or other anticompetitive activities. Finally, in addition to her legal practice and activities, Ms. Lerner has served as a member of the Board of Directors for several charitable organizations.

Some of Ms. Lerner's antitrust and commodities experience includes:

- Co-lead counsel in *In re Credit Default Swaps Auctions Litigation*, a class action brought by the firm and the Office of the Attorney General for the State of New Mexico alleging antitrust violations and market manipulation in the credit default swaps market. The case is ongoing.
- Court appointed Executive committee member and class counsel in *In re Digital Advertising Antitrust Litigation*, representing publishers alleging that Google monopolized and suppressed competition in online display advertising.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.

- Counsel in the benchmark antitrust *litigation In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, on behalf of a putative class of gold derivative traders. The case has resulted in settlements of \$152 million.
- Selected by the Court as co-lead counsel in *In re JPMorgan Treasury Futures Spoofing Litigation*, alleging that defendants manipulated U.S. Treasury futures for more than a decade and that this conduct contributed to the bank's recent \$920 million settlement with the DOJ, CFTC, and SEC. The case has a putative settlement of \$15.7 million.
- Court appointed Executive committee member and class counsel in *In re Cattle Antitrust Litigation*, representing cattle producers and cattle futures traders. The suit alleges that the "Big 4" meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange.
- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into JPMorgan that remains ongoing.
- Counsel in *In re Deutsche Bank Spoofing Litigation* on behalf of a putative class of investors alleging manipulation through "spoofing" of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.
- Court appointed to the Executive Committee and class counsel in *In re Bank of Nova Scotia Spoofing Litigation*, alleging that defendants manipulated precious metals futures traded on the New York Mercantile Exchange and the Commodity Exchange, Inc.
- Representation of a putative class of exchange-based investors in *Dennis v. The Andersons, Inc. et al.*, alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws.
- Court appointed Discovery Committee Co-Chair in *In re Effexor XR Antitrust Litigation* for a putative class of direct purchasers of brand name and generic equivalents of extended-release venlafaxine hydrochloride capsules against drug manufacturers. Among the claims, Defendants are alleged to have delayed market entry of generic versions and entered into reverse payment settlements.
- Representation as sole lead counsel in *In re North Sea Brent Crude Oil Futures Litigation*.

Some of Ms. Lerner's other relevant experience includes:

- Representation of a whistleblower in *Anonymous, et ano. v. Moody's Corporation, et al.*, No. 103997/2012 (Sup. Ct. N.Y. Cty. and First Dept.), alleging millions of dollars of tax fraud using a sham captive insurance company for over a decade regarding domestic and international transactions. The litigation settled for \$8.5 million.

- *Maverick v. Valeant Pharmaceuticals International, Inc.*, alleging that Valeant materially misrepresented its business model, touting artificial and unsustainable growth that was enabled by the company’s deceptive and illegal conduct.

Ms. Lerner is admitted to the New York State Bar, New Jersey State Bar, District of Columbia Bar, United States Supreme Court, U.S. Court of Appeals for the Second and Third Circuits, U.S. Court of Appeals for the District of Columbia, U.S. District Court for the Southern and Eastern Districts of New York, and U.S. District Court for the District of New Jersey. She graduated from University of Albany SUNY (B.A. 1988, *summa cum laude*, Phi Beta Kappa) and University of Pennsylvania School of Law (J.D. 1991).



Anthony E. Maneiro is a partner practicing out of our Chicago office who concentrates on securities, commodities, and antitrust matters.

Mr. Maneiro was selected for the Federal Bar Council American Inn of Court for the Inn and is a member of the Hispanic National Bar Association and the New York City Bar Association, where he serves on the Antitrust and Trade Regulation Committee. Mr. Maneiro joined the firm in 2016.

Some of Mr. Maneiro’s antitrust and commodities experience includes:

- Co-lead counsel in *In re Credit Default Swaps Auctions Litigation*, a class action brought by the firm and the Office of the Attorney General for the State of New Mexico alleging antitrust violations and market manipulation in the credit default swaps market. The case is ongoing.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a “futures-only” commodities class action litigation.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.
- Counsel in the benchmark antitrust litigation *In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, on behalf of a putative class of gold derivative traders. The case has resulted in settlements of \$152 million.
- Selected by the Court as co-lead counsel in *In re JPMorgan Treasury Futures Spoofing Litigation*, alleging that defendants manipulated U.S. Treasury futures for more than a decade and that this conduct contributed to the bank’s recent \$920 million settlement with the DOJ, CFTC, and SEC. The case has a putative settlement of \$15.7 million.

- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into JPMorgan that remains ongoing.
- Court appointed Discovery Committee Co-Chair in *In re Effexor XR Antitrust Litigation* for a putative class of direct purchasers of brand name and generic equivalents of extended-release venlafaxine hydrochloride capsules against drug manufacturers. Among the claims, Defendants are alleged to have delayed market entry of generic versions and entered into reverse payment settlements.
- Court appointed Executive committee member and class counsel in *In re Cattle Antitrust Litigation*, representing cattle producers and cattle futures traders. The suit alleges that the “Big 4” meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange.
- Representation of a putative class of exchange-based investors in *Dennis v. The Andersons, Inc. et al.*, alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws.
- Counsel in *In re Deutsche Bank Spoofing Litigation* on behalf of a putative class of investors alleging manipulation through “spoofing” of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.
- Court appointed to the Executive Committee and class counsel in *In re Bank of Nova Scotia Spoofing Litigation*, alleging that defendants manipulated precious metals futures traded on the New York Mercantile Exchange and the Commodity Exchange, Inc.
- Representation of exchange-based investors in *Anastasio v. Total Gas & Power North America, Inc.*, alleging price manipulation of physical natural gas as well as price manipulation of natural gas futures and other derivative natural gas contracts.

Some of Mr. Maneiro’s other relevant experience includes:

- Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries, alleging that HSBC ran money laundering operations out of New York City. The litigation settled for \$72.5 million, the then largest foreign derivatives settlement ever reached and one of the largest insurer-funded cash payments achieved in a U.S. derivatives lawsuit.
- Representation in an individual securities fraud action alleging that in marketing their auto-loan ABS securitizations to investors, TCF Bank and Gateway One materially misrepresented the key metric used by investors to evaluate and price the securitizations’ certificates.
- Representation of a whistleblower in *Anonymous, et ano. v. Moody's Corporation, et al.*, No. 103997/2012 (Sup. Ct. N.Y. Cty. and First Dept.), alleging millions of dollars of tax fraud using

a sham captive insurance company for over a decade regarding domestic and international transactions. The litigation settled for \$8.5 million.

Mr. Maneiro is admitted to the Massachusetts, Illinois and New York State Bars, the U.S. District Court for the District of Massachusetts, the U.S. District Courts for the Eastern and Southern Districts of New York, and the U.S. District Court for the Northern District of Illinois. Mr. Maneiro graduated from Grove City College (B.A. 2010, *magna cum laude*), the London School of Economics and Political Science (M.Sc. 2011), and the Boston University School of Law (J.D. LL.M. 2016).



Andrew M. McNeela is a partner in our New York office focusing on securities, antitrust, commodities, and structured finance litigation. Mr. McNeela joined the firm in 2008.

Prior to joining KM, Mr. McNeela served as an Assistant United States Attorney in the Civil Division of the United States Attorney's Office for the Southern District of New York. In this capacity, he represented the United States in a wide array of civil litigation. Mr. McNeela has argued over twenty cases before the United States Court of Appeals for the Second Circuit.

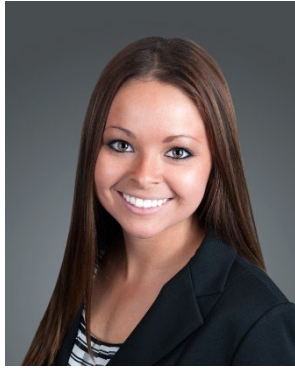
Some of Mr. McNeela's experience includes:

- Representation of exchange-based investors in *Shak v. JPMorgan Chase & Co.*, alleging monopolization and manipulation of the silver futures market in violation of federal antitrust and commodity exchange laws. The parties successfully reached a private settlement. The case preceded a related Department of Justice criminal investigation into JPMorgan that remains ongoing.
- Lead counsel in a seven-day bench trial in the S.D.N.Y., representing mutual fund investors who alleged that their advisor, Calamos Advisors LLC, charged excessive fees (decision under submission). At the conclusion of trial, the judge praised counsel for "an extraordinarily well-tried case."
- Representation of a Japanese bank that asserted fraud in connection with its purchase of synthetic CDOs from several prominent New York City-based financial institutions, which resulted in favorable confidential settlements.
- Representation of the New York City Pension Funds as lead plaintiff in a class action against Wachovia Corporation arising from Wachovia's alleged misrepresentations of their exposure to the subprime market. This case resulted in a settlement of \$75 million.
- Representation of the NY State Common Retirement Fund as lead plaintiff in *In re National City Corporation Securities, Derivative & ERISA Litigation*, a securities class action arising from National City's alleged misrepresentations regarding exposure to subprime mortgage related

losses. This case resulted in a settlement of \$168 million.

- Lead counsel in *Dandong v. Pinnacle Performance Limited*, a class action lawsuit against Morgan Stanley pertaining to \$154.7 million of notes issued by Pinnacle Performance Ltd. Plaintiffs allege that Morgan Stanley engineered the Pinnacle notes, which it marketed as a safe investment, to fail, investing money into collateralized debt obligations linked to risky companies, while actively shorting the same assets and betting against their clients. This case settled for \$20 million.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a “futures-only” commodities class action litigation.
- Lead counsel on behalf of a proposed class of Brent crude oil futures traders alleging benchmark manipulation in *In re North Sea Brent Crude Oil Futures Litigation*.
- Lead counsel in the securities class action *In re Herley Industries Inc. Securities Litigation* on behalf of investors. This litigation resulted in a recovery of \$10 million for the class.
- Co-lead counsel for a class of investors in Goldman Sachs common stock in a securities class action, *Lapin v. Goldman Sachs Group, Inc.*, pertaining to Goldman’s alleged instruction to their research analysts to favor procurement of investment banking deals over accuracy in their research. This litigation resulted in a recovery of \$29 million for the class.

Mr. McNeela is admitted to the New York State Bar, U.S. District Courts for the Southern and Eastern Districts of New York, and U.S. Court of Appeals for the Second Circuit. He graduated from Washington University (B.A. 1995) and Hofstra University School of Law (J.D. *cum laude*, 1998), where he was a member of the Law Review.



Meghan Summers is a partner based in our New York office focusing on securities, structured finance, and antitrust litigation.

Ms. Summers began working at the firm in 2008 as a paralegal and law clerk before becoming an associate in 2012 and then a partner in 2017.

Some of Ms. Summers' securities and structured finance experience includes:

- Lead counsel representing Wespath, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Counsel in *Maverick Neutral Levered Fund, Ltd. v. Valeant Pharmaceuticals International, Inc.*, alleging that Valeant materially misrepresented its business model, touting artificial and unsustainable growth that was enabled by the company's deceptive and illegal conduct.
- Lead counsel in *Dandong v. Pinnacle Performance Limited*, a class action lawsuit against Morgan Stanley pertaining to \$154.7 million of notes issued by Pinnacle Performance Ltd. Plaintiffs alleged that Morgan Stanley engineered the Pinnacle notes, which it marketed as a safe investment, to fail, investing money into collateralized debt obligations linked to risky companies, while actively shorting the same assets and betting against their clients. This litigation resulted in a \$20 million settlement.
- Representation of foreign financial institutions in individual lawsuits against Morgan Stanley, Credit Agricole Corporate and Investment Bank, UBS, Deutsche Bank, Credit Suisse, Goldman Sachs, JP Morgan, and Barclays pertaining to a number of fraudulent structured investment vehicles and asset-backed collateralized debt obligations.
- Lead counsel in *In re MOL Global, Inc. Securities Litigation*, a class action lawsuit alleging that e-payment enabler MOL Global misled shareholders prior to its initial public offering. This litigation resulted in a \$8.5 million settlement.
- Lead counsel in *Rudman v. CHC Group, Ltd.*, a securities class action alleging that CHC Group had misled investors by failing to disclose that one of its two largest customers had stopped making payments on its contracts prior to the company's initial public offering. This litigation resulted in a \$3.85 million settlement.
- Representation in individual securities fraud actions against Merck and Schering-Plough related to the commercial viability of the companies' anti-cholesterol medication, Vytorin, and the subsequent drop in Merck's and Schering-Plough's share price.
- Representation in individual securities fraud actions against Merck related to the safety and commercial viability of its medication, Vioxx, and the subsequent drop in Merck's share price.

- Representation in an individual securities fraud action against BP plc related to the Deepwater Horizon explosion on April 20, 2010, and the subsequent drop in BP's share price.
- Representation in an individual securities fraud action alleging that, in marketing their auto-loan ABS securitizations to investors, TCF Bank and Gateway One materially misrepresented the key metric used by investors to evaluate and price the securitizations' certificates.
- Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries, alleging that HSBC ran money laundering operations out of New York City. The litigation settled for \$72.5 million, the then largest foreign derivatives settlement ever reached and one of the largest insurer-funded cash payments achieved in a U.S. derivatives lawsuit.

Some of Ms. Summers' antitrust experience includes:

- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the foreign exchange market. This litigation has already resulted in partial settlements of more than \$2.3 billion.
- Representation in individual lawsuits against Citibank, JPMorgan, Goldman Sachs, and Barclays, alleging that the banks colluded to prevent a patented method for structuring airline special facility revenue bonds from entering the airline municipal bond market in violation of New York's Donnelly Act.
- Consulting and advisory counsel to Canadian lead counsel in an antitrust case against Microsoft. This litigation resulted in a settlement of \$395 million.

As a law clerk, Ms. Summers worked on a variety of matters, including *In re Citigroup Inc. Securities Litigation*, *In re Wachovia Corporation*, *In re Libor-Based Financial Instruments Antitrust Litigation*, *In re AT&T Wireless Tracking Stock Securities Litigation*, *Dandong v. Pinnacle Performance Limited*, and private antitrust proceedings against Microsoft in the United States and Canada.

Ms. Summers is admitted to the New York State Bar, U.S. District Court for the Southern and Eastern Districts of New York, U.S. District Court for the District of Colorado, U.S. Court of Appeals for the Second and Third Circuits. She graduated from Cornell University (B.S. *summa cum laude*, 2008), where she was ranked first in her major, Pace University School of Law (J.D. *summa cum laude*, 2012), where she was Salutatorian and Articles Editor for the Pace Law Review, and King's College, London (Postgraduate Diploma with Merit, EU Competition Law, 2019).



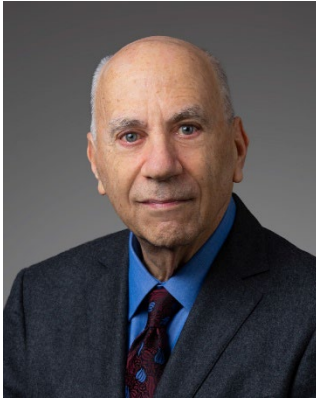
Karina Kosharsky is Of Counsel to the firm. She is based in our New York office and focuses on securities and antitrust litigation. Ms. Kosharsky joined the firm in 2005.

Ms. Kosharsky is fluent in Russian.

Some of Ms. Kosharsky’s relevant work includes:

- Lead counsel for consumer classes in connection with antitrust proceedings against Microsoft in the United States and consulting and advisory counsel to Canadian lead counsel in Canada. These litigations have resulted in settlements totaling over \$1 billion for consumers in Canada, Florida, New York, Tennessee, West Virginia and Minnesota, where the litigation proceeded to trial.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a “futures-only” commodities class action litigation.
- Representation of indirect purchasers in *In re Cathode Ray Tube (CRT) Antitrust Litigation*, a price fixing anti-trust case wherein it is alleged that defendant entities conspired to control prices of television and monitor components resulting in a settlement of \$576 million.

Ms. Kosharsky is admitted to the New York and New Jersey State Bars, the U.S. District Courts for the Southern and Eastern Districts of New York, and the U.S. District Court for the District of New Jersey. Ms. Kosharsky graduated from Boston University (B.A. 2000) and the New York Law School (J.D. 2007).



John Low-Beer is Of Counsel to the firm and focuses on whistleblower litigation.

Mr. Low-Beer has represented plaintiffs in class actions and whistleblower litigation including *Tyngsboro Sports II Solar, LLC v. Nat'l Grid USA Services Co.*, Case No. 1:22-cv-11791 (D. Mass.) (ongoing litigation challenging fees on independent solar generation), and *Anonymous, et ano. v. Moody's Corporation, et al.*, No. 103997/2012 (Sup. Ct. N.Y. Cty. and First Dept.) (successful claim re taxation of captive insurance company).

He is an Adjunct Professor at Cornell Law School and also has a separate *pro bono* and “low bono” practice, primarily representing community groups and civic organizations in land use cases including *Avella v. City of New York*, 29 N.Y.3d 967 (2017) (invalidating a plan to build a shopping mall on parkland in Queens), *Howard v. 1919 Bedford Realty, LLC*, Index No. 507391/2022 (upholding covenant protecting National Register property in Lefferts Manor, Brooklyn), and *Peyton v. New York City Board of Standards and Appeals*, 36 N.Y.3d 271 (2020) (4-3 decision reversing 1st Dept.’s holding that rooftop garden of a luxury building in Manhattan could not be counted as “open space” within the meaning of the Zoning Resolution).

Mr. Low-Beer was formerly a Senior Counsel in the Affirmative Litigation Division of the NYC Law Department, where he was lead attorney on complex and highly publicized matters, including litigation concerning City taxation of consular and U.N. mission staff housing, a successful challenge to New York State’s misallocation of \$750 million in federal stimulus funding, a lawsuit forcing the Governor to implement State takeover of \$2.5 billion in City debt, and cases against more than 40 pharmaceutical companies recovering \$240 million.

Mr. Low-Beer has a B.A. from Brown University, a Ph.D. from Harvard University, and a J.D. from Yale Law School. He clerked for Judge Leonard Garth on the U.S. Court of Appeals for the Third Circuit. Previous to that, he was Associate Professor at York College, CUNY, and Assistant Professor at Yale School of Management and Department of Sociology. He is the author of a book, Protest and Participation (Cambridge University Press 1978), a prize-winning note in the Yale L.J., “The Constitutional Imperative of Proportional Representation,” and numerous articles, including “Why Community Groups Can Never Win Against Developers,” NYLJ Sept. 19, 2019.



Alice McInerney is Of Counsel to the firm and practices out of our New York office. She concentrates on antitrust and consumer matters, and also handles securities class actions. Ms. McInerney joined the firm in 1995 and has over 30 years of experience as an attorney.

Prior to joining KM, Ms. McInerney was Chief of the Investor Protection Bureau and Deputy Chief of the Antitrust Bureau of the New York Attorney General's office. While there, she chaired the Enforcement Section of the North American Securities Administrators Association and also chaired the Multi-State Task Force on Investigations for the National Association of Attorneys General. Alice is also a member of the National Association of Public Pension Attorneys (NAPPA).

Some of Ms. McInerney's relevant work includes:

- Lead counsel for consumer classes in antitrust cases against Microsoft. These litigations resulted in settlements totaling over \$1 billion dollars for consumers in Florida, New York, Tennessee, West Virginia and Minnesota.
- Representation of a class of retailers in *In re Visa Check/MasterMoney Antitrust Litigation*, an antitrust case which resulted in a settlement of over \$3 billion for the class.
- Representation of public entities in connection with ongoing Medicaid fraud and False Claims Act litigations arising from health expenditures of these state and local governmental entities.
- Representation of California homeowners in litigation arising from mortgage repayment irregularities. This litigation resulted in settlements that afforded millions of California homeowners clear title to their property. The cases resulted in the notable decision *Bartold v. Glendale Federal Bank*.

Ms. McInerney is admitted to the New York State Bar, the U.S. Supreme Court, the U.S. Court of Appeals for the Second Circuit, and the U.S. District Courts for the Eastern, Northern, Southern, and Western Districts of New York. Ms. McInerney graduated from Smith College (B.A. 1970) and Hofstra School of Law (J.D. 1976).



Beverly Mirza is Of Counsel to the firm and practices out of our New York office, concentrating on antitrust and securities litigation.

Ms. Mirza joined the firm in 2004.

Some of Ms. Mirza’s relevant experience includes:

- Representation of a class of consumers in connection *with In re Reformulated Gasoline (RFG) Antitrust and Patent Litigation and Related Actions*. This case involves Unocal’s manipulation of the standard-setting process for low-emissions reformulated gasoline in California, which increased retail prices of reformulated gasoline. This litigation resulted in a \$48 million recovery for the class.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a “futures-only” commodities class action litigation.
- Representation, as one of the firms with primary responsibility for the case, of a class of purchasers of computers containing Intel’s microprocessor chips in Coordination Proceedings Special Title, Intel x86 Microprocessor Cases.
- Representation, as executive committee member, of a class of retailers in *In re Chocolate Confectionary Antitrust Litigation*, alleging price fixing claims against a group of chocolate manufacturers in the United States and abroad.
- Representation of a class of sellers in *In re Ebay Seller Antitrust Litigation*, alleging monopolization claims against Ebay.
- Representation of an objector to the settlement in *Reynolds v. Beneficial National Bank* in the United States Northern District Court for the District of Illinois. Ms. Mirza and KM were lauded by the presiding judge for their “intelligence and hard work,” and for obtaining “an excellent result for the class.”

Ms. Mirza is admitted to the California State Bar and the U.S. District Courts for the Northern and Central Districts of California. She graduated from California State University of Los Angeles (B.S. *magna cum laude*, 2000) and California Western School of Law (J.D. 2004).



Sawa Nagano is Of Counsel to the firm. She focuses on the representation of clients in relation to price-fixing litigation under the Sherman Antitrust Act and other federal and state laws to recover overcharges caused by international price-fixing cartels. Ms. Nagano joined the firm in 2013.

Prior to joining KM, Ms. Nagano worked with the law firms of both Orrick, Herrington, and Sutcliffe LLP and Crowell and Morning LLP, where she assisted in the investigation of conspiracies to engage in price-fixing and anticompetitive practices by manufacturers and multinational conglomerates, and she represented cable operators on matters arising before the Federal Communications Commission as well as in their relations with local and state franchising authorities. She also worked for the New York bureau of a major Japanese television network. Additionally, she interned with the Office of Commissioner Furchtgott-Roth at the Federal Communications Commission and worked as a student counsel at the Art, Sports and Entertainment Law Clinic of the Dickinson School of Law of the Pennsylvania State University.

Some of Ms. Nagano's experience includes:

- Representation of a class of purchasers in *In re: Hard Disk Drive Suspension Assemblies Antitrust Litigation*, a case alleging that defendants fixed the prices of suspension assemblies (a critical component of hard disk drives) which artificially increased the prices of computers throughout the U.S.
- Representation of an end-user class of businesses and consumers in connection with *In re Cathode Ray Tube (CRT) Antitrust Litigation*. In this case, the manufacturers of cathode ray tubes conspired to fix, raise, maintain and/or stabilize prices. Because of Defendants' alleged unlawful conduct, Plaintiffs and other Class Members paid artificially inflated prices for CRT Products and have suffered financial harm.
- Court appointed Executive committee member and class counsel in *In re Digital Advertising Antitrust Litigation*, representing publishers alleging that Google monopolized and suppressed competition in online display advertising.
- Representation of a whistleblower who alleges that waste-to-energy plant operator Covanta violated environmental regulations by creating hazardous ash as a by-product of the burning of garbage from multiple Long Island towns in *State of New York v. Covanta Hempstead Company et al.* The case has been brought on behalf of New York State, certain local governments on Long Island, and the Long Island Power Authority (LIPA). Over the course of a decade, these local governments paid \$890 million to Covanta to take their communities' garbage in an environmentally safe way. As alleged, Covanta did not, in fact, abide by the necessary protocols to keep the ash that was dumped in the Brookhaven landfill from being hazardous.
- Obtained an \$8.5 million award – the largest-ever settlement in a declined New York State False Claims Act case – for a whistleblower in *Anonymous, et ano. v. Moody's Corporation, et al.*, a groundbreaking case against Moody's and others under the New York State False Claims Act.

The litigation brought to light a multi-year, multi-million-dollar tax fraud scheme executed by Moody's and its consultants wherein the company repeatedly underpaid city and state taxes by maintaining a sham insurance corporation as a subsidiary. The KM team was successful both before the trial court as well as on appeal before the New York City First Department.

- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.

Ms. Nagano graduated from Sophia University, Tokyo, Japan (B.A. 1989), New York University (M.A. 1992), and The Dickinson School of Law of the Pennsylvania State University (J.D. 2000).



TL Popejoy is Of Counsel to the firm and practices out of our New York office. He focuses on antitrust, whistleblower, derivative, and securities litigation involving complex financial products. Mr. Popejoy joined the firm in 2020.

Prior to joining KM, Mr. Popejoy practiced as an attorney at Quinn Emanuel Urquhart & Sullivan, LLP and a startup litigation boutique, where he worked on high-profile cases involving complex financial products in large antitrust class actions, contract disputes, and numerous FINRA and SEC investigations.

He has also represented pro bono low-income tenants in New York City, as well as New York City public school students in suspension hearings.

Before law school, Mr. Popejoy was a Director in algorithmic trading at Credit Suisse and RBC Capital Markets. He is co-inventor of a patent with the founders of the IEX stock exchange that protects institutional investors from high frequency trading arbitrage, and he has argued successfully before the U.S. Patent and Trademark Office.

Mr. Popejoy is the author of *The Invention of Potential Life: The Police Power over Women in Reproductive Rights Jurisprudence*, a law review article published during Mr. Popejoy's time in law school by the *Women's Rights Law Reporter*, a review founded by the late U.S. Supreme Court Justice Ruth Bader Ginsburg. See 37 *Women's Rights Law Reporter* 83 (Fall 2015).

Some of Mr. Popejoy's experience includes:

- Lead counsel on behalf of the New Mexico Attorney General’s Office and the New Mexico State Investment Council in *In re Credit Default Swaps Auctions Litigation* alleging that leading credit default swap (CDS) dealers took part in a more than decade-long, multibillion-dollar scheme to manipulate the benchmark prices used to value credit default swap contracts at settlement.

Some of Mr. Popejoy’s experience at his prior firms includes:

- *In re European Government Bonds Antitrust Litigation; In re Chicago Board Options Exchange Volatility Index Manipulation Antitrust Litigation*, a class action concerning settlement of the VIX “fear index;”
- *Iowa Public Employees’ Retirement System v. Bank of America Corporation*, a class action concerning collusive behavior in the stock loan industry;
- *In re Interest Rate Swaps Antitrust Litigation; Alaska Electrical Pension Fund v. Bank Of America Corporation*, a class action concerning price manipulation of the ISDAfix benchmark;
- *In re Treasury Securities Auction Antitrust Litigation; Scott v. AT&T Inc.*, involving the sale of customer “geolocation” information; and
- *Williams v. AT&T Mobility LLC*, representing a victim of “SIM swapping” in a case involving cryptocurrency.

Mr. Popejoy is admitted to the New York State Bar and the U.S. District Court for the Southern and Eastern Districts of New York. He graduated from Amherst College (B.A. *summa cum laude*), Johns Hopkins University (M.A. Ph.D.), and City University of New York School of Law (J.D.).



Ira M. Press is Of Counsel to our New York office. Mr. Press’s practice focuses on securities and consumer litigation. He joined the firm in 1993, and currently leads the firm’s institutional investor monitoring program. In this capacity, he has provided advisory services to numerous government pension funds and other institutional investors. He has authored articles on securities law topics and has lectured to audiences of attorneys, experts and institutional investor fiduciaries.

Mr. Press’s advocacy has resulted in several landmark appellate decisions, including *Rothman v. Gregor*, the first ever appellate reversal of a lower court’s dismissal of a securities class action suit pursuant to the 1995 Private Securities Litigation Reform Act.

Prior to joining KM, Mr. Press practiced at Warshaw Burstein Cohen Schlesinger & Kuh, LLP, where he focused on commercial litigation.

Some of Mr. Press’s relevant experience includes:

- Lead counsel representing Wespeth, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata’s drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Co-lead counsel in *Kokareva v. Bristow Group Inc.*, a securities class action alleging that an aviation services provider focused on the oil and gas sector, made materially false and misleading statements about its internal controls relating to covenants in the company’s secured financing agreements. The case resulted in a \$6.25 million settlement that has received final approval.
- Counsel in *Maverick Neutral Levered Fund, Ltd. v. Valeant Pharmaceuticals International, Inc.*, alleging that Valeant materially misrepresented its business model, touting artificial and unsustainable growth that was enabled by the company’s deceptive and illegal conduct.
- Representation of the NY State Common Retirement Fund as lead plaintiff in *In re National City Corporation Securities, Derivative & ERISA Litigation*, a securities class action arising from National City’s alleged misrepresentations regarding exposure to subprime mortgage related losses. During the class period, the company’s stock fell from approximately \$37 to \$6. This case resulted a settlement of \$168 million.
- Representation of the New York City Pension Funds as lead plaintiff in a class action against Wachovia Corporation arising from Wachovia’s alleged misrepresentations of their exposure to the subprime market. This case resulted in a settlement of \$75 million.
- Lead counsel in *In re Citigroup Inc Securities Litigation*, a class action arising out of Citigroup’s alleged misrepresentations regarding their exposure to losses associated with numerous collateralized debt obligations. This case settled for \$590 million.

Mr. Press is admitted to the New York State Bar, U.S. District Courts for the Eastern, Northern and Southern Districts of New York, U.S. District Court for the District of Colorado, and the U.S. Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Circuits. He graduated from Yeshiva University (B.A. *magna cum laude*, 1986) and New York University Law School (J.D. 1989).



Henry Telias is Of Counsel to the firm and practices out of our New York office, specializing in accountants' liability and securities litigation. Mr. Telias joined the firm in 1997.

In addition to his legal work, Mr. Telias is also the firm's chief forensic accountant. He holds the CFF credential (Certified in Financial Forensics) and the PFS credential (Personal Financial Specialist) from the American Institute of Certified Public Accountants. He received his CPA license from New York State in 1982. Prior to practicing as an attorney, he practiced exclusively as a certified public accountant from 1982 to 1989, including 3 years in the audit and tax departments of Deloitte Haskins & Sells' New York office.

Some of Mr. Telias' relevant experience includes:

- Lead counsel in *In re Citigroup Inc. Securities Litigation*, a class action arising out of Citigroup's alleged misrepresentations regarding their exposure to losses associated with numerous collateralized debt obligations. This case recently settled for \$590 million.
- Representation of the NY State Common Retirement Fund as lead plaintiff in *In re National City Corporation Securities, Derivative & ERISA Litigation*, a securities class action arising from National City's alleged misrepresentations regarding exposure to subprime mortgage related losses. This case resulted in a settlement of \$168 million.
- Representation of the New York City Pension Funds as lead plaintiff in a class action against Wachovia Corporation arising from Wachovia's alleged misrepresentations of their exposure to the subprime market. This case resulted in a settlement of \$75 million.
- Lead counsel for a certified class of purchasers of PRIDES securities in connection with the Cendant Corporation accounting fraud in *In re Cendant Corporation PRIDES Litigation*. This litigation resulted in an approximate \$350 million settlement for the certified class – an unprecedented 100 percent recovery.

Mr. Telias is admitted to the New York State Bar and the U.S. District Court for the Southern District of New York. He graduated from Brooklyn College (B.S. *cum laude*, 1980) and Hofstra University School of Law (J.D. 1989).



Cormac Broeg is an associate practicing out of our Chicago office. Prior to joining KM, Mr. Broeg clerked for the Honorable Kenneth F. Ripple of the U.S. Court of Appeals for the Seventh Circuit and the Honorable Margaret J. Schneider of the U.S. District Court for the Northern District of Illinois. Before his clerkships, Mr. Broeg was an associate at a large international law firm in New York.

Mr. Broeg is admitted to the New York State Bar and the Illinois State Bar. He received his J.D. from the University of Iowa College of Law in 2020, where he served as a Contributing Editor of the Iowa Law Review and as an Associate Editor of the journal of Transnational Law & Contemporary Problems. Mr. Broeg joined the firm in 2024.



Sarah Flohr is an associate practicing out of our New York office where she focuses on antitrust, consumer fraud, and securities fraud litigation. Ms. Flohr also works with attorneys in our Chicago office representing clients in Illinois courts.

Ms. Flohr has extensive experience in all stages of litigation, including drafting motions and pleadings, discovery requests, arguing motions, conducting trials, negotiating settlements, and taking fact and expert depositions. Prior to joining KM, she worked as an associate in Chicago practicing in mass tort litigation. During this time, she played an integral role on numerous teams representing Fortune 500 companies throughout the country. Ms. Flohr drafted and won two motions to exclude experts, resulting in summary judgment being granted on all counts brought against her firm's client in a multi-million-dollar product liability and breach of contract case, which was upheld on appeal by the United States Circuit Court of Appeals for the Second Circuit.

Some of Ms. Flohr's work includes:

- Lead counsel to a class of small package delivery companies in *Fli-Lo Falcon Llc v. Amazon.Com Inc.*, et al., who were defrauded by Amazon under its Delivery Service Partners (DSP) Program. The case alleges that the DSP program represents an unlawful scheme to shield Amazon from its responsibilities to DSPs, their drivers, and the public; minimize the risk of unionization among drivers; foist costs that Amazon would otherwise bear as an employer of drivers onto DSPs despite the fact that the drivers are functionally Amazon employees; and limit Amazon's delivery costs by imposing policies and rules intended to prevent DSPs from achieving performance-related payments.
- Counsel in *May v. Google et al.*, a consumer class action alleging that for nearly a decade Google has knowingly kept stolen money from victims of gift card scams who purchased Google Play gift cards.

- Co-lead counsel in *Macovski v. Groupon Inc. et al.*, a securities class action alleging that the company made materially false and misleading statements and failed to disclose to investors its financial health before ending its sale of physical goods and announcing the departure of two top executives. The case resulted in a \$13.5 million settlement that has received final approval.
- Lead counsel representing Wespeth, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata’s drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Co-lead counsel in *Apple Gift Card Litigation*, representing a class of consumers who were victims of gift-card scams and from whom Apple allegedly withholds funds.
- Counsel in *Maverick Neutral Levered Fund, Ltd. v. Valeant Pharmaceuticals International, Inc.*, alleging that Valeant materially misrepresented its business model, touting artificial and unsustainable growth that was enabled by the company’s deceptive and illegal conduct.

Ms. Flohr is admitted to the New York State Bar, Illinois State Bar, Missouri State Bar, and the U.S. District Courts for the Eastern and Southern Districts of New York and the Northern District of Illinois. She graduated from Indiana University (B.A. 2008) University of Illinois Chicago School of Law (J.D. 2014).



James Isacks is a law clerk practicing out of our New York office. His admission is pending before the New York State Bar. Upon admission to the bar, Mr. Isacks will be an associate.

Prior to joining KM, Mr. Isacks was a student attorney at the Washington University School of Law’s First Amendment Clinic, where he researched and wrote portions of briefs filed in the Federal District Court and Eighth Circuit Court of Appeals. Additionally, he served as a Judicial Extern at the Equal Employment Opportunity Commission while in law school.

Some of Mr. Isacks’ work includes:

- Court appointed Executive Committee member and class counsel representing cattle producers and cattle futures traders in *In re Cattle Antitrust Litigation*. The suit alleges that the “Big 4” meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange.
- Court appointed Executive committee member and class counsel in *In re Digital Advertising*

Antitrust Litigation, representing publishers alleging that Google monopolized and suppressed competition in online display advertising.

- Counsel in *In re Deutsche Bank Spoofing Litigation* on behalf of a putative class of investors alleging manipulation through “spoofing” of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.
- Representation of a putative class of exchange-based investors in *Dennis v. The Andersons, Inc. et al.*, alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws.

Mr. Isacks graduated from Louisiana State University, (B.A. 2019) and Washington University in St. Louis School of Law (J.D. 2022). During law school, he served as the Executive Notes Editor of Washington University's Journal of Law and Policy and authored Deepwater Horizon JO Years Later: Regulations, Rollbacks, and Where We Go from Here, 69 Wash. U. J. L. & POL'Y 1 (2022). Mr. Isacks joined the firm in 2022.



Rohan Kulkarni is an associate practicing out of our New York office. During law school, Mr. Kulkarni worked as a law clerk for Barrows Levy PLLC and Essex-Newark Legal Services. As a law clerk, he assisted clients in all aspects of commercial litigation, drafted pleadings filed in federal and state courts, and conducted legal research.

Some of Mr. Kulkarni’s work includes:

- Lead counsel representing Wespath, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata’s drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. The case has resulted in a \$45 million settlement.
- Court appointed Executive committee member and class counsel in *In re Digital Advertising Antitrust Litigation*, representing publishers alleging that Google monopolized and suppressed competition in online display advertising.

Mr. Kulkarni is also working on confidential ongoing whistleblower matters:

- Securities/Cryptocurrencies
 - market manipulation
 - money laundering

- insider trading

Mr. Kulkarni is admitted to the New York State Bar. He graduated from Rutgers University (B.S. 2018), the Maurice A. Deane School of Law at Hofstra University (J.D. 2022), and Frank G. Zarb School of Business at Hofstra University (M.B.A. 2022).



Lauren Molinaro is an associate practicing out of our New York office. Prior to joining KM, Ms. Molinaro was an associate at a major New York plaintiffs' firm, where her practice focused on securities fraud litigation.

Some of Ms. Molinaro's work includes:

- Representation of persons and entities that purchased or otherwise acquired *Lordstown Motors Corp. securities in Lim v. Hightower et al.* The lawsuit alleges that, throughout the Class Period, Lordstown represented publicly that it had been working collaboratively with Hon Hai Technology Group ("Foxconn") in the context of the companies' joint venture. However, Lordstown revealed in a court filing that, contrary to Lordstown's Class Period representations, the Company's vital partnership with Foxconn had long been in jeopardy and Foxconn's conduct toward Lordstown had been anything but collaborative.

Ms. Molinaro is admitted to the New York State Bar, the U.S. District Courts for the Southern and Eastern Districts of New York and the U.S. Court of Appeals for the 8th Circuit. She graduated from the University of Wisconsin-Madison (B.A. 2015) and from Fordham University School of Law (J.D. 2021) where she was a staff member of the International Law Journal and a recipient of the Archibald R. Murray Public Service Award. During law school, Ms. Molinaro was a student attorney for the Corporate Social Responsibility Clinic at Fordham University School of Law, where she researched and reported human trafficking in global food supply chains to an international NGO. Additionally, she served as a Judicial Intern for a judge in the New York State Supreme Court. Ms. Molinaro joined the firm in 2023.



Belden Nago is an associate based in our New York office. Mr. Nago joined the firm in 2011 and focuses on securities litigation.

Some of Mr. Nago's relevant experience includes:

- Lead counsel representing Wespath, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding

the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. This case has resulted in a \$45 million settlement.

- Co-lead counsel in Apple Gift Card Litigation, representing a class of consumers who were victims of gift-card scams and from whom Apple allegedly withholds funds.
- Counsel in *In re Deutsche Bank Spoofing Litigation* on behalf of a putative class of investors alleging manipulation through "spoofing" of U.S. Treasury futures traded on the Chicago Board of Trade and Eurodollar futures traded on the Chicago Mercantile Exchange.
- Representation of a putative class of exchange-based investors in *Dennis v. The Andersons, Inc. et al.*, alleging monopolization and manipulation of Chicago Board of Trade soft red winter wheat futures contracts in violation of federal antitrust and commodity exchange laws.
- Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries, alleging that HSBC ran money laundering operations out of New York City. The litigation settled for \$72.5 million, the then largest foreign derivatives settlement ever reached and one of the largest insurer-funded cash payments achieved in a U.S. derivatives lawsuit.
- Representation of a family office as plaintiff in *The Stone Family Trust v. Credit Suisse AG, et al.*, an opt-out lawsuit from *Chahal v. Credit Suisse Grp. AG, et al.* The cases arise from the collapse, on February 5, 2018, of XIV, an Exchange Traded note issued and underwritten by Credit Suisse designed to replicate the inverse of the daily performance of the S&P 500 VIX Short-Term Futures Index. Defendants had failed to disclose material risks to investing in XIV in its offering documents or public statements, and on February 5, 2018, XIV lost 96% of its value, or approximately \$1.56 billion.
- Co-lead counsel on behalf of a putative class of investors in *In re Natwest Treasury Futures Spoofing Litigation*, a trading markets manipulation case alleging manipulation through "spoofing" of U.S. Treasury futures. This matter is important in that it seeks to curb manipulative and abusive practices by dominant financial institutions and make Treasury futures markets more efficient.
- Court appointed Executive Committee member and class counsel representing cattle producers and cattle futures traders in *In re Cattle Antitrust Litigation*. The suit alleges that the "Big 4" meatpacking firms conspired to suppress prices for fed cattle and manipulated live cattle futures traded on the Chicago Mercantile Exchange.
- Co-lead counsel in *Macovski v. Groupon Inc. et al.*, a securities class action alleging that the company made materially false and misleading statements and failed to disclose to investors its financial health before ending its sale of physical goods and announcing the departure of two top executives. The case resulted in a \$13.5 million settlement that has received final approval.
- Representation of an ad hoc group of shareholders in *In re: Intelsat S.A., et al.*, the Intelsat bankruptcy proceedings, successfully obtaining warrants for the shareholders in a multi-party

trial before the bankruptcy court in Virginia.

- Lead counsel in *In re Citigroup Inc Securities Litigation*, a class action arising out of Citigroup's alleged misrepresentations regarding their exposure to losses associated with numerous collateralized debt obligations. This case settled for \$590 million.
- Selected by the Court as co-lead counsel in *In re JPMorgan Treasury Futures Spoofing Litigation*, alleging that defendants manipulated U.S. Treasury futures for more than a decade and that this conduct contributed to the bank's recent \$920 million settlement with the DOJ, CFTC, and SEC. The case has a putative settlement of \$15.7 million.
- Lead counsel on behalf of the New Mexico Attorney General's Office and the New Mexico State Investment Council in *In re Credit Default Swaps Auctions Litigation* alleging that leading credit default swap (CDS) dealers took part in a more than decade-long, multibillion-dollar scheme to manipulate the benchmark prices used to value credit default swap contracts at settlement.
- Counsel for a plaintiff on behalf of gold purchasers in *In re Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, a market manipulation case. The case resulted in settlements of \$152 million.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.
- Representation of municipal issuers, including governmental entities and hospital systems, in FINRA arbitrations alleging misrepresentations by underwriters in connection with Auction Rate Securities issuances.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a "futures-only" commodities class action litigation.
- Representation of a whistleblower in *Anonymous, et ano. v. Moody's Corporation, et al.*, No. 103997/2012 (Sup. Ct. N.Y. Cty. and First Dept.), alleging millions of dollars of tax fraud using a sham captive insurance company for over a decade regarding domestic and international transactions. The litigation was settled for \$8.5 million.
- Representation of the proposed class of investors in *Shah v. Zimmer Biomet Holdings*, a securities class action alleging that a medical device company did not disclose systemic quality issues at its manufacturing facility.

Prior to joining KM, Mr. Nago was an associate in the Structured Finance department at Orrick, Herrington & Sutcliffe LLP. He is admitted to the New York State Bar and the U.S. Patent and Trademark Office. Mr. Nago graduated from Northwestern University (B.S. 1997), the Massachusetts

Institute of Technology (M.Eng., 1998), and Columbia Law School (J.D. 2003).



Marko Radisavljevic is an associate practicing out of our California office. Mr. Radisavljevic joined the firm in 2016 and concentrates on class action, consumer fraud, and antitrust matters.

Some of Mr. Radisavljevic’s recent work includes:

- First-chaired numerous arbitration hearings on behalf of employees of a nationwide fast casual chain who were subject to a mandatory arbitration provision. Relying upon JAMS Employment Arbitration Minimum Standards, Mr. Radisavljevic convinced many arbitrators to order broad e-discovery concerning the respondent’s practices despite the relatively low-dollar value of the individual proceedings.
- Representation of the exchange-based class in *In re LIBOR-Based Financial Instruments Antitrust Litigation*, an antitrust case alleging that defendant banks colluded to misreport and manipulate LIBOR. The case resulted in settlements totaling \$190.45 million, which combined represent the largest recovery in a “futures-only” commodities class action litigation.
- Special fiduciary representation for the exchange-based class in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* for a putative class of participants who traded futures and options in the FX market. The case has already resulted in partial settlements of more than \$2.3 billion.
- Co-lead counsel in *Apple Gift Card Litigation*, representing a class of consumers who were victims of gift card scams and from whom Apple allegedly withholds funds.
- Counsel in *May v. Google et al.*, a consumer class action alleging that for nearly a decade Google has knowingly kept stolen money from victims of gift card scams who purchased Google Play gift cards.
- *In re Effexor XR Antitrust Litigation* for a putative class of direct purchasers of brand name and generic equivalents of extended-release venlafaxine hydrochloride capsules against drug manufacturers. Among the claims, defendants are alleged to have delayed market entry of generic versions and entered reverse payment settlements.

Mr. Radisavljevic has experience in all stages of litigation, including drafting pleadings and motions, discovery requests, working with experts, negotiating settlements, and both taking and defending fact and expert depositions. In addition to his class cases, Mr. Radisavljevic has worked with Casa Cornelia since 2019. He has assisted in helping three separate refugees obtain asylum after direct examinations in contested administrative proceedings.

Mr. Radisavljevic is fluent in Serbian and many former Yugoslavian dialects.

Mr. Radisavljevic is admitted to the California State Bar. He graduated from the University of San Diego (B.A. Biology with minors in Chemistry and Philosophy, 2005) and the California Western School of Law (J.D. 2015).



Lauren Wands is an associate practicing out of our New York office. Prior to joining KM, Ms. Wands was an associate at two large international law firms in New York, where she represented clients in federal securities fraud class action litigation, SEC and other regulatory inquiries, and internal investigations. She has co-authored several amicus briefs submitted to the U.S. Supreme Court, including amicus briefs in support of Congress in the consolidated cases *Trump v. Mazars USA, LLP* and *Trump v. Deutsche Bank AG*, and in support of the U.S. Department of Justice in *United States v. Texas*.

Ms. Wands is admitted to the New York State Bar, the District of Columbia Bar, and the United States District Courts for the Southern and Eastern Districts of New York. She graduated from the University of Washington (B.A. 2012) and Georgetown University Law Center (J.D., 2018), where she served as the Symposium & Communications Editor for *The Georgetown Law Journal*. During law school, Ms. Wands served as a law clerk for Senator Dianne Feinstein on the U.S. Senate Committee on the Judiciary. She also held an externship in the Criminal Division of the U.S. Attorney's Office for the Central District of California. Ms. Wands joined the firm in 2023.



David Alper is a staff attorney practicing out of our New York office. Prior to joining KM in 2024, Mr. Alper was a staff attorney at Levi Korsinsky and Labaton Sucharow, where he focused on complex commercial and securities matters. Mr. Alper spent over twenty years on Wall Street as an interdealer fixed income bond broker with the firms Tullett Prebon ICAP, Garvin Guy Butler, and Euro Brokers LLC.

Mr. Alper is admitted to the New York State Bar. He graduated from Tulane University (B.A. 1980) and from the University of the District of Columbia David A. Clarke School of Law (J.D. 1984).

Arianna Beltrez is a staff attorney practicing out of our New York office. Prior to joining Kirby McInerney in 2024, Ms. Beltrez was a Senior Assistant District Attorney with the Kings County District

Attorney's Office, where she prosecuted a wide variety of felony cases and was directly responsible for investigations and case enhancement from inception to trial. Her time with the District Attorney's Office afforded her extensive investigative and courtroom experience as well as the opportunity to engage in drafting indictments, search warrants, accusatory instruments, and substantial motion practice.

Ms. Beltrez previously spent time as a Senior Associate with Wilson Elser, where she represented established businesses, municipalities, construction managers, and owners in all aspects of civil litigation. Her practice focused on the defense of claims related to general liability, labor law, and construction litigation. Additionally, at Keller Postman, Ms. Beltrez worked collaboratively with a team to build and advance a mass tort action across various state courts across the United States.

Ms. Beltrez is admitted to the New York State Bar and the U.S. District Courts for the Southern and Eastern Districts of New York. She graduated from Brooklyn College (B.S. 2016) and Albany Law School (J.D. 2018)



Josh Ciampi is a staff attorney practicing out of our New York office. Prior to joining KM in 2024, Mr. Ciampi was a Legal Affairs Officer for the United Nations Conference on Trade and Development. While there, Mr. Ciampi analyzed a wide array of domestic and international competition law issues.

Mr. Ciampi is admitted to the New York State Bar. He graduated from Fordham University (B.A. 2015) and from The George Washington University School of Law (J.D. 2020).



Kelsey Jack is a staff attorney practicing out of our New York office. Prior to joining KM, Mr. Jack developed extensive experience in antitrust, consumer and data protection, and securities litigation working with firms including Lieff Cabraser Heimann & Bernstein, LLP and Bleichmar Fonti & Auld LLP.

Mr. Jack is a Certified Information Privacy Professional (CIPP/US) and was a member of the American Bar Association's (SIL) Privacy, Cybersecurity & Digital Rights Committee.

Mr. Jack participated in the Sponsor for Educational Opportunity (SEO) career program for investment banking before attending law school. He currently serves as a volunteer youth sports coach and mentor in his local community.

Mr. Jack is admitted to the New York State Bar and the U.S. District Courts for the Southern and Eastern Districts of New York. He graduated from Baruch College, CUNY (B.B.A. magna cum laude, 2002) and from Georgetown University Law Center (J.D. 2007), where he was a member of the Georgetown Journal of International Law and earned a Certificate in Refugee and Humanitarian Affairs.



Ephraim Kaplan is a staff attorney practicing out of our New York office.

Prior to joining KM, Mr. Kaplan was an associate at a New York real estate law firm, where his practice focused on commercial real estate transactions. He also has experience working on restructuring and complex eDiscovery matters.

Mr. Kaplan is admitted to the New York State Bar. He graduated from Beth Medrash Govoha (B.T.S., 2017) and Fordham University School of Law (J.D.,2020), where he was a staff member of the Fordham Environmental Law Review. Additionally, he served as a Judicial Intern for The Honorable Leon Ruchelsman in the New York State Supreme Court.



Cynthia Markham is a staff attorney practicing out of our New York office. Prior to joining KM in 2023, Ms. Markham was a staff attorney at Labaton Sucharow and Bleichmar Fonti & Auld, LLP, where she focused on complex commercial and securities matters. Ms. Markham was a member of the teams that successfully prosecuted and resolved cases against Intuitive Surgical, Inc., Teva Pharmaceutical Industries Ltd., and Granite Construction, Inc. She was also involved in the *In re: Facebook, Inc. Consumer Privacy User Profile* litigation.

Some of Ms. Markham's work includes:

- Court appointed Executive committee member and class counsel in *In re Digital Advertising Antitrust Litigation*, representing publishers alleging that Google monopolized and suppressed competition in online display advertising.
- Lead counsel representing Wespath, the General Board of Pension and Health Benefits of the United Methodist Church, in *Doyle v. Reata Pharmaceuticals*, a securities class action alleging that Reata made false and/or misleading statements — including in connection with its secondary public stock offerings — concerning, inter alia, the FDA guidance regarding the design of the clinical trial (CARDINAL) for Reata's drug candidate, bardoxolone methyl. When

the FDA revealed serious concerns it had previously raised to Reata, the share price declined materially. This case has resulted in a \$45 million settlement.

Ms. Markham is admitted to the New York State Bar. She graduated from John Jay College of Criminal Justice (B.A. 2008) and Rutgers Law School (J.D. 2012).



Nodira Rakhmatkarieva is a staff attorney practicing out of our New York office. Prior to joining KM, Ms. Rakhmatkarieva was a staff attorney at Walden, Macht and Haran, LLP, where she was part of the teams working on DOJ and DEA investigation of a pharmaceutical company in connection with the opioid crisis and a financial institution's internal compliance investigation. Ms. Rakhmatkarieva has extensive experience in the electronic discovery of complex civil litigations, including high profile financial, pharmaceutical and RMBS matters as well as SEC and FTC investigations.

Ms. Rakhmatkarieva is fluent in Russian and currently studies French.

Some of Ms. Rakhmatkarieva's work includes:

- Court appointed Executive committee member and class counsel in *In re Digital Advertising Antitrust Litigation*, representing publishers alleging that Google monopolized and suppressed competition in online display advertising.
- Lead counsel on behalf of the New Mexico Attorney General's Office and the New Mexico State Investment Council in *In re Credit Default Swaps Auctions Litigation* alleging that leading credit default swap (CDS) dealers took part in a more than decade-long, multibillion-dollar scheme to manipulate the benchmark prices used to value credit default swap contracts at settlement.

Ms. Rakhmatkarieva is admitted to the New York State Bar and the New Jersey State Bar. She graduated from Rutgers University (B.A. 2001) and from New York Law School (J.D. 2004).

Christopher S. Wilson is a staff attorney practicing out of our New York office. Prior to joining KM in 2024, Dr. Wilson was an associate at two intellectual property boutiques, where he represented



pharmaceutical and biotechnology clients in Hatch-Waxman patent litigation, patent prosecution, and FDA inquiries. Dr. Wilson has extensive experience in electronic discovery, especially in connection with complex commercial litigation.

Dr. Wilson received his Ph.D. in Molecular Genetics and Viral Immunology from Emory University and his J.D. from Columbia University. During law school, Dr. Wilson served as a Judicial Intern for The Honorable Michael J. Obus of the New York State Supreme Court.

Dr. Wilson is admitted to the New York State Bar. He graduated from Hampden-Sydney College (B.S. 1994), Emory University (Ph.D. 2000), and Columbia University (J.D. 2003).

Client & Adversary Recognition

KM received the highest available commendations from the City of New York four years in a row for its work on the AWP Litigation. In each of those four years, KM's efforts on the City's behalf received the overall rating of "excellent". The City elaborated, "*Kirby did a truly excellent job and the results reflect that.*"

**Plaintiff / client,
In re Pharmaceutical Industry Average Wholesale Price Litigation**

"The case has been in front of the Supreme Court of the United States once, and in front of the Ninth Circuit no fewer than three times. Throughout, [KM] has . . . brought a considerable degree of success . . . and thwarted attempts by other counsel who sought to settle . . . and destroy a potential billion dollars of class rights."

**Plaintiff / client,
Epstein v. MCA, Inc.**

"[KM] represented us diligently and successfully. Throughout [KM's] representation of our firm, [KM's] commitment and attention to client concerns were unimpeachable."

**European institutional defendant /client
involved in a multi-million dollar NASO arbitration**

"Against long odds, [KM] was able to obtain a jury verdict against one of the larger, more prestigious New York law firms."

**Plaintiff / client,
Vladimir v. U.S. Banknote Corporation**

"[KM] represented our investors with probity, skill, and diligence. There is too much money involved in these situations to leave selection of class counsel to strangers or even to other institutions whose interests may not coincide."

**Plaintiff / institutional client,
In re Cendant Corporation PRIDES Litigation**

Notables

The firm has repeatedly demonstrated its ability in the field of securities, antitrust, commodities, structured finance, whistleblower, health care, consumer, and other fraud litigation, and our success has been widely recognized. For example:

CFTC Whistleblower Program award of nearly \$200 million to whistleblower client in connection with recoveries from global banks that manipulated benchmark rates.

State of NY ex rel. Tooley, LLC v. Sandell, et al., No. 101494/2018. Whistleblower client received award of 21% of \$105 million recovery.

Michael Mason-Mahon v. Douglas J. Flint et al., Index No. 602052/2014 (Sup. Ct. Nassau Cty.). Representation in a shareholder derivative lawsuit against officers and directors of HSBC Holdings and its subsidiaries. \$72.5 million settlement.

In re Bristow Group Inc. Securities Litigation, No. 19-cv-00509 (S.D.Tex.2019). Co-lead counsel. \$6.25 million settlement.

Anonymous v. Anonymous, Index No. 103997/2012 (Sup. Ct., N.Y. Cty. 2019). Representation of whistleblower. Client received award of 30% of \$8.5 million recovery.

Sullivan v. Barclays PLC, No. 13-cv-02811 (S.D.N.Y.). Class counsel. This case has already resulted in partial settlements of more than \$300 million.

In re Foreign Exchange Benchmark Rates Antitrust Litigation, No. 13-cv-07789 (S.D.N.Y.). Special fiduciary representation for the exchange-based class. This case has already resulted in partial settlements of over \$2.3 billion.

In re Cathode Ray Tube (CRT) Antitrust Litigation, No. MDL No. 1917 (N.D. Cal. 2019). Representation of indirect purchasers. \$576 million settlement.

State of New York ex rel. Choe v. Spa Castle, Inc., No. 101243/2014 (N.Y. Sup. Ct. 2018). Representation of whistleblower. Client received award of 23% of \$2.5 million recovery.

Esposito v. American Renal Assocs. Holdings, Inc., No. 16-cv-11797 (D. Mass. 2018). Lead counsel. \$4 million settlement.

In re Resonant Inc. Securities Litigation, No. 15-cv-01970 (C.D. Cal. 2017). Co-lead counsel. \$2.75 million settlement.

In re Molycorp, Inc. Securities Litigation, No. 13-cv-05697 (S.D.N.Y. 2017). Lead counsel. \$1.25 million settlement.

In re AudioEye, Inc. Securities Litigation, No. 15-cv-00163 (D. Ariz. 2017). Lead counsel. \$1.525 million settlement.

In re Bio-Rad Laboratories, Inc. Stockholder Litigation, C.A. No. 11387 (Del. Ch. Ct.). Co-lead counsel in a shareholder derivative action. The case settled with a parallel action in California state court. As a result of this settlement, Bio-Rad to adopt industry leading, state-of-the-art corporate governance and compliance measures to provide for greater effectiveness of the Board of Directors in responding to potential violations of the Foreign Corrupt Practices Act (FCPA) and similar anti-corruption laws.

Rothstein v. GMAC Mortgage LLC, No. 12-cv-3412 (S.D.N.Y.). Lead counsel. \$13 million settlement against GMAC Mortgage LLC in *In re Residential Capital, LLC, et al.*, No. 12-12020 (Bankr. S.D.N.Y. 2016).

U.S. ex rel. Dickhudt v. Winds Enterprises, No. 13-cv-01142 (W.D. Wa.). Representation of whistleblower. Client received award of 20% of \$1.5 million settlement.

In re MOL Global, Inc. Securities Litigation, No. 14-cv-09357 (S.D.N.Y. 2016). Lead counsel. \$8.5 million settlement.

Globis Capital Partners, L.P., et al. v. The Cash Store Financial Services Inc., et al., No. 13-cv-3385 (S.D.N.Y. 2015): Co-lead counsel. CAD \$13,779,167 cash settlement, representing roughly 50% of total class-wide stock losses.

Dandong v. Pinnacle Performance Ltd., No. 10-cv-08086 (S.D.N.Y. 2015). Lead counsel. \$20 million settlement.

In re Hi-Crush Partners L.P. Securities Litigation, No. 12-cv-8557 (S.D.N.Y. 2015). Lead counsel. \$3.8 million settlement while class certification was pending.

In re Citigroup Inc. Securities Litigation, No. 07-cv-9901 (S.D.N.Y. 2013). Lead counsel. \$590 million settlement.

Barfuss v. DGSE Companies, Inc., No. 12-cv-3664 (N.D. Tex. 2013). Lead Counsel. \$1.7 million settlement.

In re National City Corporation Securities, Derivative & ERISA Litigation, No. 08-cv-70004 (N.D. Ohio 2012). Lead counsel. \$168 million settlement.

In re Wachovia Equity Securities Litigation, No. 08-cv-6171 (S.D.N.Y. 2012). Lead counsel. \$75 million settlement.

In re BP Propane Indirect Purchaser Antitrust Litigation, No. 06-cv-3541 (N.D. Ill. 2010). Co-lead counsel. \$15 million settlement on behalf of propane purchasers.

In re J.P. Morgan Chase Cash Balance Litigation, No. 06-cv-732 (S.D.N.Y. 2010). Co-lead counsel.

"Plaintiff's counsel operated with a strong, genuine belief that they were litigating on behalf of a group of employees who had been injured and who needed representation and a voice, and, at great expense to [themselves], made Herculean efforts on behalf of the class over years. They're to be commended for their fight on behalf of people that they believed had been victimized."

In re Pfizer Inc. Shareholder Derivative Litigation, No. 09-cv-7822 (S.D.N.Y.). Pfizer agreed to pay a proposed settlement of \$75 million and to make groundbreaking changes to the Board's oversight of regulatory matters.

In re Pharmaceutical Industry Average Wholesale Price Litigation, MDL No. 1456; *City of New York, et al. v. Abbott Laboratories, et al.*, No. 01 Civ. 12257 (D. Mass). KM represented the State of Iowa, the City of New York, and forty-two New York State counties in a lawsuit against forty defendant drug manufacturers asserting that they manipulated their average wholesale price data to inflate prices charged to government drug benefits payers. Recovery of over \$225 million for the plaintiffs.

In re Reformulated Gasoline (RFG) Antitrust and Patent Litigation and Related Actions, No. 05-cv-01671 (C.D. Cal). Lead counsel. \$48 million settlement for indirect purchasers.

In re BISYS Securities Litigation, No. 04-cv-3840 (S.D.N.Y. 2007). Co-lead counsel. \$66 million settlement.

"In this Court's experience, relatively few cases have involved as high level of risk, as extensive discovery, and, most importantly, as positive a final result for the class members as that obtained in this case."

Cox v. Microsoft Corporation, Index No. 105193/00, Part 3 (N.Y. Sup. Ct.). Lead counsel. \$350 million settlement.

In re AT&T Corp. Securities Litigation, No. 00-cv-8754 (S.D.N.Y. 2006). Lead counsel. \$150 million settlement.

In re Adelpia Communications, Inc. Securities Litigation, No. 04-cv-05759 (S.D.N.Y. 2006). Co-lead counsel. \$478 million settlement.

"[T]hat the settlements were obtained from defendants represented by 'formidable opposing counsel from some of the best defense firms in the country' also evidences the high quality of lead counsels' work."

Lapin v. Goldman Sachs & Co., No. 04-cv-2236 (S.D.N.Y.). Co-lead counsel. \$29 million settlement.

Montoya v. Herley Industries, Inc., No. 06-cv-2596 (E.D. Pa). Lead counsel. \$10 million settlement.

Carnegie v. Household International Inc., et al., No. 98-cv-2178 (N.D. Ill. 2006). Co-lead counsel. \$39 million settlement.

"Since counsel took over the representation of this case . . . , they have pursued this case, conducting discovery, hiring experts, preparing for trial, filing motions where necessary, opposing many motions, and representing the class with intelligence and hard work. They have obtained an excellent result for the class."

Dutton v. Harris Stratex Networks Inc. et al., No. 08-cv-00755 (D. Del). Lead counsel. \$8.9 million settlement.

In re Isologen Inc. Securities Litigation, No. 05-cv-4983 (E.D. Pa.). Lead counsel. \$4.4 million settlement.

In re Textron, Inc. Securities Litigation, No. 02-cv-0190 (D.R.I.). Co-lead counsel. \$7 million settlement.

Argent Convertible Classic Arbitrage Fund, L.P. v. Amazon.com, Inc. et al., No. 01-cv-0640L (W.D. Wash. 2005). Lead counsel. \$20 million settlement for class of convertible euro-denominated bond purchasers.

Muzinich & Co., Inc. et al. v. Raytheon Company et al., No. 01-cv-0284 (D. Idaho 2005). Co-lead counsel. \$39 million settlement.

Gordon v. Microsoft Corporation, No. 00-cv-5994 (Minn. Dist. Ct., Henn. Cty. 2004). Co-lead counsel. \$175 million settlement following two months of trial.

In re Visa Check/MasterMoney Antitrust Litigation, No. 96-cv-5238 (E.D.N.Y. 2003). \$3 billion monetary settlement and injunctive relief.

In re Florida Microsoft Antitrust Litigation, No. 99-cv-27340 (Fl. Cir. Ct. 11th Cir., Miami/Dade Cty. 2003). Co-lead counsel. \$200 million settlement of antitrust claims.

In re Churchill Securities, Inc. (SIPA Proceeding), No. 99 B 5346A (Bankr. S.D.N.Y. 2003). Lead counsel. Over \$9 million recovery for 500+ victims of pyramid scheme perpetrated by defunct brokerage firm.

In re Laidlaw Bondholder Securities Litigation, No. 00-cv-2518-17 (D. S.C. 2002). Lead counsel. \$42.8 million settlement.

Cromer Finance v. Berger et al. (*In re Manhattan Fund Securities Litigation*), No. 00-cv-2284 (S.D.N.Y. 2002). Co-lead counsel. \$65 million settlement in total.

In re Boeing Securities Litigation, No. 97-cv-715 (W.D. Wash. 2001). \$92.5 million settlement.

In re MCI Non-Subscriber Telephone Rates Litigation, MDL No. 1275 (S.D. Ill. 2001). Chairman of steering committee. \$88 million settlement.

In re General Instrument Corp. Securities Litigation, No. 01-cv-1351 (E.D. Pa. 2001). Co-lead counsel. \$48 million settlement.

In re Bergen Brunswig/Bergen Capital Trust Securities Litigation, 99-cv-1305 and 99-cv-1462 (C.D. Cal. 2001). Co-lead counsel. \$42 million settlement.

Steiner v. Aurora Foods, No. 00-cv-602 (N.D. Cal. 2000). Co-lead counsel. \$36 million settlement.

Gerber v. Computer Associates International, Inc., No. 91-cv-3610 (E.D.N.Y. 2000). Multi-million dollar jury verdict in securities class action.

Rothman v. Gregor, 220 F.3d 81 (2d Cir. 2000). Principal counsel of record in appeal that resulted in first ever appellate reversal of the dismissal of a securities fraud class action under the Securities Reform Act of 1995.

Bartold v. Glendale Federal Bank, 81 Cal.App.4th 816 (2000). Ruling on behalf of hundreds of thousands of California homeowners establishing banks' duties regarding title reconveyance.

In re Cendant Corporation PRIDES Litigation, 51 F. Supp. 2d 537, 542 (D. N.J. 1999). Lead counsel. \$340 million settlement.

"[R]esolution of this matter was greatly accelerated by the creative dynamism of counsel." * * * "We have seen the gifted execution of responsibilities by a lead counsel."

In re Waste Management, Inc. Securities Litigation, No. 97C 7709 (N.D. Ill. 1999). Co-lead counsel. \$220 million settlement.

"...[Y]ou have acted the way lawyers at their best ought to act. And I have had a lot of cases... in 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here... I would say this has been the best representation that I have seen."

In re Bennett Funding Group, Inc. Securities Litigation, No. 96-cv-2583 (S.D.N.Y. 1999). Co-lead counsel. \$140 million settlement (\$125 million recovered from Generali U.S. Branch, insurer of Ponzi scheme instruments issued by Bennett Funding Group; \$14 million settlement with Mahoney Cohen, Bennett's auditor).

In re MedPartners Securities Litigation, No. 98-cv-06364 (Ala. June 1999). Co-lead counsel. \$56 million settlement.

In re MTC Electronic Technologies Shareholder Litigation, No. 93-cv-0876 (E.D.N.Y. 1998). Co-lead counsel. Settlement in excess of \$70 million.

Skouras v. Creditanstalt International Advisers, Inc., et al., NASD Arb., No. 96-05847 (1998). Following an approximately one month hearing, successfully defeated multi-million dollar claim against major European institution.

In re Woolworth Corp. Securities Class Action Litigation, No. 94-cv-2217 (S.D.N.Y. 1997). Co-lead counsel. \$20 million settlement.

In re Archer Daniels Midland Inc. Securities Litigation, No. 95-cv-2877 (C.D. Ill. 1997). Co-lead counsel. \$30 million settlement.

Vladimir v. U.S. Banknote Corp., No. 94-cv-0255 (S.D.N.Y. 1997). Multi-million dollar jury verdict in § 10(b) action.

In re Archer Daniels Midland Inc. Securities Litigation, No. 95-cv-2877 (C. D. Ill. 1997). Co-lead counsel. \$30 million settlement.

Epstein et al. v. MCA, Inc., et al., 50 F.3d 644 (9th Cir. 1995), *rev'd and remanded on other grounds*, *Matsushita Electric Industrial Co., Ltd. et al. v. Epstein et al.*, No. 94-1809, 116 S. Ct. 873 (February 27, 1996). Lead counsel. Appeal resulted in landmark decision concerning liability of tender offeror under section 14(d)(7) of the Williams Act, SEC Rule 14d-10 and preclusive effect of a release in a state

court proceeding. In its decision granting partial summary judgment to plaintiffs, the court of appeals for the Ninth Circuit stated:

"The record shows that the performance of the Epstein plaintiffs and their counsel in pursuing this litigation has been exemplary."

In re Abbott Laboratories Shareholder Litigation, No. 92-cv-3869 (N.D. Ill. 1995). Co-lead counsel. \$32.5 million settlement.

"The record here amply demonstrates the superior quality of plaintiffs' counsel's preparation, work product, and general ability before the court."

In re Morrison Knudsen Securities Litigation, No. 94-cv-334 (D. Id. 1995). Co-lead counsel. \$68 million settlement.

In re T2 Medical Inc. Securities Litigation, No. 94-cv-744 (N.D. Ga. 1995). Co-lead counsel. \$50 million settlement.

Gelb v. AT&T, No. 90-cv-7212 (S.D.N.Y. 1994). Landmark decision regarding filed rate doctrine leading to injunctive relief.

In re International Technology Corporation Securities Litigation, No. 88-cv-40 (C.D. Cal. 1993). Co-lead counsel. \$13 million settlement.

Colaprico v. Sun Microsystems, No. 90-cv-20710 (N.D. Cal. 1993). Co-lead counsel. \$5 million settlement.

Steinfink v. Pitney Bowes, Inc., No. B90-340 (JAC) (D. Conn. 1993). Lead counsel. \$4 million settlement.

In re Jackpot Securities Enterprises, Inc. Securities Litigation, No. CV-S-89-05-LDG (D. Nev. 1993). Lead counsel. \$3 million settlement.

In re Nordstrom Inc. Securities Litigation, No. C90-295C (W.D. Wa. 1991). Co-lead counsel. \$7.5 million settlement.

United Artists Litigation, No. CA 980 (Sup. Ct., L.A., Cal.). Trial counsel. \$35 million settlement.

In re A.L. Williams Corp. Shareholders Litigation, C.A. No. 10881 (Delaware Ch. 1990). Lead counsel. Benefits in excess of \$11 million.

In re Triangle Inds., Inc., Shareholders' Litigation, C.A. No. 10466 (Delaware Ch. 1990). Co-lead counsel. Recovery in excess of \$70 million.

Schneider v. Lazard Freres, No. 38899, M-6679 (N.Y. App. Div. 1st Dept. 1990). Co-lead counsel. Landmark decision concerning liability of investment bankers in corporate buyouts. \$55 million settlement.

Rothenberg v. A.L. Williams, C.A. No. 10060 (Delaware. Ch. 1989). Lead counsel. Benefits of at least \$25 million to the class.

Kantor v. Zondervan Corporation, No. 88-cv-C5425 (W.D. Mich. 1989). Lead counsel. Recovery of \$3.75 million.

King v. Advanced Systems, Inc., No. 84-cv-C10917 (N.D. Ill. E.D. 1988). Lead counsel. Recovery of \$3.9 million (representing 90% of damages).

Straetz v. Cordis, No. 85-cv-343 (S.D. Fla. 1988). Lead counsel.

"I want to commend counsel and each one of you for the diligence with which you've pursued the case and for the results that have been produced on both sides. I think that you have displayed the absolute optimum in the method and manner by which you have represented your respective clients, and you are indeed a credit to the legal profession, and I'm very proud to have had the opportunity to have you appear before the Court in this matter."

In re Flexi-Van Corporation, Inc. Shareholders Litigation, C.A. No. 9672 (Delaware. Ch. 1988). Co-lead counsel. \$18.4 million settlement.

Entezed, Inc. v. Republic of Nigeria, I.C.C. Arb. (London 1987). Multi-million dollar award for client.

In re Carnation Company Securities Litigation, No. 84-cv-6913 (C.D. Cal. 1987). Co-lead counsel. \$13 million settlement.

In re Data Switch Securities Litigation, B84 585 (RCZ) (D. Conn. 1985). Co-lead counsel. \$7.5 million settlement.

Stern v. Steans, No. 80-cv-3903. The court characterized the result for the class obtained during trial to jury as "unusually successful" and "incredible" (Jun 1, 1984).

In re Datapoint Securities Litigation, No. 82-cv-338 (W.D. Tex.). Lead counsel for a Sub-Class. \$22.5 million aggregate settlement.

Malchman, et al. v. Davis, et al., No. 77-cv-5151 (S.D.N.Y. 1984).

"It is difficult to overstate the far-reaching results of this litigation and the settlement. Few class actions have ever succeeded in altering commercial relationships of such magnitude. Few class action settlements have even approached the results achieved herein.... In the present case, the attorneys representing the class have acted with outstanding vigor and dedication . . . Although the lawyers in this litigation have appeared considerably more in the state courts than in the federal court, they have appeared in the federal court sufficiently for me to attest as to the high professional character of their work. Every issue which has come to this court has been presented by both sides with a thoroughness and zeal which is outstanding In sum, plaintiffs and their attorneys undertook a very large and difficult litigation in both the state and federal courts, where the stakes were enormous. This litigation was hard fought over a period of four years. Plaintiffs achieved a settlement which altered commercial relationships involving literally hundreds of millions of dollars.

EXHIBIT 17

1 KIMBERLY A. KRALOWEC (S.B.N. 163158)
2 KATHLEEN STYLES ROGERS (S.B.N. 122853)
3 **KRALOWEC LAW, P.C.**
4 3132A 24th Street
5 San Francisco, California 94110
6 Tel: (415) 546-6800
7 Fax: (415) 546-6801
8 Email: kkralowec@kraloweclaw.com
9 kr Rogers@kraloweclaw.com

10 *Counsel for End Payer Plaintiffs*
11 *Louise Ann Davis Mathews*
12 *Colin Moore*
13 *Kathy Durand Gore3*

14 UNITED STATES DISTRICT COURT
15 SOUTHERN DISTRICT OF CALIFORNIA

16 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
17 PRODUCTS ANTITRUST)
18 LITIGATION) **DECLARATION OF KIMBERLY**
19) **A. KRALOWEC IN SUPPORT OF**
20) **END PAYER PLAINTIFFS’**
21) **MOTION FOR ATTORNEYS’**
22) **FEES, COSTS, EXPENSES, AND**
23) **SERVICE AWARDS**
24)
25) DATE: November 22, 2024
26) TIME: 1:30 p.m.
27) JUDGE: Hon. Dana M. Sabraw
28) COURT: 13A (13th Floor)

22 This Document Relates to:
23 End Payer Plaintiffs Class Track
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1 I, Kimberly A. Kralowec, declare:

2 1. I am the Principal of Kralowec Law, P.C. (“Kralowec Law”). I have been
3 licensed to practice law in the state of California since 1992. I am admitted to practice
4 in the U.S. District Courts for the Northern, Southern, Central and Eastern Districts
5 of California. The following facts are within my personal knowledge, and if called as
6 a witness, I could and would testify competently to them.

7 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
8 Attorneys’ Fees, Costs, Expenses, and Service Awards.

9 3. In 2015, my firm commenced three proposed class actions seeking relief
10 for alleged price-fixing by packaged seafood product manufacturers: *Mathews v.*
11 *Bumble Bee Foods, LLC, Tri-Union Seafoods, LLC and Starkist Company* (S.D. Cal.
12 Case No. 15-CV-1878-L); *Moore v. Bumble Bee Foods, LLC, Tri-Union Seafoods,*
13 *LLC and Starkist Company* (S.D. Cal. Case No. 15-CV-1911-DMS-NLS); and *Gore*
14 *v. Bumble Bee Foods, LLC, Tri-Union Seafoods, LLC and Starkist Company* (S.D.
15 Cal. Case No. 15-CV-2121H-DHB). My clients’ actions were consolidated into the
16 instant action with other similar actions filed in other jurisdictions nationwide as a
17 Multi-District Litigation titled *In Re: Packaged Seafood Products Litigation*, No. 15-
18 MD-2670 in the Southern District of California (the “Action”).

19 4. I am the principal attorney of Kralowec Law, which I founded in 2010.
20 I have practiced civil litigation in California for approximately 30 years. My firm
21 regularly handles class action litigation in the areas of antitrust, wage and hour,
22 consumer fraud, and civil rights. Attached hereto as **Exhibit A** is the Kralowec Law
23 firm resume with more information about the firm’s practice and professionals.

24 5. Kralowec Law’s attorneys have a long history of successfully handling
25 class actions across a range of industries, including antitrust cases. I bring substantial
26 experience in complex litigation matters with a history of litigating in an efficient and
27 practical manner, including as lead or co-lead counsel in numerous class actions. *See*
28 **Exhibit A, pages 4-10.**

1 6. Kralowec Law has litigated dozens of class action cases, including the
2 following recent matters in which I have a leadership position:

- 3 • *Frlekin v. Apple, Inc.*, No. 13-cv-03451-WHA (N.D. Cal.) (one of
4 two firms appointed to serve as “Class Counsel” for certified class);
- 5 • *Candelore v. Tinder, Inc.*, No. BC583162 (Cal. Superior Ct., Los
6 Angeles County) (Co-Lead Counsel for certified class);
- 7 • *Streit v. Farmers Group, Inc. et al.*, Case No. BC434852 (Cal.
8 Superior Ct., Los Angeles County (one of two firms appointed as Co-
9 Lead Counsel for certified class).

10 7. I and my firm have been involved in the litigation of this Action under
11 the direction of Class Counsel, including, among other tasks, extensively
12 investigating the claims, both before and after filing the *Matthews, Moore and Gore*
13 complaints (including calls, correspondence, meetings and interviews with potential
14 named plaintiffs and class members); researching underlying issues of law; assessing
15 the appropriate causes of action; drafting all three class action complaints filed by my
16 firm (*Matthews, Moore and Gore*); reviewing, researching and successfully
17 objecting, on behalf of clients Moore and Gore as objectors, to the overbroad release
18 in *Hendricks v. Starkist Co.* (N.D. Cal. Case No. C13-0729) (*Hendricks* asserted
19 different claims against the same defendants, but if the settlement had been approved
20 as submitted the Court for approval, a binding release would have eliminated the class
21 claims asserted in this Action); intervening and successfully handling the appeal in
22 the same matter, by which the class members’ rights were preserved; coordinating
23 with other plaintiffs’ counsel regarding consolidation and cooperation; coordination
24 with lead counsel concerning discovery; client communications regarding various
25 stages of the litigation; and providing support for the current Settlement.

26 8. The current hourly rates for Kralowec Law’s attorneys and staff that have
27 worked on the Action, as well as their hours expended on the tasks summarized above
28

1 exclusive of time spent on the *Hendricks* matter, as of September 1, 2024, and their
2 corresponding lodestar, are as follows:

Kralowec Law’s Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Kimberly A. Kralowec, Principal	\$1,120 per hour	129.9	\$145,488.00
Kathleen Styles Rogers, Of Counsel	\$1,050 per hour	260.2	\$273,210.00
Arthur C. Kralowec, Of Counsel	\$975 per hour	17.8	\$17,355.00
Chad A. Saunders, Associate	\$745 per hour	111.7	\$83,216.50
Gary M. Gray, Senior Litigation Paralegal	\$380 per hour	128.4	\$48,792.00
TOTAL:			\$568,061.50

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9. These records were prepared from contemporaneous, daily time records regularly prepared and maintained by the Kralowec Law in its usual course and manner. The Kralowec Law maintains detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on the Kralowec Law’s current billing rates. These records are available for review at the request of the Court. Kralowec Law received an award of fees and costs in *Hendricks* in recognition of the benefits we provided to the class by successfully objecting to the overbroad release in the district court. Those hours and costs, as well as the uncompensated hours and costs from the *Hendricks* matter, are not included in the totals stated in this declaration.

10. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm’s representation of Plaintiffs and the class, in coordination with Class Counsel.

11. I have general familiarity with the range of hourly rates typically charged by plaintiffs’ class action counsel specifically in the field of unfair competition and

1 antitrust in the geographical area where my firm practices, both on a current basis and
2 historically. From that basis, I am able to conclude that the rates charged by my firm
3 are commensurate with those prevailing in the market for such legal services
4 furnished in complex class action litigation such as this. My firm’s historical hourly
5 rates have been approved by numerous Courts over the years. Most recently, motions
6 for awards of attorneys’ fees including the firm’s historical rates were granted in:

- 7 • *Frlekin v. Apple, Inc.*, Case No. 13-cv-03451-WHA (N.D. Cal., Aug
- 8 13, 2022);
- 9 • *Streit v. Farmers Group, Inc. et al.*, Case No. BC434852 (Cal.
- 10 Superior Ct., Los Angeles County, May 14, 2021).


11 12. My firm has incurred costs of \$5,395.28 through September 1, 2024 in
12 performing the tasks outlined above, exclusive of *Hendricks*, consisting of the
13 following categories of costs:

Category	Cost
Online Research	\$1,426.45
Reproduction/Duplication	\$930.75
Postage	\$152.36
Court & Filing Fees	\$1,200.00
Other (Hearing Preparation/Travel; Service of Process)	\$1,685.72
Total:	\$5,395.28

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21 13. Throughout the litigation, my firm and I coordinated with Class Counsel,
22 and I made every effort to operate as efficiently as possible and to avoid unnecessary
23 duplication.

24 I declare under penalty of perjury under the laws of the United States that the
25 foregoing is true and correct. Executed on October 22, 2024, in San Francisco,
26 California.

27 Dated: October 22, 2024



Kimberly A. Kralowec

Exhibit A



KRALOWEC LAW, P.C.
3132A 24TH STREET
SAN FRANCISCO, CA 94110
TEL: (415) 546-6800

Kralowec Law, P.C. was founded in 2010 by attorney Kimberly A. Kralowec. The firm’s practice focuses on plaintiffs’ class action litigation (antitrust, consumer fraud, wage and hour, and civil rights) in state and federal courts. A list of representative matters handled by attorneys of the firm appears below.

THE FIRM’S PROFESSIONALS

Kimberly A. Kralowec, Principal. During her 30-year career as a litigator, Ms. Kralowec has handled class action matters involving antitrust (price-fixing and monopolization), employment (wage and hour and misclassification), consumer finance (mortgage and auto), retail products (mislabeling and nondisclosure), and civil rights (Unruh Act). She has also handled numerous class actions alleging violations of California’s Unfair Competition Law (Cal. Bus. & Prof. Code §§17200 *et seq.*) (“UCL”) and Consumers Legal Remedies Act (Cal. Civ. Code §§1750 *et seq.*) (“CLRA”).

Ms. Kralowec served as lead appellate counsel for the certified class in *Brinker Restaurant Corp. v. Superior Court*, 53 Cal.4th 1004 (2012), in which the California Supreme Court provided important clarifications of California class action law, and in *Frlekin v. Apple, Inc.*, 8 Cal.5th 1038 (2020), in which the California Supreme Court broadly construed the concept of compensable “hours worked.” Ms. Kralowec has been named by the *Daily Journal* as one of the Top 100 Women Lawyers in California and one of the Top 100 Labor & Employment Lawyers in California. She received the Pound Civil Justice Institute’s 2022 Appellate Advocacy Award with High Distinction for her work on *Frlekin*; and a 2013 *California Lawyer* Attorney of the Year (“CLAY”) Award in recognition of her work on *Brinker*.

Ms. Kralowec publishes and lectures widely. Her past speaking engagements include “25th Anniversary Retrospective and Prospective Views on California Antitrust and Unfair Competition Law” (State Bar of California Antitrust and Unfair Competition Law Section, October 2015) (with the Hon. Susan Illston, moderator); “Aggregate Proof or ‘Trial by Formula’” (The Impact Fund, February 2013); “The U.S. Supreme Court Redirects Class Action Defense” (American Bar Association, March 2012); “State Consumer Protection Laws: Enforcement and Litigation Trends in California” (American Bar Association, Section of Antitrust Law, May 11, 2011); “The Potential Impact of *Dukes* on Class Certification in Antitrust and UCL Cases in the Ninth Circuit” (State Bar of California Antitrust and Unfair Competition Law Section, July 22, 2010); and “Antitrust Institute 2010: Developments & Hot Topics” (Practising Law Institute, May 21, 2010).



Her publication credits include “Supreme Court probing ‘pay-for-delay,’” *Daily Journal* (March 17, 2015); “*Dukes* and Common Proof in California Class Actions,” *Competition* (Summer 2012); “Evidentiary Extrapolations in California Class Actions: Guidance from *Brinker*,” *California Litigation* (July 2012); and “UCL Class Actions After *In re Tobacco II*,” *CAOC Forum* (September/October 2009).

Ms. Kralowec is the author of *The UCL Practitioner* (<http://www.uclpractitioner.com>), the first and only weblog on California’s Unfair Competition Law and California class actions. Created in 2003, *The UCL Practitioner* is visited an average of 250 times per business day and is used as a research and reference tool by judges, research attorneys, and practicing lawyers. In 2008, Ms. Kralowec was recognized by *American Lawyer* as one of 20 “Strong Female Voices in the Legal Blogosphere.” She is regularly quoted in the press as an expert on the UCL, CLRA, and class action practice. See <http://www.uclpractitioner.com/press.html>.

In 1992, Ms. Kralowec graduated from the University of California, Davis, School of Law, where she served as Senior Articles Editor of the *U.C. Davis Law Review*. Her law review article, “Estoppel Claims Against ERISA Employee Benefit Plans,” 25 *U.C. Davis L. Rev.* 487 (1992), earned the Patrick J. Hopkins Memorial Writing Award for best student article of the year. In 1989, she graduated from Pomona College in Claremont, California with a B.A. in English (*cum laude*). While at Pomona College, she received the F.S. Jennings Prize in Expository Writing and was a three-time Pomona College Scholar. In 1992-1993, she served as a judicial clerk for Judge David Mannheimer of the Alaska Court of Appeals.

Ms. Kralowec is a former partner of Severson & Werson, P.C., a 100-attorney San Francisco litigation firm, where she regularly defended class action and UCL matters (2000-2001; Associate, 1996-2000). From 2001 through the present, Ms. Kralowec’s practice has focused almost exclusively on plaintiff-side class action litigation, first as Of Counsel to The Furth Firm LLP in San Francisco, and later as a partner with Schubert Jonckheer Kolbe & Kralowec LLP, before founding her own firm in March 2010.

Ms. Kralowec served as a member of the Executive Committee of the Antitrust and Unfair Competition Law Section of the State Bar of California from 2008 through 2013, most recently as Vice President of the Section. She has been an active member of the amicus curiae committee of Consumer Attorneys of California, on whose Board of Governors she served from 2007-2012. She drafted the amicus curiae brief of CAOC in *In re Cipro Cases I & II*, 61 Cal.4th 116 (2015), in which the California Supreme Court addressed the legality of “pay-for-delay” agreements under California antitrust law.

Ms. Kralowec is admitted to practice in California, the United States Courts of Appeals for the Ninth, Fifth, and Eleventh Circuits, the federal district courts in California, and the United States Supreme Court.

Kathleen Styles Rogers, Of Counsel. Ms. Rogers’ diverse legal career includes over 30 years’ experience practicing antitrust and other complex business litigation, as well as 6 years’



experience as Senior Counsel for MCI Telecommunications Corp. Her litigation experience includes class action matters involving antitrust, employment and unfair competition law (California’s Unfair Competition Law (Cal. Bus. & Prof. Code §§17200 *et seq.*).

Ms. Rogers received her B.A. from the University of California, Santa Barbara, and her J.D. from the University of Santa Clara, School of Law, where she served as the first Articles Editor of Santa Clara’s *Computer & High-Technology Law Journal*. During law school, Ms. Rogers served as a judicial extern for Justice Edward A. Panelli during his tenure on the California Court of Appeal, First Appellate District.

Ms. Rogers formerly was Of Counsel to San Francisco complex litigation firms including The Furth Firm LLP and Hausfeld LLP and was Partner in a general litigation firm with former Congressman Paul N. “Pete” McCloskey, Jr.

Ms. Rogers is admitted to practice in California, the United States Court of Appeals for the Ninth Circuit and federal district courts in California.

Beth Elliott, Senior Litigation Paralegal and Administrator. Ms. Elliott worked previously as a Case Manager at Severson & Werson, P.C. (2012–2018), in which position she was responsible for tracking litigation progress and compiling monthly reports on same to clients. She also researched court filings, and communicated with client paralegals, relaying documents between them and firm attorneys. Working for the Pillsbury law firm (Pillsbury Winthrop Shaw Pittman, LLP/Pillsbury Madison and Sutro LLP) with the title Litigation Support Analyst (1997–2011), she was responsible for Desktop Employment Law, a hypertext labor and employment law resource updated monthly. In addition to technical maintenance and upgrading, she tracked caselaw, statute, and regulation news to draft monthly edits for attorney review. She was admitted to the University of San Francisco with honors, is the author of three published books, and was the Chief Communications Officer of the private lunar mission start-up Applied Space Resources.

FORMER PROFESSIONALS OF THE FIRM

Arthur C. Kralowec, Of Counsel. Mr. Kralowec was Of Counsel to the firm from 2010 to 2020. He received his B.A. degree in History from the University of Southern California in 1963, and was awarded his J.D. degree in 1971 from the University of California, Davis, School of Law. Mr. Kralowec handled litigation and transactional matters for more than 50 years, including regular jury trials throughout his career. He is admitted to practice in all state and federal courts in California.

Chad A. Saunders, Associate. Mr. Saunders was an associate of the firm from December 2014 until March 2016. He has extensive experience with complex litigation matters, including taking a lead role in numerous class actions in California and Federal courts. Mr. Saunders received his J.D. from New College of California School of Law in 2008, and a B.A. in Philosophy from



UMBC in 2001. In law school, he worked as a law clerk for the non-profit law firms Legal Services for Children and Disability Rights California. He is the President of the Board of P.E.E.R.S., an Oakland-based mental health advocacy organization, and a member of the Finance Committee of the Bay Area Chapter of the National Lawyers Guild. Mr. Saunders is admitted to practice in California, the Ninth Circuit Court of Appeals, and all California federal district courts.

Gary M. Gray, Senior Litigation Paralegal and Administrator. Mr. Gray was the firm’s Senior Litigation Paralegal and Administrator from 2010 to 2023. He was educated at the University of California, Santa Cruz, and has over 35 years’ experience as a litigation paralegal, first with The Furth Firm LLP and its predecessors and more recently with the Chicago firm of Miller Law LLC. He has had intensive involvement, from pre-filing research through trial and post-trial settlement administration, in numerous antitrust and price-fixing cases, including *Kendall-Jackson v. Gallo* (trade dress), *Alakayak v. All Alaskan* (Bristol Bay Salmon Price-Fixing Litigation), *High Pressure Laminates Antitrust Litigation*, *Microcrystalline Cellulose Antitrust Litigation*, *Abid v. Grosvenor Bus Lines, Inc.*, Nurse Wages Cases (*Reed v. Advocate Healthcare, Inc.*), and *Apple iPhone/iPod Warranty Litigation*.

REPRESENTATIVE MATTERS

Antitrust Class Actions

In re TFT-LCD (Flat Panel) Antitrust Litigation (United States District Court, Northern District of California) (Judicial Panel on Multidistrict Litigation No. 1827). Co-counsel for nationwide and California classes of indirect purchasers of flat-panel displays (liquid crystal displays or “LCDs”) including computer monitors, laptops, and televisions. Plaintiffs alleged that defendants, who are among the major manufactures of LCDs worldwide (including Samsung, Hitachi and LG Philips), engaged in a wide-ranging conspiracy to eliminate competition and to fix and inflate the prices of the displays, resulting in significant increased costs to consumers. Action settled for nearly \$1 billion.

3M Transparent Tape Cases (California Superior Court, City and County of San Francisco, Judicial Council Coordination Proceeding). While at a former firm, Ms. Kralowec served the functions of co-lead counsel for California indirect purchasers. Plaintiffs alleged that 3M unlawfully maintained a monopoly in the market for invisible and transparent home and office tape through various arrangements, contracts, agreements, trusts and combinations in restraint of trade designed primarily to restrict the availability of lower priced transparent tape products to consumers and to maintain high retail prices for its Scotch Brand retail products. Action settled for relief valued at approximately \$42 million.

In re Credit/Debit Card Tying Cases (California Superior Court, City and County of San Francisco, Judicial Council Coordination Proceeding). Co-counsel for plaintiffs in putative class



action under California Unfair Competition Law alleging that credit card issuers (Visa and MasterCard) unlawfully tied their debit card services to their credit card services, resulting in inflated merchant exchange fees for debit card services that were passed on to the plaintiff retail customers. Action settled for \$31 million.

Abid v. Grosvenor Bus Lines, Inc., et al. (California Superior Court, City and County of San Francisco). While at a former firm, Ms. Kralowec served the functions of Lead Counsel for plaintiffs in antitrust class action on behalf of sales agents paid by commission for selling sightseeing bus tours of San Francisco and other nearby tourist destinations. Suit alleged that the three major San Francisco sightseeing tour operators agreed to price-fix the commissions they pay to the sales agents and to jointly lower the commissions to anticompetitive levels. Action settled for \$3.1 million and injunctive relief.

Mathews v. Bumble Bee Foods LLC, et al., Gore v. Bumble Bee Foods LLC, et al., and Moore v. Bumble Bee Foods LLC, et al. (United States District Court, Southern District of California). Co-counsel for nationwide and California class of indirect purchasers of canned tuna and other packaged seafood products. Plaintiff alleges that defendants, who are the top three U.S. producers of these products, entered into a price-fixing conspiracy. Actions pending.

In re Dynamic Random Access Memory (DRAM) Antitrust Litigation (United States District Court, Northern District of California). Co-counsel for nationwide class of indirect purchasers of DRAM. Plaintiffs allege that the defendants, who are among the world's largest manufacturers of DRAM, conspired to illegally fix the price of DRAM sold in the United States. The firm represents a client who assembled and sold specially-configured, high-performance computers in California during the class period. Action settled for \$310 million in aggregate settlements.

In re Optical Disk Drives (ODD) Antitrust Litigation (United States District Court, Northern District of California). Co-counsel for nationwide class of direct purchasers of optical disk drives, including those installed in laptop computers and CD players. Plaintiffs allege that defendants, who are among the major manufacturers of optical disk drives worldwide, engaged in price-fixing and a conspiracy to eliminate competition. Settlements exceeded \$37.75 million.

In re Skelaxin (Metaxalone) Antitrust Litigation (United States District Court, Eastern District of Tennessee). Co-counsel for class of independent pharmacies who purchased branded Skelaxin, a muscle-relaxant drug, for resale. Plaintiffs allege that King Pharmaceuticals conspired with its competitors to delay market entry of a generic version of the drug. Action settled for \$2.1 million.

In re Fresh and Process Potatoes Antitrust Litig., (United States District Court, District of Idaho). Member of Executive Committee for direct purchasers of fresh and process potatoes. Plaintiffs allege that defendants engaged in a conspiracy to drive up prices of potatoes nationwide by diminishing output through agreements to reduce acreage and other anticompetitive means. Action settled for \$19.5 million.



In re Microcrystalline Cellulose Antitrust Litigation (United States District Court, Eastern District of Pennsylvania). While at a former firm, Ms. Rogers served as Class Counsel for the Food Purchasers Class in an action alleging a conspiracy to fix prices among the manufacturers of microcrystalline cellulose, a common additive in foods and pharmaceuticals. Action settled for \$50 million.

In re Domestic Drywall Antitrust Litigation (United States District Court, Eastern District of Pennsylvania). Co-counsel for indirect purchasers in an action alleging a conspiracy to fix prices among manufacturers of gypsum wallboard. Action settled.

In re Domestic Airline Travel Antitrust Litigation (United States District Court, District of Columbia). Co-counsel for direct purchasers in an action alleging a conspiracy by major U.S. airlines to elevate prices of domestic airfares by keeping capacity artificially low. Action pending.

In re Disposable Contact Lens Antitrust Litigation (United States District Court, Middle District of Florida). Co-counsel for indirect purchasers of disposable contact lenses in an action alleging a conspiracy by the manufacturers to raise prices to supracompetitive levels by imposing resale price maintenance agreements on online and big-box retailers. Action pending.

In re Generic Pharmaceuticals Pricing Antitrust Litigation (United States District Court, Eastern District of Pennsylvania). Co-counsel for class of end-payer consumers who were overcharged for the generic drug Desonide. Plaintiffs allege that manufacturers Actavis, Perrigo, Sandoz and Taro conspired to fix and maintain the price of the drug. Action pending.

In re Static Random Access Memory (SRAM) Antitrust Litigation (United States District Court, Northern District of California). While at a former firm, Ms. Rogers served as co-counsel for nationwide class of indirect purchasers. Plaintiffs alleged that the defendants, who are among the world's largest manufacturers of SRAM, conspired to illegally fix the price of SRAM sold in the United States. Action settled for \$41.3 million.

Natural Gas Anti-Trust Cases I, II, III & IV (California Superior Court, County of San Diego). While at a former firm, Ms. Rogers served as co-counsel for direct and indirect purchasers in an action alleging a conspiracy to fix prices and supplies of natural gas during the 2001 energy crisis. Action settled for \$160 million.

In re Western States Wholesale Natural Gas Antitrust Litigation (United States District Court, District of Nevada). While at a former firm, Ms. Rogers served the functions of co-lead counsel for direct purchasers. Plaintiffs alleged a conspiracy to fix prices and supplies of natural gas during the 2001 energy crisis. Action settled for \$25.95 million.

In re Korean Air Lines Co., Ltd. Antitrust Litigation (United States District Court, Central District of California). While at a former firm, Ms. Rogers served the functions of co-lead



counsel for nationwide class of indirect purchasers of air travel services. Action settled for \$65 million.

Consumer Class Actions

In re Apple iPhone/iPod Warranty Litigation (United States District Court, Northern District of California). Co-counsel in consumer class action on behalf of owners of iPhone and iPod touch devices alleging that Apple fails to honor its warranty obligations and uses faulty Liquid Submersion Indicators as a basis for improper denial of warranty coverage. Action settled for \$53 million.

Streit v. Farmers Group, Inc. et al. (California Superior Court, County of Los Angeles). Co-Lead Counsel in class action on behalf of policyholders alleging that defendant insurance company violated the Insurance Code when it calculated the return of unearned premium for mid-term policy cancellations. On appeal, obtained reversal of order sustaining demurrer without leave to amend. Action settled for \$20 million.

Fishman v. Tiger Natural Gas, Inc. (United States District Court, Northern District of California). Co-counsel in UCL class action alleging false advertising and fraudulent marketing practices with respect to a natural gas “price protection” program. Action settled.

Wilmot v. First American Title Co. (California Court of Appeal, Second Appellate District, Division Five). Appellate counsel in class action alleging violations with respect to escrow services and title insurance in connection with real property sales transactions. Project concluded.

Minton v. Herbalife International, Inc. et al. (California Superior Court, County of Los Angeles). Co-counsel in class action alleging unlawful and fraudulent “endless chain” scheme. Ms. Kralowec assisted in the class certification, settlement, and settlement approval phases of the case while at a former firm. Action settled for \$1.75 million.

Robinson v. OnStar, LLC (United States District Court, Southern District of California). Co-counsel in class action alleging that OnStar charged customers’ debit and credit cards for continuous OnStar service without the written and/or express authorization required by state and federal law, including the Electronic Funds Transfer Act, the Automatic Renewal Law, and the Unfair Competition Law. Action settled.

Ackerman v. Zynga Inc. (California Superior Court, City and County of San Francisco). Co-counsel in consumer UCL class action on behalf of purchasers of “Words With Friends” and other games. Plaintiff alleges that Zynga misrepresented in the Apple App Store that the paid versions of the games would be “ad-free” when they were not. As a result of lawsuit, the user interface of the games was changed to provide users with the “ad-free” gaming experience they paid for. Action concluded.



Levitte v. Google, Inc. (United States District Court, Northern District of California). Co-counsel in UCL class action alleging misrepresentations to AdWords customers regarding the types and quality of the websites on which advertisers' ads would be placed. Denial of class certification reversed by Ninth Circuit. Action settled.

Kent v. Avis Rent A Car System LLC (California Court of Appeal, Fourth Appellate District, Division Three). Appellate consultant in UCL and CLRA class action alleging improper administrative fee charges. Retained to assist with oral argument preparation. Action concluded.

Clawson v. Automobile Club of Southern California (California Superior Court, County of Orange). Consultant in UCL action alleging violation of California statute governing commission rates for auto insurance sales agents. Retained to assist with opposing demurrer; demurrer overruled. Action concluded.

Compassion Over Killing v. Cal-Cruz Hatcheries (California Superior Court, County of Santa Cruz). Co-counsel in UCL action for violation of California animal cruelty laws. Retained as UCL expert to assist with standing arguments. Action concluded.

Cobb v. BSH Home Appliance Corp. (United States District Court, Central District of California). Consultant in UCL, CLRA and breach of warranty action against product manufacturer. Retained as UCL expert to assist with opposing motions to dismiss; motions denied. Action concluded.

Securities Class Actions

In re AOL Time Warner Securities Litigation (United States District Court, Southern District of New York). Co-counsel in securities class action alleging falsification of advertising revenues in public filings, improperly inflating stock price. Ms. Kralowec participated in high-level document review and analysis while at a former firm. Action settled for \$2.5 billion.

Herron v. Lark Creek Investment Management Co. et al. (California Superior Court, City and County of San Francisco). Co-Lead counsel for plaintiffs in derivative and class action litigation on behalf of investors in Madoff feeder fund. Action settled for \$3.66 million.

Herron v. CARE Market et al. (California Superior Court, City and County of San Francisco). Co-Lead counsel for plaintiffs in derivative action seeking clawback of mistakenly-paid false profits for benefit of Madoff feeder fund. Action concluded.



Wage & Hour and Employment Class Actions

Brinker Restaurant Corporation v. Superior Court (Hohnbaum) (California Superior Court, County of San Diego). Lead appellate counsel in class action alleging violations of California’s meal period and rest break laws. Certified class consists of over 60,000 California employees of Brinker Restaurant Corporation, which operates Chili’s, the Macaroni Grill, and other statewide restaurant chains. Action settled for \$56.5 million.

Bluford v. Safeway Stores, Inc. and Cicairos v. Summit Logistics, Inc. (California Superior Court, County of San Joaquin). Co-Lead counsel in class actions alleging violations of California’s meal period and rest break laws. Actions settled for \$30 million.

Savaglio v. Wal-Mart Stores, Inc. (California Superior Court, County of Alameda). The Furth Firm LLP acted as lead counsel in this class action alleging failure to pay meal periods and rest breaks. Ms. Kralowec assisted with the briefing. Action resulted in jury verdict of \$172 million and settled while on appeal.

Thomas v. California State Automobile Association (California Superior Court, County of Alameda). While at a former firm, Ms. Kralowec served as co-counsel in wage and hour class action alleging misclassification of insurance adjusters as “exempt” employees in violation of the Labor Code. Action settled for \$8 million.

Salvas v. Wal-Mart Stores, Inc. (Supreme Judicial Court of Massachusetts). The Furth Firm LLP acted as lead counsel in this class action alleging failure to pay meal periods and rest breaks. Ms. Kralowec assisted with the appellate briefing. Action settled for \$40 million.

Frlekin v. Apple Inc. (United States District Court, Northern District of California). Class Counsel for approximately 13,000 Apple retail store employees seeking compensation for unpaid time spent engaging in employer-required security searches. Ninth Circuit certified questions to California Supreme Court, which issued an opinion holding that the security search time was compensable “hours worked” under California law. *Frlekin v. Apple, Inc.*, 8 Cal.5th 1038 (2020). Action settled for \$29.9 million.

Bartoni v. American Medical Response West (California Superior Court, County of Alameda). Co-lead counsel in wage and hour class action on behalf of putative class of California ambulance drivers, paramedics and dispatchers improperly denied their meal periods and rest breaks. Action settled for \$17 million.

Civil Rights Class Actions

Adler v. California Family Health LLC dba California Family Fitness (California Superior Court, County of Sacramento). Lead counsel in civil rights class action alleging that chain of gyms provided unequal facilities to its members on the basis of gender, in violation of the Unruh



Civil Rights Act and other laws. As a result of lawsuit, single-sex workout areas of gyms were opened up to all members. Action settled.

Candelore v. Tinder, Inc. (California Superior Court, County of Los Angeles). Co-lead counsel in civil rights class action alleging price discrimination based on age, in violation of the Unruh Civil Rights Act and the UCL. Obtained published Court of Appeal opinion reversing trial court's order sustaining defendant's demurrer without leave to amend and reinstating Unruh Act and UCL claims. *Candelore v. Tinder, Inc.*, 19 Cal.App.5th 1138 (2018). Class certification granted in full. Action pending.

EXHIBIT 18

1 LEVI & KORSINSKY, LLP
2 Eduard Korsinsky (NY 2725133)
3 33 Whitehall St., 17th Floor
4 New York, NY 10004
5 Phone: 212-363-7500
6 *ek@zlk.com*

7 *Counsel for the End Payer Plaintiffs*
8 *Jennifer A. Nelson, Elizabeth Davis-Berg,*
9 *Jessica Decker, Laura Childs, Nancy Stiller,*
10 *Bonnie Vanderlaan, and Kristin Millican*

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
14 PRODUCTS ANTITRUST)
15 LITIGATION) **DECLARATION OF EDUARD**
16) **KORSINSKY IN SUPPORT OF**
17) **END PAYER PLAINTIFFS’**
18) **MOTION FOR ATTORNEYS’**
19) **FEES, COSTS, EXPENSES, AND**
20) **SERVICE AWARDS**

21 _____)
22 This Document Relates to:) DATE: November 22, 2024
23 End Payer Plaintiffs Class Track) TIME: 1:30 p.m.
24) JUDGE: Hon. Dana M. Sabraw
25) COURT: 13A (13th Floor)
26)
27)
28)

1 I, Eduard Korsinsky, declare:

2 1. I am a Managing Partner at Levi & Korsinsky, LLP (“L&K”). I have
3 been licensed to practice law in the state of New York since 1996. I am admitted to
4 practice in the U.S. District Courts for the Southern District of New York, the Eastern
5 District of New York, the Northern District of New York, and the District of New
6 Jersey. The following facts are within my personal knowledge, and if called as a
7 witness, I could and would testify competently to them.

8 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
9 Attorneys’ Fees, Costs, Expenses, and Service Awards.

10 3. On September 4, 2015, Nancy Kulesa filed a proposed class action
11 lawsuit on behalf of L&K’s clients against Bumble Bee Foods LLC, Starkist
12 Company, Tri-Union Seafoods LLC, and King Oscar, Inc. in the United States District
13 Court for the Southern District of California and assigned Case No. 3:15-cv-01979-
14 DMS-MSB. My client’s action was consolidated into the instant action with other
15 similar actions filed in other jurisdictions nationwide as a Multi-District Litigation
16 titled, *In Re: Packaged Seafood Products Litigation*, No. 15-MD-2670 in the Southern
17 District of California (the “Action”).

18 4. The principal counsel at L&K were myself and Nancy Kulesa, who has
19 practiced civil litigation on behalf of consumers and individuals in Connecticut since
20 2001. The firm generally employs 35 attorneys practicing in the areas of consumer
21 class action, unfair competition law, corporate governance actions, securities fraud
22 class actions, and merger litigation. I head the Consumer Litigation Team, specifically
23 related to consumer protection and antitrust class action matters. Attached hereto as
24 **Exhibit A** is the L&K Firm resume.

25 5. L&K’s attorneys have a long history of successfully handling class
26 actions across a range of industries, including antitrust cases. I bring substantial
27 experience in complex litigation matters with a history of litigating in an efficient and
28

1 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
2 actions. See **Exhibit A** at 8-13.

3 6. I have an extensive background in antitrust and consumer protection
4 class action litigation. I have litigated class action cases across the country involving
5 antitrust and unfair competition claims, including the following matters:

- 6 • *In Re: Auction Houses Antitrust Litigation*, No. 1:00-cv-648 (S.D. N.Y.); and
- 7 • *Friedman V. American Airlines Group Inc. Et Al*, No. 1:15-cv-5657
8 (S.D.N.Y.).

9 7. I and my firm have been involved in the litigation of this Action under
10 the direction of Class Counsel, including, among other tasks, conducting legal
11 research, attending the MDL panel, and contributing to Plaintiffs’ legal strategy.

12 8. The current hourly rates for L&K attorneys and staff that have worked
13 on the Action, as well as their hours spent working on the Action as of September 1,
14 2024, and their corresponding lodestar, are as follows:

L&K Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Eduard Korsinsky, Partner	\$1,100.00 per hour	12.5	\$ 13,750.00
Nancy Kulesa, Partner	\$765.00 per hour	110.75	\$ 84,723.75
Silpa Rao, Staff Attorney	\$425.00 per hour	14.00	\$ 5,950.00
Samantha Phillips, Paralegal	\$265.00 per hour	2.25	\$ 596.25
Mallory Papp, Paralegal	\$265.00 per hour	4.5	\$ 1,192.50
TOTAL:			\$106,212.50

23 9. These records were prepared from contemporaneous, daily time records
24 regularly prepared and maintained by L&K in its usual course and manner. L&K
25 maintains detailed records regarding the amount of time spent by its professionals,
26 and the lodestar calculation is based on L&K’s current billing rates. These records are
27 available for review at the request of the Court.

28 10. In my judgment and based on my experience in complex class action

1 litigation and other litigation, the number of hours expended, and the services
2 performed by my firm, were reasonable and necessary for my firm’s representation
3 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
4 hours spent on each task.

5 11. I have general familiarity with the range of hourly rates typically charged
6 by plaintiffs’ class action counsel specifically in the field of unfair competition and
7 antitrust in the geographical area where my firm practices and throughout the United
8 States, both on a current basis and historically. From that basis, I am able to conclude
9 that the rates charged by my firm are commensurate with those prevailing in the
10 market for such legal services furnished in complex class action litigation such as this.
11 My firm’s hourly rates were most recently approved by the following Courts:

- 12 • *Dan Kohl v. Loma Negra Industrial Argentina Sociedad Argentina, Index No.*
- 13 *653114/2018 (Sup. Ct., N.Y. Cty.); and*
- 14 • *Stein V. U.S. Xpress Enterprises, Inc., et al., 1:19-cv-98 (E.D. Tenn.)*

15 12. My firm has incurred costs of \$626.51 so far in litigating the Action,
16 consisting of the following categories of costs:

Category	Cost
Travel & Meals	\$626.51
Total:	\$626.51

17
18
19
20 13. Throughout the litigation, my firm and I worked under the direction of
21 Class Counsel, and I made every effort to operate as efficiently as possible and to
22 avoid unnecessary duplication. I coordinated with Class Counsel for all work
23 performed and costs incurred in this matter.

24 I declare under penalty of perjury under the laws of the United States that the
25 foregoing is true and correct. Executed on October 22, 2024, at New York, New York.

26
27 Dated: October 22, 2024 By: /s/ Eduard Korsinsky
28 Eduard Korsinsky

EXHIBIT A



LEVI&KORSINSKY
Shareholder Advocates

Firm Resume

**Representation.
Where & When you need it.**

New York

33 Whitehall Street
17th Floor
New York, NY 10004
Tel : 212-363-7500
Fax : 212-363-7171

Washington, D.C.

1101 Vermont Ave., NW
Suite 700
Washington, DC 20005
Tel: 202-524-4290
Fax: 202-333-2121

Connecticut

1111 Summer Street,
Suite 403
Stamford, CT 06905
Tel : 203-992-4523

Los Angeles

445 South Figueroa Street
31st Floor
Los Angeles, CA 90071
Tel: 213-985-7290

San Francisco

1160 Battery Street East,
Suite 100 - #3425
San Francisco, CA 94111
Tel: 415-373-1671
Fax: 415-484-1294

 Levi & Korsinsky, LLP

 Merger Alerts

 www.ZLK.com

About the Firm

Practice Areas

Securities Fraud Class Actions

Derivative, Corporate Governance & Executive Compensation

Mergers & Acquisitions

Consumer Litigation

Our Attorneys

Managing Partners

- EDUARD KORSINSKY
 - JOSEPH E. LEVI
-

Partners

- ADAM M. APTON
- DONALD J. ENRIGHT
- SHANNON L. HOPKINS
- GREGORY M. NESPOLE
- NICHOLAS I. PORRITT
- GREGORY M. POTREPKA
- MARK S. REICH
- DANIEL TEPPER
- ELIZABETH K. TRIPODI

Counsel

- ANDREW E. LENCYK
 - COURTNEY E. MACCARONE
 - BRIAN STEWART
-

Senior Associates

- JORDAN A. CAFRITZ
 - MORGAN EMBLETON
 - DAVID C. JAYNES
 - CORREY A. SUK
-

Associates

- COLIN BROWN
 - AMANDA FOLEY
 - NOAH GEMMA
 - DEVYN R. GLASS
 - GARY ISHIMOTO
 - SIDHARTH KAKKAR
 - ALEXANDER KROT
 - MELISSA MEYER
 - CINAR ONEY
 - COLE VON RICHTHOFEN
 - ELLISON SNIDER
 - MAX WEISS
-

Staff Attorneys

- KATHY AMES-VALDIVIESO
- KAROLINA CAMPBELL
- LEAH FARRAR
- CHRISTINA FUHRMAN
- RUBEN MARQUEZ

Levi & Korsinsky, LLP is a national law firm with decades of combined experience litigating complex securities, class, and consumer actions in state and federal courts throughout the country. Our main office is located in New York City and we also maintain offices in Connecticut, California, and Washington, D.C.

We represent the interests of aggrieved shareholders in class action and derivative litigation through the vigorous prosecution of corporations that have committed securities fraud and boards of directors who have breached their fiduciary duties. We have served as Lead and Co-Lead Counsel in many precedent-setting litigations, recovered hundreds of millions of dollars for shareholders via securities fraud lawsuits, and obtained fair value, multi-billion dollar settlements in merger transactions.

We also represent clients in high-stakes consumer class actions against some of the largest corporations in America. Our legal team has a long and successful track record of litigating high-stakes, resource-intensive cases and consistently achieving results for our clients.

Our attorneys are highly skilled and experienced in the field of securities class action litigation. They bring a vast breadth of knowledge and skill to the table and, as a result, are frequently appointed Lead Counsel in complex shareholder and consumer litigations in various jurisdictions. We are able to allocate substantial resources to each case, reviewing public documents, interviewing witnesses, and consulting with experts concerning issues particular to each case. Our attorneys are supported by exceptionally qualified professionals including financial experts, investigators, and administrative staff, as well as cutting-edge technology and e-discovery systems. Consequently, we are able to quickly mobilize and produce excellent litigation results. Our ability to try cases, and win them, results in substantially better recoveries than our peers.

We do not shy away from uphill battles – indeed, we routinely take on complex and challenging cases, and we prosecute them with integrity, determination, and professionalism.





Practice Areas

- **Securities Fraud Class Actions**
- **Derivative, Corporate Governance & Executive Compensation**
- **Mergers & Acquisitions**
- **Consumer Litigation**



Securities Class Action

Over the last four years, Levi & Korsinsky has been lead, or co-lead counsel in over 50 securities class actions that have resulted in nearly \$200 million in recoveries for investors. The Firm is currently actively litigating as either sole or co-lead counsel securities class actions claiming billions of dollars in damages suffered by injured investors. Since 2020, Levi & Korsinsky has consistently ranked in the Top 10 in terms of number of settlements achieved for shareholders each year, according to reports published by ISS. In Lex Machina's Securities Litigation Report, Levi & Korsinsky ranked as one of the Top 5 Securities Firms for the period from 2018 to 2020. Law360 dubbed the Firm one of the "busiest securities firms" in what is "on track to be one of the busiest years for federal securities litigation" in 2018. Since 2019, Lawdragon Magazine has ranked multiple members of Levi & Korsinsky among the 500 Leading Plaintiff Financial Lawyers in America.

Some of the Firm's recent settlements include:

In **In re U.S. Steel Consolidated Cases**, No. 2:17-579-CB (W.D. Pa.), the Firm obtained a recovery of \$40 million on behalf of a certified class of U.S. Steel investors who sustained damages in connection with false and materially misleading statements about its Carnegie Way initiative. The settlement followed years of hard-fought discovery and class certification litigation.

In two related actions, **In re Nutanix, Inc. Securities Litigation**, No. 3:19-cv-01651-WHO (N.D. Cal.) and **John P. Norton, on Behalf of the Norton Family Living Trust UAD 11/15/2002 v. Nutanix, Inc., et. al.**, No. 3:21-cv-04080-WHO (N.D. Cal.), the Firm achieved a settlement providing for the payment of \$71 million to eligible class members. The case was based on false and misleading misstatements that allegedly concealed from shareholders Nutanix's rapidly declining sales pipeline, revenue, and billings.

As Lead Counsel in **In re Avon Products Inc. Securities Litigation**, No. 1:19-cv-1420-MKV (S.D.N.Y.), the Firm achieved a \$14.5 million cash settlement to successfully resolve claims alleged by a class of investors that the beauty company loosened its recruiting standards in its critical market in Brazil, eventually causing its stock price to crater. The case raised important issues concerning the use of confidential witnesses located abroad in support of scienter allegations and the scope of the attorney work product doctrine with respect to what discovery could be sought of confidential sources who are located in foreign countries.



Securities Class Action

In **Rougier v. Applied Optoelectronics, Inc.**, No. 4:17-cv-2399-GHC-CAB (S.D. Tex.), the Firm served as sole Lead Counsel, prevailed against Defendants' Motion to Dismiss, and achieved class certification before the Parties reached a settlement. The Court granted final approval of a \$15.5 million settlement on November 24, 2020.

In **Martin v. Altisource Residential Corp.**, No. 15-cv-00024 (AET) (GWC) (D.V.I.) the Firm acted as sole Lead Counsel and successfully defeated multiple motions to dismiss directed at the amended class complaints alleging that defendants misrepresented aspects of its relationship with mortgage servicer Ocwen Financial Corp. After engaging in substantial discovery, the Firm obtained a \$15.5 million recovery for the class of investors in Altisource Residential.

“lead counsel achieved a very good result in this case”

The Honorable Lewis J. Liman in *In re AppHarvest Securities Litigation*, No. 1:21-cv-7985 (S.D.N.Y July 11, 2024)

“Plaintiffs' selected Class Counsel, the law firm of Levi & Korsinsky, LLP, has demonstrated the zeal and competence required to adequately represent the interests of the Class. The attorneys at Levi & Korsinsky have experience in securities and class actions issues and have been appointed lead counsel in a significant number of securities class actions across the country.”

The Honorable Christina Bryan in *Rougier v. Applied Optoelectronics, Inc.*, No. 4:17-cv-02399-GHC-CAB (S.D. Tex. Nov. 13, 2019)

In **In re Illumina Inc. Securities Litigation**, No. 3:16-cv-3044-L-MSB (S.D. Cal.) the Firm acted as sole Lead Counsel and obtained a recovery of \$13.85 million for a class of Illumina investors who were misled by false and misleading statements concerning sales of its “Hiseq” sequencing instrument. Settlement followed successfully defeating Defendants' motion to dismiss and extensive discovery.



Securities Class Action

In **In Re Helios and Matheson Analytics, Inc. Sec. Litig.**, No. 1:18-cv-6965-JGK (S.D.N.Y.), the Firm served as sole Lead Counsel. Although the company had filed a voluntary Bankruptcy petition for liquidation and had numerous creditors (including private parties and various state and federal regulatory agencies), the Firm was able to reach a settlement. The settlement was obtained at a time when a motion to dismiss filed by the defendants was still pending and a risk to the Class. In its role as Lead Counsel, the Firm achieved a settlement of \$8.25 million on behalf of the class. The Court granted final approval of the settlement on May 13, 2021.

In **In re Navient Corp. Securities Litigation**, No. 17-cv-8373 (RBK/AMD) (D.N.J.), the Firm represented Navient investors misled about its loan servicing practices and compliance with regulatory requirements designed to protect customers with student loans. After obtaining class certification and moving for summary judgment against defendants, the Firm obtained a \$7.5 million recovery for the class.

In **Kirkland, et al. v. WideOpenWest, Inc.**, et al., Index No. 653248/2018 (N.Y. Sup.) the Firm was Co-Lead Counsel and achieved a settlement of \$7,025,000 for shareholders.

“I find the firm to be well-qualified to serve as Lead Counsel.”

The Honorable Andrew L. Carter, Jr. In *Snyder v. Baozun Inc.*, No. 1:19-cv-11290-ALC-KNF (S.D.N.Y. Sept. 8, 2020)



Securities Class Action

Levi & Korsinsky has been appointed lead or co-lead counsel in the following securities actions:

- **Edward M. Doller v. Hertz Global Holdings, Inc. et al.**,
2:24-cv-00513-JLB-KCD (M.D. Fla. August 14, 2024)
- **Stephens v. Maplebear Inc., et al.**,
24-cv-00465-EJD (N.D. Cal. July 1, 2024)
- **Lucid Alternative Fund, LP v. Innoviz Technologies Ltd., et al.**,
1:24-cv-01971-AT (S.D.N.Y. June 4, 2024)
- **Ventrillo et al v. Paycom Software Inc et al**,
No. 5:23-cv-01019 (W.D. Okla. April 23, 2024)
- **Shih v. Amylyx Pharmaceuticals, Inc. et al**,
No. 1:24-cv-00988-AS (S.D.N.Y. April 17, 2024)
- **Olmstead v. Biovie, Inc. et al**,
No. 3:24-cv-00035-LRH-CSD (D. Nev. April 15, 2024)
- **Wilhite v. Expensify, Inc., et al.**,
No. 3:23-cv-01784-JR (D. Or. February 29, 2024)
- **Walling v. Generac Holdings, Inc., et al.**,
No. 3:23-cv-0808 (W.D. Wis. February 7, 2024)
- **Hubacek v. ON Semiconductor Corporation et al.**,
No. 1:23-cv-01429-GBW (D. Del. February 29, 2024)
- **Ragan v. Farfetch Limited, et al.**,
No. 8:23-cv-2857-MJM (D. Md. January 19, 2024)
- **Gurevitch v. KeyCorp et al.**,
No. 1:23-cv-01520-DCN (N.D. Ohio December 26, 2023)



In appointing the Firm Lead Counsel, the Honorable Analisa Torres noted our “extensive experience” in securities litigation.

White Pine Invs. v. CVR Ref., LP, No. 1:20-CV-2863-AT (S.D.N.Y. Jan. 5, 2021)

- **Lowe v. Tandem Diabetes Care, Inc. et al.**,
No. 3:23-cv-01657-H-BLM (S.D. Cal. December 5, 2023)
- **Perez v. Target Corporation et al.**,
No. 0:23-cv-00769-PJS-TNL (D. Minn. November 13, 2023)
- **Thant v. Rain Oncology Inc. et al.**,
No. 5:23-cv-03518-EJD (N.D. Cal. November 1, 2023)
- **Villanueva v. Proterra Inc. et al.**,
No. 5:23-cv-03519-BLF (N.D. Cal. October 23, 2023)
- **Martin v. BioXcel Therapeutics, Inc. et al.**,
No. 3:23-cv-00915-SVN (D. Conn. October 4, 2023)
- **Scott Petersen v. Stem, Inc., et al.**,
No. 3:23-cv-02329-MMC (N.D. Cal. August 22, 2023)
- **Solomon v. Peloton Interactive, Inc. et al.**,
No. 1:23-cv-04279-MKB-JRC (E.D.N.Y. September 7, 2023)
- **Thant v. Veru, Inc., et al.**,
No. 1:22-cv-23960-KMW (S.D. Fla. July 27, 2023)
- **Zhang V. Gaotu Techedu Inc., et al.**,
No. 1:22-cv-07966-PKC-CLP (E.D.N.Y. July 16, 2023)
- **Jaramillo v. Dish Network Corporation, et al.**,
No. 1:23-cv-00734-GPG-SKC (D. Colo. July 16, 2023)



Securities Class Action

- **Howard M. Rensin, Trustee Of The Rensin Joint Trust v. United States Cellular Corporation, et al.,**
No. 1:23-cv-02764-MMR (N.D. Ill. July 11, 2023)
- **Holland v. Rite Aid Corporation, et al.,**
No. 1:23-cv-00589-JG (N.D. Ohio June 22, 2023)
- **Baylor v. Honda Motor Co., Ltd., et al.,**
No. 2:23-cv-00794-GW-AGR (C.D. Cal. May 8, 2023)
- **Olsson v. PLDT Inc. et al.,**
No. 2:23-cv-00885-CJC-MAA (C.D. Cal. April 26, 2023)
- **Ryan v. FIGS, Inc. et al.,**
No. 2:22-cv-07939-ODW (C.D. Cal. February 14, 2023)
- **Schoen v. Eiger Biopharmaceuticals, Inc., et al.,**
No. 3:22-cv-6985-RS (N.D. Cal. February 3, 2023)
- **Fernandes v. Centessa Pharmaceuticals plc, et al.,**
No. 1:22-cv-08805-GHW-SLC (S.D.N.Y. December 12, 2022)
- **Gilbert v. Azure Power Global Limited, et al.,**
No. 1:22-cv-07432-GHW (S.D.N.Y. December 8, 2022)
- **Pugley v. Fulgent Genetics, Inc. et al.,**
No. 2:22-cv-06764-CAS-KLS (C.D. Cal. November 30, 2022)
- **Michalski v. Weber Inc., et al.,**
No. 1:22-cv-03966-EEB (N.D. Ill. November 29, 2022)
- **Edge v. Tupperware Brands Corporation, et al.,**
No. 6:22-cv-1518-RBD-LHP (M.D. Fla. September 16,



“I find the firm to be well-qualified to serve as Lead Counsel.”

The Honorable Andrew L. Carter, Jr. In *Snyder v. Baozun Inc.*, No. 1:19-CV-11290 (S.D.N.Y. Sept. 8, 2020)

2022)

- **Carpenter v. Oscar Health, Inc., et al.,**
No. 1:22-cv-03885-VSB-VF (S.D.N.Y. September 27, 2022)
- **In re Nano-X Imaging Ltd. Securities Litigation,**
No. 1:20-cv-04355-WFK-MMH (E.D.N.Y. August 30, 2022)
- **Patterson v. Cabaletto Bio, Inc., et al.,**
No. 2:22-cv-00737-JMY (E.D. Pa. August 10, 2022)
- **Rose v. Butterfly Network, Inc., et al.,**
No. 2:22-cv-00854-MEF-JBC (D.N.J. August 8, 2022)
- **Winter v. Stronghold Digital Mining, Inc., et al.,**
No. 1:22-cv-03088-RA (S.D.N.Y. August 4, 2022)
- **Poirer v. Bakkt Holdings, Inc.,**
No. 1:22-cv-02283-EK-PK (E.D.N.Y. August 3, 2022)
- **In re Meta Materials Inc. Securities Litigation,**
No. 1:21-cv-07203-CBA-JRC (E.D.N.Y. July 15, 2022)
- **Deputy v. Akebia Therapeutics, Inc. et al.,**
No. 1:22-cv-01411-AMD-VMS (E.D.N.Y. June 28, 2022)
- **In re Grab Holdings Limited Securities Litigation,**
No. 1:22-cv-02189-JLR (S.D.N.Y. June 7, 2022)
- **In re AppHarvest Securities Litigation,**
No. 1:21-cv-07985-LJL (S.D.N.Y. December 13, 2021)
- **In re Coinbase Global, Inc. Securities Litigation,**
No. 3:21-cv-05634-TLT (N.D. Cal. November 5, 2021)



Securities Class Action

- **Miller v. Rekor Systems, Inc. et al.**,
No. 1:21-cv-01604-GLR (D. Md. September 16, 2021)
- **Zaker v. Ebang International Holdings Inc. et al.**,
No. 1:21-cv-03060-KPF (S.D.N.Y. July 21, 2021)
- **Valdes v. Kandi Technologies Group, Inc. et al.**,
No. 2:20-cv-06042-LDH-AYS (E.D.N.Y. April 20, 2021)
- **John P. Norton, On Behalf Of The Norton Family Living Trust UAD 11/15/2002 V. Nutanix, Inc. Et Al**,
No. 3:21-cv-04080-WHO (N.D. Cal. September 8, 2021)
- **The Daniels Family 2001 Revocable Trust v. Las Vegas Sands Corp., et al.**,
No. 1:20-cv-08062-JMF (D. Nev. Jan. 5, 2021)
- **In re QuantumScape Securities Class Action Litigation**,
No. 3:21-cv-00058-WHO (N.D. Cal. April 20, 2021)
- **In re Minerva Neurosciences, Inc. Sec. Litig.**,
No. 1:20-cv-12176-GAO (D. Mass. March 5, 2021)
- **White Pine Investments v. CVR Refining, LP, et al.**,
No. 1:20-cv-02863-AT (S.D.N.Y. Jan. 5, 2021)
- **Yaroni v. Pintec Technology Holdings Limited, et al.**,
No. 1:20-cv-08062-JMF (S.D.N.Y. Dec. 15, 2020)
- **Nickerson v. American Electric Power Company, Inc., et al.**,
No. 2:20-cv-04243-SDM-EPD (S.D. Ohio Nov. 24, 2020)



“Class Counsel have demonstrated that they are skilled in this area of the law and therefore adequate to represent the Settlement Class as

The Honorable Barry Ted Moskowitz in *In re Regulus Therapeutics Inc. Sec. Litig.*, No. 3:17-CV-182-BTM-RBB (S.D. Cal. Oct. 30, 2020)

- **Ellison v. Tufin Software Technologies Ltd., et al.**,
No. 1:20-cv-05646-GHW (S.D.N.Y. Oct. 19, 2020)
- **Hartel v. The GEO Group, Inc., et al.**,
No. 9:20-cv-81063-RS-SMM (S.D. Fla. Oct. 1, 2020)
- **Posey v. Brookdale Senior Living, Inc., et al.**,
No. 3:20-cv-00543-AAT (M.D. Tenn. Sept. 14, 2020)
- **Snyder v. Baozun Inc.**,
No. 1:19-cv-11290-ALC-KNF (S.D.N.Y. Sept. 8, 2020)
- **In re Dropbox Sec. Litig.**,
No. 5:19-cv-06348-BLF-SVK (N.D. Cal. Jan. 16, 2020)
- **Zhang v. Valaris plc**,
No. 1:19-cv-7816-NRB (S.D.N.Y. Dec. 23, 2019)
- **In re Sundial Growers Inc. Sec. Litig.**,
No. 1:19-cv-08913-ALC-SN (S.D.N.Y. Dec. 20, 2019)
- **Ferraro Family Foundation, Inc. v. Corcept Therapeutics Incorporated**,
No. 5:19-cv-1372-LHK-SVK (N.D. Cal. Oct. 7, 2019)
- **Roberts v. Bloom Energy Corp.**,
No. 4:19-cv-02935-HSG (N.D. Cal. Sept. 3, 2019)
- **Luo v. Sogou Inc.**,
No. 1:19-cv-00230-LJL (S.D.N.Y. Apr. 2, 2019)



Securities Class Action

- **In re Aphria Inc. Sec. Litig.,**
No. 1:18-cv-11376-GBD-JEW (S.D.N.Y. Mar. 27, 2019)
- **Chew v. MoneyGram International, Inc.,**
No. 1:18-cv-07537-MMP (N.D. Ill. Feb. 12, 2019)
- **Tung v. Dycom Industries, Inc.,**
No. 9:18-cv-81448-RS-WM (S.D. Fla. Jan. 11, 2019)
- **Guyer v. MGT Capital Investments, Inc.,**
No. 1:18-cv-09228-ER (S.D.N.Y. Jan. 9, 2019)
- **In re Adient plc Sec. Litig.,**
No. 1:18-cv-09116-RA (S.D.N.Y. Dec. 21, 2018)
- **In re Prothena Corp. plc Sec. Litig.,**
No. 1:18-cv-06425-ALC (S.D.N.Y. Oct. 31, 2018)
- **Pierrelouis v. Gogo Inc.,**
No. 1:18-cv-04473-JLA (N.D. Ill. Oct. 10, 2018)
- **Balestra v. Cloud With Me Ltd.,**
No. 2:18-cv-00804-MRH-LPL (W.D. Pa. Oct. 18, 2018)
- **Balestra v. Giga Watt, Inc.,**
No. 2:18-cv-00103-MKD (E.D. Wash. June 28, 2018)
- **Chandler v. Ulta Beauty, Inc.,**
No. 1:18-cv-01577-MMP (N.D. Ill. June 26, 2018)
- **In re Longfin Corp. Sec. Litig.,**
No. 1:18-cv-2933-DLC (S.D.N.Y. June 25, 2018)
- **Chahal v. Credit Suisse Group AG,**
No. 1:18-cv-02268-AT-SN (S.D.N.Y. June 21, 2018)
- **In re Bitconnect Sec. Litig.,**
No. 9:18-cv-80086-DMM-DLB (S.D. Fla. June 19, 2018)
- **In re Aqua Metals Sec. Litig.,**
No. 4:17-cv-07142-HSG (N.D. Cal. May 23, 2018)
- **Davy v. Paragon Coin, Inc.,**
No. 4:18-cv-00671-JSW (N.D. Cal. May 10, 2018)
- **Rensel v. Centra Tech, Inc.,**
No. 1:17-cv-24500-RNS-JB (S.D. Fla. Apr. 11, 2018)
- **Cullinan v. Cemtrex, Inc.**
No. 2:17-cv-01067-SJF-AYS (E.D.N.Y. Mar. 3, 2018)
- **In re Navient Corporation Sec. Litig.,**
No. 1:17-cv-08373-RBK-AMD (D.N.J. Feb. 2, 2018)
- **Huang v. Depomed, Inc.,**
No. 3:17-cv-04830-JST (N.D. Cal. Dec. 8, 2017)
- **In re Regulus Therapeutics Inc. Sec. Litig.,**
No. 3:17-cv-00182-BTM-RBB (S.D. Cal. Oct. 26, 2017)
- **Murphy III v. JBS S.A.,**
No. 1:17-cv-03084-ILG-RER (E.D.N.Y. Oct. 10, 2017)
- **Ohren v. Amyris, Inc.,**
No. 3:17-cv-002210-WHO (N.D. Cal. Aug. 8, 2017)
- **Beezley v. Fenix Parts, Inc.,**
No. 2:17-cv-00233-SRC-CLW (D.N.J. June 28, 2017)
- **M & M Hart Living Trust v. Global Eagle Entertainment, Inc.,**
No. 2:17-cv-01479-PA-MRW (C.D. Cal. June 26, 2017)
- **In re Insys Therapeutics, Inc.,**
No. 1:17-cv-1954-PAC (S.D.N.Y. May 31, 2017)



Securities Class Action

- **Clevlen v. Anthera Pharmaceuticals, Inc.,**
No. 3:17-cv-00715-RS (N.D. Cal. May 18, 2017)
- **In re Agile Therapeutics, Inc. Sec. Litig.,**
No. 3:17-cv-00119-AET-LHG (D.N.J. May 15, 2017)
- **Roper v. SITO Mobile Ltd.,**
No. 2:17-cv-01106-ES-MAH (D.N.J. May 8, 2017)
- **In re Illumina, Inc. Sec. Litig.,**
No. 3:16-cv-03044-JL-MSB (S.D. Cal. Mar. 30, 2017)
- **In re PTC Therapeutics, Inc.,**
No. 2:16-cv-01224-KM-MAH (D.N.J. Nov. 14, 2016)
- **The TransEnterix Investor Group v. TransEnterix, Inc.,**
No. 5:16-cv-00313-JCD (E.D.N.C. Aug. 30, 2016)
- **Gormley v. magicJack Vocaltec Ltd.,**
No. 1:16-cv-01869-VM (S.D.N.Y. July 12, 2016)
- **Azar v. Blount Int'l Inc.,**
No. 3:16-cv-00483-MHS (D. Or. July 1, 2016)
- **Plumley v. Sempra Energy,**
No. 3:16-cv-00512-RTB-AGS (S.D. Cal. June 6, 2016)
- **Francisco v. Abengoa, S.A.,**
No. 1:15-cv-06279-ER (S.D.N.Y. May 24, 2016)
- **De Vito v. Liquid Holdings Group, Inc.,**
No. 2:15-cv-06969-KM-JBC (D.N.J. Apr. 7, 2016)
- **Ford v. Natural Health Trends Corp.,**
No. 2:16-cv-00255-TJH-AFM (C.D. Cal. Mar. 29, 2016)
- **Levin v. Resource Capital Corp.,**
No. 1:15-cv-07081-LLS (S.D.N.Y. Nov. 24, 2015)
- **Martin v. Altisource Residential Corp.,**
No. 1:15-cv-00024-AET-GWC (D.V.I. Oct. 7, 2015)
- **Paggos v. Resonant, Inc.,**
No. 2:15-cv-01970-SJO-MRW (C.D. Cal. Aug. 7, 2015)
- **Fragala v. 500.com Ltd.,**
No. 2:15-cv-01463-JFW-CFE (C.D. Cal. July 7, 2015)
- **Stevens v. Quiksilver Inc.,**
No. 8:15-cv-00516-JVS-JCG (C.D. Cal. June 26, 2015)
- **In re Ocean Power Technologies, Inc. Sec. Litig.,**
No. 3:14-cv-3799-FLW-LHG (D.N.J. Mar. 17, 2015)
- **In re Energy Recovery Inc. Sec. Litig.,**
No. 3:15-cv-00265-EMC-LB (N.D. Cal. Jan. 20, 2015)
- **Ford v. TD Ameritrade Holding Corporation, et al.,**
No. 8:14-cv-00396-JFB-SMB (D. Neb. Dec. 2, 2014)

“ The Court of Chancery approved the settlement on April 4, 2024, and remarked that it was “strong” and a “great settlement.”

Vice Chancellor Lori W. Will in *Karsan Value Fund v. Kostecki Brokerage Pty, Ltd. et al.*, Case No. C.A. No. 2021-0899-LWW (Delaware Chancery)



Securities Class Action

- **In re China Commercial Credit Sec. Litig.,**
No. 1:15-cv-00557-ALC (D.N.J. Oct. 31, 2014)
- **In re Violin Memory, Inc. Sec. Litig.,**
No. 4:13 cv-05486-YGR (N.D. Cal. Feb. 26, 2014)
- **Berry v. KiOR, Inc.,**
No. 4:13-cv-02443-LHR (S.D. Tex. Nov. 25, 2013)
- **In re OCZ Technology Group, Inc. Sec. Litig.,**
No. 3:12-cv-05265-RS (N.D. Cal. Jan. 4, 2013)
- **In re Digital Domain Media Group, Inc. Sec. Litig.,**
No. 2:12-cv-14333-JEM-FJL (S.D. Fla. Sept. 20, 2012)



Derivative, Corporate Governance & Executive Compensation

As a leader in achieving important corporate governance reforms for the benefit of shareholders, the Firm protects shareholders by enforcing the obligations of corporate fiduciaries. Our efforts include the prosecution of derivative actions in courts around the country, making pre-litigation demands on corporate boards to investigate misconduct, and taking remedial action for the benefit of shareholders. In situations where a company's board responds to a demand by commencing its own investigation, we frequently work with the board's counsel to assist with and monitor the investigation, ensuring that the investigation is thorough and conducted in an appropriate manner.

We have also successfully prosecuted derivative and class action cases to hold corporate executives and board members accountable for various abuses and to help preserve corporate assets through longlasting and meaningful corporate governance changes, thus ensuring that prior misconduct does not reoccur. We have extensive experience challenging executive compensation and recapturing assets for the benefit of companies and their shareholders. We have secured corporate governance changes to ensure that executive compensation is consistent with shareholder-

approved compensation plans, company performance, and federal securities laws.

In **Franchi v. Barabe**, No. 2020-0648-KSJM (Del. Ch.), the Firm secured \$6.7 million in economic benefits for Selecta Biosciences, Inc. in connection with insiders' participation in a private placement while in possession of material non-public information as well as the adoption of significant governance reforms designed to prevent a recurrence of the alleged misconduct.

The Firm was lead counsel in the derivative action styled **Police & Retirement System of the City of Detroit et al. v. Robert Greenberg et al., C.A No. 2019-0578-MTZ** (Del. Ch.). The action resulted in a settlement where Skechers Inc. cancelled approximately \$20 million in equity awards issued to Skechers' founder Robert Greenberg and two top officers in 2019 and 2020. Also, under the settlement, Skechers' board of directors must retain a consultant to advise on compensation decisions going forward.



Derivative, Corporate Governance & Executive Compensation

In **In re Google Inc. Class C Shareholder Litigation**, C.A. No. 7469-CS (Del. Ch.), we challenged a stock recapitalization transaction to create a new class of nonvoting shares and strengthen the corporate control of the Google founders. We helped achieve an agreement that provided an adjustment payment to existing shareholders harmed by the transaction as well as providing enhanced board scrutiny of the Google founders' ability to transfer stock. Ultimately, Google's shareholders received payments of \$522 million.

In **In re Activision, Inc. Shareholder Derivative Litigation**, No. 06-cv-04771-MRP-JTL (C.D. Cal.), we were Co-Lead Counsel and challenged executive compensation related to the dating of options. This effort resulted in the recovery of more than \$24 million in excessive compensation and expenses, as well as the implementation of substantial corporate governance changes.

“...a model for how [the] great legal profession should conduct itself.”

Justice Timothy S. Driscoll in *Grossman v. State Bancorp, Inc.*, Index No. 600469/2011 (N.Y. Sup. Ct. Nassau Cnty. Nov. 29, 2011)

In **Pfeiffer v. Toll** (Toll Brothers Derivative Litigation), No. 4140-VCL (Del. Ch.), we prevailed in defeating defendants' motion to dismiss in a case seeking disgorgement of profits that company insiders reaped through a pattern of insider-trading. After extensive discovery, we secured a settlement returning \$16.25 million in cash to the company, including a significant contribution from the individuals who traded on inside information.

In **Rux v. Meyer**, No. 11577-CB (Del. Ch.), we challenged the re-purchase by Sirius XM of its stock from its controlling stockholder, Liberty Media, at an inflated, above-market price. After defeating a motion to dismiss and discovery, we obtained a settlement where SiriusXM recovered \$8.25 million, a substantial percentage of its over-payment.

In **In re EZCorp Inc. Consulting Agreement Derivative Litig.**, C.A. No. 9962-VCL (Del. Ch.), we challenged lucrative consulting agreements between EZCorp and its controlling stockholders. After surviving multiple motions to dismiss. We obtained a settlement where EZCorp was repaid \$6.45 million it had paid in consulting fees, or approximately 33% of the total at issue and the consulting agreements were discontinued.



Derivative, Corporate Governance & Executive Compensation

In **Scherer v. Lu** (Diodes Incorporated), No. 13-358-GMS (D. Del.), we secured the cancellation of \$4.9 million worth of stock options granted to the company's CEO in violation of a shareholder-approved plan, and obtained additional disclosures to enable shareholders to cast a fully informed vote on the adoption of a new compensation plan at the company's annual meeting.

In **MacCormack v. Groupon, Inc.**, No. 13-940-GMS (D. Del.), we caused the cancellation of \$2.3 million worth of restricted stock units granted to a company executive in violation of a shareholder-approved plan, as well as the adoption of enhanced corporate governance procedures designed to ensure that the board of directors complies with the terms of the plan; we also obtained additional material disclosures to shareholders in connection with a shareholder vote on amendments to the plan.

In **Edwards v. Benson** (Headwaters Incorporated), No. 13-cv-330 (D. Utah), we caused the cancellation of \$3.2 million worth of stock appreciation rights granted to the company's CEO in violation of a shareholder-approved plan and the adoption of enhanced corporate governance procedures designed to ensure that the board of directors complies with the terms of the plan.

In **Pfeiffer v. Begley** (DeVry, Inc.), No. 12-CH-5105 (Ill. Cir. Ct. DuPage Cty.), we secured the cancellation of \$2.1 million worth of stock options granted to the company's CEO in 2008-2012 in violation of a shareholder-approved incentive plan.

In **Basch v. Healy** (EnerNOC), No. 13-cv-766 (D. Del.), we obtained a cash payment to the company to compensate for equity awards issued to officers in violation of the company's compensation plan and caused significant changes in the company's compensation policies and procedures designed to ensure that future compensation decisions are made consistent with the company's plans, charters and policies. We also impacted the board's creation of a new compensation plan and obtained additional disclosures to stockholders concerning the board's administration of the company's plan and the excess compensation.

In **Kleba v. Dees**, No. 3-1-13 (Tenn. Cir. Ct. Knox Cty.), we recovered approximately \$9 million in excess compensation given to insiders and the cancellation of millions of shares of stock options issued in violation of a shareholder-approved compensation plan. In addition, we obtained the adoption of formal corporate governance procedures designed to ensure that future compensation decisions are made independently and consistent with the plan.



Derivative, Corporate Governance & Executive Compensation

In **Lopez v. Nudelman** (CTI BioPharma Corp.), No. 14-2-18941-9 SEA (Wash. Super. Ct. King Cty.), we recovered approximately \$3.5 million in excess compensation given to directors and obtained the adoption of a cap on director compensation, as well as other formal corporate governance procedures designed to implement best practices with regard to director and executive compensation.

In **In re Corinthian Colleges, Inc. Shareholder Derivative Litigation**, No. 06-cv-777-AHS (C.D. Cal.), we were Co-Lead Counsel and achieved a \$2 million benefit for the company, resulting in the re-pricing of executive stock options and the establishment of extensive corporate governance changes.

In **In re Corinthian Colleges, Inc. Shareholder Derivative Litigation**, No. 06-cv-777-AHS (C.D. Cal.), we were Co-Lead Counsel and achieved a \$2 million benefit for the company, resulting in the re-pricing of executive stock options and the establishment of extensive corporate governance changes.

In **Pfeiffer v. Alpert (Beazer Homes Derivative Litigation)**, No. 10-cv-1063-PD (D. Del.), we successfully challenged certain aspects of the company's executive compensation structure, ultimately forcing the company to improve its compensation practices.

In **In re Cincinnati Bell, Inc., Derivative Litigation**, No. A1105305 (Ohio, Hamilton Cty. C.P.), we achieved significant corporate governance changes and enhancements related to the company's compensation policies and practices in order to better align executive compensation with company performance. Reforms included the formation of an entirely independent compensation committee with staggered terms and term limits for service.

In **Woodford v. Mizel** (M.D.C. Holdings, Inc.), No. 1:11-cv-879 (D. Del.), we challenged excessive executive compensation, ultimately obtaining millions of dollars in reductions of that compensation, as well as corporate governance enhancements designed to implement best practices with regard to executive compensation and increased shareholder input.



Mergers & Acquisitions

Levi & Korsinsky has achieved an impressive record in obtaining injunctive relief for shareholders, and we are one of the premier law firms engaged in mergers & acquisitions and takeover litigation, consistently striving to maximize shareholder value. In these cases, we regularly fight to obtain settlements that enable the submission of competing buyout bid proposals, thereby increasing consideration for shareholders.

We have litigated landmark cases that have altered the landscape of mergers & acquisitions law and resulted in multi-million dollar awards to aggrieved shareholders.

In **In re Schuff International, Inc. Stockholders Litigation**, No. 10323-VCZ (Del. Ch.), we served as Co-Lead Counsel for the plaintiff class in achieving the largest recovery as a percentage of the underlying transaction consideration in Delaware Chancery Court merger class action history, obtaining an aggregate recovery of more than \$22 million -- a gross increase from \$31.50 to \$67.45 in total consideration per share (a 114% increase) for tendering stockholders.

“ Vice Chancellor Sam Glasscock, III said “it’s always a pleasure to have counsel who are articulate and exuberant...” and referred to our approach to merger litigation as “wholesome” and “a model of... plaintiffs’ litigation in the merger arena.”

Ocieczanek v. Thomas Properties Group, C.A. No. 9029-VCG (Del. Ch. May 15, 2014)

In **In re Bluegreen Corp. Shareholder Litigation**, No. 502011CA018111 (Cir. Ct. for Palm Beach Cty., FL), as Co-Lead Counsel, we achieved a common fund recovery of \$36.5 million for minority shareholders in connection with a management-led buyout, increasing gross consideration to shareholders in connection with the transaction by 25% after three years of intense litigation.

In **In re CNX Gas Corp. Shareholder Litigation**, No. 5377-VCL (Del. Ch.), as Plaintiffs’ Executive Committee Counsel, we obtained a landmark ruling from the Delaware Chancery Court that set forth a unified standard for assessing the rights of shareholders in the context of freeze-out transactions and ultimately led to a common fund recovery of over \$42.7 million for the company’s shareholders.



Mergers & Acquisitions

In **Chen v. Howard-Anderson**, No. 5878-VCL (Del. Ch.), we represented shareholders in challenging the merger between Occam Networks, Inc. and Calix, Inc., obtaining a preliminary injunction against the merger after showing that the proxy statement by which the shareholders were solicited to vote for the merger was materially false and misleading. Post-closing, we took the case to trial and recovered an additional \$35 million for the shareholders.

In **In re Sauer-Danfoss Stockholder Litig.**, No. 8396 (Del. Ch.), as one of plaintiffs' co-lead counsel, we recovered a \$10 million common fund settlement in connection with a controlling stockholder merger transaction.

In **In re Yongye International, Inc. Shareholders' Litigation**, No. A-12-670468-B (District Court, Clark County, Nevada), as one of plaintiffs' co-lead counsel, we recovered a \$6 million common fund settlement in connection with a management-led buyout of minority stockholders in a China-based company incorporated under Nevada law.

In **In re Great Wolf Resorts, Inc. Shareholder Litigation**, No. 7328-VCN (Del. Ch.), we achieved tremendous results for shareholders, including partial responsibility for a \$93 million (57%) increase in merger consideration and the waiver of several "don't-ask-don't-waive" standstill agreements that were restricting certain potential bidders from making a topping bid for the company.

“Mr. Enright, the way you laid out your argument ... is extraordinarily helpful to a Court, and it's a textbook of how oral arguments should be done. “

Vice Chancellor Sam Glasscock in *Adam Turnbull v. Adam Klein*, C.A. No. 1125-SG (Del. Ch. 2024)

In **In re Talecris Biotherapeutics Holdings Shareholder Litigation**, C.A. No. 5614-VCL (Del. Ch.), we served as counsel for one of the Lead Plaintiffs, achieving a settlement that increased the merger consideration to Talecris shareholders by an additional 500,000 shares of the acquiring company's stock and providing shareholders with appraisal rights.

In **In re Minerva Group LP v. Mod-Pac Corp.**, Index No. 800621/2013 (N.Y. Sup. Ct. Erie Cty.), we obtained a settlement in which defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share, representing a recovery of \$2.4 million for shareholders.



Mergers & Acquisitions

In **Stephen J. Dannis v. J.D. Nichols**, No. 13-CI-00452 (Ky. Cir. Ct. Jefferson Cty.), as Co-Lead Counsel, we obtained a 23% increase in the merger consideration (from \$7.50 to \$9.25 per unit) for shareholders of NTS Realty Holdings Limited Partnership. The total benefit of \$7.4 million was achieved after two years of hard-fought litigation, challenging the fairness of the going-private, squeeze-out merger by NTS's controlling unitholder and Chairman, Defendant Jack Nichols. The unitholders bringing the action alleged that Nichols' proposed transaction grossly undervalued NTS's units. The 23% increase in consideration was a remarkable result given that on October 18, 2013, the Special Committee appointed by the Board of Directors had terminated the existing merger agreement with Nichols. Through counsel's tenacious efforts the transaction was resurrected and improved.



Mergers & Acquisitions

In **Dias v. Purches**, No. 7199-VCG (Del. Ch.), Vice Chancellor Sam Glasscock, III of the Delaware Chancery Court partially granted shareholders' motion for preliminary injunction and ordered that defendants correct a material misrepresentation in the proxy statement related to the acquisition of Parlux Fragrances, Inc. by Perfumania Holding, Inc.

In **In re Complete Genomics, Inc. Shareholder Litigation**, No. 7888-VCL (Del. Ch.), we obtained preliminary injunctions of corporate merger and acquisition transactions, and Plaintiffs successfully enjoined a "don't-ask-don't-waive" standstill agreement.

In **In re Pamrapo Bancorp Shareholder Litigation**, Docket C-89-09 (N.J. Ch. Hudson Cty.) & HUD-L-3608-12 (N.J. Law Div. Hudson Cty.), we defeated defendants' motion to dismiss shareholders' class action claims for money damages arising from the sale of Pamrapo Bancorp to BCB Bancorp at an allegedly unfair price through an unfair process. We then survived a motion for summary judgment, ultimately securing a settlement recovering \$1.95 million for the Class plus the Class's legal fees and expenses up to \$1 million (representing an increase in consideration of 15-23% for the members of the Class).

In **Forgo v. Health Grades, Inc.**, No. 5716-VCS (Del. Ch.), as Co-Lead Counsel, our attorneys established that defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize value as required under *Revlon, Inc. v. MacAndrews & Forbes Holdings, Inc.*, No. 506 A.2d 173 (Del. 1986). We secured an agreement with defendants to take numerous steps to seek a superior offer for the company, including making key modifications to the merger agreement, creating an independent committee to evaluate potential offers, extending the tender offer period, and issuing a "Fort Howard" release affirmatively stating that the company would participate in good faith discussions with any party making a bona fide acquisition proposal.

In **In re Integrated Silicon Solution, Inc. Stockholder Litigation**, No. 115CV279142 (Super. Ct. Santa Clara, Cal.), we won an injunction requiring corrective disclosures concerning "don't-ask-don't-waive" standstill agreements and certain financial advisor conflicts of interests, and contributed to the integrity of a post-agreement bidding contest that led to an increase in consideration from \$19.25 to \$23 per share, a bump of almost 25 percent.

“I think you've done a superb job and I really appreciate the way this case was handled.”

Justice Timothy S. Driscoll in *Grossman v. State Bancorp, Inc.*, Index No. 600469/2011 (N.Y. Sup. Ct. Nassau Cnty. Nov. 29, 2011)



Consumer Litigation

Levi & Korsinsky works hard to protect consumers by holding corporations accountable for defective products, false and misleading advertising, unfair or deceptive business practices, antitrust violations, and privacy right violations.

Our litigation and class action expertise combined with our in-depth understanding of federal and state laws enable us to fight for consumers who have been aggrieved by deceptive and unfair business practices and who purchased defective products, including automobiles, appliances, electronic goods, and other consumer products. The Firm also represents consumers in cases involving data breaches and privacy right violations. The Firm's attorneys have received a number of leadership appointments in consumer class action cases, including multidistrict litigation ("MDL"). Recently, Law.com identified the Firm as one of the top firms with MDL leadership appointments in the article titled, "There Are New Faces Leading MDLs. And They Aren't All Men" (July 6, 2020). Representative settled and ongoing cases include:

In **NV Security, Inc. v. Fluke Networks**, No. CV05-4217 GW (SSx) (C.D. Cal. 2005), we negotiated a settlement on behalf of purchasers of Test Set telephones in an action alleging that the Test Sets contained a defective 3-volt battery. We benefited the consumer class by obtaining the following relief: free repair of the 3-volt battery, reimbursement for certain prior repair, an advisory concerning the 3-volt battery on the outside of packages of new Test Sets, an agreement that defendants would cease to market and/or sell certain Test Sets, and a 42-month warranty on the 3-volt battery contained in certain devices sold in the future.

In re: Apple Inc. Device Performance Litig., No. 5:18-md-02827-EJD (N.D. Cal.): Plaintiffs' Executive Committee Counsel in proposed nationwide class action alleging that Apple purposefully throttled iPhone; Apple has agreed to pay up to \$310 million in cash (proposed settlement pending).

In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litig., No. 3:18-MD-02828 (D. Or.): Co-Lead Interim Class Counsel in proposed nationwide class action alleging that Intel manufactured and sold defective central processing units that allowed unauthorized access to consumer stored confidential information.



Consumer Litigation

In re: ZF-TRW Airbag Control Units Products Liability Litig., No. 2:19-ML-02905-JAK-FFM (C.D. Cal.): Plaintiffs' Steering Committee Counsel in proposed nationwide class action alleging that defendant auto manufacturers sold vehicles with defective airbags.

In re: EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litig., No. 2:17-MD-02785 (D. Kan.): Plaintiffs' Executive Committee Counsel in action alleging that Mylan and Pfizer violated antitrust laws and committed other violations relating to the sale of EpiPens. Nationwide class and multistate classes certified.

Sung, et al. v. Schurman Retail Group, No. 3:17-cv-02760-LB (N.D. Cal.): Co-Lead Class Counsel in nationwide class action alleging unauthorized disclosure of employee financial information; obtained final approval of nationwide class action settlement providing credit monitoring and identity theft restoration services through 2022 and cash payments of up to \$400.

Scott, et al. v. JPMorgan Chase Bank, N.A., No. 1:17-cv-00249-APM (D.D.C.): Co-Lead Class Counsel in nationwide class action settlement of claims alleging improper fees deducted from payments awarded to jurors; 100% direct refund of improper fees collected.

In re: Citrix Data Breach Litig., No. 19-cv-61350-RKA-PMH (S.D. Fla.): Interim Class Counsel in action alleging company failed to implement reasonable security measures to protect employee financial information; common fund settlement of \$2.25 million pending.

Bustos v. Vonage America, Inc., No. 2:06-cv-2308-HAA-ES (D.N.J.): Common fund settlement of \$1.75 million on behalf of class members who purchased Vonage Fax Service in an action alleging that Vonage made false and misleading statements in the marketing, advertising, and sale of Vonage Fax Service by failing to inform consumers that the protocol defendant used for the Vonage Fax Service was unreliable and unsuitable for facsimile communications.

Masterson v. Canon U.S.A., No. BC340740 (Cal. Super. Ct. L.A. Cty.): Settlement providing refunds to Canon SD camera purchasers for certain broken LCD repair charges and important changes to the product warranty.



LEVI&KORSINSKY
Shareholder Advocates

Our Attorneys

Managing Partners

- **EDUARD KORSINSKY**
- **JOSEPH E. LEVI**

EDUARD KORSINSKY

Managing Partner



Eduard Korsinsky is the Managing Partner and Co-Founder of Levi & Korsinsky, LLP, a national securities firm that has recovered billions of dollars for investors since its formation in 2003. For more than 24 years Mr. Korsinsky has represented investors and institutional shareholders in complex securities matters. He has achieved significant recoveries for stockholders, including a \$79 million recovery for investors of E-Trade Financial Corporation and a payment ladder indemnifying investors of Google, Inc. up to \$8 billion in losses on a ground-breaking corporate governance case. His firm serves as lead counsel in some of the largest securities matters involving Tesla, US Steel, Kraft Heinz and others. He has been named a New York "Super Lawyer" by Thomson Reuters and is recognized as one of the country's leading practitioners in class action and derivative matters.

Mr. Korsinsky is also a co-founder of CORE Monitoring Systems LLC, a technology platform designed to assist institutional clients more effectively monitor their investment portfolios and maximize recoveries on securities litigation.

Cases he has litigated include:

- **E-Trade Financial Corp. Sec. Litig.**, No. 07-cv-8538 (S.D.N.Y. 2007), \$79 million recovery
- **In re Activision, Inc. S'holder Derivative Litig.**, No. 06-cv-04771-MRP (JTLX)(C.D. Cal. 2006), recovered \$24 million in excess compensation
- **Corinthian Colleges, Inc., S'holder Derivative Litig.**, No. SACV-06-0777-AHS (C.D. Cal. 2009), obtained repricing of executive stock options providing more than \$2 million in benefits to the company
- **Pfeiffer v. Toll**, No. 4140-VCL (Del. Ch. 2010), \$16.25 million in insider trading profits recovered
- **In re Net2Phone, Inc. S'holder Litig.**, No. 1467-N (Del. Ch. 2005), obtained increase in tender offer price from \$1.70 per share to \$2.05 per share
- **In re Pamrapo Bancorp S'holder Litig.**, No. C-89-09 (N.J. Ch. Hudson Cty. 2011) & No. HUD-L-3608-12 (N.J. Law Div. Hudson Cty. 2015), obtained supplemental disclosures following the filing of a motion for preliminary injunction, pursued case post-closing, secured key rulings on issues of first impression in New Jersey and defeated motion for summary judgment

EDUARD KORSINSKY

Managing Partner

Cases he has litigated include:

- **In re Google Inc. Class C S'holder Litig.**, No. 19786 (Del. Ch. 2012), obtained payment ladder indemnifying investors up to \$8 billion in losses stemming from trading discounts expected to affect the new stock
- **Woodford v. M.D.C. Holdings, Inc.**, No. 1:2011cv00879 (D. Del. 2012), one of a few successful challenges to say on pay voting, recovered millions of dollars in reductions to compensation

PUBLICATIONS

- "Board Diversity: The Time for Change is Now, Will Shareholders Step Up?," National Council on Teacher Retirement. FYI Newsletter May 2021
- "The Dangers of Relying on Custodians to Collect Class Action Settlements.," The Texas Association of Public Employee Retirement Systems (TEXPERS) Investment Insights April-May Edition (2021)
- "The Dangers of Relying on Custodians to Collect Class Action Settlements.," Michigan Association of Public Employee Retirement Systems (MAPERS) Newsletter (2021)
- "The Dangers of Relying on Custodians to Collect Class Action Settlements.," Florida Public Pension Trustees Association (FPPTA) (2021)
- "NY Securities Rulings Don't Constitute Cyan Backlash", Law360 (March 8, 2021)
- "Best Practices for Monitoring Your Securities Portfolio in 2021.," Building Trades News Newsletter (2020-2021)

- **Pfeiffer v. Alpert (Beazer Homes)**, No. 10-cv-1063-PD (D. Del. 2011), obtained substantial revisions to an unlawful executive compensation structure
- **In re NCS Healthcare, Inc. Sec. Litig.**, No. CA 19786, (Del. Ch. 2002), case settled for approximately \$100 million
- **Paraschos v. YBM Magnex Int'l, Inc.**, No. 98-CV-6444 (E.D. Pa.), United States and Canadian cases settled for \$85 million Canadian

- "Best Practices for Monitoring Your Securities Portfolio in 2021.," The Texas Association of Public Employee Retirement Systems (TEXPERS) Monitor (2021)
- "Best Practices for Monitoring Your Securities Portfolio in 2021.," Michigan Association of Public Employee Retirement Systems (MAPERS) Newsletter (2021)
- "Best Practices for Monitoring Your Securities Portfolio in 2021.," Florida Public Pension Trustees Association (FPPTA) (2021)
- Delaware Court Dismisses Compensation Case Against Goldman Sachs, ABA Section of Securities Litigation News & Developments (Nov. 7, 2011)
- SDNY Questions SEC Settlement Practices in Citigroup Settlement, ABA Section of Securities Litigation News & Developments (Nov. 7, 2011)
- New York Court Dismisses Shareholder Suit Against Goldman Sachs, ABA Section of Securities Litigation News & Developments (Oct. 31, 2011)

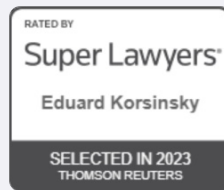
EDUARD KORSINSKY

Managing Partner

EDUCATION

- New York University School of Law, LL.M. Master of Law(s) Taxation (1997)
- Brooklyn Law School, J.D. (1995)
- Brooklyn College, B.S., Accounting, summa cum laude (1992)

AWARDS



ADMISSIONS

- New York (1996)
- New Jersey (1996)
- United States District Court for the Southern District of New York (1998)
- United States District Court for the Eastern District of New York (1998)
- United States Court of Appeals for the Second Circuit (2006)
- United States Court of Appeals for the Third Circuit (2010)
- United States District Court for the Northern District of New York (2011)
- United States District Court of New Jersey (2012)
- United States Court of Appeals for the Sixth Circuit (2013)
- Arizona (2024)

JOSEPH E. LEVI

Managing Partner



Joseph E. Levi is a central figure in shaping and managing the Firm's securities litigation practice. Mr. Levi has been lead or co-lead in dozens of cases involving the enforcement of shareholder rights in the context of mergers & acquisitions and securities fraud. In addition to his involvement in class action litigation, he has represented numerous patent holders in enforcing their patent rights in areas including computer hardware, software, communications, and information processing, and has been instrumental in obtaining substantial awards and settlements.

Mr. Levi and the Firm achieved success on behalf of the former shareholders of Occam Networks in litigation challenging the Company's merger with Calix, Inc., obtaining a preliminary injunction against the merger due to material representations and omissions in the proxy solicitation. **Chen v. Howard-Anderson**, No. 5878-VCL (Del. Ch.). Vigorous litigation efforts continued to trial, resulting in a \$35 million recovery for shareholders.

Mr. Levi and the Firm served as lead counsel in **Weigard v. Hicks**, No. 5732-VCS (Del. Ch.), which challenged the acquisition of Health Grades by affiliates of Vestar Capital Partners. Mr. Levi successfully demonstrated to the Court of Chancery that the defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize shareholder value. This ruling was used to reach a favorable settlement where defendants agreed to a host of measures designed to increase the likelihood of superior bid. Vice Chancellor Strine "applaud[ed]" the litigation team for their preparation and the extraordinary high-quality of the briefing.

“ [The court] appreciated very much the quality of the argument..., the obvious preparation that went into it, and the ability of counsel...”

Justice Timothy S. Driscoll in *Grossman v. State Bancorp, Inc.*, Index No. 600469/2011 (N.Y. Sup. Ct. Nassau Cnty. Nov. 29, 2011)

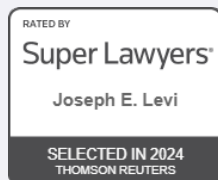
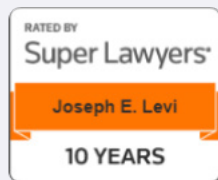
JOSEPH E. LEVI

Managing Partner

EDUCATION

- Polytechnic University, B.S., Electrical Engineering, summa cum laude (1984); M.S. Systems Engineering (1986)
- Brooklyn Law School, J.D., magna cum laude (1995)

AWARDS



ADMISSIONS

- New York (1996)
- New Jersey (1996)
- United States Patent and Trademark Office (1997)
- United States District Court for the Southern District of New York (1997)
- United States District Court for the Eastern District of New York (1997)



LEVI&KORSINSKY
Shareholder Advocates

Our Attorneys

Partners

- ADAM M. APTON
- DONALD J. ENRIGHT
- SHANNON L. HOPKINS
- GREGORY M. NESPOLE
- NICHOLAS I. PORRITT
- GREGORY M. POTREPKA
- MARK S. REICH
- DANIEL TEPPER
- ELIZABETH K. TRIPODI

ADAM M. APTON

Partner



Adam M. Apton focuses his practice on investor protection. He represents institutional investors and high net worth individuals in securities fraud, corporate governance, and shareholder rights litigation. Prior to joining the firm, Mr. Apton defended corporate clients against complex mass tort, commercial, and products liability lawsuits. Thomson Reuters has selected Mr. Apton to the Super Lawyers "Rising Stars" list every year since 2016, a distinction given to only the top 2.5% of lawyers. He has also been awarded membership to the prestigious Lawyers of Distinction for his excellence in the practice of law and named to the "Lawdragon 500 X" list out of thousands of candidates in recognition of his place at the forefront of the legal profession.

Mr. Apton's past representations and successes include:

- **In re Tesla, Inc. Securities Litigation**, No. 3:18-cv-04865-EMC (N.D. Cal.) (trial counsel in class action representing Tesla investors who were harmed by Elon Musk's "funding secured" tweet from August 7, 2018)
- **In re Navient Corp. Securities Litigation**, No. 17-8373 (RBK/AMD) (D.N.J.) (lead counsel in class action against leading provider of student loans for alleged false and misleading statements about compliance with consumer protection laws)
- **In re Prothena Corporation Plc Securities Litigation**, No. 1:18-cv-06425-ALC (S.D.N.Y.) (\$15.75 million settlement fund against international drug company for false statements about development of lead biopharmaceutical product)
- **Martin v. Altisource Residential Corporation**, et al., No. 15-00024 (AET) (GWC) (D.V.I.) (\$15.5 million settlement fund against residential mortgage company for false statements about compliance with consumer regulations and corporate governance protocols)
- **Levin v. Resource Capital Corp., et al.**, No. 1:15-cv-07081-LLS (S.D.N.Y.) (\$9.5 million settlement in class action over fraudulent statements about toxic mezzanine loan assets)

ADAM M. APTON

Partner

- **Rux v. Meyer (Sirius XM Holdings Inc.)**, No. 11577 (Del. Ch.) (recovery of \$8.25 million against SiriusXM's Board of Directors for engaging in harmful related-party transactions with controlling stockholder, John. C. Malone and Liberty Media Corp.)

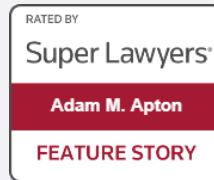
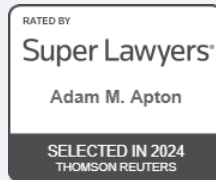
PUBLICATIONS

- "Pleading Section 11 Liability for Secondary Offerings" American Bar Association: Practice Points (Jan. 4, 2017)
- "Second Circuit Rules in Indiana Public Retirement System v. SAIC, Inc." American Bar Association: Practice Points (Apr. 4, 2016)
- "Second Circuit Applies Omnicare to Statements of Opinion in Sanofi" American Bar Association: Practice Points (Mar. 30, 2016)
- "Second Circuit Rules in Action AG v. China North" American Bar Association: Practice Points (Sept. 14, 2015)

EDUCATION

- New York Law School, J.D., cum laude (2009), where he served as Articles Editor of the New York Law School Law Review and interned for the New York State Supreme Court, Commercial Division
- University of Minnesota, B.A., Entrepreneurial Management & Psychology, With Distinction (2006)

AWARDS



ADMISSIONS

- New York (2010)
- United States District Court for the Southern District of New York (2010)
- United States District Court for the Eastern District of New York (2010)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States Court of Appeals for the Second Circuit (2016)
- United States Court of Appeals for the Third Circuit (2016)
- California (2017)
- United States District Court for the Northern District of California (2017)
- United States District Court for the Central District of California (2017)
- United States District Court for the Southern District of California (2017)
- New Jersey (2020)
- United States District Court for the District of New Jersey (2020)

DONALD J. ENRIGHT

Partner



During his 28 years as a litigator and trial lawyer, Mr. Enright has handled matters in the fields of securities, commodities, consumer fraud and commercial litigation, with a particular emphasis on shareholder class action litigation. He has been named as one of the leading financial litigators in the nation by Lawdragon, as a Washington, DC “Super Lawyer” by Thomson Reuters, and as one of the city’s “Top Lawyers” by Washingtonian magazine. One jurist on the Delaware Court of Chancery recently remarked that Don’s advocacy skills were “a textbook of how oral arguments should be done.”

Mr. Enright has shown a track record of achieving victories in federal trials and appeals, including:

- **Nathenson v. Zonagen, Inc.**, 267 F. 3d 400, 413 (5th Cir. 2001)
- **SEC v. Butler**, 2005 U.S. Dist. LEXIS 7194 (W.D. Pa. April 18, 2005)
- **Belizan v. Hershon**, 434 F. 3d 579 (D.C. Cir. 2006)
- **Rensel v. Centra Tech Inc.**, 2 F. 4th 1359 (11th Cir. 2021)

Over the course of his career, Mr. Enright has recovered hundreds of millions of dollars for investors. Most recently, in **Karsan Value Fund v. Kostecki Brokerage Pty, Ltd. et al.**, Case No. C.A. No. 2021-0899-LW/W (Delaware Chancery), Mr. Enright was lead counsel for the class, and recovered a \$9.5 million common fund for the minority stockholders in connection with a controller buyout – a \$1.90 per share (75%) increase on top of the original merger consideration of \$2.55 per share. The Court of Chancery approved the settlement on April 4, 2024, and remarked that it was “strong” and a “great settlement.”

Similarly, in **In re Schuff International, Inc. Stockholders Litigation**, Case No. 10323-VCZ, Mr. Enright served as Co-Lead Counsel for the plaintiff class in achieving an aggregate recovery of more than \$22 million -- a gross increase from \$31.50 to \$67.45 in total consideration per share (a 114% increase) for tendering stockholders. This was one of the largest recoveries as a percentage of the underlying merger consideration in the history of Delaware M&A litigation.

DONALD J. ENRIGHT

Partner

As Co-Lead Counsel in **In re Bluegreen Corp. Shareholder Litigation**, Case No. 502011CA018111 (Cir. Ct. for Palm Beach Cnty., Fla.), Mr. Enright achieved a \$36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders.

Mr. Enright has played a leadership role in numerous other shareholder class actions from inception to conclusion, producing multi-million-dollar recoveries involving such companies as:

- Allied Irish Banks PLC
- Iridium World Communications, Ltd.
- En Pointe Technologies, Inc.
- PriceSmart, Inc.
- Polk Audio, Inc.
- Meade Instruments Corp.
- Xicor, Inc.
- Streamlogic Corp.
- Interbank Funding Corp.
- Riggs National Corp.
- UTStarcom, Inc.
- Manugistics Group, Inc.
- Yongye International, Inc.
- CNX Gas Corp.
- Sauer-Danfoss, Inc.
- The Parking REIT, Inc.
- Akcea Therapeutics, Inc.
- Babcock & Wilcox Enterprises, Inc.
- ATI Physical Therapy, Inc.

Mr. Enright also has a successful track record of obtaining injunctive relief in connection with shareholder M&A litigation, having won injunctions in the cases of:

- **In re Portec Rail Products, Inc. S'holder Litig.**, G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- **In re Craftmade International, Inc. S'holder Litig.**, C.A. No. 6950-VCL (Del. Ch. 2011)
- **Dias v. Purches**, C.A. No. 7199-VCG (Del. Ch. 2012)
- **In re Complete Genomics, Inc. S'holder Litig.**, C.A. No. 7888-VCL (Del. Ch. 2012)
- **In re Integrated Silicon Solution, Inc. Stockholder Litig.**, Lead Case No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)

DONALD J. ENRIGHT

Partner

Mr. Enright has also demonstrated considerable success in obtaining deal price increases for shareholders in M&A litigation. As Co-Lead Counsel in the matter of **In re Great Wolf Resorts, Inc. Shareholder Litigation**, C.A. No. 7328-VCN (Del. Ch. 2012), Mr. Enright was partially responsible for a \$93 million (57%) increase in merger consideration and waiver of several “don’t-ask-don’t-waive” standstill agreements. Similarly, Mr. Enright served as Co-Lead Counsel in the case of **Berger v. Life Sciences Research, Inc.**, No. SOM-C-12006-09 (NJ Sup. Ct. 2009), which caused a significant increase in the transaction price from \$7.50 to \$8.50 per share, representing additional consideration for shareholders of approximately \$11.5 million. Mr. Enright also served as Co-Lead Counsel in **Minerva Group, LP v. Keane**, Index No. 800621/2013 (NY Sup. Ct. of Erie Cnty.) and obtained an increased buyout price from \$8.40 to \$9.25 per share.

The courts have frequently recognized and praised the quality of Mr. Enright’s work:

- In **In re Interbank Funding Corp. Securities Litigation**, (D.D.C. 02-1490), Judge Bates of the United States District Court for the District of Columbia observed that Mr. Enright had “...skillfully, efficiently, and zealously represented the class, and... worked relentlessly throughout the course of the case.”
- In **Freeland v. Iridium World Communications, LTD**, (D.D.C. 99-1002), Judge Nanette Laughrey stated that Mr. Enright and his co-counsel had done “an outstanding job” in connection with the recovery of \$43.1 million for the shareholder class.
- In the matter of **Osieczanek v. Thomas Properties Group**, C.A. No. 9029-VCG (Del. Ch. 2013), Vice Chancellor Sam Glasscock of the Delaware Court of Chancery observed that “it’s always a pleasure to have counsel [like Mr. Enright] who are articulate and exuberant in presenting their position,” and that Mr. Enright’s prosecution of a merger case was “wholesome” and served as “a model of . . . plaintiffs’ litigation in the merger arena.”
- In the matter of **Adam Turnbull v. Adam Klein**, C.A. No. 1125-SG (Del. Ch. 2024), Vice Chancellor Sam Glasscock of the Delaware Court of Chancery stated in a hearing, “Mr. Enright, the way you laid out your argument ... is extraordinarily helpful to a Court, and it’s a textbook of how oral arguments should be done. That’s not taking anything away from what the defendants did. But that was, I thought, classic, and I’m glad my clerks and interns and Supreme Court clerks got to hear it.”

DONALD J. ENRIGHT

Partner

PUBLICATIONS

- “SEC Enforcement Actions and Investigations in Private and Public Offerings,” Securities: Public and Private Offerings, Second Edition, West Publishing 2007
- “Dura Pharmaceuticals: Loss Causation Redefined or Merely Clarified?” J.Tax’n & Reg. Fin. Inst. September/October 2007, Page 5

EDUCATION

- George Washington University School of Law, J.D. (1996), Member Editor of The George Washington University Journal of International Law and Economics
- Drew University, B.A. cum laude, Political Science and Economics (1993)

AWARDS



ADMISSIONS

- Maryland (1996)
- New Jersey (1996)
- District of Maryland (1997)
- District of New Jersey (1997)
- Washington, DC (1999)
- Fourth Circuit (1999)
- Fifth Circuit (1999)
- United States District Court for the District of Columbia (1999)
- United States Court of Appeals for the District of Columbia (2004)
- Second Circuit (2005)
- Third Circuit (2006)
- United States District Court for the District of Colorado (2017)

SHANNON L. HOPKINS

Partner



Shannon L. Hopkins manages the Firm's Connecticut office. She was selected in 2013 as a New York "Super Lawyer" by Thomson Reuters. For more than two decades Ms. Hopkins has been prosecuting a wide range of complex class action matters in securities fraud, mergers and acquisitions, and consumer fraud litigation on behalf of individuals and large institutional clients. Ms. Hopkins has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has been involved in recovering multimillion-dollar settlements on behalf of shareholders, including:

- **E-Trade Financial Corp. S'holder Litig.**, No. 07-cv-8538 (S.D.N.Y. 2007), \$79 million recovery for the shareholder class
- **In re U.S. Steel Consolidated Cases**, No. 17-559-CB (W.D. Pa.), \$40 million recovery for shareholder class
- **In re Nutanix, Inc. Securities Litigation**, No. 3:19-cv-01651-WHO (the "Stock Case"), \$71 million for shareholder class
- **Rougier v. Applied Optoelectronics, Inc.**, No. 17-cv-2399 (S.D. Tex.), \$15.5 million recovery for shareholder class
- **In Re Helios and Matheson Analytics, Inc. Sec. Litig.**, No. 18-cv-6965-JGK (S.D.N.Y.), \$8.25 Million shareholder recovery
- **In re Restoration Robotics, Inc. Sec. Litig.**, No. 18-cv-03712-EJD (N.D. Cal.), \$4.175 million shareholder recovery
- **In Stein v. U.S. Xpress Enterprises, Inc.**, et al., No. 1:19-cv-98-TRM-CHS (E.D. Tenn.), \$4.3 million shareholder recovery
- **Kirkland, et al. v. WideOpenWest, Inc.**, et al., Index No. 653248/2018, \$7.025 million recovery for shareholder class

SHANNON L. HOPKINS

Partner

“Plaintiffs’ selected Class Counsel, the law firm of Levi & Korsinsky, LLP, has demonstrated the zeal and competence required to adequately represent the interests of the Class. The attorneys at Levi & Korsinsky have experience in securities and class actions issues and have been appointed lead counsel in a significant number of securities class actions across the country.”

The Honorable Christina Bryan in *Rougier v. Applied Optoelectronics, Inc.*, No. 4:17-CV-02399 (S.D. Tex. Nov. 13, 2019)

In addition to her legal practice, Ms. Hopkins is a Certified Public Accountant (1998 Massachusetts). Prior to becoming an attorney, Ms. Hopkins was a senior auditor with PricewaterhouseCoopers LLP, where she led audit engagements for large publicly held companies in a variety of industries.

“In appointing the Firm Lead Counsel, the Honorable Gary Allen Feess noted our “significant prior experience in securities litigation and complex class actions.”

Zaghian v. THQ, Inc., No. 2:12-cv-05227-GAF-JEM (C.D. Cal. Sept. 14, 2012)

SHANNON L. HOPKINS

Partner

PUBLICATIONS

- “Cybercrime Convention: A Positive Beginning to a Long Road Ahead,” 2 J. High Tech. L. 101 (2003)

EDUCATION

- Suffolk University Law School, J.D., magna cum laude (2003), where she served on the Journal for High Technology and as Vice Magister of the Phi Delta Phi International Honors Fraternity
- Bryant University, B.S.B.A., Accounting and Finance, cum laude (1995), where she was elected to the Beta Gamma Sigma Honor Society

AWARDS



ADMISSIONS

- Massachusetts (2003)
- United States District Court for the District of Massachusetts (2004)
- New York (2004)
- United States District Court for the Southern District of New York (2004)
- United States District Court for the Eastern District of New York (2004)
- United States District Court for the District of Colorado (2004)
- United States Court of Appeals for the First Circuit (2008)
- United States Court of Appeals for the Third Circuit (2010)
- Connecticut (2013)
- United States Court of Appeals for the Ninth Circuit (2023)

GREGORY M. NESPOLE

Partner



Gregory Mark Nespole is a Partner of the Firm, having been previously a member of the management committee of one of the oldest firms in New York, as well as chair of that firm's investor protection practice. He specializes in complex class actions, derivative actions, and transactional litigation representing institutional investors such as public and labor pension funds, labor health and welfare benefit funds, and private institutions. Prior to practicing law, Mr. Nespole was a strategist on an arbitrage desk and an associate in a major international investment bank where he worked on structuring private placements and conducting transactional due diligence.

For over twenty years, Mr. Nespole has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has been involved in recovering multi-million-dollar settlements on behalf of shareholders, including:

- Served as co-chair of a Madoff Related Litigation Task Force that recovered over several hundred million dollars for wronged investors;
- Obtained a \$90 million award on behalf of a publicly listed company against a global bank arising out of fraudulently marketed auction rated securities;
- Successfully obtained multi-million-dollar securities litigation recoveries and/or corporate governance reforms from Cablevision, JP Morgan, American Pharmaceutical Partners, Sepracor, and MBIA, among many others.

Mr. Nespole is a member of the Federal Bar Council and the FBC's Securities Litigation Committee. Mr. Nespole's peers have elected him a "Super Lawyer" in the class action field annually since 2009. He is active in his community as a youth sports coach. Mr. Nespole is also on the board of directors of the New Rochelle Fund for Educational Excellence, an organization devoted to helping local students thrive.

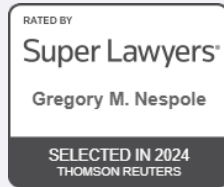
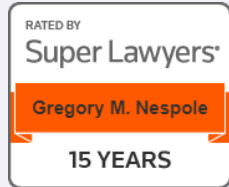
GREGORY M. NESPOLE

Partner

EDUCATION

- Brooklyn Law School, J.D. (1993)
- Bates College, B.A. (1989)

AWARDS



ADMISSIONS

- New York (1994)
- United States District Court for the Southern District of New York (1994)
- United States District Court for the Eastern District of New York (1994)
- United States Court of Appeals for the Second Circuit (1994)
- United States Court of Appeals for the Fourth Circuit (1994)
- United States Court of Appeals for the Fifth Circuit (1994)
- United States District Court for the Northern District of New York (2018)
- United States Court of Appeals for the Eighth Circuit (2019)
- United States Court of Appeals for the Third Circuit (2020)

NICHOLAS I. PORRITT

Partner



Nicholas Porritt prosecutes securities class actions, shareholder class actions, derivative actions, and mergers and acquisitions litigation. He has extensive experience representing plaintiffs and defendants in a wide variety of complex commercial litigation, including civil fraud, breach of contract, and professional malpractice, as well as defending SEC investigations and enforcement actions. Mr. Porritt has helped recover hundreds of millions of dollars on behalf of shareholders. He was one of the Lead Counsel in *In re Google Inc. Class C Shareholder Litigation*, No. 7469-CS (Del. Ch.), which resulted in a payment of \$522 million to shareholders and overall benefit of over \$3 billion to Google's minority shareholders. He is one of the very few attorneys to have tried a securities class action to a jury, acting as lead trial counsel in *In re Tesla, Inc. Securities Litigation*, No. 3:18-cv-04865-EMC (N.D. Cal.), which went to trial in January 2023. He is currently acting in *In re QuantumScape Securities Class Action Litigation*, No. 3:21-cv-00058-WHO (N.D. Cal) representing QuantumScape Corp. investors who were harmed by misrepresentations by management regarding its battery technology as well as lead counsel in *Ford v. TD Ameritrade*

Holding Corp., No. 14-cv-396 (D. Neb.), representing TD Ameritrade customers harmed by its improper routing of their orders. Both cases involve over \$1 billion in estimated damages.

Mr. Porritt speaks frequently on current topics relating to securities laws and derivative actions, including presentations on behalf of the Council for Institutional Investors, Nasdaq, and the Practising Law Institute, and has served as an expert in the areas of securities and derivative litigation.

NICHOLAS I. PORRITT

Partner

CASES PORRITT HAS WORKED ON:

- **Set Capital LLC v. Credit Suisse Group AG**, 2023 WL 2535175 (S.D.N.Y. 2023)
- **Voulgaris, v. Array Biopharma Inc.**, 60 F.4th 1259 (10th Cir. 2023)
- **In re Tesla, Inc. Sec. Litig.**, 2022 WL 7374936 (N.D. Cal. 2022)
- **Klein v. TD Ameritrade Holding Corp.**, 342 F.R.D. 252 (D. Neb. 2022)
- **In re Aphria, Inc. Sec. Litig.**, 342 F.R.D. 199 (S.D.N.Y. 2022)
- **In re Tesla, Inc. Sec. Litig.**, 2022 WL 1497559 (N.D. Cal. 2022)
- **In re QuantumScape Sec. Class Action Litig.**, 580 F. Supp. 3d 714 (N.D. Cal. 2022)
- **Set Capital LLC v. Credit Suisse Group AG**, 996 F.3d 64 (2d Cir. 2021)
- **In re Tesla, Inc. Sec. Litig.**, 477 F. Supp. 3d 903 (N.D. Cal.2020)
- **Voulgaris, v. Array Biopharma Inc.**, No. 17CV02789KLMCONSOLID, 2020 WL 8367829 (D. Colo.2020)
- **In Re Aphria, Inc. Sec. Litig.**, No. 18 CIV. 11376 (GBD), 2020 WL 5819548 (S.D.N.Y. 2020)
- **In re Clovis Oncology, Inc. Deriv. Litig.**, 2019 WL 4850188 (Del. Ch. 2019)
- **Martin v. Altisource Residential Corp.**, 2019 WL 2762923 (D.V.I. 2019)
- **In re Navient Corp. Sec. Litig.**, 2019 WL 7288881 (D.N.J.2019)
- **In re Bridgestone Inv. Corp.**, 789 Fed. App'x 13 (9th Cir. 2019)
- **Klein v. TD Ameritrade Holding Corp.**, 327 F.R.D. 283 (D. Neb. 2018)
- **Beezley v. Fenix Parts, Inc.**, 2018 WL 3454490 (N.D. Ill. 2018)
- **In re Illumina, Inc. Sec. Litig.**, 2018 WL 500990 (S.D. Cal. 2018)
- **In re PTC Therapeutics Sec. Litig.**, 2017 WL 3705801 (D.N.J. 2017)
- **Zaghian v. Farrell**, 675 Fed. Appx. 718, (9th Cir. 2017)
- **In re PTC Therapeutics Sec. Litig.**, 2017 WL 3705801 (D.N.J. Aug. 28, 2017)
- **Martin v. Altisource Residential Corp.**, 2017 WL 1068208 (D.V.I. 2017)
- **Gormley magicJack VocalTec Ltd.**, 220 F. Supp. 3d 510 (S.D.N.Y. 2016)
- **Carlton v. Cannon**, 184 F. Supp. 3d 428 (S.D. Tex. 2016)
- **Zola v. TD Ameritrade, Inc.**, 172 F. Supp. 3d 1055 (D. Neb. 2016)
- **In re Energy Recovery Sec. Litig.**, 2016 WL 324150 (N.D. Cal. Jan. 27, 2016)
- **In re EZCorp Inc. Consulting Agreement Deriv. Litig.**, 2016 WL 301245 (Del. Ch. Jan. 25, 2016)
- **In re Violin Memory Sec. Litig.**, 2014 WL 5525946 (N.D. Cal. Oct. 31, 2014)
- **Garnitschnig v. Horovitz**, 48 F. Supp. 3d 820 (D. Md. 2014)
- **SEC v. Cuban**, 620 F.3d 551 (5th Cir. 2010)
- **Cozzarelli v. Inspire Pharmaceuticals, Inc.**, 549 F.3d 618 (4th Cir. 2008)
- **Teachers' Retirement System of Louisiana v. Hunter**, 477 F.3d 162 (4th Cir. 2007)

NICHOLAS I. PORRITT

Partner

PUBLICATIONS

- “Current Trends in Securities Litigation: How Companies and Counsel Should Respond,” Inside the Minds. Recent Developments in Securities Law (Aspatore Press 2010)

EDUCATION

- University of Chicago Law School, J.D., With Honors (1996)
- University of Chicago Law School, LL.M. (1993)
- Victoria University of Wellington, LL.B. (Hons.), With First Class Honors, Senior Scholarship (1990)

AWARDS



ADMISSIONS

- New York (1997)
- District of Columbia (1998)
- United States District Court for the District of Columbia (1999)
- United States District Court for the Southern District of New York (2004)
- United States Court of Appeals for the Fourth Circuit (2004)
- United States Court of Appeals for the District of Columbia Circuit (2006)
- United States Supreme Court (2006)
- United States District Court for the District of Maryland (2007)
- United States District Court for the Eastern District of New York (2012)
- United States Court of Appeals for the Second Circuit (2014)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States District Court for the District of Colorado (2015)
- United States Court of Appeals for the Tenth Circuit (2016)
- United States Court of Appeals for the Eleventh Circuit (2017)
- United States Court of Appeals for the Eighth Circuit (2019)
- United States Court of Appeals for the Third Circuit (2019)

GREGORY POTREPKA

Partner



Gregory M. Potrepka is a partner of the Firm in its Connecticut office. Mr. Potrepka's practice specializes in vindicating investor rights, including the interests of shareholders of publicly traded companies. Specifically, Mr. Potrepka has considerable experience prosecuting complex class actions, securities fraud matters, and similar commercial litigation. Mr. Potrepka's role in the Firm's securities litigation practice has significantly contributed to many of the Firm's successes, including the following representative matters:

- **In re Nutanix, Inc. Sec. Litig.**, No. 3:19-01651-WHO (N.D. Cal.); **Norton v. Nutanix, Inc.**, 3:21-cv-04080-WHO (N.D. Cal.) (\$71 million recovery)
- **In re U.S. Steel Consolidated Cases**, No. 17-579 (W.D. Pa.) (\$40 million recovery)
- **Rougier v. Applied Optoelectronics, Inc.**, No. 4:17-cv-2399 (S.D. Tex.) (\$15.5 million recovery)
- **In re Helios and Matheson Analytics, Inc. Securities Litigation**, No. 1:18-cv-06965 (S.D.N.Y.) (\$8.25 million recovery)
- **In re Aqua Metals Securities Litigation**, No. 17-cv-07142-HSG (N.D. Cal.) (\$7 million recovery)

EDUCATION

- University of Connecticut School of Law, J.D. (2015)
- University of Connecticut Department of Public Policy, M.P.A. (2015)
- University of Connecticut, B.A., Political Science (2010)

AWARDS



ADMISSIONS

- Connecticut (2015)
- Mashantucket Pequot Tribal Court (2015)
- United States District Court for the District of Connecticut (2016)
- United States District Court for the Southern District of New York (2018)
- United States District Court for the Eastern District of New York (2018)
- United States Court of Appeals for the Third Circuit (2020)
- New York (2023)
- United States District of Colorado (2023)
- United States District Court for the District of Colorado (2023)

MARK S. REICH

Partner



Mark Samuel Reich is a Partner of the Firm. Mark's practice focuses on consumer class actions, including cases involving privacy and data breach issues, deceptive and unfair trade practices, advertising injury, product defect, and antitrust violations. Mark, who has experience and success outside the consumer arena, also supports the Firm's securities and derivative practices.

Mark is attentive to clients' interests and fosters their activism on behalf of class members. Clients he has worked with consistently and enthusiastically endorse Mark's work:

“ Mark attentively guided me through each stage of the litigation, prepared me for my deposition, and ensured that I and other wronged consumers were compensated and that purchasers in the future could not be duped by the appliance manufacturer's misleading marketing tactics.”

Katherine Danielkiewicz, Michigan (S.D. Tex. Nov. 13, 2019)

“ After my experience working with Mark and his colleague, any hesitancy I may have had in the past about leading or participating in a class action has gone away. Mark expertly countered every roadblock that the corporate defendant tried using to dismiss our case and we ultimately reached a resolution that exceeded my expectations”

Barry Garfinkle, Pennsylvania

MARK S. REICH

Partner

Before joining Levi & Korsinsky, Mark practiced at the largest class action firm in the country for more than 15 years, including 8 years as a Partner. Prior to becoming a consumer and shareholder advocate, Mark practiced commercial litigation with an international law firm based in New York, where he defended litigations on behalf of a variety of corporate clients.

Mark has represented investors in securities litigation, devoted to protecting the rights of institutional and individual investors who were harmed by corporate misconduct. His case work involved **State Street Yield Plus Fund Litig.** (\$6.25 million recovery); **In re Doral Fin. Corp. Sec. Litig.**, SDNY (\$129 million recovery); **Lockheed Martin Corp. Sec. Litig.** (\$19.5 million recovery); **Tile Shop Holdings, Inc.** (\$9.5 million settlement); **Curran v. Freshpet Inc.** (\$10.1 million settlement); **In re Jakks Pacific, Inc.** (\$3,925,000 settlement); **Fidelity Ultra Short Bond Fund Litig.** (\$7.5 million recovery); and **Cha v. Kinross Gold Corp.** (\$33 million settlement).

“ Never having been involved in a class action, I was uninformed and apprehensive. Mark and his colleagues not only explained the complexities, but maintained extensive ongoing, communications, involved us fully in all phases of the process; provided appropriate professional counsel and guidance to each participant, and achieved results that satisfied the original goals of the litigation”

Fred Sharp, New York

“ It was a pleasure being represented by Mark. Above all he was patient throughout the tedious process of litigation. He is a good listener and a good communicator, which enhanced my participation and understanding of the process. He also provided excellent follow up throughout, making the process feel more like a team effort.”

Louise Miljenovic, New Jersey

MARK S. REICH

Partner

At his prior firm, Mark achieved notable success challenging unfair mergers and acquisitions in courts throughout the country. Among the M&A litigation that Mark handled or participated in, his notable cases include: **In re Aramark Corp. S'holders Litig.**, where he attained a \$222 million increase in consideration paid to shareholders of Aramark and a substantial reduction to management's voting power – from 37% to 3.5% – in connection with the approval of the going-private transaction; **In re Delphi Fin. Grp. S'holders Litig.**, resulting in a \$49 million post-merger settlement for Class A Delphi shareholders; **In re TD Banknorth S'holders Litig.**, where Mark played a significant role in raising the inadequacy of the \$3 million initial settlement, which the court rejected as wholly inadequate, and later resulted in a vastly increased \$50 million recovery. Mark has also been part of ERISA litigation teams that led to meaningful results, including **In re Gen. Elec. Co. ERISA Litig.**, which resulting in structural changes to company's 401(k) plan valued at over \$100 million, benefiting current and future plan participants.

“ We contacted Mark about our concerns about our oven's failure to perform as advertised. He worked with us to formulate a strategy that ultimately led to a settlement that achieved our and others' goals and specific needs.”

Candace Oliarny, Idaho

“ My wife and I never having been involved with a law firm or Class Action had no idea what to expect. Within the first few phone meetings with Mark, we became assured as Mark explained in detail how the process worked, Mark is a great communicator. Mr. Reich is a true professional, his integrity through the years he worked with us was impeccable. Working with Mark was a truly positive experience, and have no reservations if we ever had to call on his services again.”

Louise Miljenovic, New Jersey

MARK S. REICH

Partner

Before joining the Firm, Mark graduated with a Bachelor of Arts degree from Queens College in New York. He earned his Juris Doctor degree from Brooklyn Law School, where he served on the Moot Court Honor Society and The Journal of Law and Policy.

Mark regularly practices in federal and state courts throughout the country and is a member of the bar in New York. He has been recognized for his legal work by being named a New York Metro Super Lawyer by Super Lawyers Magazine every year since 2013. Mark is active in his local community and has been distinguished for his neighborhood support with a Certificate of Recognition by the Town of Hempstead.

EDUCATION

- Brooklyn Law School, J.D. (2000)
- Queens College, B.A., Psychology and Journalism (1997)

AWARDS



ADMISSIONS

- New York (2001)
- United States District Court for the Southern District of New York (2001)
- United States District Court for the Eastern District of New York (2001)
- United States District Court for the Northern District of New York (2005)
- United States District Court for the Eastern District of Michigan (2017)

DANIEL TEPPER

Partner



Daniel Tepper is a Partner of the Firm with extensive experience in shareholder derivative suits, class actions and complex commercial litigation. Before he joined Levi & Korsinsky, Mr. Tepper was a partner in one of the oldest law firms in New York. He is an active member of the CPLR Committee of the New York State Bar Association and was an early member of its Electronic Discovery Committee. Mr. Tepper has been selected as a New York "Super Lawyer" in 2016 – 2023.

Some of the notable matters where Mr. Tepper had a leading role include:

- **Siegmund v. Bian**, No. 16-62506 (S.D. Fla.), achieving an estimated recovery of \$29.93 per share on behalf of a class of public shareholders of Linkwell Corp. who were forced to sell their stock at \$0.88 per share.
- **In re Platinum-Beechwood Litigation**, No. 18-06658 (S.D.N.Y.), achieved dismissal on behalf of an individual investor in Platinum Partners-affiliated investment fund.
- **Lakatamia Shipping Co. Ltd. v. Nobu Su**, Index No. 654860/2016 (Sup. Ct., N.Y. Co. 2016), achieved dismissal on suit attempting to domesticate a \$40 million UK judgment in New York State.
- **Zelouf Int'l Corp. v. Zelouf**, No. 45 Misc.3d 1205(A) (Sup.Ct. N.Y. Co., 2014), representing the plaintiff in an appraisal proceeding triggered by freeze-out merger of closely-held corporation. Achieved a \$10 million verdict after eleven day trial, with the Court rejecting a discount for lack of marketability.
- **Sacher v. Beacon Assocs. Mgmt. Corp.**, No. 114 A.D.3d 655 (2d Dep't 2014), affirming denial of defendants' motion to dismiss shareholder derivative suit by Madoff feeder fund against fund's auditor for accounting malpractice.
- **In re Belzberg**, No. 95 A.D.3d 713 (1st Dep't 2012), compelling a non-signatory to arbitrate brokerage agreement dispute arising under doctrine of direct benefits estoppel.
- **Estate of DeLeo**, No. 353758/A (Surrog. Ct., Nassau Co. 2011), achieving a full plaintiff's verdict after a seven day trial which restored a multi-million dollar family business to its rightful owner.

DANIEL TEPPER

Partner

- **CMIA Partners Equity Ltd. v. O'Neill**, No. 2010 NY Slip Op 52068(U) (Sup. Ct. N.Y. Co., 2010). Representing the independent directors of a Cayman Islands investment fund, won a dismissal on the pleadings in the first New York State case examining shareholder derivative suits under Cayman Islands law.
- **Hecht v. Andover Assocs. Mgmt. Corp.**, No. 27 Misc 3d 1202(A) (Sup. Ct. Nassau Co., 2010), aff'd, 114 A.D.3d 638 (2d Dep't 2014). Participated in a \$213 million global settlement in the first Madoff related lawsuit in the country to defeat a motion to dismiss.

EDUCATION

- New York University School of Law, J.D. (2000)
- The University of Texas at Austin, B.A. with Honors (1997), National Merit Scholar

AWARDS



ADMISSIONS

- Massachusetts (2001)
- New York (2002)
- United States District Court for the Eastern District of New York (2004)
- United States District Court for the Southern District of New York (2010)
- United States District Court for the Western District of New York (2019)

ELIZABETH K. TRIPODI

Partner



Elizabeth K. Tripodi focuses her practice on shareholder protection, representing investors in securities fraud litigation, corporate derivative litigation, and litigation involving mergers, acquisitions, tender offers, and change-in-control transactions. Ms. Tripodi has been named as a Washington, D.C. "Super Lawyer" in the securities field and was selected as a "Rising Star" by Thomson Reuters for several consecutive years.

Ms. Tripodi's current representations include:

- **In re Tesla, Inc. Securities Litigation**, No. 3:18-cv-04865-EMC (N.D. Cal.) (lead counsel in class action representing Tesla investors who were harmed by Elon Musk's "funding secured" tweet from August 7, 2018)

Ms. Tripodi has played a lead role in obtaining monetary recoveries for shareholders in M&A litigation:

- **In re Schuff International, Inc. Stockholders Litigation**, No. 10323-VCZ, achieving the largest recovery as a percentage of the underlying transaction consideration in Delaware Chancery Court merger class action history, obtaining an aggregate recovery of more than \$22 million -- a gross increase from \$31.50 to \$67.45 in total consideration per share (a 114% increase) for tendering stockholders
- **In re Bluegreen Corp. S'holder Litig.**, No. 502011CA018111 (Circuit Ct. for Palm Beach Cty., FL), creation of a \$36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders
- **In re Cybex International S'holder Litig**, Index No. 653794/2012 (N.Y. Sup. Ct. 2014), recovery of \$1.8 million common fund, which represented an 8% increase in stockholder consideration in connection with management-led cash-out merger
- **In re Great Wolf Resorts, Inc. S'holder Litig**, No. 7328-VCN (Del. Ch. 2012), where there was a \$93 million (57%) increase in merger consideration

ELIZABETH K. TRIPODI

Partner

- **Minerva Group, LP v. Keane**, Index No. 800621/2013 (N.Y. Sup. Ct. 2013), settlement in which Defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share

Ms. Tripodi has played a key role in obtaining injunctive relief while representing shareholders in connection with M&A litigation, including obtaining preliminary injunctions or other injunctive relief in the following actions:

- **In re Portec Rail Products, Inc. S'holder Litig**, No. G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- **In re Craftmade International, Inc. S'holder Litig**, No. 6950-VCL (Del. Ch. 2011) • **Dias v. Purches, et al.**, No. 7199-VCG (Del. Ch. 2012)
- **In re Complete Genomics, Inc. S'holder Litig**, No. 7888-VCL (Del. Ch. 2012)
- **In re Integrated Silicon Solution, Inc. Stockholder Litig.**, No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)

Prior to joining Levi & Korsinsky, Ms. Tripodi was a member of the litigation team that served as Lead Counsel in, and was responsible for, the successful prosecution of numerous class actions, including: **Rudolph v. UTStarcom** (stock option backdating litigation obtaining a \$9.5 million settlement); **Grecian v. Meade Instruments** (stock option backdating litigation obtaining a \$3.5 million settlement).

ELIZABETH K. TRIPODI

Partner

EDUCATION

- American University Washington College of Law, cum laude (2006), where she served as Co-Editor in Chief of the Business Law Journal (f/k/a Business Law Brief), was a member of the National Environmental Moot Court team, and interned for Environmental Enforcement Section at the Department of Justice
- Davidson College, B.A., Art History (2000)

ADMISSIONS

- Virginia (2006)
- United States District Court for the Eastern District of Virginia (2006)
- District of Columbia (2008)
- United States District Court for the District of Columbia (2010)
- United States Court of Appeals for the Seventh Circuit (2018)

AWARDS





Our Attorneys

Counsel

- **ANDREW E. LENCYK**
- **COURTNEY E. MACCARONE**
- **BRIAN STEWART**

ANDREW E. LENCYK

Counsel



Andrew E. Lencyk is Counsel to the Firm. Prior to joining the Firm, Mr. Lencyk was a partner in an established boutique firm in New York specializing in securities litigation. He was graduated magna cum laude from Fordham College, New York, with a B.A. in Economics and History, where he was a member of the College's Honors Program, and was elected to Phi Beta Kappa. Mr. Lencyk received his J.D. from Fordham University School of Law, where he was a member of the Fordham Urban Law Journal. He was named to the 2013, 2014, 2015, 2016, 2017, 2018 and 2019 Super Lawyers®, New York Metro Edition.

Mr. Lencyk has co-authored the following articles for the Practicing Law Institute's Accountants' Liability Handbooks:

- *Liability in Forecast and Projection Engagements: Impact of Luce v. Edelstein*
 - *An Accountant's Duty to Disclose Internal Control Weaknesses*
 - *Whistle-blowing: An Accountants' Duty to Disclose A Client's Illegal Acts*
 - *Pleading Motions under the Private Securities Litigation Reform Act of 1995*
- *Discovery Issues in Cases Involving Auditors (co-authored and appeared in the 2002 PLI Handbook on Accountants' Liability After Enron.)*

In addition, he co-authored the following article for the Association of the Bar of the City of New York, Corporate & Securities Law Updates:

- *Safe Harbor Provisions for Forward-Looking Statements (co-authored and published by the Association of the Bar of the City of New York, Corporate & Securities Law Updates, Vol. II, May 12, 2000)*

ANDREW E. LENCYK

Counsel

Cases in which Mr. Lencyk actively represented plaintiffs include:

- **Kirkland et al. v. WideOpenWest, Inc.**, No. 653248/2018 (Sup. Ct, NY County) (substantially denying defendants' motion to dismiss Section 11 and 12(a)(2) claims)
- **In re Community Psychiatric Centers Securities Litigation**, No. SA CV-91-533-AHS (Eex) (C.D. Cal.) and McGann v. Ernst & Young, SA CV-93-0814-AHS (Eex) (C.D. Cal.) (recovery of \$54.5 million against company and its outside auditors)
- **In re Danskin Securities Litigation**, Master File No. 92 CIV. 8753 (JSM) (S.D.N.Y.);
- **In re JWP Securities Litigation**, Master File No. 92 Civ. 5815 (WCC) (S.D.N.Y.) (class recovery of approximately \$36 million)
- **In re Porta Systems Securities Litigation**, Master File No. 93 Civ. 1453 (TCP) (E.D.N.Y.);
- **In re Leslie Fay Cos. Securities Litigation**, No. 92 Civ. 8036 (S.D.N.Y.) (\$35 million recovery)
- **Berke v. Presstek, Inc.**, No. 96-347-M (MDL Docket No. 1140) (D.N.H.) (\$22 million recovery)
- **In re Micro Focus Securities Litigation**, No. C-01-01352-SBA-WDB (N.D. Cal.)
- **Dusek v. Mattel, Inc.**, et al., No. CV99-10864 MRP (C.D. Cal.) (\$122 million global settlement)
- **In re Sonus Networks, Inc. Securities Litigation-II**, No. 06-CV-10040 (MLW) (D. Mass.)
- **In re AIG ERISA Litigation**, No. 04 Civ. 9387 (JES) (S.D.N.Y.) (\$24.2 million recovery)
- **In re Mutual Funds Investment Litigation**, MDL No. 1586 (D. Md.)
- In re Alger, Columbia, Janus, MFS, One Group, Putnam, Allianz Dresdner, MDL No. 15863-JFM - Allianz Dresdner subtrack (D. Md.)
- **In re Alliance, Franklin/Templeton, Bank of America/Nations Funds and Pilgrim Baxter**, MDL No. 15862-AMD – Franklin/Templeton subtrack (D. Md.)
- **In re AIG ERISA Litigation II**, No. 08 Civ. 5722 (LTS) (S.D.N.Y.) (\$40 million recovery); and
- **Flynn v. Sientra, Inc.**, No. CV-15-07548 SJO (RAOx) (C.D. Cal.) (\$10.9 million recovery) (co-lead counsel) Court decisions in which Mr. Lencyk played an active role on behalf of plaintiffs include:
 - **Pub. Empls' Ret. Sys. of Miss. v. TreeHouse Foods**, No. 2018 U.S. Dist. LEXIS 22717 (N.D. Ill. Feb. 12, 2018) (denying defendants' motion to dismiss in its entirety)

ANDREW E. LENCYK

Counsel

- **Flynn v. Sientra, Inc.**, No. 2016 U.S. Dist. LEXIS 83409 (C.D. Cal. June 9, 2016) (denying in substantial part defendants' motions to dismiss Section 10(b), Section 11 and 12(b)(2) claims), motion for reconsideration denied, slip op. (C.D. Cal. Aug 12, 2016)
- **In re Principal U.S. Property Account ERISA Litigation**, No. 274 F.R.D. 649 (S.D. Iowa 2011) (denying defendants' motion to dismiss)
- **In re AIG ERISA Litigation II**, No. 08 Civ. 5722(LTS), 2011 U.S. Dist. LEXIS 35717 (S.D.N.Y. May 31, 2011) (denying in substantial part defendants' motions to dismiss), renewed motion to dismiss denied, slip op. (S.D.N.Y. June 26, 2014)
- **In re Mutual Funds Investment Litigation**, No. 384 F. Supp. 2d 845 (D. Md. 2005) (denying in substantial part defendants' motions to dismiss), *In re Alger, Columbia, Janus, MFS, One Group, Putnam, Allianz Dresdner*, MDL No. 15863-JFM - Allianz Dresdner subtrack (D. Md. Nov. 3, 2005) (denying in substantial part defendants' motions to dismiss), and *In re Alliance, Franklin/Templeton, Bank of America/Nations Funds and Pilgrim Baxter*, MDL No. 15862-AMD – Franklin/Templeton subtrack (D. Md. June 27, 2008) (same)
- **In re AIG ERISA Litigation**, No. 04 Civ. 9387 (JES) (S.D.N.Y. Dec. 12, 2006) (denying defendants' motions to dismiss in their entirety)
- **Dusek v. Mattel, Inc.**, et al., No. CV99-10864 MRP (C.D. Cal. Dec. 17, 2001) (denying defendants' motions to dismiss Section 14(a) complaint in their entirety)
- **In re Micro Focus Sec. Litig.**, Case No. C-00-20055 SW (N.D. Cal. Dec. 20, 2000) (denying motion to dismiss Section 11 complaint);
- **Zuckerman v. FoxMeyer Health Corp.**, No. 4 F. Supp.2d 618 (N.D. Tex. 1998) (denying defendants' motion to dismiss in its entirety in one of the first cases decided in the Fifth Circuit under the Private Securities Litigation Reform Act of 1995)
- **In re U.S. Liquids Securities Litigation**, Master File No. H-99-2785 (S.D. Tex. Jan. 23, 2001) (denying motion to dismiss Section 11 claims)
- **Sands Point Partners, L.P., et al. v. Pediatrix Medical Group, Inc.**, et al., No. 99-6181-CIV-Zloch (S.D. Fla. June 6, 2000) (denying defendants' motion to dismiss in its entirety)
- **Berke v. Presstek, Inc.**, No. 96-347-M (MDL Docket No. 1140) (D.N.H. Mar. 30, 1999) (denying defendants' motion to dismiss)

ANDREW E. LENCYK

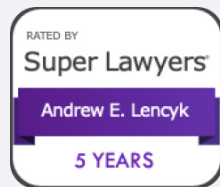
Counsel

- **Chalverus v. Pegasystems, Inc.**, No. 59 F. Supp. 2d 226 (D. Mass. 1999) (denying defendants' motion to dismiss);
- **Danis v. USN Communications, Inc.**, No. 73 F. Supp. 2d 923 (N.D. Ill. 1999) (denying defendants' motion to

EDUCATION

- Fordham University School of Law, J.D. (1992)
- Fordham College, B.A. magna cum laude, 1988)

AWARDS



ADMISSIONS

- Connecticut (1992)
- New York (1993)
- United States District Court for the Southern District of New York (2004)
- United States District Court for the Eastern District of New York (2004)
- United States Court of Appeals for the Second Circuit (2015)

COURTNEY E. MACCARONE

Counsel



Courtney E. MacCarone focuses her practice on prosecuting consumer class actions. Prior to joining Levi & Korsinsky, Ms. MacCarone was an associate at a boutique firm in New York specializing in class action litigation. While attending Brooklyn Law School, Ms. MacCarone served as the Executive Symposium Editor of the Brooklyn Journal of International Law and was a member of the Moot Court Honor Society. Her note, "Crossing Borders: A TRIPS-Like Treaty on Quarantines and Human Rights" was published in the Spring 2011 edition of the Brooklyn Journal of International Law.

Ms. MacCarone also gained experience in law school as an intern to the Honorable Martin Glenn of the Southern District of New York Bankruptcy Court and as a law clerk at a New York City-based class action firm. Ms. MacCarone has been recognized as a Super Lawyer "Rising Star" for the New York Metro area every year since 2014.

EDUCATION

- Brooklyn Law School, J.D., magna cum laude (2011)
- New York University, B.A., magna cum laude (2008)

AWARDS



ADMISSIONS

- New Jersey (2011)
- New York (2012)
- United States District Court for the District of New Jersey (2012)
- United States District Court for the Eastern District of New York (2012)
- United States District Court for the Southern District of New York (2012)

BRIAN STEWART

Counsel



Brian Stewart is an Associate with the Firm practicing in the Washington, D.C. office. Prior to joining the firm, Mr. Stewart was an associate at a small litigation firm in Washington D.C. and a regulatory analyst at the Financial Industry Regulatory Authority (FINRA). During law school, he interned for the Enforcement Divisions of the SEC and CFPB.

EDUCATION

- American University Washington College of Law, J.D. (2012)
- University of Washington, B.S., Economics and Mathematics (2008)

ADMISSIONS

- Maryland (2012)
- District of Columbia (2014)
- United States District Court for the District of Maryland (2017)
- United States District Court for the District of Colorado (2017)



LEVI&KORSINSKY
Shareholder Advocates

Our Attorneys

Senior Associates

- JORDAN A. CAFRITZ
- MORGAN EMBLETON
- DAVID C. JAYNES
- CORREY A. SUK

JORDAN A. CAFRITZ

Senior Associate



Jordan Cafritz is a Senior Associate with the Firm's Washington, D.C. office. While attending law school at American University he was an active member of the American University Business Law Review and worked as a Rule 16 attorney in the Criminal Justice Defense Clinic. After graduating from law school, Mr. Cafritz clerked for the Honorable Paul W. Grimm in the U.S. District Court for the District of Maryland.

Notable cases Mr. Cafritz has litigated include:

In *Karsan Value Fund v. Kostecki Brokerage Pty, Ltd. et al.*, C.A. No. 2021-0899-LWW (Delaware Chancery), Mr. Cafritz played a lead role in securing a \$9.5 million common fund for the minority stockholders in connection with a controller buyout – a \$1.90 per share (75%) increase on top of the original merger consideration of \$2.55 per share.

In *Jacobs v. Meghji, et al.*, C.A. No. 2019-1022-MTZ (Delaware Chancery), Mr. Cafritz played a lead role in challenging a series of unfair equity transactions imposed on Infrastructure Energy Alternatives Inc. The resulting settlement led to the issuance of new preferred stock that fundamentally revised the capital structure of the company and paved the way for a \$1.1bn acquisition of the company.

EDUCATION

- American University Washington College of Law, J.D. (2014)
- University of Wisconsin-Madison, B.A., Economics & History (2010)

ADMISSIONS

- Maryland (2014)
- District of Columbia (2018)

MORGAN EMBLETON

Senior Associate



Morgan M. Embleton is an associate in the Firm's Connecticut office. Since 2018, Ms. Embleton has focused her practice on federal securities class actions and protecting the interests of shareholders of publicly traded companies.

Prior to that, Ms. Embleton litigated matters arising under the False Claims Act, Jones Act, Longshore Harbor Workers' Compensation Act, Louisiana Whistleblower Act, and Louisiana Environmental Whistleblower Act, as well as pharmaceutical mass torts and products liability claims. Ms. Embleton has extensive experience prosecuting securities fraud matters, complex class actions, and multidistrict litigations.

Ms. Embleton received her J.D. and Environmental Law Certificate from Tulane University Law School in 2014. During her time in law school, Ms. Embleton was a student attorney in the Tulane Environmental Law Clinic, a member of the Journal of Technology and Intellectual Property, and the Assistant Director of Research and Development for the Durationator.

EDUCATION

- Tulane University Law School, J.D. and Environmental Law Certificate (2014)
- University of Colorado at Boulder, B.A., cum laude, Sociology (2010)

ADMISSIONS

- Louisiana (2014)
- United States District Court for the Eastern District of Louisiana (2015)
- United States District Court for the Middle District of Louisiana (2016)
- United States District Court for the Western District of Louisiana (2016)
- United States Court of Federal Claims (2016)
- United States Court of Appeals for the Fifth Circuit (2016)
- United States Court of Appeals for the Ninth Circuit (2017)
- United States District Court for the Eastern District of Michigan (2020)

DAVID C. JAYNES

Senior Associate



David C. Jaynes focuses his practice on investor protection and securities fraud litigation. In addition to his law degree, Mr. Jaynes has graduate degrees in business administration and finance. Prior to joining the firm, David worked in the Enforcement Division of the U.S. Securities and Exchange Commission in the Salt Lake Regional Office as part of the Student Honors Program. Mr. Jaynes began his career as a prosecutor and has significant trial experience.

While at Levi & Korsinsky, Mr. Jaynes has actively represented plaintiffs in the following securities class actions:

- **In re U. S. Steel Consolidated Cases**, No. 17-579 (W.D. Pa.)
- **Stein v. U.S. Xpress Enterprises, Inc.**, et al., No. 1:19-cv-98-TRM-CHS (E.D. Tenn.)
- **John P. Norton, On Behalf Of The Norton Family Living Trust** UAD 11/15/2002 v. Nutanix, Inc. et al, No. 3:21-cv-04080 (N.D. Cal.)

Mr. Jaynes has also had a role in litigating the following securities actions:

- **Ferraro Family Foundation, Inc. v. Corcept Therapeutics Incorporated**, No.5:19-cv-1372-LHK (N.D. Cal.)
- **The Daniels Family 2001 Revocable Trust v. Las Vegas Sands Corp.**, et al., No. 1:20-cv-08062-JMF (D. Nev.)
- **Dan Kohl v. Loma Negra Compania Industrial Argentina Sociedad Anonima**, et al., Index No. 653114/2018 (Sup. Ct., County of New York)

EDUCATION

- University of Utah, M.S., Finance (2020)
- University of Utah, M.B.A (2020)
- The George Washington University Law School, J.D. (2015)
- Brigham Young University, B.A., Middle East Studies and Arabic (2009)

ADMISSIONS

- Maryland (2015)
- Utah (2016)
- United States District Court for the District of Utah (2016)
- California (2021)
- United States District Court for the Northern District of California (2022)
- United States District Court for the Central District of California (2023)
- District of Colorado (2023)

CORREY A. SUK

Senior Associates



Correy A. Suk is an experienced litigator with a focus on shareholder derivative suits, class actions, and complex commercial litigation. Correy began her career with the Investor Protection Bureau of the Office of the New York State Attorney General and spent four years prosecuting shareholder derivative actions and securities fraud litigation at one of the oldest firms in the country. Prior to joining Levi & Korsinsky, Correy represented both individuals and corporations in complex business disputes at a New York litigation boutique. Correy's unflappable disposition and composure reflect a pragmatic approach to both litigation and negotiation. She thrives under pressure and serves as an aggressive advocate for her clients in the most high-stakes situations. Correy has been recognized as a Super Lawyers Rising Star every year since 2017.

PUBLICATIONS

- "Unsafe Sexting: The Dangerous New Trend and the Need for Comprehensive Legal Reform," 9 Ohio St. J. Crim. L. 405 (2011)

EDUCATION

- The Ohio State University Moritz College of Law, J.D. (2011)
- Georgetown University, B.S.B.A. (2008)

AWARDS



ADMISSIONS

- New Jersey (2011)
- New York (2012)
- United States District Court for the Southern District of New York (2015)
- United States District Court for the Eastern District of New York (2015)
- United States District Court for the District of New Jersey (2016)



LEVI&KORSINSKY
Shareholder Advocates

Our Attorneys

Associates

- COLIN BROWN
- AMANDA FOLEY
- NOAH GEMMA
- DEVYN R. GLASS
- GARY ISHIMOTO
- SIDHARTH KAKKAR
- ALEXANDER KROT
- MELISSA MEYER
- CINAR ONEY
- COLE VON RICHTHOFEN
- ELLISON SNIDER
- MAX WEISS

COLIN BROWN

Associate



Colin Brown is an Associate working remotely for Levi and Korsinsky's Consumer Litigation and Mass Arbitration Team. During law school, Colin was a member of the North Dakota Law Review, and worked as a law clerk for the Judges in the NE Central Judicial District in Grand Forks, North Dakota. Following law school, Colin worked as an Associate attorney in Fargo, ND at the Nilles Law Firm in the areas of commercial and personal injury litigation for which he conducted research, drafted briefs and pleadings, and worked on discovery.

EDUCATION

- University of North Dakota School of Law, J.D. (2018), Law Review Member
- University of North Dakota, B.A. (2015)

ADMISSIONS

- Minnesota (2018)
- North Dakota (2019)

AMANDA FOLEY

Associate



Amanda Foley is an Associate in Levi & Korsinsky's Stamford office where she focuses her practice on federal securities litigation. Prior to joining Levi & Korsinsky, Amanda gained substantial experience at a boutique Boston firm where she was trained in securities and business litigation.

Amanda received her Juris Doctorate degree from Suffolk University Law School with an International Law concentration with Distinction and was selected to join the International Legal Honor Society of Phi Delta Phi. While in law school, Amanda focused her legal education on securities law & regulation, international investment law & arbitration, and business law.

EDUCATION

- Suffolk University Law School, J.D. (2021)
- Colorado State University, B.S. (2011)

ADMISSIONS

- Massachusetts (2021)
- United States District Court for the District of Massachusetts (2022)

NOAH GEMMA

Associate



Noah Gemma worked previously as a summer associate at a boutique commercial litigation firm. There, Mr. Gemma drafted briefs and other legal memoranda on behalf of national and closely held corporations in complex federal and state court litigation. In particular, Mr. Gemma helped the firm: (i) win multiple motions to dismiss on behalf of a national bank and a national bonding company in federal court cases involving alleged fraud and other alleged improprieties; (ii) settle an avoidable preference action on behalf of a national hauling company in a federal bankruptcy proceeding for a small fraction of the alleged damages; (iii) settle a negligence action on behalf of a court appointed fiduciary against officers of a defunct company and its insurance carrier on advantageous terms; and (iv) secure a favorable decision on behalf of a national bonding company before the state supreme court.

Mr. Gemma also served as a judicial intern for the Honorable Judge Bruce M. Selya in the United States Court of Appeals for the First Circuit and for the Honorable Judge Virginia M. Hernandez Covington in the United States District Court for the Middle District of Florida. Using his experience representing the interests of national and closely held corporations to analyze and assess potential cases of corporate impropriety, Mr. Gemma currently prosecutes corporate and director malfeasance through the preparation and filing of shareholder mergers and acquisitions actions and corporate governance litigation.

EDUCATION

- Georgetown University Law Center, J.D., Editor for The Georgetown Law Journal (2021)
- Providence College, B.A. (2018)

ADMISSIONS

- Rhode Island (2021)
- District of Columbia (2022)

DEVYN R. GLASS

Associate



Devyn R. Glass currently focuses her practice on representing investors in federal securities fraud litigation.

Prior to joining the firm, Ms. Glass gained substantial experience at a national boutique firm specializing in complex litigation across a variety of practice areas representing both plaintiffs and defendants. Since 2017, Ms. Glass has focused her practice on consumer and shareholder protection, litigating numerous class action lawsuits across the country that involved data privacy and data breach, deceptive and unfair trade practices, and securities fraud.

At her prior firms, Ms. Glass played a pivotal role in obtaining monetary recoveries and/or injunctive relief on behalf of shareholders and consumers. Notable cases include: *Lowry v. RTI Surgical Holdings, Inc. et al.*, (D. Ill.) (obtaining \$10.5 million on behalf of a shareholder class alleging violations of the federal securities laws); *In re Google Plus Profile Litigation*, (N.D. Cal.) (obtaining \$7.5 million on behalf of a consumer class exposed to a years-long data breach); and *Barrett v. Pioneer*

Natural Resources USA, Inc., (D. Colo.) (obtaining \$500,000 on behalf of more than 8,000 current and former 401(k) plan participants alleging violations of the Employee Retirement Income Security Act).

EDUCATION

- Loyola University College of Law, New Orleans, J.D., cum laude (2016), where she received a Certificate of Concentration in Law, Technology and Entrepreneurship, served as a member of the Loyola Journal of Public Interest Law, and interned for the Louisiana Second Circuit Court of Appeals
- Louisiana Tech University, B.A., cum laude (2013), Political Science, minor in English

ADMISSIONS

- New York (2017)
- District of Columbia (2017)
- United States District Court District of Columbia (2018)
- United States District Court District of Colorado (2018)
- United States Court of Appeals for the Ninth Circuit (2022)

GARY ISHIMOTO

Associate



Gary Ishimoto is an Associate working remotely with Levi and Korsinsky's Consumer Litigation Team. During law school, he worked at the Small Business Law Clinic helping to draft incorporation papers, non-compete clauses, IP assignments, board consent, and stock purchase agreements for start-up businesses. He also interned for the Rossi Law Group.

EDUCATION

- Pepperdine School of Law, J.D. (2020)
- California State University, Northridge, B.S. (2013)

ADMISSIONS

- Massachusetts (2021)

SIDHARTH KAKKAR

Associate



Mr. Kakkar is an Associate with a focus on shareholder derivative suits, class actions, and complex commercial litigation.

EDUCATION

- New York Law School, J.D. (2022), member of the Center for Business & Financial Law
- Swarthmore College, B.A. (2017)

ADMISSIONS

- New York (2024)
- New Jersey (2024)
- United States District Court for the Southern District of New York (2024)
- United States District Court for the Eastern District of New York (2024)

ALEXANDER KROT

Associate



EDUCATION

- American University, Kogod School of Business, M.B.A. (2012)
- Georgetown University Law Center, LL.M., Securities and Financial Regulation, With Distinction (2011)
- American University Washington College of Law, J.D. (2010)
- The George Washington University, B.B.A., concentrations in Finance and International Business (2003)

ADMISSIONS

- Maryland (2011)
- District of Columbia (2014)
- United States District Court for the District of Colorado (2015)
- United States Court of Appeals for the Tenth Circuit (2016)
- United States District Court for the Eastern District of Wisconsin (2017)
- United States Court of Appeals for the Third Circuit (2018)
- United States Court of Appeals for the Ninth Circuit (2020)

MELISSA MEYER

Associate



Melissa Meyer is an Associate with the Firm's New York Office focusing on federal securities litigation. Ms. Meyer previously worked as a paralegal for the New York office while attending law school.

EDUCATION

- New York Law School, J.D., Dean's Scholar Award, member of the Dean's Leadership Council (2018)
- John Jay College of Criminal Justice, B.A. (2013), magna cum laude

ADMISSIONS

- New York (2019)
- United States District Court for the Southern District of New York (2020)

CINAR ONEY

Associate



Cinar Oney is an Associate in Levi & Korsinsky's New York office. His practice focuses on investigation and analysis of various forms of corporate misconduct, including excessive compensation, insider trading, unfair self-dealing, and corporate waste. He develops litigation strategies through which shareholders can pursue recoveries.

Prior to joining Levi & Korsinsky, Mr. Oney practiced with top firms in Turkey, where he represented shareholders, corporations, and governmental entities in commercial disputes and transactional matters.

PUBLICATIONS

- *FinTech Industrial Banks and Beyond: How Banking Innovations Affect the Federal Safety Net*, 23 FORDHAM J. CORP. & FIN. L. 541 (2018)

EDUCATION

- Fordham University School of Law, J.D. (2019)
- International University College of Turin, LL.M. (2014)
- Istanbul University Faculty of Law, Undergraduate Degree in Law (2011)

ADMISSIONS

- New York (2020)

COLE VON RICHTHOFEN

Associate



Cole von Richthofen is an Associate in Levi & Korsinsky's Connecticut office. As a law student, he interned with the honorable Judge Thomas Farrish in the District of Connecticut's Hartford courthouse with an emphasis on settlements. He has also interned with the Office of the Attorney General for the State of Connecticut in the Employment Rights Division. While attending law school, Cole served as an Executive Editor of the Connecticut Public Interest Law Journal and as a member of the Connecticut Moot Court Board.

EDUCATION

- University of Connecticut School of Law, J.D. (2022)
- University of Connecticut, B.S., Business & Marketing (2015)

ADMISSIONS

- Connecticut (2022)
- United States District Court for the District of Connecticut (2024)

ELLISON SNIDER

Associate



Ellison A. Snider is an Associate in the Firm's New York office where she works on the Firm's Consumer Litigation and Mass Arbitration Team. Ellison joined the Firm after completing a clerkship at the Minnesota Supreme Court. During law school, Ellison was a student director of the University of Minnesota's Consumer Protection Clinic and a managing editor of *Minnesota Law Review*. Ellison also spent two years as a student law clerk at a Minneapolis plaintiff's complex litigation firm, where she worked in consumer protection, antitrust, and constitutional law litigation.

EDUCATION

- University of Minnesota Law School, J.D. (2023), Managing Editor of *Minnesota Law Review*
- Loyola University of Chicago, B.A., *cum laude* (2016)

PUBLICATIONS

- Ellison Snider, Note, Evolving Online Terrain in an Inert Legal Landscape: How Algorithms and AI Necessitate an Amendment of Section 230 of the Communications Decency Act, 107 *Minn. L. Rev.* 1829 (2023).
- Curtailing Internet Exceptionalism: France Haugen's Call to Amend Section 230 and Hold Facebook Accountable for its Algorithmic Harm, Ellison Snider, *Minn. L. Rev. De Novo Blog* (Nov. 11, 2021)

ADMISSIONS

- Minnesota (2023)
- United States District Court for the District of Minnesota (2024)

MAX WEISS

Associate



Max Weiss focuses his practice on investor protection and securities fraud litigation. He is proficient in litigation, legal research, motion practice, case evaluation and settlement negotiation. Prior to joining the firm, Max practiced in the general liability area and has extensive experience litigating high-exposure personal injury claims in New York State and federal trial and appellate courts. While in law school, Max gained experience helping pro se debtors prepare and file Chapter 7 and Chapter 13 petitions with the New York Legal Assistance Group (**NYLAG**) Bankruptcy Project and served as an intern to the Honorable Sean Lane of the Southern District of New York Bankruptcy Court. Max currently serves on the Securities Litigation Committee for the New York City Bar Association as an affiliate member helping shape law and public policy.

EDUCATION

- St. John's School of Law, J.D. (2018), where he served as the Senior Executive Editor of the Journal of Civil Rights & Economic Development
- Colgate University, B.A., Political Science (2011)

ADMISSIONS

- New York (2019)
- United States District Court for the Southern District of New York (2019)
- United States District Court for the Eastern District of New York (2019)

EXHIBIT 19

1 Heidi M. Siltan
2 LOCKRIDGE GRINDAL NAUEN PLLP
3 100 Washington Avenue South
4 Suite 2200
5 Minneapolis, MN 55401
6 (612) 339-6900
7 hmsilton@locklaw.com

8
9 *Counsel for the End Payer Plaintiffs*

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
13 PRODUCTS ANTITRUST)
14 LITIGATION) **DECLARATION OF HEIDI M.**
15) **SILTON IN SUPPORT OF END**
16) **PAYER PLAINTIFFS' MOTION**
17) **FOR ATTORNEYS' FEES,**
18) **COSTS, EXPENSES, AND**
19) **SERVICE AWARDS**

20 _____)
21 This Document Relates to:) DATE: November 22, 2024
22 End Payer Plaintiffs Class Track) TIME: 1:30 p.m.
23) JUDGE: Hon. Dana M. Sabraw
24) COURT: 13A (13th Floor)
25)
26)
27)
28)

1 I, Heidi M. Silton, declare:

2 1. I am a partner at Lockridge Grindal Nauen PLLP (“LGN”). I have been
3 licensed to practice law in the state of Minnesota since 1995. I am admitted to practice
4 in the U.S. District Courts for District of Minnesota and Northern District of Illinois.
5 The following facts are within my personal knowledge, and if called as a witness, I
6 could and would testify competently to them.

7 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
8 Attorneys’ Fees, Costs, Expenses, and Service Awards.

9 3. On September 23, 2015, my firm assisted in the filing of the first of six
10 proposed class action lawsuits on behalf of my clients against Bumble Bee Foods
11 LLC, Starkist Company, Tri-Union Seafoods LLC and King Oscar, Inc. in the
12 Southern District of California and assigned Case No. 3:15-cv-02129. My clients’
13 actions were consolidated into the instant action with other similar actions filed in
14 other jurisdictions nationwide as a Multi-District Litigation titled, *In re Packaged*
15 *Seafood Products Litigation*, No. 15-MD-2670 in the Southern District of California
16 (the “Action”).

17 4. I am the principal counsel leading the litigation for this case at LGN and
18 have practiced civil litigation on behalf of consumers and individuals for the past
19 twenty-five years. The firm generally employs more than 60 attorneys. Our clients
20 include small and large businesses, both local and national; cities, counties, and
21 political subdivisions; tribal governments, healthcare professionals and organizations,
22 trade and industry associations, health and pension funds, unions, and issue-based
23 coalitions. Our firm’s practice areas include business litigation, corporate, data
24 breach litigation, employment, environmental, health care, mass torts, products
25 liability, securities litigation along with our government relations practices. I am co-
26 chair of the antitrust practice group of LGN, specifically related to consumer
27 protection and antitrust class action matters. Attached hereto as **Exhibit A** is the LGN
28 Firm resume.

1 5. LGN’s attorneys have a long history of successfully handling class
2 actions across a range of industries, including antitrust cases. I bring substantial
3 experience in complex litigation matters with a history of litigating in an efficient and
4 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
5 actions. *See Exhibit A.*

6 6. I have an extensive background in antitrust and consumer protection
7 class action litigation. In my over twenty-five years of experience, I have litigated
8 many class action cases across the country involving antitrust and unfair competition
9 claims, including the following recent matters in which I have a leadership position:

- 10 • *In re: Eyewear Antitrust Litigation*, No. 1:24-cv-04826-MKV
11 (S.D.N.Y.) (co-lead counsel, direct purchasers);
- 12 • *In re Concrete and Cement Additives Antitrust Litigation*, No.
13 1:24-md-03097-LJL (S.D.N.Y.) (co-lead counsel, indirect
14 purchasers);
- 15 • *(Salmon Antitrust Litigation) Wood Mountain Fish LLC, et al., v.*
16 *Mowi ASA, f/k/a Marine Harvest ASA, et al.*, No. 19-022128-CIV
17 (S.D. Fla.) (Co-Lead Class Counsel, Indirect Purchaser Class);
- 18 • *In re Generic Pharmaceuticals Pricing Antitrust Litig.*, No. 2:16-
19 md-02724-CMR (E.D. Pa.) (Member, End-Payor Plaintiffs
20 Steering Committee); and
- 21 • *(In re HIV Antitrust Litigation) Staley, et al., v. Gilead Sciences,*
22 *Inc. et al.*, No.: 3:19-cv-02573(N.D. Cal.) (Member, End-Payor
23 Plaintiffs Class Executive Committee).

24 7. I and my firm have been involved in the litigation of this Action under
25 the direction of Class Counsel, including, among other tasks, *i.e.* extensively
26 investigating the claims, both before and after filing the initial complaint (including
27 calls and correspondence with potential plaintiffs and class members contacting us
28 for advice and status updates); researching underlying issues of law for use in drafting

1 a class complaint; assisting with further pleadings in finalization and filing including
 2 amended complaints; coordinating with other plaintiffs’ counsel regarding
 3 consolidation and leadership issues; assisting in the finalization of the ESI protocol in
 4 the discovery phase of the case; assisting in drafting the consolidation and leadership
 5 motions; meeting and conferring with defense counsel regarding various issues;
 6 reviewing documents produced by Defendants and the DOJ; extensively researching,
 7 finalizing and serving third party discovery productions and reviews; coordinating
 8 with various third party recipients; assisting in the finalization of prior settlements
 9 with Defendants; and communications with our client regarding various stages of
 10 litigation, trial preparation and settlement.

11 8. The current hourly rates for LGN attorneys and staff that have worked
 12 on the Action, as well as their hours spent working on the Action as of September 1,
 13 2024, and their corresponding lodestar, are as follows:

LGN Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Richard A. Lockridge, Partner	\$1,225.00 per hour	10.10	\$12,372.50
Charles N. Nauen, Partner	\$1,225.00 per hour	1.00	\$1,225.00
W. Joseph Bruckner, Partner	\$1,225.00 per hour	8.00	\$9,800.00
Susan E. Ellingstad, Partner	\$1,125.00 per hour	8.40	\$9,450.00
Karen Hanson Riebel, Partner	\$1,225.00 per hour	7.50	\$9,187.50
Heidi M. Silton, Partner	\$1,125.00 per hour	2,908.60	\$3,272,175.00

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LGN Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Jessica N. Servais, Partner	\$975.00 per hour	44.00	\$42,900.00
Anna M. Horning Nygren, Partner	\$650.00 per hour	12.20	\$7,930.00
Elizabeth R. Odette, Partner	\$650.00 per hour	1,475.60	\$959,140.00
Kristen G. Marttila, Partner	\$850.00 per hour	39.90	\$33,915.00
Joseph C. Bourne, Partner	\$925.00 per hour	332.50	\$307,562.50
Kate Baxter-Kauf, Partner	\$1,025.00 per hour	114.60	\$117,465.00
Brian D. Clark, Partner	\$1,100.00 per hour	19.80	\$21,780.00
Rachel A. Kitze Collins, Partner	\$950.00 per hour	40.10	\$38,095.00
Maureen K. Berg, Associate	\$975.00 per hour	416.90	\$406,477.50
Stephanie A. Chen, Associate	\$600.00 per hour	154.70	\$92,820.00
Craig S. Davis, Associate	\$900.00 per hour	1,439.00	\$1,295,100.00
Justin R. Erickson, Associate	\$650.00 per hour	12.60	\$8,190.00
R. David Hahn, Associate	\$765.00 per hour	12.90	\$9,868.50

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LGN Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Rick N. Linsk, Associate	\$550.00 per hour	29.20	\$16,060.00
Develyn J. Mistriotti, Associate	\$650.00 per hour	6.00	\$3,900.00
Simeon A. Morbey, Associate	\$925.00 per hour	0.50	\$462.50
Kailey C. Mrosak, Associate	\$775.00 per hour	39.90	\$33,915.00
Stephen M. Owen, Associate	\$775.00 per hour	58.90	\$45,647.50
Arielle S. Wagner, Associate	\$800.00 per hour	262.10	\$209,680.00
Derek C. Waller, Associate	\$765.00 per hour	1.30	\$994.50
Devona L. Wells, Associate	\$475.00 per hour	5.80	\$2,755.00
Halima Barentto, Paralegal	\$375.00 per hour	5.10	\$1,912.50
Thea M. Harkness, Paralegal	\$305.00 per hour	68.80	\$20,984.00
Sherri L. Juell, Paralegal	\$325.00 per hour	701.80	\$228,085.00
Heather N. Potteiger, Paralegal	\$430.00 per hour	3.00	\$1,290.00
Amber M. Raak, Paralegal	\$430.00 per hour	0.30	\$129.00

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LGN Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Elizabeth M. Sipe, Paralegal	\$325.00 per hour	0.80	\$260.00
Erik W. Allerson, Law Clerk	\$250.00 per hour	18.90	\$4,725.00
Katarzyna Kokoszka, Law Clerk	\$225.00 per hour	2.70	\$607.50
Souvan S. Lee, Law Clerk	\$225.00 per hour	15.10	\$3,397.50
TOTAL:			\$7,204,636.00

9. These records were prepared from contemporaneous, daily time records regularly prepared and maintained by LGN in its usual course and manner. LGN maintains detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on LGN’s current billing rates. These records are available for review at the request of the Court.

10. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm’s representation of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the hours spent on each task.

11. I have general familiarity with the range of hourly rates typically charged by plaintiffs’ class action counsel specifically in the field of unfair competition and antitrust in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I am able to conclude that the rates charged by my firm are commensurate with those prevailing in the market for such legal services furnished in complex class action litigation such as this.

1 My firm’s hourly rates were most recently approved by the following Court:

- 2 • (Salmon Antitrust Litigation) Wood Mountain Fish LLC, et al., v.
3 Mowi ASA, f/k/a Marine Harvest ASA, et al., No. 19-022128-CIV
4 (S.D. Fla.) (Co-Lead Class Counsel, Indirect Purchaser Class).

5 12. My firm has incurred costs of \$160,586.83 so far in litigating the Action,
6 consisting of the following categories of costs:

7	Category	Cost
8	Assessments	\$427,800.00
9	Online Research	\$20,005.30
10	Reproduction/Duplication	\$1,904.40
11	Court Filing Fees	\$212.20
12	Food and Beverage	\$717.18
13	Mediation	\$1,617.65
14	Travel – airfare	\$10,849.34
15	Travel – hotel	\$4,553.00
16	Travel – taxis, ubers	\$2,193.45
17	Telephone/Conference Calls	\$547.37
18	Postage	\$631.44
19	Service Fees	\$712.00
20	Miscellaneous	\$170.00
21	Total:	\$160,629.43

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23 13. Throughout the litigation, my firm and I worked under the direction of
24 Class Counsel, and I made every effort to operate as efficiently as possible and to
25 avoid unnecessary duplication. I coordinated with Class Counsel for all work
26 performed and costs incurred in this matter.

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1 I declare under penalty of perjury under the laws of the United States that the
2 foregoing is true and correct. Executed on September 27, 2024, at Minneapolis,
3 Minnesota.

4 Dated: September 27, 2024

s/Heidi M. Silton
Heidi M. Silton

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EXHIBIT A



LOCKRIDGE GRINDAL NAUEN PLLP

Founded in 1978, Lockridge Grindal Nauen PLLP represents clients across the country of all shapes and sizes, taking the time to understand each client's goals and aspirations before tailoring our representation to meet their individual needs, whether in the courtroom or the state capitol.

Our clients include small and large businesses, both local and national; cities, counties, and political subdivisions; tribal governments, healthcare professionals and organizations, trade and industry associations, health and pension funds, unions, and issue-based coalitions. Lockridge Grindal Nauen's attorneys and government relations professionals are assisted by an extensive support staff. The firm has offices in Minneapolis, Chicago, and Boston.

For over 45 years, Lockridge Grindal Nauen PLLP has advocated on behalf of clients impacted by illegal business operations. Our antitrust team has prosecuted national and global cartels on behalf of businesses injured by anticompetitive conduct. We have obtained billions in settlements and verdicts for our clients and classes. Our clients include businesses across the country that have been injured by domestic or global cartels.

Since 1890, when Congress passed the Sherman Antitrust Act, protecting and promoting a competitive economy has been a bedrock American principle. The United States and many states have adopted laws and regulations to protect free and open markets and prohibit unfair competition. Companies that disregard these laws injure not just the companies with which they compete for business but the consumers who rely on their goods and services. Enforcement of antitrust laws helps to promote healthy competition and, therefore, robust economies.

LGN'S ANTITRUST LAWYERS

LGN's antitrust experts are leaders in the field. Our team members serve in a variety of leadership positions: serving on the Board of Directors and Advisory Board of the American Antitrust Institute, past Presidents of the Committee to Support the Antitrust Laws (COSAL), the Minnesota State Bar Association's Antitrust Law Section, the Antitrust Law Advisory Board of Strafford Publications, and the American Bar Association Antitrust Section's Committees such as the Membership Committee. We also have served as contributing authors to national and international antitrust law treatises and other publications, including the American Bar Association's Antitrust Law Developments publication. We have participated in the Federal Practice Committee for the District of Minnesota and Merit Selection Panels for the District of Minnesota and are members of the Sedona Conference.

BREADTH AND DEPTH OF ANTITRUST LITIGATION

Enforcing antitrust regulations requires thorough investigation, development of creative strategies, and dealing with statutes across jurisdictions. The attorneys at LGN lead high-stakes antitrust litigation challenging collusion, such as bid-rigging agreements, price-fixing, exchanging pricing information among competitors, and horizontal market division, including agreements not to compete. We also challenge illegal monopolies and attempts to monopolize, illegal joint ventures, and other conduct that unreasonably restrains trade and violates federal and state antitrust and fair competition laws.

PRAISE FOR OUR ANTITRUST TEAM

For over 45 years, our antitrust team has fought for fair markets and open competition that has led to recovering billions of dollars in damages on behalf of injured class members. Our antitrust team is experienced in pre-lawsuit investigations, complex discovery issues, including e-discovery, expert discovery, Daubert motions, trials, and all other aspects of cutting-edge antitrust litigation.

Courts have repeatedly praised our antitrust team. For instance, U.S. District Judge John Gleeson (ret.) described us as "highly experienced practitioners in complex litigation generally and antitrust litigation specifically." *Precision I*, 2013 WL 4525323, at *16; *Precision II*, 2015 WL 6964973, at *8 ("The settlement amounts proposed here attest to Class Counsel's abilities."). U.S. District Chief Judge Ruben Castillo (ret.) recognized not only "the outstanding result obtained for the Class" but also "the quality of work product and quantity of work" we performed. *In re Potash Antitrust Litig. (II)*, Case No. 1:08-cv-06910, Doc. No. 589 at 2 ¶ 5.

Heidi M. Silton

Heidi Silton is a seasoned litigator with more than 25 years of experience representing clients in high stakes complex civil litigation. Throughout her career, Heidi has successfully represented clients in antitrust actions, earning her a reputation as a skilled and aggressive advocate for her clients' interests. She is known and respected by courts nationwide and counsel across the country on both the plaintiff and defense side. Throughout her career, Heidi has worked with many types of clients, and in varying market segments. She is passionate about protecting clients' economic freedom and opportunity by promoting free and fair competition in the marketplace and is dedicated to antitrust enforcement.

Ms. Silton is a partner in and co-chair of the firm's [antitrust](#) department and practices primarily in complex multidistrict litigation. In her work on complex cases, Ms. Silton has extensive experience in all aspects of litigation from researching markets to draft initial complaints, to preparing for trial.. *See, e.g., In re Concrete and Cement Additives Antitrust Litigation*, No. 1:24-md-03097-LJL (S.D.N.Y.); *In re Passenger Vehicle Replacement Tires Antitrust Litigation*, No. 5:24-md-03107-SL (N.D. Ohio); *In re Eyewear Antitrust Litigation*, No. 1:24-cv-04826-MKV (S.D.N.Y.); *Township of Howell, Monmouth County, New Jersey v. Axon Enterprise, Inc. et al.*, No. 3:23-cv-07182-RK-RLS (D. N.J.); *In re Granulated Sugar Antitrust Litigation*, No. 0:24-md-03110- JWB-DTS (D. Minn.); *In re Packaged Seafood Prods. Antitrust Litigation*, MDL No. 15-MD-2670-JLS (S.D. Cal.); *Wood Mountain Fish LLC v. Mowi ASA, et al.*, No. 1:19-cv-22128 (S.D. Fla.); and in *In re Generic Pharms. Pricing Antitrust Litigation*, No. 16-md-2724 (E.D. Pa.).

Ms. Silton's litigation career has been collaborative in nature. She and LGN are routinely appointed to leadership positions that require high levels of cooperation with other plaintiffs' firms¹. Ms. Silton also has extensive experience with class representatives' data collection and review; taking and defending depositions; working with economic and industry experts; briefing discovery and dispositive motions; negotiating settlements and preparing for trial. Throughout her career, she have successfully represented clients in antitrust actions, earning a reputation as a skilled and aggressive advocate for clients' interests.

Ms. Silton is also a leader in the nationwide antitrust community and an active participant in antitrust policy discussions. She is a past President of the Committee to Support the Antitrust Laws (COSAL), an Advisory Board Member of the American Antitrust Institute (AAI), and the current co-chair of AAI's Private Enforcement Awards Committee. She is also past chair and emeritus of the Minnesota State Bar Association Antitrust Law Section. Ms. Silton has worked with Twin Cities Diversity and Practice on their Membership and Engagement Committee and is actively involved in mentoring lawyers inside and outside her firm to support and encourage diversity in the bar. She is

¹ See, e.g., *In re Monosodium Glutamate Antitrust Litigation*, MDL No. 1328 (D. Minn.) (co-lead counsel, conducted critical discovery and negotiated settlements that ultimately recovered \$123 million); *In re Potash Antitrust Litigation (II)*, No. 1:08-cv-06910 (N.D. Ill.) (substantial discovery and settlement work); *Precision Assocs., Inc. v. Panalpina World Transp. (Holding) Ltd.*, No. 1:08-cv-00042 (E.D.N.Y.) (one of four co-lead firms, resolving conspiracy claims against 68 defendants and recovering at least \$406 million); *In re Urethane Antitrust Litigation*, No. 04-MD-1616 (D. Kan.) (one of four co-lead firms, recovering \$33 million for the class).

also a regular speaking on antitrust issues, mentoring and DEI issues. More about Ms. Siltan and LGN can be found at www.locklaw.com.

Joseph C. Bourne

Mr. Bourne is a partner in LGN's antitrust group. For more than a decade in private practice, Mr. Bourne has litigated antitrust, class action, and other complex civil litigation matters involving agriculture, food product, technology, logistics, and healthcare industries, among others. He has presented at seminars and CLEs concerning antitrust and class certification issues, and he has authored publications concerning access to justice, the role of pharmacy benefits managers in the healthcare industry, and the timing of class certification in antitrust multidistrict litigation. Mr. Bourne's peers have repeatedly recognized his skill and professionalism as an antitrust practitioner. Mr. Bourne received the American Antitrust Institute's Outstanding Antitrust Litigation Achievement by a Young Lawyer award in 2022 for his work leading and coordinating discovery of the defendants and third parties in *In re Pork Antitrust Litigation*. He also was recognized by his peers as a Minnesota Super Lawyer in 2024 and as a Rising Star every year from 2014-2023.

Mr. Bourne's career also reflects commitment to the courts, the bar, and members of the public who need representation. Mr. Bourne has devoted hundreds of hours to litigation through the Federal Pro Se Project, including withstanding a summary judgment motion and obtaining a favorable settlement in an Eighth Amendment case. Most recently, Mr. Bourne secured a reversal of his client's conviction in a criminal appeal through the

Minnesota Public Defender Pro Bono Program. Mr. Bourne was named a North Star Lawyer by the Minnesota State Bar Association from 2012 to 2014 in recognition of his pro bono work. Before entering private practice, Mr. Bourne served as a judicial law clerk to Judge Francis J. Connolly, and later to then-Chief Judge Edward Toussaint, Jr., at the Minnesota Court of Appeals.

Mr. Bourne currently serves as a member of LGN's court-appointed leadership team in several significant antitrust class actions, including: *In re Axon VieVu Antitrust Litig.*, No. 23-cv-7182-RK-RLS (D.N.J.) (co-lead counsel for direct purchasers); *In re Concrete and Cement Additives Antitrust Litig.*, No. 24-md-03097 (S.D.N.Y.) (co-lead counsel for indirect purchasers); *In re Eyewear Antitrust Litig.*, No. 24-cv-4826 (S.D.N.Y.) (co-lead counsel for direct purchasers); *In re Valve Antitrust Litig.*, No. 2:21-cv-00563 (W.D. Wash.) (co-lead counsel for game publishers); *Wood Mountain Fish LLC v. Mowi ASA, et al.*, No. 19-cv-22128 (S.D. Fla.) (co-lead counsel for indirect purchasers; case settled globally and is pending final distribution); *In re Pork Antitrust Litig.*, No. 18-cv-01776 (D. Minn.) (co-lead counsel for certified class of direct purchasers; plaintiffs have reached partial settlements totaling over \$115 million with four of eight defendants); *In re Passenger Vehicle Replacement Tires Antitrust Litig.*, No. 5:24-md-3107 (N.D. Ohio) (direct purchasers' executive committee).

Other significant current and past cases include: *Sewall v. Home Partners Holdings LLC*, No. 27-cv-22-10389 (Minn. Dist. Ct.) (LGN appointed as co-lead class counsel for certified litigation class alleging defendants deceived consumers and violated their legal rights as tenants); *In re Santa Fe Natural Tobacco Company Marketing and Sales Practices*

Litig., No. 16-md-02695 (D.N.M.) (lead drafter of class certification briefs in case alleging consumers were deceived by “natural” and other marketing representations; class certification motion is pending); *Precision Associates, Inc. v. Panalpina World Transport (Holding) Ltd.*, No. 08-cv-0042 (E.D.N.Y.) (firm appointed co-lead counsel; antitrust class action involving 29 defendant groups settled for over \$400 million).

EXHIBIT 20

1 **Benjamin M. Jaccarino**
2 **LOVELL STEWART HALEBIAN JACOBSON LLP**
3 500 5th Avenue, Suite 2440
4 New York, New York 10110
5 Telephone: (212) 608-1900
6 Facsimile: (212) 719-4677
7 Bjaccarino@lshllp.com

8 *Additional Counsel for the End Payer Plaintiffs*

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
12 PRODUCTS ANTITRUST LITIGATION)
13) **DECLARATION OF BENJAMIN M.**
14) **JACCARINO, ESQ., IN SUPPORT OF**
15) **END PAYER PLAINTIFFS' MOTION**
16) **FOR ATTORNEYS' FEES, COSTS,**
17) **EXPENSES, AND SERVICE AWARDS**
18)

19 _____)
20 This Document Relates to:) DATE: November 22, 2024
21 End Payer Plaintiffs Class Track) TIME: 1:30 p.m.
22) JUDGE: Hon. Dana M. Sabraw
23) COURT:13A (13th Floor)
24)
25)
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1 I, Benjamin M. Jaccarino, Esq., pursuant to 28 U.S.C. §1746, hereby declare as follows:

2 1. I am a partner at Lovell Stewart Halebian Jacobson LLP (“Lovell Stewart” or the
3 “Firm”). I respectfully submit this declaration in support of End Payer Plaintiffs’ Motion for
4 Attorneys’ Fees, Costs, Expenses, and Service Awards in connection with services rendered in the
5 above-captioned action (“Action”).

6 2. The statements herein are true to the best of my personal knowledge, information
7 and belief based on the books and records of Lovell Stewart and information provided by its
8 attorneys and staff. Lovell Stewart’s time and expense records are prepared and maintained in the
9 ordinary course of business.

10 3. Lovell Stewart served as Additional Counsel in *In Re: Packaged Seafood Products*
11 *Litigation*, No. 15-MD-2670 in the Southern District of California (the “Action”). Attached hereto
12 as **Exhibit A** is the Lovell Stewart Firm resume.

13 4. Lovell Stewart’s attorneys have a long history of successfully handling class actions
14 across a range of industries, including antitrust cases. The Firm brings substantial experience in
15 complex litigation matters with a history of litigating in an efficient and practical manner, including
16 as Lead or Co-Lead Class Counsel in numerous class actions. *See Exhibit A.*

17 5. The Firm has been involved in the litigation of this Action under the direction of
18 Class Counsel, including, among other tasks, contributing to the amended complaint; reviewing
19 documents produced by Defendants; researching underlying issues of law and contributing to the
20 opposition to the motion to dismiss the amended complaint; researching underlying issues of law
21 and contributing to the opposition to the class certification papers; preparation for and attendance at
22 moot court proceedings; and working with and through expert issues.

23 6. Set forth in ¶7 is a summary reflecting the amount of fee compensable time Lovell
24 Stewart’s attorneys and professional support staff worked on the Action from the inception of the
25 case to September 1, 2024. The timekeeper’s current billing rates, and the corresponding lodestar
26 calculations of that work based on the current hourly billing rates. For personnel no longer
27 employed by Lovell Stewart, the lodestar calculation is based on the billing rates for such personnel
28 in his or her final year of employment. The time and lodestar incurred preparing the Fee and Expense

1 Application have also been excluded.

2 7. The following schedule was prepared based upon daily time records maintained by
3 Lovell Stewart’s attorneys and professional support staff in the ordinary course of business. Each
4 timekeeper listed below was a full-time employee of the firm.

Lovell Stewart Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Christopher Lovell, Partner	\$1,210.0 per hour	2.0	\$2,240.00
Fred Isquith, Partner	\$535.00 per hour	249.0	\$133,268.50
Matthew Kuipers, Associate	\$600.0 per hour	224.10	\$134,460.00
TOTAL:			\$269,968.50

12
13 8. The total fee compensable time for which Lovell Stewart has spent working on the
14 Action to date is 475.10 hours. The total lodestar value of these professional services is \$269,968.50.
15 Lovell Stewart’s time and expense records (including, where necessary, backup documentation)
16 have been reviewed to confirm both the accuracy of the entries as well as the necessity for and
17 reasonableness of the time and expenses expended in this litigation. As a result of this review,
18 certain reductions were made to both time and expenses either in the exercise of billing judgment
19 or to conform with Class Counsel and/or my Firm’s practice. Accordingly, the time reflected in
20 Lovell Stewart’s fee compensable lodestar calculation and the expenses for which payment is sought
21 are reasonable in amount and were necessary to prosecute the Action and achieve the Settlements
22 before the Court.

23 9. The Firm’s total lodestar does not include charges for expense items. Expense items
24 are billed separately, and such charges are not duplicated in the firm’s current billing rates. Further,
25 expense items do not contain any general overhead costs and do not contain a surcharge over the
26 amount paid to the corresponding vendor(s).

27 10. I have general familiarity with the range of hourly rates typically charged by
28 plaintiffs’ class action counsel specifically in the field of antitrust in the geographical area where

1 my firm practices, both on a current basis and historically. From that basis, I believe that the rates
2 charged by my firm are commensurate with those prevailing in the market for such legal services
3 furnished in complex class action litigation such as this. My firm’s hourly rates were most recently
4 approved in 2024 by, for example, the following Courts:

- 5 • *In Re: Libor-Based Financial Instruments Antitrust Litigation*, 1:11-md-02262-NRB
6 (S.D.N.Y. 09/05/2024).
- 7 • *Anwar et al v. Fairfield Greenwich Limited et al*, 1:09-cv-00118-VM (S.D.N.Y. August 16,
8 2024).

9 11. My firm has incurred costs of **\$761.35** so far in litigating the Action, consisting of
10 the following categories of costs:

Category	Cost
Online Research	\$736.70
Reproduction/Duplication	\$24.65
Total:	\$761.35

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16 12. The above schedule was prepared using information from Lovell Stewart’s books
17 and records, including the Firm’s expense records. These books and records are prepared from
18 expense reports, receipts, check and bank records and other source materials.

19 13. Throughout the litigation, my firm and I worked under the direction of Class Counsel,
20 and I made every effort to operate as efficiently as possible and to avoid unnecessary duplication. I
21 coordinated with Class Counsel for all work performed and costs incurred in this matter.

22 I declare under penalty of perjury that the foregoing is true and correct to the best of my
23 knowledge, information and belief.

24
25 Executed on September 27, 2024, at New York, New York.

26
27 Dated: October 19, 2024 By: /s/ Benjamin M. Jaccarino
28 Benjamin M. Jaccarino

EXHIBIT A

LOVELL STEWART HALEBIAN JACOBSON LLP

LOVELL STEWART HALEBIAN JACOBSON LLP FIRM RESUME AND BIOGRAPHIES

Lovell Stewart Halebian Jacobson LLP (“Lovell Stewart”) and its predecessors (collectively, the “Firm”) have been privileged to have been appointed to serve as class counsel and prosecute complex actions since 1980. See www.lshllp.com (Firm website).

Lovell Stewart is the premier class action law firm prosecuting claims involving commodity manipulation and price fixing, and exchange related antitrust claims. To the best of Lovell Stewart’s knowledge, the Firm is the **first** and **only** plaintiffs’ law firm to do any of the following: (a) argue to the United States Supreme Court successfully to uphold the private right of action under the Commodity Exchange Act, 7 U.S.C. §1, *et seq.* (“CEA”); (b) try a CEA manipulation claim successfully; (c) argue successfully for class certification of such claim in Courts of Appeals; and (d) argue for and successfully establish the viability of CEA manipulation allegations from the time that the claim itself arguably did not exist until its well-accepted status today. See *infra*.

The Firm believes that the best indicator of an attorney’s experience serving as class counsel is the net recovery to the client that the attorney produces. The Firm believes that lesser indicators of such attorney experience include the following: (1) the amounts of the class action settlements the attorney produces relative to other such settlements under the same statute; (2) the difficulty or complexity of the cases handled; and (3) whether the attorney’s work on behalf of the class has contributed significantly to the development of the law.

The Net Recovery to The Client. Reportedly, the amount of recovery in financial class actions varies, but averages approximately 5-10 percent of class member losses.

The Firm, as court-appointed lead or co-lead counsel for the class, has succeeded in obtaining (so far) **seven** different class action settlements that recovered, after deduction for all costs and attorneys’ fees, **100¢** on each dollar of losses¹ of each claiming class member:

- *In re NASDAQ Market-Makers Antitrust Litig.*, 187 F.R.D. 465(S.D.N.Y. 1998);
- *In re Sumitomo Copper Litig.*, 74 F. Supp. 2d 393 (S.D.N.Y. 1999);
- *Blatt v. Merrill Lynch Fenner & Smith Inc.*, 94 Civ. 2348 (JAG) (D.N.J.);
- *In re Soybeans Futures Litig.*, 89 Civ. 7009 (CRN) (N.D. Ill.);
- *In re BP Propane Indirect Purchaser Antitrust Litig.*, 06-cv-3541 (JBZ) (N.D. Ill.);
- *Kaplan v. E.F. Hutton Group, Inc., et al.*, Civ. No. 88-00889 (N.Y. Sup. Ct.); and
- *Krome v. Merrill Lynch and Co., Inc.*, 85-cv-765 (DNE) (S.D.N.Y.).

Another such class action recovery was in *In re: Platinum and Palladium Commodities Litigation*, Futures Action, 10-cv-3617 (WHP) (S.D.N.Y.), where claiming class members received a recovery of 185% on each dollar of their “net artificiality paid.”

¹ “Losses” means single, actual damages, exclusive of trebling and also exclusive of any prejudgment interest.

Gross Recoveries Relative to Other Settlements Under The Same Statute. Three of the above-mentioned settlements represented, at the time the settlement was made, the **largest** class action settlement in the history of the law under which the claim was brought. These were, respectively, the federal antitrust laws,² the CEA,³ and the Investment Company Act, 15 U.S.C. §80a-1, *et seq.*⁴ Also, one of the Firm’s senior partners was a court-appointed member of the Executive Committee in the price fixing case that obtained what was then the second largest class action settlement in the history of the federal antitrust laws.⁵

The Firm, as court-appointed sole lead or co-lead counsel for classes alleging commodity futures manipulation, has produced what were, at the time the settlement was made, the largest,⁶ the second largest,⁷ the third largest,⁸ and the fourth largest⁹ class action recoveries in the history of the CEA. The Firm was co-lead counsel in what is currently the largest settlement in any commodity futures manipulation class action under the CEA.¹⁰

Further, the Firm has been privileged to serve as court-appointed class counsel in antitrust cases in which billions of dollars have been recovered¹¹ and has also acted as an executive member in antitrust or non-CEA manipulation class actions in which significant settlements have been achieved. *Compare In re TFT-LCD (Flat Panel) Antitrust Litig.*, MDL No. 1827 (N.D. Cal.) (settlements in excess of \$1.1 billion) *with In re IPO Securities Litig.*, 21

² See *NASDAQ*, 187 F.R.D. at 471 (“this all-cash settlement [for \$1,027,000,000], achieved through ‘four years of hard-fought litigation,’ apparently is the largest recovery (class action or otherwise) in the hundred-year history of the state and federal antitrust laws.”).

³ *Sumitomo*, 74 F. Supp. 2d at 395 (“The recovery is the largest class action recovery in the 75 plus year history of the Commodity Exchange Act”).

⁴ *Blatt*, 94 Civ. 2348 (JAG) (D.N.J.) (“by far the largest settlement” of class action claims under the Investment Company Act, *Securities Class Action Alert* letter dated August 17, 2000).

⁵ *In re Brand Name Prescription Drugs Antitrust Litig.*, No. 94 C 897 (N.D. Ill.) (\$696,657,000 plus other relief was obtained.).

⁶ *Sumitomo*, 74 F. Supp. 2d at 395 (the Firm acted as sole lead counsel).

⁷ *Kohen v. Pac. Inv. Mgmt. Co. LLC*, 244 F.R.D. 469 (N.D. Ill., 2007), *aff’d*, 571 F.3d 672 (Posner, J.), *cert. denied*, 130 S. Ct. 1504 (2010) (Final Judgment and Order, filed May 2, 2011 approving \$118,750,000 settlement with the Firm acting as sole lead counsel).

⁸ *In re Natural Gas Commodities Litig.*, 231 F.R.D. 171 (S.D.N.Y. 2005), *petition for review denied*, 05-5732-cv (2d Cir. Aug. 1, 2006) (in other orders in this case, \$100,800,000 in settlements were approved).

⁹ *In re Amaranth Natural Gas Commodities Litig.*, 07 Civ. 6377 (S.D.N.Y.) (\$77,100,000 settlement as co-lead counsel).

¹⁰ *In re LIBOR-Based Financial Instruments Antitrust Litig.*, 11-md-2262 (S.D.N.Y.) (\$187,000,000 in settlements as co-lead counsel).

¹¹ *E.g.*, *NASDAQ*, fn. 2 *supra*; *In re Brand Name Prescription Drugs Antitrust Litig.*, fn. 5 *supra*; *Sullivan, et al. v. DB Investments, Inc., et al.*, 04 Civ. 2819 (SRC) (D.N.J.) (\$546,500,000 in approved settlements, and a pending settlement for \$105,000,000); *In re Auction Houses Antitrust Litig.*, 00 Civ. 0648 (LAK) (S.D.N.Y.) (\$512,000,000 in settlements); *In re Dynamic Random Access Memory (“DRAM”) Antitrust Litig.*, MDL No. 1486 (N.D. Cal.) (\$313,000,000 in settlements); *Precision Associates, Inc. v. Panalpina World Transport*, 08 Civ. 0042 (JG) (VVP) (E.D.N.Y.) (approximately \$490 million in settlements).

MC 92 (S.D.N.Y.) (\$586,000,000 in settlements).

The Firm has been told that it is the only “plaintiffs’ law firm” to successfully bring to trial antitrust claims in the “Mother Court,” the United States District Court for the Southern District of New York. *See* “Degree of Complexity” below.

Finally, the Firm has particularly deep experience with price fixing and manipulation claims involving exchange traded instruments. The Firm obtained, as court-appointed co-lead counsel, what was then the largest class action recovery in the history of the antitrust laws. *NASDAQ*, 187 F.R.D. at 471.

Degree of Difficulty or Complexity. The Firm believes that a very important indicator of an attorney’s experience is the difficulty or complexity of the cases that the attorney has prosecuted. The degree of difficulty or complexity is somewhat subjective. But the Firm is particularly proud not just of its prosecution but, in some instances, trials of various cases that have been recognized by the courts as difficult and complex.

These include difficult federal antitrust cases that have involved both an antitrust claim and a claim under another statute. For one example, after the Department of Justice decided not to bring price fixing claims under the federal antitrust laws, and after the federal agency regulating commodity futures (the Commodity Futures Trading Commission (“CFTC”)) lost a trial seeking to prove attempted manipulation, the Firm tried and won all damages requested in a three-week jury trial on claims for price fixing and manipulation. *Strobl v. New York Mercantile Exch.*, 582 F. Supp. 770 (S.D.N.Y. 1984). The Firm sustained the verdict against motions for *j.n.o.v.* and new trial, and all appeals. *Id. aff’d*, 768 F.2d 22 (2d Cir. 1985), *cert. denied sub nom.*, *Simplot v. Strobl*, 474 U.S. 1006 (1985).

At the successful conclusion of the *Strobl* trial, then-Chief Judge Lloyd F. MacMahon stated to the Firm’s senior partner, Mr. Lovell, and defendants’ counsel, the late Peter Fleming Esq.: “You both tried a very difficult case very well.” *Strobl*, Trial Tr., November 17, 1983, at 1253:4-5.

The Firm successfully conducted another very difficult antitrust trial in the Southern District of New York. Before the last trial session, this trial was interrupted by class action settlements in related actions which produced (in the Firm’s opinion), substantial prompt injunctive relief in the United States’ diamond market as well as substantial monetary relief.¹²

¹² In *Leider v. Ralfe*, No. 01 Civ. 3137 (S.D.N.Y.), the Firm filed the first class action on behalf of consumers alleging price fixing and monopolization by DeBeers in violation of the antitrust laws. The Firm was named sole class counsel for the certified class. *Leider*, 2003 WL 22339305 (S.D.N.Y. 2003) (certifying for class treatment plaintiffs’ claims for injunctive relief under the Wilson Tariff Act and Sections 1 and 2 of the Sherman Act). Shortly before the last day of the trial of the final injunction inquest, the defendants settled companion class actions and obtained an adjournment of the completion of the *Leider* class action trial. They then settled *Leider* as well and the case was transferred to the United States District Court for the District of New Jersey, No. 06-cv-00908 (SRC).

The Firm has also received favorable comments from other District Court Judges about the Firm's performance in overcoming the difficulties and complexities of cases. For example, the Firm is proud of the comments it received from one of the great District Court Judges, the Honorable Milton Pollack. Judge Pollack appointed the Firm as sole lead counsel and later took the trouble to comment on its work in a complex class action as follows:

The **unprecedented effort** of Counsel exhibited in this case led to their successful settlement efforts and its vast results. Settlement posed a saga in and of itself and required enormous time, **skill and persistence**. Much of that phase of the case came within the direct knowledge and appreciation of the Court itself. Suffice it to say, the Plaintiffs' counsel did not have an easy path and their services in this regard are best measured in the enormous recoveries that were achieved **under trying circumstances in the face of natural, virtually overwhelming, resistance**. The negotiation of each settlement that was made was at arm's length and exhibited **skill and perseverance on the part of lead counsel** and an evident attempt to gain for the Class the optimum settlement figures that could be reached.

Sumitomo, 74 F. Supp. 2d at 396 (emphasis added).

The Firm believes that the "effort" and "skill and perseverance" that Judge Pollack found that the Firm exhibited in *Sumitomo*, are also what have helped the Firm to obtain 100¢ on the dollar settlements for its clients, successfully try antitrust cases, and otherwise produce favorable results for its clients in very difficult and complex antitrust and other cases.

The Firm has been privileged to repeatedly be appointed to serve as lead counsel or co-lead counsel in class actions involving claims arising under the CEA, federal and/or state antitrust laws and other statutes. For example:

- *Mish Int'l Monetary Inc. v. Vega Cap. London, Ltd., et al.*, No. 20-cv-4577 (N.D.Ill.) (the Firm is prosecuting this case alleging manipulation in violation of the CEA and restraint of trade in violation of the Sherman Act.)
- *Sullivan v. Barclays PLC et al.*, No. 13-cv-2811 (PKC) (S.D.N.Y.) (the Firm was appointed co-lead counsel in this case alleging manipulation in violation of the CEA and restraint of trade in violation of the Sherman Act concerning certain Euribor-based derivatives and financial products. The Firm obtained settlements in excess of \$651 million and involving substantial cooperation).
- *In re LIBOR-Based Financial Instruments Antitrust Litig.*, 11-md-2262 (S.D.N.Y.) (the Firm was appointed co-lead counsel for exchange trader

This settlement produced prompt substantial injunctive relief for the United States diamond markets as well as a substantial financial settlement, which was contested on appeal even as the injunctive relief remained in effect. The Third Circuit ultimately approved the settlement. *Sullivan v. DB Investments, Inc.*, 667 F.3d 273 (3d Cir. Dec. 20, 2011), *cert. denied*, 132 S. Ct. 1876, *petition for rehearing denied*, 132 S. Ct. 2451 (2012).

plaintiffs in this case involving claims for manipulation in violation of the CEA and restraints of trade in violation of the Sherman Act. The Firm obtained settlements of \$187 million).

- *Dennis et al v. JPMorgan Chase & Co. et al*, 1:16-cv-06496-LAK-GWG (S.D.N.Y.) (the Firm served as co-lead counsel where it obtained settlements of \$185,875,000 for the class on claims alleging claims under the Sherman Antitrust Act and the Commodity Exchange Act).
- *In re Term Commodities Cotton Futures Litig.*, 12 Civ. 5126, ECF No. 14, (ALC) (S.D.N.Y.) (the Firm serves as sole lead class counsel in this case alleging manipulation in violation of the CEA concerning what has been reported by the financial press as the “largest ever cotton squeeze.”).
- *Ploss, et al. v. Kraft Foods Group, Inc., et al.*, 15-cv-2937 (N.D. Ill.) (the Firm is co-lead counsel in this case alleging manipulation of wheat futures contracts in violation of the CEA).
- *In re Platinum and Palladium Commodities Litig.*, 10 Civ. 3617, ECF No. 18 (WHP) (S.D.N.Y.) (the Firm was appointed sole lead counsel where it obtained settlements in excess of \$70 million for the class on claims alleging manipulation in violation of the CEA and price fixing in violation of the Sherman Act. Claiming class members have received 185% on each dollar of their “net artificiality paid”).
- *In re Dairy Farmers of America, Inc., Cheese Antitrust Litig.*, 09 Civ. 3690, ECF No. 413 (RMD) (N.D. Ill.) (the Firm was appointed class counsel on a contested motion, and later was appointed as sole lead counsel, where it obtained a settlement of \$46 million for the class on claims alleging manipulation in violation of the CEA and price fixing in violation of the Sherman Act. Claiming class members received approximately 21% their “allowed claim” amount under Section 1 of the plan of allocation where 92.5% of the net settlement proceeds were allocated.).
- *Precision Associates, Inc. v. Panalpina World Transport*, 08 Civ. 0042 (JG) (VVP) (E.D.N.Y.) (the Firm served as co-lead counsel and has obtained settlements of approximately \$490,000,000 on claims alleging conspiracies to fix prices in violation of the Sherman Act).
- *Anwar, et al. v. Fairfield Greenwich Limited, et al.*, 09-cv-0118 (S.D.N.Y.) (the Firm served as co-lead counsel and has obtained settlements from defendants in the aggregate amount of \$265,000,000 on claims alleging that Bernard Madoff manipulated reports of financial results in respect of Fairfield Greenwich securities).
- *In re: Facebook, Inc., IPO Securities and Derivatives Litig.*, 12-md-2389 (S.D.N.Y.) (the Firm served as co-lead counsel in the negligence class action against the NASDAQ defendants, where, in a question of first impression, the Firm successfully argued the defendants were not entitled to self-regulatory organization (“SRO”) immunity for automated trading systems failures. The actions settled for \$26,500,000).
- *In re Potash Antitrust Litigation*, 08-cv-6910, (RC) (N.D. Ill.) (the Firm served as co-lead counsel for the indirect purchasers and obtained settlements in excess of \$20 million for the class on claims for conspiracy to fix prices).

- *In re Optiver Commodities Litig.*, 08 Civ. 6842 (S.D.N.Y.) (the Firm serves as co-lead counsel and obtained a settlement of \$16.75 million for the class on claims alleging manipulation in violation of the CEA).
- *In re Crude Oil Commodity Futures Litig.*, 11-cv-3600, ECF No. 42 (Feb. 14, 2012) (S.D.N.Y.) (the Firm was appointed co-lead counsel on a contested motion and obtained a proposed settlement of \$16.5 million for the class on claims alleging manipulation in violation of the CEA and monopolization in violation of the Sherman Act).

Development of The Law. The Firm’s senior partner, Christopher Lovell, argued in the United States Supreme Court and eight Circuit Courts of Appeal. Also, the Firm briefed, and named partner Gary Jacobson successfully argued, the first appeal in the United States reversing a dismissal of price fixing claims under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). See *Starr v. Sony BMG Music Entm’t*, 592 F.3d 314 (2d Cir. 2010), *cert. denied*, 131 S. Ct. 901 (2011).

When the Firm began, there was considerable precedent holding that antitrust claims were preempted or otherwise not actionable in the commodity futures¹³ and securities¹⁴ contexts, and also holding that there was no private right of action under the CEA for manipulation.¹⁵ But the Firm was privileged to do the following:

- (1) In 1981, the Firm authored a successful U.S. Supreme Court brief and made a successful argument in the Supreme Court in the original case which implied a private right of action under the CEA for manipulation, *Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Curran*, 456 U.S. 353 (1982).
- (2) In 1982, the Firm prepared a statement and a former partner testified before the Congressional Subcommittee concerning what became the express private right of action under Section 22 of the CEA. 7 U.S.C. § 25.¹⁶ Today, CEA manipulation claims are still brought under this section.
- (3) After prevailing on remand on the federal antitrust claims in the *Strobl* trial, the Firm then successfully briefed and argued on appeal that the federal antitrust claims were not preempted by the CEA. *Strobl*, 768 F.2d at 28 *supra*.

¹³ Compare e.g., *Schaefer v. First Nat. Bank of Lincolnwood*, 509 F.2d 1287 (C.A. Ill. 1975) with *Liang v. Hunt*, 477 F. Supp. 891 (N.D. Ill. 1979) (denying any right of action under the CEA or antitrust laws for soybeans class).

¹⁴ *Gordon v. New York Stock Exchange, Inc.*, 422 U.S. 659 (1975).

¹⁵ *National Super Spuds, Inc. v. New York Mercantile Exch.*, 470 F.Supp. 1256, (S.D.N.Y. 1979) *rev’d sub nom Leist v. Simplot*, 638 F.2d 283 (2d Cir. 1980) (Friendly, J.), *aff’d Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Curran*, 456 U.S. 353 (1982).

¹⁶ See Statement of Leonard Toboroff, *Before The Sub-committee On Oversight And Investigations of The Committee On Energy And Commerce*, 97th Cong., 2d Sess. 584-603 (Jun. 7, 1982).

- (4) In 1997-98, the Firm and its co-lead counsel produced the *NASDAQ* antitrust settlements in the securities market context. This occurred after both the plaintiffs and the defendants had argued to the Department of Justice and other federal agencies about whether these antitrust claims were preempted.

As a result, today, unlike when the Firm started, claims for price fixing under the federal antitrust laws and manipulation under the CEA are well recognized for losses suffered on exchange traded futures contracts.

In addition to *Strobl* and *Starr*, other notable antitrust appeals that the Firm has argued include a case in which Lovell Stewart was appointed Chair of the Executive Committee on price fixing claims in another exchange market case. *In re IPO Antitrust Litig.*, 287 F. Supp. 2d 497 (S.D.N.Y. Nov. 3, 2003), *reversed*, *Billing v. Credit Suisse First Boston Ltd.*, 426 F.3d 130 (2d Cir. 2005) (“epic Wall Street conspiracy”), *rev’d*, 551 U.S. 264, 127 S. Ct. 2383 (2007) (federal antitrust claims preempted). In this complex case, the Firm made the plaintiffs’ unsuccessful argument in the District Court, successful argument to the Court of Appeals, and the unsuccessful argument to the U.S. Supreme Court.

An important part of the law in manipulation and antitrust class actions is that concerning the certification of the class under Rule 23. The Firm co-authored the brief on the class motion in *NASDAQ*. The Court issued an oft-cited decision certifying a very substantial class of seventeen hundred different class securities. *NASDAQ*, 172 F.R.D. 119 (S.D.N.Y. 1997). The Firm has also successfully briefed and argued the **first** petition for review under Fed.R.Civ.P. 23(f) of decisions certifying classes on commodity futures manipulation claims. *In re Sumitomo Copper Litig.*, 182 F.R.D. 85 (S.D.N.Y. 1998); *In re Sumitomo Copper Litig.*, 194 F.R.D. 480 (S.D.N.Y. 2000), *appeal denied*, 262 F.3d 134 (2d Cir. 2001). *See also*:

- *In re Term Commodities Cotton Futures Litig.*, 12 Civ. 5126 (ALC) (S.D.N.Y.), Dkt. No. 646 (23(f) petition denied).
- *Ploss, et al. v. Kraft Foods Group, Inc., et al.*, 15-cv-2937 (N.D. Ill.) Dkt. No. 345 (23(f) petition denied).
- *PIMCO*, 244 F.R.D. 469 (N.D. Ill. 2007), *aff’d* 571 F.3d 672 (7th Cir. July 7, 2009) (Posner J.) *petition for rehearing and rehearing en banc denied* (7th Cir. July 31, 2009) *petition for certiorari denied* 130 S. Ct. 1504 (2010).
- *In re Amaranth Natural Gas Commodities Litig.*, 269 F.R.D. 366 (S.D.N.Y. 2010), *petition for leave to appeal denied sub nom. Amaranth Advisors, LLC, et al. v. Roberto E. Calle Gracey, et al.*, No. 10-4110-mv (2d Cir. Dec. 30, 2010).
- *In re Natural Gas Commodities Litig.*, 231 F.R.D. 171 (S.D.N.Y. 2005), *petition for leave to appeal denied sub nom. Cornerstone Propane Partners*,

L.P., et al. v. Reliant Energy Services, Inc., et al., No. 05-5732-cv (2d Cir. Aug. 1, 2006).

The Firm's senior partner, Christopher Lovell, has successfully tried and argued on appeal three manipulation cases that resulted in significant decisional law: (1) *Strobl, supra*; (2) *In the Matter of Harold Collins, et al.*, CFTC No. 77-15 (C.F.T.C Feb 3, 1984), 1986 WL 66165 (C.F.T.C. Apr. 4, 1986), *clarification granted*, 1986 WL 289309 (C.F.T.C. Nov. 26, 1986), *reversed sub nom., Stoller v. Commodity Futures Trading Comm'n*, 834 F.2d 262 (2d Cir. 1987); and (3) *Black v. Finantra*, 418 F. 3d 203 (2d Cir. 2005) (reinstating jury verdict finding trade manipulation in securities market).

Bloomberg Markets' magazine has reported about Christopher Lovell as follows:

To classify Pacific Investment Management Co. [formerly managed by CEO and founder Bill Gross] as a large mutual fund family does it little justice. Its \$747 billion in bond assets almost matches the gross domestic product of Australia.

Pimco has found itself up against a formidable opponent in [Christopher] Lovell. What [Bill] Gross is to the world of Bonds, [Christopher] Lovell is to commodities manipulation and price-fixing lawsuits.

Seth Lubove and Elizabeth Stanton, *Pimco Power in Treasuries Prompts Suit*, BLOOMBERG MARKETS, February 20, 2008 (April 2008).

Beyond antitrust and CEA manipulation law, the Firm has been privileged to contribute to the law pertinent to manipulation in other ways. This includes by successfully trying or prosecuting many securities manipulation cases. The Firm successfully tried and obtained a jury verdict for securities manipulation in *Black v. Finantra Capital, Inc., et al.*, 01 Civ. 6819 (S.D.N.Y.) (JSR). Although the District Court vacated the verdict, the Second Circuit Court of Appeals reinstated it, *Black v. Finantra*, 418 F. 3d 203 (2d Cir. 2005), leading to a settlement before the final judgment was entered.

For another example, in *In re IPO Securities Litig.*, 21 MC 92 (S.D.N.Y.), the Firm served as *de facto* co-lead counsel in the consolidated 309 class actions alleging fraud and manipulation under the federal securities laws resulting in a settlement of \$586,000,000. *See In re IPO Securities Litig.*, 671 F.Supp.2d 467, 2009 WL 3397238 at *4, n.35 (S.D.N.Y. October 5, 2009).

Relatedly, the Firm has also been privileged to solve problems and contribute to the development of the law in contexts outside antitrust and manipulation claims. For one example, in *Fiala, et al. v. Metropolitan Life Insurance Company, et al.*, Index No. 601181/00 (Sup. Ct., N.Y. County), the Firm was appointed as Chairman of co-lead counsel in a class action alleging violations of New York Insurance Law. This resulted in the first certified class and the first settlement under New York's demutualization statute. *See Fiala v. Metropolitan Life Insurance Co.*, 776 N.Y.S.2d 29 (1st Dep't 2004); *Fiala v. Metropolitan Life Insurance*

Co., Slip Op., 2006 WL 4682149 (Sup. Ct., N.Y. County, May 2, 2006) (certifying the class).

For another example, the Firm successfully argued *Grandon v. Merrill Lynch & Co. Inc.*, 147 F.3d 184, 192-3 (2d Cir. 1998), which was the first case to impose a duty on brokers to disclose excessive mark-ups on their sales of bonds.

Individual biographies of the Firm's attorneys who worked on this Action are set forth below.

Christopher Lovell—Partner

Chris graduated from New York University School of Law in 1976, receiving the Vanderbilt Award, and worked at a Wall Street law firm successfully defending antitrust and CEA claims in private and government actions between 1977 and 1980, including a successful defense at trial of charges of manipulation in violation of the Commodity Exchange Act. *In re Harold Collins, et al.*, CFTC No. 77-15, 1984 WL 48079 (CFTC Feb. 3, 1984).

Chris founded the Firm in 1980 and has been privileged to be selected to try more than sixty (60) cases and serve as lead or co-lead class counsel in more than fifty actions.

Chris was the first plaintiffs' lawyer to try successfully antitrust price fixing and manipulation claims in the U.S. District Court for the Southern District of New York. Chris prepared the briefs for the Firm's successful argument in the U.S. Supreme Court that a private right of action for manipulation should be implied under the Commodity Exchange Act. *Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Curran*, 456 U.S. 353 (1982).

Chris is an Advisory Board Member of the Center on Civil Justice at New York University Law School.

Benjamin M. Jaccarino—Partner

Ben is a graduate of Wheaton College, Bachelor of Arts in 2006. He graduated from Suffolk University with a J.D. in 2009. While at Suffolk, Ben received an Oral Advocate award. Ben is admitted to practice in New York, and before the United States District Courts for the Southern and Eastern Districts of New York.

Ben has been with the Firm since 2009 and primarily focuses on commodities manipulation and antitrust class actions. Ben has been involved in a number of commodity manipulation class actions that have resulted in favorable settlements for plaintiffs.

Ben has represented, on behalf of the co-lead counsel firm, businesses and consumers of freight forwarding services who were harmed by an alleged price fixing conspiracy among numerous freight forwarders, *Precision Associates, Inc. et al., v. Panalpina World Transport (Holding) LTD. et al.*, 08-cv-0042 (E.D.N.Y.) (approximately \$490,000,000 in settlements). Ben has played an active role in *Midwest Renewable Energy, LLC v. Archer Daniels Midland Co.* 20-cv-02212 (C.D. Ill.); *Ploss, et al. v. Kraft Foods Group, Inc. et al.*, 15-cv-02937 (N.D. Ill.); *Mish Int'l Monetary Inc. v. Vega Cap. London, Ltd., et al.*, No. 20-

cv-4577 (N.D.Ill.); *In re Term Commodities Cotton Futures Litig.*, 12-cv-05126 (ALC) (S.D.N.Y.); *In re Aluminum Warehousing Antitrust Litig.*, 13-md-2481, (S.D.N.Y.); and *In re Zinc Antitrust Litig.*, No. 14-cv-3728 (KBF) (S.D.N.Y.).

Matthew Kuipers - Associate

Matthew Kuipers graduated from Michigan State University College of Law in 2007. Mr. Kuipers is admitted in Michigan. Mr. Kuipers frequently leads the Firm's document review and discovery in antitrust or commodity cases.

Former Employee Who Worked On This Matter

Fred T. Isquith—Former Partner

Fred is a graduate of Cornell University, with a Bachelor of Science. He graduated from Syracuse University's College of Law with a J.D. in 2009. He also graduated from Syracuse University's Maxwell School with a Masters in Public Administration in 2009. Fred was an editor on the Journal of International Law and Commerce, served on the executive board of the Moot Court Honors Society, where he received a certificate for excellence in the service of Society, and was an elected representative to the College of Law's Judicial Board.

While with the Firm, Fred was admitted to practice in New York, the District of Columbia, and before the United States District Courts for the Southern and Eastern Districts of New York. He was also an active member of the New York City Bar Association's Antitrust and Trade Regulation Committee.

EXHIBIT 21

1 MILLER, PITT, FELDMAN & McANALLY, P.C.
2 One South Church Avenue, Suite 1000
3 Tucson, Arizona 85701
4 Gerald Maltz, SBN 4908
5 Heather L.H. Goodwin, SBN 32633
6 Peter Timoleon Limperis, SBN 019175
7 (520) 624-5080
8 (520) 792-3836
9 gmaltz@mpfmlaw.com
10 hgoodwin@mpfmlaw.com
11 plimperis@mpfmlaw.com

12 Co-Counsel for End Payer Plaintiff Edy Yee

13 **UNITED STATES DISTRICT COURT**
14
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 IN RE: PACKAGED SEAFOOD
17 PRODUCTS ANTITRUST
18 LITIGATION

19 Case No.: 15-MD-2670 DMS
20 (MSB)

21 **DECLARATION OF GERALD
22 MALTZ IN SUPPORT OF END
23 PAYER PLAINTIFFS' MOTION
24 FOR ATTORNEYS' FEES,
25 COSTS, EXPENSES AND
26 SERVICE AWARDS**

27 This Document Relates to:
28
29 End Payer Plaintiffs Class Track

30 DATE: November 22, 2024
31 TIME: 1:30 p.m.
32 JUDGE Hon. Dana M. Sabraw
33 COURT: 13A (13th Floor)

34 I, GERALD MALTZ, declare under the penalty of perjury that the following is
35 true:

36
37 **DECLARATION OF GERALD MALTZ IN SUPPORT OF END PAYER PLAINTIFFS' MOTION FOR ATTORNEYS'**
38 **FEES, COSTS, EXPENSES AND SERVICE AWARDS**
39 **CASE NO. 15-MD-2670 DMS (MSB)**

1 1. I am a shareholder and President of Miller, Pitt, Feldman & McAnally, P.C.
2 (the “Miller Pitt” firm), an “AV” rated firm. I have been engaged in the practice of law
3 continuously since my admission to the New York Bar in 1970. I have been admitted to
4 practice in Arizona, the U.S. District Court for the District of Arizona, the U.S. Court of
5 Appeals for the Ninth Circuit, and the U.S. Supreme Court. My area of practice is civil
6 litigation. I am a Fellow of the American College of Trial Lawyers and the International
7 Academy of Trial Lawyers. I submit this Declaration in support of my firm’s application
8 for an award of fees in the amount of \$11,591 and costs in the amount of \$2,303.67.
9

10 2. On December 10, 2015, I filed a proposed class action lawsuit on behalf of
11 my firm’s client Edy Yee against Tri-Union Seafoods, LLC *et al* in the United States
12 District Court of Arizona, Case No. 3:15-cv-02787-DMS-MSB. Our client’s action was
13 consolidated into the instant action with other similar actions filed in other jurisdictions
14 nationwide as a Multi-District Litigation titled, *In Re: Packaged Seafood Products*
15 *Litigation*, No. 15-MD-2670 inn the Southern District of California (the “Action”).
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18 3. I am the lead counsel for this case for Miller, Pitt. I have practiced civil
19 litigation on behalf of consumers and individuals as well as business entities since 1970.
20 Our firm generally employs 11 or more attorneys practicing in the areas civil litigation,
21 particularly tort and commercial litigation.
22

23 4. Miller Pitt’s attorneys have a 60-plus year history of successfully handling
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1 actions for consumers and businesses across a range of industries, including antitrust
2 cases. See **Exhibit A** for the firm profile and background for those lawyers who have
3 worked on this case.

4 5. I have a background in antitrust litigation which has included some class
5 actions. During the past 55 years, I have served as lead or primary counsel on over 1,300
6 cases, including cases in California, New Mexico and Colorado as well as Arizona and
7 New York. I have tried over 300 cases. At least 100 were jury trials. I have tried
8 approximately 12 antitrust cases to verdict, decision or settlement before verdict and have
9 participated in litigating approximately five class actions including antitrust and unfair
10 competition claims and employment law cases such as:
11

- 13 • *In re Cement & Concrete Antitrust Litig.*, MDL Dkt. No. 296 (Master File No. Civ.
14 76-488A PHX CAM), 1978 U.S. Dist. LEXIS 17774, at *1.
- 15 • *A.J. Bayless Mkts. v. Superior Court*, 145 Ariz. 285 (App. 1985).

16 6. My firm has been involved in this Action under the direction of the Class
17 Counsel, including, among other tasks, i.e. investigating claims, both before and after
18 filing the initial complaint (including calls and correspondence with potential plaintiffs
19 and class members contacting us for advice and status updates); researching underlying
20 issues of law and drafting the initial complaint; coordinating with other plaintiffs' counsel
21 regarding consolidation and leadership issues; assisting in drafting the consolidation and
22 leadership motions; meeting and conferring with defense counsel regarding various
23 issues; reviewing documents produced by Defendant and unavailable to the public; and
24

1 communications with our client regarding various stages of litigation, trial preparation
2 and settlement and assisted in preparing this filing the concurrently filed motion papers in
3 support of final approval of the Settlement.

4 7. The applicable hourly rates for Miller Pitt attorneys and staff that have
5 worked on the Action, as well as their hours spent working on the Action as of September
6 1, 2024, and their corresponding lodestar are as follows:
7

Miller Pitt Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Gerald Maltz	\$495.00	10.80	\$5,346.00
Heather Goodwin	\$175.00	28.40	\$4,970.00
Peter T. Limperis	\$375.00	3.40	\$1,275.00

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14 8. These records were prepared from contemporaneous, daily time records
15 regularly prepared and maintained by Miller Pitt in its usual course and manner. Miller
16 Pitt maintains detailed records regarding the amount of time spent by its professionals,
17 and the lodestar calculation is based on Miller Pitt's current billing rates. These records
18 are available for review at the request of the Court.
19

20 9. Based on my experience in complex class action litigation and other
21 litigation, the number of hours expended, and the services performed by my firm, were
22 reasonable and necessary for my firm's representation of Plaintiffs, in coordination with
23 Class Counsel, who approved the tasks and the hours spent on each task.
24

25 ...

1 10. I have general familiarity with the range of hourly rates typically charged
2 by plaintiffs' class action counsel in the field of unfair competition and antitrust in the
3 geographical areas where I have practiced. I am able to conclude that the rates charged
4 by my firm are reasonable and commensurate with those prevailing in the market for such
5 legal services furnished in litigation such as this case. My firm's hourly rates were most
6 recently approved in Arizona courts where fee awards are common in actions arising out
7 of contract under A.R.S. §12-341.01.
8

9 11. My firm has incurred costs of \$2,303.67 so far in litigating the Action,
10 consisting of the following categories of costs:
11

Category	Cost
Long Distance Telephone Calls	\$2.65
Pacer On-Line Filings/Research	\$4.10
Reproduction	\$57.97
Westlaw/Lexis Research	\$72.08
¼ Shared Expert Services re: economics of tuna-fishing industry	\$2,166.87
TOTAL	\$2,303.67

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20 12. Throughout this litigation, my firm and I worked under the direction of
21 Class Counsel and we have worked efficiently to avoid unnecessary duplication. I
22 coordinated with Class Counsel for all work performed and costs incurred in this matter.
23

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25 ...

1 13. In accordance with the foregoing, we request an award of fees in the amount
2 of \$11,591 and costs in the amount of \$2,303.67.

3 Dated: September 25, 2024
4 Tucson, Arizona

By: 
Gerald Maltz

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DECLARATION OF GERALD MALTZ IN SUPPORT OF END PAYER PLAINTIFFS' MOTION FOR ATTORNEYS'
FEES, COSTS, EXPENSES AND SERVICE AWARDS
CASE NO. 15-MD-2670 DMS (MSB)

EXHIBIT A

MILLER, PITT, FELDMAN

& McANALLY P.C.

Firm History

Our law firm is unique. We combine a personal injury practice with a commercial litigation and business law practice. Our team of experienced attorneys, backed up by a full compliment of legal assistants and state-of-the-art technology, enables us to handle an extensive range of substantial and different cases.

The origins of Miller, Pitt, Feldman & McAnally go back to 1957 when Robert F. Miller, a plaintiff's personal injury attorney, and Donald Pitt, a real estate lawyer and businessman, became partners in Merchant, Parkman, Miller & Pitt. In 1964, they formed the partnership of Miller & Pitt.

In 1968, Stanley G. Feldman joined the partnership, and the firm name was changed to Miller, Pitt & Feldman. In 1982, Mr. Feldman left the practice of law to become a Justice of the Arizona Supreme Court, and the firm name became Miller & Pitt, P.C.

In 1989, the name of the firm was changed to Miller, Pitt & McAnally, P.C., in recognition of Dick McAnally's longstanding prominence.

In 1997, Dale Haralson, P.C., and Miller, Pitt & McAnally, P.C., formed a professional limited liability company to better serve clients and referring attorneys, particularly in the areas of catastrophic personal injury and insurance bad faith.

In 2003, the name of the firm was changed to Haralson, Miller, Pitt, Feldman & McAnally, P.L.C., upon Justice Feldman's return to practice. And in 2016 it was changed to Miller, Pitt, Feldman & McAnally, P.C.

These changes represent more than mere name changes. The evolution of this law firm over time has brought a continuing improvement in the firm's ability to serve our clients and referring attorneys in all areas of law that we practice.

Success Stories

Our firm has been involved in shaping the legal, political and business culture in Arizona. There are too many important dates and cases to list them all here. To name just a few:

1968: Stanley Feldman joins Robert Miller and Donald Pitt; Feldman acts as managing partner until 1981.

1970: \$550,000 verdict against General Electric for a faulty water heater, at the time the largest jury verdict in the history of Arizona.

1973: The firm succeeded in voiding several anti-abortion statutes in *Nelson v. Planned Parenthood Center of Tucson, Inc.*

1974: The firm represented Donald Pitt, Don Diamond and Richard Block in the purchase of KVOA-Channel 4. The firm would handle the sale of Channel 4 to former Texas Governor Hobby in 1982.

1977: Completed the land assembly and 99-year ground lease for the Tucson Mall.

1978: We helped establish that a manufacturer has a duty to provide warnings about its product's dangers in *Shell Oil v. Gutierrez*.

1978: Succeeded in having a sales tax scheme specific to Mexican shoppers that discriminated against Tucson businesses declared unconstitutional in *State v. Levy's*.

1978: Started work on the 4,500-acre Rocking K Ranch, a real estate acquisition involving complex litigation.

1979: Successfully prevented California from forcing 86-year-old Robert W. Armstrong, leader of the World-Wide Church of God, to travel to California to testify as a witness in an extortion trial. The hearing took three days and garnered significant media attention.

1981: We were successful in imposing a duty on insurers to treat their customers with good faith in *Noble v. Natl. Am. Life Ins. Co.*

1981: Successfully defended the Pima County Sheriff against charges that his jail was overcrowded in violation of the constitution.

1981: The firm handled the largest real estate transaction in Arizona at the time, the Howard Hughes Estate property.

1981: The firm handled the acquisition of Midvale Farm along with the annexation and rezoning of 1200 acres. The transaction involved a water settlement with the City of Tucson that resulted in delivery of domestic and golf course water to Ventana Canyon on terms that made that project economically feasible.

1982: Stanley Feldman appointed to the Arizona Supreme Court. He served through 2002 and was Chief Justice from 1992-1996. Justice Feldman left a lasting mark on the law in Arizona and strengthened the role of the judicial branch of our state government. He consistently upheld the power of Arizona's constitution and the judiciary, often to the frustration of the state's governor and legislature.

1982: Trial lawyer Janice Wezelman becomes the firm's managing shareholder.

1983: Handled the annexation of the Tucson Mall.

1984: Grace McIlvain and Richard Martinez won a big victory for thousands of victims of sex discrimination at a state-wide chain of supermarkets in *Tobey v. A.J. Bayless*. The settlement was \$7 million plus equitable relief valued at \$2 million.

1984: Dale Haralson wins a victory for thousands of "downwinder" victims of nuclear bomb tests in the Nevada desert. In 1987, the Tenth Circuit Court of Appeals took the victory away from them. But based in part on his work on the downwinder cases, Congress passed the Radiation Exposure Compensation Act which has since paid out over \$1.5 billion in compensation to the victims. Mr. Haralson jokes that "it was not my intention for this to be a pro bono effort." He is clearly pleased that some justice was done. The case is the focus of the book *Fallout: An American Nuclear Tragedy* by Philip L. Fradkin.

1984: Patrick Griffin handled the largest, single rezoning in state history for the 2,800-acre Rita Ranch development as well as the annexation and a unique subdivision plat deferral ordinance (since repealed).

1984: Justice Feldman wrote the opinion in State v. Bolt (1984) which protected people from certain warrantless searches by police.

1985: Mr. Griffin represented various parties in the acquisition, financing and development for Ventana Canyon and La Paloma including the hotel, golf course, residential and commercial projects.

1986: Mr. Griffin represented the original owner in financing and leasing of Unisource Tower. He handled similar work for the Bank of America Tower when it was built in 1977.

1986: Richard McAnally and Tom Cotter win a \$1.25 million verdict against Phelps Dodge after our client lost his arm. The trial was held in Graham County and was the largest verdict in that county at the time.

1987: Mr. Griffin represented the buyers in the largest real estate transaction in the history of Colorado, the 26,000-acre Banning-Lewis Ranch.

1989: Tom Cotter becomes managing shareholder of the firm.

1989: McAnally and Cotter win a \$1 million against Caterpillar after a man lost his leg as a result of Caterpillar's faulty back up alarm.

1989: Ms. Wezelman and Mr. Cotter won a verdict of \$4.25 million after an obstetrician's malpractice resulted in hypoxia and mental retardation of a baby.

1990: Gerald Maltz and Lindsay Brew won a \$15 million verdict against Joseph Rae after Rae forged documents related to the Rocking K Ranch development.

1991: Grace McIlvain and Mr. Maltz win a \$6.2 million verdict against Hughes Missile Systems for age discrimination.

1992: The firm produces a \$2 million verdict for a plaintiff in a bad faith case action against State Farm

1992: Mr. Griffin represented the University of Arizona in acquiring and financing the IBM facility for \$112,000,000. It is now known as the University of Arizona Science and Technology Park.

1994: Justice Feldman and the Arizona Supreme Court rejected the legislature's school funding scheme as inequitable and unconstitutional in Roosevelt Elementary School District No. 66 v. Bishop.

1994: \$60 million verdict for the family of a couple that died in a Beech airplane crash. The judgment was later reduced to \$20 million.

1995: Mr. Griffin represented the investor group acquiring the 1,200-acre Continental Ranch from the Resolution Trust Corporation.

2001: Tom Cotter began litigation against the federal mine inspector after a deadly mine accident. The case would continue for ten years, with opinions from the U.S. Supreme Court and the Ninth Circuit Court of Appeals.

2004: Represented the Arizona Attorney General against El Paso Natural Gas. Produced important concessions including upgrades to the natural gas infrastructure and funding of the Low Income Energy Assistance Program.

2007: Phil Hall represented Daphne Stidham who settled with Pima County for \$2.29 million after investigation reveals county prosecutors knew about the plot to kill her husband, surgeon Dr. Mark Stidham.

2007: Obtained jury verdict of \$1 million in punitive damages against a subprime lender, Ameriquest Mortgage.

2008: After Border Patrol agents shot a man trying to climb the border wall into Mexico, and won a judgment of \$1 million for his grieving mother.

2011: Mr. Hall settled with Pinal County for \$3.4 million for the widow of a sergeant in the Casa Grande Police Department after he was killed in a rappelling exercise.

Business Law & Litigation

The law offices of Miller, Pitt, Feldman & McNally:

***Tucson Business Lawyers, Phoenix Business Lawyers, and Flagstaff Business Lawyers:
Serving all of Arizona***

As anyone who has worked in it knows, the business world does not always operate smoothly. Contracts are broken, businesses rise and fall, and disputes between business partners arise. Handling the legal matters related to these events in addition to the day-to-day tasks of running a business can seem overwhelming.

Our aim is to help you with business law and disputes, from creating a new business, to handling mergers and acquisitions, to settling disputes between employees or partners, etc. If you have any questions about business legal issues, contact us today in Tucson and Flagstaff at 800-723-1676 or in Phoenix at 877-366-5557 to schedule an initial consultation.

At the law offices of Miller, Pitt, Feldman & McNally we make the process of settling business law matters as easy and stress-free for our clients as possible. We pride ourselves on our efficient approach to even the most complex business law disputes. With the help of our firm, you will be able to focus on running your business while we handle the legal matters:

- commercial litigation
- contract issues
- business torts
- intellectual property disputes
- software issues
- business transactions
- real estate transactions and development
- condemnation & eminent domain
- commercial finance
- foreclosures, trustee sales & deeds in lieu of foreclosure
- non-profit law
-

Our business litigators represent businesses and governments in a wide variety of business, commercial and real estate conflicts, including contract disputes, business owner disputes, business torts, intellectual property disputes, and condemnation. For example, we have represented Arizona against El Paso Gas, producing important gas utility concessions, including natural gas infrastructure upgrades, and funding for the Low Income Energy Assistance Program.

Our business lawyers advise businesses, financial institutions, developers and non-profit entities in many sophisticated business, financial and real estate transactions, including development

entitlements. Our firm has been instrumental in providing legal work in the development of the UA Tech Park, the UA Bio Park, Tucson Mall, Arizona Pavilions, Rocking K Ranch, Rita Ranch, Midvale Park, Ventana Canyon, La Paloma, Continental Ranch, Rancho Vistoso, La Encantada, Torres Blancas, Mesquite Ranch, Old Tucson, Rancho del Lago, the Unisource Energy Tower, the Bank of America Plaza (Tucson), and other commercial, retail and residential developments in Arizona.

Meet Our Business Litigation Team

GERALD MALTZ

Shareholder

For over 50 years, Mr. Maltz has represented businesses and individuals in general civil litigation, including entity disputes, antitrust, securities litigation, business torts, trade secrets, unfair competition, real estate litigation, condemnation, employment litigation, major injury cases, and civil.

Mr. Maltz is a Fellow of the American College of Trial Lawyers and a Fellow of the International Academy of Trial Lawyers. He has served as an instructor for the National Institute of Trial Advocacy and the Pima County Bar Trial Advocacy Program.

Mr. Maltz has served extensively as a private mediator and arbitrator in a wide variety of cases. And also as an expert witness in the areas of attorney's fees and legal malpractice (plaintiff and defense). He has presided over jury and bench trials as a Judge Pro Tem of the Superior Court since 1983 and has served as a special discovery master.

Mr. Maltz has been named by peers as one of the Best Lawyers in America in the areas of business litigation (all editions), bet-the-company litigation, and labor and employment law, one of the Finest Lawyers in Arizona in the area of commercial litigation, and one of the Southwest's Super Lawyers in business litigation. He is a Fellow of the American Bar Foundation, and an associate of the American Board of Trial Advocates. He is rated "AV" by Martindale-Hubbell.

Mr. Maltz was a member of the Arizona State Boxing Commission (1979-1985) and served as its Chairman. He began his legal career in New York after graduating cum laude from New York Law School in 1968 where he was a law review editor. He was admitted to the Arizona Bar in 1977 and has been a member of the firm since then.

PETER TIMOLEON LIMPERIS

Shareholder

Mr. Limperis represents clients in personal injury, wrongful death, medical malpractice, and defamation. He is also experienced in representation of and against government agencies. He is rated "AV" by Martindale-Hubbell.

A Tucson native, Mr. Limperis graduated cum laude from the University of Arizona College of Law and obtained an undergraduate degree in psychology and a coherent minor in space physics and astronomy from Rice University.

HEATHER GOODWIN

Shareholder

Ms. Goodwin practices in the areas of personal injury and commercial litigation. Before attending law school, she was a commissioned officer in the U.S. Air Force and a civilian international relations officer for the U.S. Army.

Ms. Goodwin graduated cum laude from Yale University with a bachelor's degree in German studies and political science. In 2015, she graduated cum laude from the University of Arizona's College of Law.

Ms. Goodwin enjoys spending time with her husband and children, traveling, and enjoying Arizona's beautiful outdoors. Her favorite movie is "Harvey" (1950), in which Jimmy Stewart says, "In this world, you must be oh so smart, or oh so pleasant. Well, for years I was smart. I recommend pleasant."

Where to Find Us

TUCSON OFFICE

- 1 South Church Avenue, Suite 1000, Tucson, AZ, 85701
- 520-792-3836
- info@mpfmlaw.com
- 520-624-5080

PHOENIX OFFICE

- 2800 North Central Ave., Suite 840, Phoenix, AZ, 85004
- 602-266-5557
- info@mpfmlaw.com
- 602-266-2223

FLAGSTAFF OFFICE

- 405 N. Beaver Street, Suite 2, Flagstaff, Arizona 86001
- 928-863-7100
- info@mpfmlaw.com
- 928-440-5444

EXHIBIT 22

1 **MILLER SHAH LLP**
2 Natalie Finkelman Bennett
3 1845 Walnut Street, Suite 806
4 Philadelphia, PA 19103
5 nfinkelman@millershah.com

6 *Counsel for the End Payer Plaintiffs*
7 Jody Cooper, Danielle Johnson,
8 Herbert H. Kliegerman,
9 Joseph A. Landston,
10 Beth Milliner, Liza Milliner and
11 Vivek Dravid

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
15 PRODUCTS ANTITRUST)
16 LITIGATION) **DECLARATION OF NATALIE**
17) **FINKELMAN BENNETT IN**
18) **SUPPORT OF END PAYER**
19) **PLAINTIFFS’ MOTION FOR**
20) **ATTORNEYS’ FEES, COSTS,**
21) **EXPENSES, AND SERVICE**
22) **AWARDS**

23 _____)
24 This Document Relates to:)
25)
26 End Payer Plaintiffs Class Track) DATE: November 22, 2024
27) TIME: 1:30 p.m.
28) JUDGE: Hon. Dana M. Sabraw
) COURT: 13A (13th Floor)
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1 I, Natalie Finkelman Bennett, declare:

2 1. I am a partner at Miller Shah LLP (“Miller Shah”). I have been
3 licensed to practice law in the Commonwealth of Pennsylvania and state of New
4 Jersey since 1989 and am also admitted to practice in multiple federal district and
5 circuit courts. The following facts are within my personal knowledge, and if called
6 as a witness, I could and would testify competently to them.

7 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
8 Attorneys’ Fees, Costs, Expenses, and Service Awards.

9 3. In October 2015, my colleague, Jayne A. Goldstein, along with co-
10 counsel, filed a proposed class action lawsuit on behalf of Jody Cooper, Danielle
11 Johnson, Herbert H. Kliegerman, Joseph A. Landston, Beth Milliner and Liza
12 Milliner against Bumble Bee Foods LLC, Starkist Company, Tri-Union Seafoods
13 LLC, and King Oscar, Inc. in the Southern District of California and assigned Case
14 No. 15-CV-2216-BAS (JMA). The action was consolidated into the instant action
15 with other similar actions filed in other jurisdictions nationwide as a multi-district
16 litigation titled, *In Re: Packaged Seafood Products Litigation*, No. 15-MD-2670, in
17 the Southern District of California (the “Action”).

18 4. I have practiced civil litigation on behalf of consumers and individuals
19 in Pennsylvania and New Jersey, as well as throughout the United States since 1996.
20 Miller Shah generally employs more than 25 attorneys practicing in the areas of
21 consumer class action, antitrust and unfair competition law, securities law, ERISA,
22 and Qui Tam litigation. Attached hereto as **Exhibit A** is the Miller Shah Firm
23 resume.

24 5. Miller Shah’s attorneys have a long history of successfully handling
25 class actions across a range of industries, including antitrust cases. Jayne Goldstein
26 and I bring substantial experience in complex litigation matters with a history of
27 litigating in an efficient and practical manner, including as Lead or Co-Lead Class
28 Counsel in numerous class actions. *See Exhibit A.*

- 1 -

DECLARATION OF NATALIE FINKELMAN BENNETT IN SUPPORT OF END PAYER
PLAINTIFFS’ MOTION FOR ATTORNEYS’ FEES, COSTS, EXPENSES AND SERVICE
AWARDS

CASE NO. 15-MD-2670 DMS (MSB)

1 6. Miller Shah has an extensive background in antitrust and consumer
 2 protection class action litigation and has litigated and is litigating hundreds of class
 3 action cases across the country involving antitrust, unfair competition, and securities
 4 fraud claims, including the following antitrust matters in which Miller Shah has had
 5 a significant position: *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, No.
 6 2:16-md-2724 (E.D.Pa.) (executive committee); *In re Actos Antitrust Litigation*, No.
 7 1:13-cv-09244 (S.D.N.Y. (co-lead counsel); *In re Remicade Antitrust Litig.*, No.
 8 2:17-cv-04326 (E.D.Pa.) (liaison counsel); *In re Loestrin Antitrust Litig.*, No. 13-
 9 md-2472 (D. R.I.) (executive committee); *In re Niaspan Antitrust Litig.*, No. 13-md-
 10 2460 (E.D. Pa.) (executive committee); *In re Lipitor Antitrust Litigation*, MDL 2332
 11 (D. N.J.) (executive committee); *In re Suboxone (Buprenorphine Hydrochloride and*
 12 *Nalaxone) Antitrust Litig.*, No. 13-md-2445 (E.D. Pa) (executive committee); *In re*
 13 *Nexium Antitrust Litigation*, MDL 2409 (D. Mass.) (co-lead counsel end payors).

14 7. Miller Shah has been involved in the litigation of this Action under the
 15 direction of Class Counsel, including, among other tasks, discussing strategy,
 16 performing document review and analysis and assisting with discovery. I have
 17 conferred with Jayne Goldstein regarding Miller Shah’s work in this case.

18 8. The current hourly rates for Miller Shah attorneys and staff that have
 19 worked on the Action, as well as their hours spent working on the Action as of
 20 September 25, 2024, and their corresponding lodestar, are as follows:

Miller Shah LLP Lodestar through September 25, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Jayne A. Goldstein, Partner	\$950 per hour	5.3	\$5,035.00
Nathan C. Zipperian, Partner	\$1,025 per hour	2.6	\$2,665.00
Scott K. Johnson, Associate	\$500 per hour	7.5	\$3,750.00
Emily C. Finestone, Associate	\$375 per hour	243.8	\$91,425.00
		TOTAL:	\$102,875.00

1 9. These records were prepared from contemporaneous, daily time records
2 regularly prepared and maintained by Miller Shah in its usual course and manner.
3 Miller Shah maintains detailed records regarding the amount of time spent by its
4 professionals, and the lodestar calculation is based on Miller Shah’s current billing
5 rates or, for those attorneys who are no longer with Miller Shah, the hourly rate they
6 were billed for before leaving the firm. These records are available for review at the
7 request of the Court.

8 10. In my judgment and based on my experience in complex class action
9 litigation and other litigation the number of hours expended, and the services
10 performed by Miller Shah, were reasonable and necessary for Miller Shah’s
11 representation of Plaintiffs which was performed in coordination with Class
12 Counsel, who approved the tasks, and the hours spent on each task.

13 11. I am generally familiar with the range of hourly rates typically charged
14 by plaintiffs’ class action counsel (both currently and historically), specifically in
15 the field of unfair competition and antitrust, both in the geographical areas where
16 Miller Shah practices and throughout the United States. From that basis, I can
17 conclude that the rates charged by Miller Shah are commensurate with those
18 prevailing in the market for similar legal services furnished in complex class action
19 litigation such as this.

20 12. While adjusting our rates to track market increases, Miller Shah’s rates
21 have steadily remained reasonable and competitive, and have been consistently
22 approved by many federal and state courts over the past several years. *See, e.g., In*
23 *re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, MDL
24 No. 1720, 1:05-md-01720 (E.D.N.Y.); *Weckwerth, et al. v. Nissan North America,*
25 *Inc.*, No. 3:18-cv-00588 (M.D. Tenn., Mar. 10, 2020) (approving fee request with
26 hourly rates up to \$875 for experienced class counsel); *Caves v. Walgreen Co.*, Case
27 No. 2:18-cv-02910-MCE-DB (E.D. Cal. Jan 5, 2023) (approving fee request with
28 hourly rates up to \$875 for experienced class counsel); *Riaubia v. Hyundai Motor*

1 *America, Inc.*, 2:16-cv-05150- CDJ (E.D. Pa. Dec. 20, 2019) (approving fee request
 2 with hourly rates up to \$875 for experienced class counsel) [Dtk. 65]; *In re Comcast*
 3 *Corp. Set-Top Cable Television Box Antitrust Litig.*, No. CV 09-MD-2034, 2019
 4 WL 4645331 (E.D. Pa. Sept. 24, 2019) (approving fee request with hourly rates up
 5 to \$950 for experienced class counsel); *In re: Caterpillar, Inc. C13 and C15 Engine*
 6 *Products Liability Litigation*, MDL No. 2540 (D.N.J.) [Dkt. 54]; *Q+Food v.*
 7 *Mitsubishi Fuso Truck of America, Inc.* 3:14-cv-06046 (D.N.J.), [Dkt. 70]; *In re:*
 8 *Ford Motor Co. Spark Plug and 3-Valve Engine Products Liability Litigation*, Case
 9 No. 1:12-md-02316-BYP (N.D. Oh. 2016) [Dkt. 122].

10 13. Miller Shah has incurred costs of \$32,590.37 in litigating the Action,
 11 consisting of the following categories of costs:

Category	Cost
Online Research	\$83.92
Postage	\$6.45
Case Fund Contributions	\$32,500.00
Total:	\$32,590.37

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 19 14. Throughout the litigation, Miller Shah worked under the direction of
 20 Class Counsel and made every effort to operate as efficiently as possible and to
 21 avoid unnecessary duplication. Miller Shah attorneys coordinated with Class
 22 Counsel with respect to all work performed and costs incurred in this matter.

23 I declare under penalty of perjury under the laws of the United States that the
 24 foregoing is true and correct. Executed on the 27th of September, 2024, at
 25 Philadelphia, Pennsylvania.

26
 27 Dated: September 27, 2024

By: /s/Natalie Finkelman Bennett
 NATALIE FINKELMAN BENNETT

Exhibit A



Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Serving Our Clients Worldwide

Miller Shah LLP (“Miller Shah” or the “Firm”) is a results driven law firm that is focused on delivering the highest level of service possible to our clients throughout the globe. Miller Shah believes that approaching the representation of our clients with considered judgment and candor, as well as the highest degree of courtesy, professionalism and zeal possible, provides the best opportunity for our clients to achieve and exceed their goals in any given matter. Miller Shah is a full-service firm that is able to meet its clients’ needs in virtually any matter. The Firm maintains a number of offices in the United States that are strategically located to serve our clients. In addition, through a highly respected, global network of independent law, fiduciary trust and accounting firms, as well as affiliate offices, Miller Shah is able to effectively meet the needs of its clients throughout the world. Miller Shah retains the culture of a boutique law firm with attorneys and staff working in an interdisciplinary, team-based manner across and between different offices.

Focused On Results

As part of our mission statement, the Firm ensures that every client receives our best judgment and a clear recommendation in every matter. In other words, although we always discuss and fully describe the array of alternatives available to our clients, we understand the importance of advocates being plain spoken, willing to challenge convention and strategic in their thinking. That is why we make certain that, without mincing words, Miller Shah always provides specific recommendations to each client in clear and straightforward terms regarding the Firm’s judgment as to the best way to achieve the goal at hand.

Motivated by Challenging Issues

The attorneys, other professionals and staff of Miller Shah are a diverse and accomplished group of individuals who value the professional rewards and other benefits of working in a collegial, team-oriented environment. The attorneys at Miller Shah have earned degrees from a variety of highly-respected colleges and law schools, including the University of California at Berkeley, University of Chicago, Cornell University, Duke University, Emory University, Fordham University, George Washington University, Hastings College of Law, the University of Maryland, the University of Oregon, University of Oxford, the University of Pennsylvania, Pennsylvania State University, Temple University, Trinity College, University of Pittsburgh, Villanova University and Yale University. Many graduated with distinction and were members and editors of their respective schools’ law reviews, moot courts or honor fraternities. Most have served federal or state judicial clerkships, and others hold graduate degrees in law, tax or other disciplines.





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Our professional staff also is highly experienced and accomplished. At Miller Shah, we believe strongly that the competence and commitment of our non-attorney staff is critical to achieving the excellent client service that we always seek to deliver. We pride ourselves on working collegially together as a Firm while eschewing artificial hierarchy and stilted interactions in favor of a team-oriented environment that fosters creativity and a commitment to excellence.

Comprised of attorneys and staff that are almost exclusively alumni of large firms, Miller Shah team members have a keen understanding of the benefits of working in a boutique environment in which the opinions and contributions of all attorneys and staff are considered and valued. The Firm's clients also recognize these benefits and regularly comment upon Miller Shah's responsiveness and the efficiencies achieved in specific engagements, where the attorneys and staff are clearly and unselfishly committed to the simple goal of achieving an excellent result for the client, while enjoying the opportunity to collaborate with peers in a workplace environment that maximizes the potential of all team members and values the contributions of all.

At Miller Shah, we understand that it is best to approach any case, transaction, trial or other client challenge by obtaining a full understanding of the issues at hand and then engaging in strategic thinking, as well as hard work, to establish, and then meet and exceed, our clients' established goals. At Miller Shah, we are motivated by, and relish, the opportunity to confront challenging issues. That is why we consider it a privilege to work cooperatively with our clients to meet their goals and overcome the inevitable challenges created by complicated transactions and the disputes that clients regularly confront.

Socially Committed and Responsible

Although superior client service is our overriding aim, at Miller Shah, we also are committed to approaching our practice in a socially responsible manner, while making meaningful contributions to support the communities in which we work, the world at large and the social justice system. The attorneys of Miller Shah have recovered over \$2 billion for our clients in litigation and similar matters, and have been responsible for charitable donations of more than \$100 million in the form of *cy pres* and other donations and gifts to assist those in need, as well as supporting the arts, education and other philanthropic causes. The Firm and its attorneys are also actively involved in *pro bono* cases, having successfully assisted clients in a variety of diverse matters, including civil matters for indigent clients, death penalty appeals, immigration asylum matters and court-appointed prisoner rights cases.





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Areas of Expertise

Although Miller Shah is not organized into formal departments or practice areas and, instead, believes that our clients are best served by an interdisciplinary approach ensuring that the best attorneys for a given matter are assigned to meet the client's needs, the following constitute the Firm's more significant practice areas:

- Antitrust, Competition and Trade Regulation
- Business Counseling and Corporate Transactions
- Employee Benefits and Fiduciary Compliance
- Insurance Coverage and Practices
- International Business and Trade
- Private Client Services
- Representative and Collective Litigation
- Arbitration, Mediation and Other ADR Procedures
- Commercial and Other Complex Litigation
- Institutional Investor Services
- Intellectual Property
- Labor and Employment
- Qui Tam, False Claims and Whistleblower Proceedings
- Securities Regulation and Corporate Governance



Antitrust, Competition and Trade Regulation

Miller Shah attorneys have broad experience in dealing with the complex legal and economic issues that antitrust, competition and trade regulation questions can present. We offer clients significant litigation and counseling experience in virtually all aspects of antitrust and trade regulation litigation. Our lawyers have successfully represented plaintiffs and defendants in major civil antitrust matters throughout the United States. Miller Shah attorneys also have extensive experience representing parties involved in related criminal, administrative and other regulatory proceedings. In such matters, our team members have extensive experience working with the Department of Justice, the Federal Trade Commission and various State Attorneys General, as well as, upon occasion, international regulatory bodies, including the European Union. Miller Shah also has worked with and represented governmental entities, including the State of Connecticut, in unfair trade practice and related matters. Finally, Miller Shah has represented a number of clients, both businesses and consumers, in unfair trade practice and consumer protection cases throughout the United States in a wide variety of jurisdictions, including in scores of individual and Multi-District Litigation proceedings, in cases arising under the Consumer Legal Remedies Act, the Lanham Act, the Magnuson-Moss Warranty Act, the Racketeer Influenced and Corrupt Organizations Act and the Unfair Competition Law, as well as similar statutes and state laws in over 35 states and the District of Columbia.

The Firm is actively involved in litigation concerning antitrust and unfair competition issues relating to, among other matters, vertical and horizontal price agreements, market allocations, concerted refusals to deal, monopolization, covenants not to compete, price-fixing and tying arrangements, as well as unfair and deceptive trade practice, false advertising and commercial disparagement. Our attorneys, with extensive experience in antitrust law and economics, as well as knowledge of market realities, have represented businesses and individual consumers in antitrust cases in state and federal courts in the United States, as well as related criminal and regulatory proceedings. The Firm's attorneys have successfully prosecuted and defended antitrust cases, including price discrimination cases under the Robinson-Patman Act and price-fixing and tying cases under federal and state antitrust laws, to successful jury verdict.

In antitrust, competition, consumer protection and trade regulation cases, Miller Shah has been appointed lead counsel in over 75 cases in the United States, in recognition of its broad range of experience and the excellent results that it has obtained for its clients in previous engagements.

Arbitration, Mediation and Other ADR Proceedings

Miller Shah considers the use of arbitration, mediation and other alternative dispute resolution (“ADR”) devices to be an integral part of the practice of law and the advice that we provide to our clients. The Firm’s arbitration and mediation practice, and the other ADR strategies that we employ, enable us to achieve results that promote our clients’ goals, reduce the expense and delay associated with resolving disputes, and avoid the distractions that more protracted proceedings may impose upon clients.

Miller Shah lawyers have a broad range of ADR experience in the fields of domestic and international arbitration, direct negotiation, mediation and other customized ADR options, including dispute review boards, med-arbs, mini-trials, private judging and summary jury trials in the fields of antitrust, commercial transactions, construction, consumer and financial transactions, corporate and contract law, employment and labor disputes, intellectual property, insurance, and securities and corporate governance. In addition to regularly representing our clients in these ADR proceedings, Miller Shah attorneys have extensive experience acting as arbitrators, mediators, private judges and settlement counsel.

Members of the Miller Shah team have acted as advocates and/or neutrals in proceedings before the American Arbitration Association, the Federal Mediation and Conciliation Service, the Financial Industry Regulatory Authority f/k/a as the National Association of Securities Dealers and New York Stock Exchange, the Grain and Feed Trade Association in London, the International Centre for Dispute Resolution, the International Chamber of Commerce, Judicial Arbitration and Mediation Services, Inc., both domestically and internationally, and the London Court of International Arbitration, as well as in a number of quasi-public and private ADR proceedings.

Business Counseling and Corporate Transactions

Miller Shah attorney have extensive experience counseling their business clients in a variety of matters. The Firm’s attorneys have experience in significant transactional work, as well as vast experience providing corporate and business counseling to our clients, including in the areas of business formations, capital markers, contract drafting, sales or purchases of businesses, mergers and consolidations, joint ventures, employee and independent contractor agreements, confidentiality agreements, public and private offerings, stock sale, transfer and other arrangements, severance packages, third party agreements and corporate governance matters. On the rare occasions when a corporate or business matter requires even greater expertise from a transactional, taxation or other perspective, we work with our clients to identify the best co-counsel with which to work on that particular matter and with whom we maintain relationships around the world, and then supervise the work of such counsel to ensure that the client’s needs are being met in cost-effective and efficient manner.

Miller Shah acts as outside general counsel for a number of small- to mid-size businesses, as well as certain subsidiaries of overseas corporations. Since the Firm uses a multi-disciplinary, team-oriented approach to staffing all business counseling and corporate transactional work, Miller Shah is able to provide high quality, cost-effective representation for the clients that choose to so engage us. In fact, certain clients have apprised us that, based upon the efficient and business-minded manner in which we approach such matters, it often makes sense for them to engage Miller Shah, even though the Firm may, at times, bill at higher hourly rates than other law firms. Since Miller Shah approaches every engagement based upon the principles of value billing and seeks to reward productivity and outcomes, as opposed to time spent on an engagement, the Firm consistently is informed by its corporate clients that it provides higher quality and lower cost services than many of its competitors, both large and small, that work exclusively or predominantly in the area of business counseling and corporate transactions.

Commercial and Other Complex Litigation

Miller Shah attorneys have extensive experience handling a wide variety of commercial litigation matters. The attorneys at Miller Shah have decades of experience representing large national and international corporations, as well as smaller businesses and other entities in such matters. The broad range of commercial litigation matters that Miller Shah lawyers have handled include contract disputes, breach of duty claims, abuse of trust cases, business torts, trade disputes, unfair competition claims and related issues, including risk assessment and litigation avoidance. We represent clients in diverse industry sectors, including large publicly traded and international companies, as well as smaller business enterprises in connection with their complex commercial litigation matters. In addition to handling such matters in federal and state courts in the United States, Miller Shah attorneys also have significant experience handling claims in international arbitration forums and with co-counsel in courts outside of the United States. In representing clients in commercial litigation matters, Miller Shah attorneys have recovered hundreds of millions of dollars, including recoveries from governments and state trading entities. Miller Shah attorneys regularly appear in federal and state courts throughout the United States, as well as bankruptcy and appellate courts. In fact, on the appellate front, as a result of our track record of winning many significant and groundbreaking appeals over the last decade, other practitioners regularly approach us and request that we assist them in pursuing or defending appeals in federal and state courts.

The Firm handles commercial litigation pursuant to traditional hourly billing arrangements and, on an increasingly frequent basis, has been retained to handle litigation for corporate plaintiffs on a contingent fee basis. We have found that, while many corporate counsel tend to be reluctant to deviate from tried and true hourly billing procedures, in appropriate circumstances, a contingent fee structure ensures the proper incentives and often works to further the client's interests, while providing desirable incentives to litigate efficiently, maximize recoveries and minimize the length of pretrial proceedings.

Employee Benefits and Fiduciary Compliance

Miller Shah handles a variety of employee benefits and fiduciary litigation, as well as compliance issues, for our clients -- most of which arise under the Internal Revenue Code and the Employee Retirement Income Security Act of 1974. Miller Shah attorneys have represented employee benefit plan fiduciaries, including plan trustees, as plaintiffs and defendants in a wide variety of employee benefits and fiduciary compliance matters. The Firm's attorneys also have experience working with independent fiduciaries in certain cases. The attorneys at Miller Shah also have represented clients in a number of cases involving Taft-Hartley fund delinquent contributions and similar matters. The Firm has handled a number of novel and ground-breaking ERISA cases, including issues regarding revenue-sharing practices, cash balance and cross-tested plans, common stock declines and stock options with regard to qualified retirement plans, including 401(k), 403(b), 457, profit sharing, money purchase pension, cash balance, annuity, and defined benefit plans.

Most of the employee benefits and fiduciary compliance litigation that Miller Shah handles involving employee benefits and fiduciary compliance occurs in federal district courts in the United States. In such litigation, Miller Shah has significant experience working with the U.S. Department of Labor, as well as the Department of Justice. Miller Shah attorneys also have experience representing the interest of our clients in bankruptcy court and related proceedings in connection with both employee benefits and fiduciary compliance matters.

Institutional Investor Services

Miller Shah provides a variety of compliance, litigation, monitoring, regulatory and transactional services to institutional investors, including educational and endowment based funds, hedge funds, public and private pension funds and private equity firms. Among the other services that it provides to institutional clients, the Firm performs corporate governance and securities investment monitoring for virtually all of its institutional clients pursuant to which it advises clients when they should consider legal action to protect their rights as shareholders in a corporation. In connection with its Miller Shah TrackerSM service, Miller Shah offers the following portfolio services to institutional investor clients: (a) the development of guidelines and policy statements regarding securities and other shareholder litigation, as well as other corporate governance initiatives, to meet fiduciary obligations; (b) the monitoring of securities and related litigation that affects the client's investments; (c) the investigation and evaluation of potential and pending litigation to evaluate the appropriate role, if any, for the client; (d) the preparation of presentations for institutional clients regarding the status of potential and pending litigation and other corporate governance initiatives; (e) provision of updates regarding the settlement or other resolution of litigation, disputes and other initiatives; (f) assistance to clients in completing appropriate claim forms and other documentation to maximize recoveries; and (g) coordination of the holding of certain securities in custodial accounts with a financial institution pursuant to a specialized agreement that Miller Shah was instrumental in crafting to protect client interests in appropriate circumstances.

Insurance Coverage and Practices

Miller Shah attorneys have significant experience in handling legal issues related to insurance coverage and practices. Miller Shah attorneys have experience negotiating and litigating with many major U.S. insurance companies, as well as Lloyd's, the London Market and other international insurers. The Firm has achieved outstanding results for our clients across a wide variety of issues and forums. Miller Shah attorneys have handled insurance coverage matters related to business interruption, defamation, health insurance, privacy, advertising, personal injury claims, Directors' and Officers' liability, employment practices liability, environmental cleanup and 'toxic tort' liability, fidelity bonds and crime policies, financial insurance, intellectual property (copyright, trademark and patent infringement), product liability, professional errors and omissions (malpractice) liability, property and valuable articles coverage, 'self-insurance' and workers' compensation insurance. In such matters, Miller Shah attorneys have experience with all principal coverage issues that arise under standard liability and first-party property policies, as well as many specialty coverages, have addressed many of the procedural aspects of insurance coverage litigation, including choice of law, forum non conveniens, party joinder and case management issues, duty-to defend disputes, and independent counsel and fee-rate limitation issues. Firm members also have extensive experience in handling claims regarding insurance marketing, settlement and payment practices, as well as insurance practices regarding the calculation of benefits. Miller Shah attorneys have played a substantial role in litigating major insurance practice-related claims with respect to automobile insurance loss adjustment practices, burial insurance, health insurance and continuation of benefits issues, title insurance charges and vanishing premium insurance policies.

Intellectual Property

Miller Shah attorneys have significant experience providing an array of legal services in the areas of patent, copyright, trademark, trade secret, outsourcing, software, technology, restrictive covenants and franchise law. These services include obtaining protection, registrations, amendments and renewals with respect to patents, copyrights, trade secrets, service marks and trademarks. Miller Shah also counsels its clients on licensing, marketing, distribution and other commercial transactions regarding products, services and technologies protectable under international, federal, state or local intellectual property laws. Miller Shah attorneys also have litigated and provided advice about disputes involving the protection and enforcement of rights in patents, trademarks, copyrights, confidential information and trade secrets, technology, covenants not to compete, and other intellectual property. Miller Shah attorneys have significant experience in prosecuting and defending copyright, trademark and patent infringement cases, unfair competition actions, Internet and technology disputes (including those involving software and computer technology), franchise disputes, false advertising claims, litigation concerning trade secrets and restrictive covenants, and other claims relating to intellectual property. Miller Shah attorneys also are well-versed not only on the substance of intellectual property law, but also on federal and state court procedural issues, including obtaining and defending against temporary restraining orders and preliminary injunctions that often are sought in intellectual property actions. Finally, Miller Shah attorneys are proficient in resolving intellectual property disputes through alternative dispute resolution mechanisms, such as arbitration and mediation.



Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

International Business and Trade

Miller Shah represents companies and other business entities based in the United States and overseas in a variety of international business and trade matters. The Firm's attorneys have assisted our foreign and United States clients with organizing foreign subsidiaries, joint ventures, mergers, acquisitions and recapitalizations, manufacturing agreements, sales, leasing and supply agreements, international distribution of goods and services, cross-border technology licensing, licensing agreements and registration of U.S. and foreign trademarks, copyrights and patents, privacy and data protection, as well as Foreign Corrupt Practices Act compliance. Miller Shah attorneys also assist our clients in addressing immigration matters, international estate planning, and real estate acquisition issues to the extent that those needs arise. In addition, the Firm regularly represents a number of clients based overseas in arbitration, mediation, other ADR proceedings and litigation matters.

Miller Shah's International Business and Trade practice works with local counsel in many countries to help clients understand and manage risks posed by different legal systems. As an active member of IAG Global (International Advisory Group), <https://iag.global/>, a consortium of independent law, fiduciary trust and accounting firms in Asia, Canada, Central America, Europe, the Middle East, South America and the United States, Miller Shah is able to effectively meet the needs of its clients on a global basis. As part of its growing international practice, Miller Shah actively encourages its more junior lawyers to actively participate in AIJA (the International Association of Young Lawyers), <http://www.aija.org>, since we understand that, by building and maintaining professional relationships throughout the globe, Miller Shah is able to provide a service level in international matters that is infrequently matched by other boutique firms.

Miller Shah has attorneys fluent or proficient in Cantonese Chinese, Mandarin Chinese, Japanese, French, Italian and Spanish, and many have spent substantial time working outside the United States. Miller Shah attorneys are experienced working internationally and counsel Miller Shah clients on the cultural and legal norms of doing business in various foreign jurisdictions. We also assist our clients to achieve their goals with our team approach and a thorough understanding of their international business needs. Miller Shah attorneys have experience in many areas throughout the world, including Argentina, Australia, Bermuda, Brazil, British Virgin Islands, Canada, Chile, China, Denmark, Dominican Republic, Dubai, France, Germany, Hong Kong, India, Israel, Italy, Japan, Korea, Kuwait, Mexico, the Netherlands, Russia, Singapore, Spain, Switzerland, Taiwan, Turkey, the United Kingdom and Yemen.





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Facsimile: (866) 300-7367
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Labor and Employment

Miller Shah has a significant and eclectic practice in the field of labor and employment matters. The Firm has represented individuals, companies, governmental entities and other employers, as well as labor organizations, in a wide range of employment and labor litigation, as well as other matters. Miller Shah attorneys have extensive experience counseling and representing their clients in litigation, as well as other disputes and challenges, regarding ERISA and employment benefits, federal and state wage and hour laws, questions regarding H1N1 (swine) flu workforce resources, immigration, international employment, labor-management relations, noncompetition agreements and trade secrets, occupational safety and health, equal employment and affirmative action matters, workplace safety, changes, reductions-in-force and training.

The Firm's attorneys have negotiated collective bargaining agreements, appeared before the National Labor Relations Board, the Equal Employment Opportunity Commission and other fair employment practice agencies, as well as before various mediation and arbitration panels that specialize in employment and labor issues. Miller Shah has vast experience working on a diverse array of employment and labor cases, including cases involving age, defamation, gender, gender dysphoria, race and sexual orientation discrimination, ERISA and benefits matters, breach of contract claims, and wage/hour claims. Miller Shah and its attorneys also have served as lead counsel in a number of wage/hour class actions, as well as discrimination and other employment class actions. In those cases in which the Firm has represented plaintiffs, it has recovered millions of dollars for its clients. Finally, the Firm serves as national labor counsel for several select employers and also is pleased to count a number of local and international labor organizations among its clients.

Private Client Services

Miller Shah also provides private client services to existing and select clients with respect to domestic and international estate planning, charitable planned giving, trust and estate administration, family law matters, executive compensation, real estate and federal and state tax issues. In addition, upon occasion, the Firm will represent existing clients in personal litigation. In these areas, Miller Shah has a broad range of expertise, having assisted clients in the United States and overseas with significant estate planning issues, having negotiated executive compensation packages, as well as severance packages, for senior executives at U.S. and international concerns, and having assisted existing clients in custody, divorce, guardianship and separation matters arising from family crises or disputes. The Firm also has experience assisting our clients in negotiating and closing real estate transactions, both in the commercial and non-commercial fields. Miller Shah regularly works with accountants and auditors to address federal, state and local tax issues for its clients and has significant experience handling offers in compromise and defending tax proceedings initiated by government entities, including the Internal Revenue Service and the Department of Justice. Miller Shah believes strongly that, when the need arises, its attorneys and other professionals must and should be prepared to assist our clients in these important private matters.





Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Qui Tam, False Claims and Whistleblower Proceedings

Miller Shah attorneys have broad experience in handling legal issues related to false claims, whistleblower and qui tam cases under the federal False Claims Act and similar state laws, as well as assisting clients in internal investigations. The federal False Claims Act has proven to be an effective, powerful and, sometimes, frightening tool in fighting Medicare and Medicaid fraud, defense contractor fraud and other types of fraud perpetrated against federal and state governments. The 'qui tam' provisions, which allow whistleblowers to file False Claims Act lawsuits against companies and individuals that allegedly defraud the government with the opportunity to obtain a "bounty," have been a key ingredient in the False Claims Act's success, as the federal government has recovered more than \$15 billion as a result of qui tam lawsuits since 1986, with whistleblowers' rewards totaling more than \$2.5 billion. Miller Shah attorneys have represented clients in a number of significant cases under the False Claims Act. In addition, the Firm has significant experience representing clients in qui tam cases brought under similar state laws against companies and individuals accused of defrauding state and local government agencies. The Firm currently is representing clients in a number of qui tam actions under the False Claims Act and state law, many of which, including several large prosecutions, are 'under seal' and, therefore, cannot be publicly disclosed. Miller Shah similarly has significant experience handling qui tam, false claims and whistleblower cases under the Dodd-Frank Act for alleged securities fraud and related misconduct, as well as the Foreign Corrupt Practices Act, related to alleged bribery of foreign officials and others to secure business preferences overseas. Finally, the Firm's attorneys have represented clients performing internal investigations arising from whistleblower complaints and has developed effective, methodological tools to address such matters.



Representative and Collective Litigation

Miller Shah has a broad range of experience in representing clients in class action and other representative/collective litigation. The attorneys at Miller Shah have been appointed lead counsel in scores of class action and similar cases, and the courts that have appointed Miller Shah in such litigation have consistently recognized the excellent representation provided by Miller Shah in such engagements. Miller Shah attorneys have extensive experience representing the interests of their clients in antitrust, consumer protection, employment discrimination/civil rights, employee benefits, ERISA, fiduciary compliance, housing practices, insurance coverage/practices, securities fraud/breach of fiduciary duty, and wage and hour class action litigation.

In such litigation, Miller Shah attorneys have represented a variety of private and public plaintiffs, including institutional and other significant investors, private companies, officers and directors, other fiduciaries and labor organizations. In such litigation, Miller Shah has been successful in recovering hundreds of millions of dollars for our clients and, in addition, has procured tens of millions of dollars in charitable cy pres donations to worthy organizations as a result of the outcomes that we have achieved. Unlike certain lawyers who exclusively handle class action litigation, we know how to prosecute cases to trial and have extensive experience trying cases. In federal and state courts, as well as arbitral forums, Miller Shah attorneys have tried such cases for both plaintiffs and defendants to successful jury verdict, judgment and award.

Securities Regulation and Corporate Governance

Miller Shah has significant experience in the fields of securities regulation and corporate governance. In such matters, Miller Shah has represented a variety of private and public entities, including institutional and other investors, investment managers, hedge funds, public and private pension funds, as well as private companies, officers and directors, and labor organizations. In addition to counseling our clients on matters related to securities regulation and corporate governance, Miller Shah attorneys have litigated complex securities and directors' and officers' liability cases in federal and state courts across the country. Our securities litigation practice is one of the largest and strongest practice areas of the Firm. We have significant trial and appellate experience in the following areas: shareholder class actions; significant shareholder opt-out cases; derivative/director and officer cases and investigations; corporate control contests; regulatory enforcement and criminal prosecution matters. Our attorneys have worked with and against the SEC, Department of Justice and various self-regulatory organizations, including FINRA, in representing our clients. Miller Shah attorneys also have experience with a variety of securities registration and regulation issues under federal and state law and have worked with clients with respect to Blue Sky and other compliance issues. Finally, the Firm has served as lead counsel in a number of securities class action and other corporate governance matters and, in such representations, Miller Shah has recovered tens of millions of dollars for our clients, while achieving important corporate governance reforms.



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Facsimile: (866) 300-7367
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Representative Clients

At Miller Shah, we place our clients' interests first. We strive to provide our clients with thoughtful, comprehensive and high quality legal services at all times. Our diverse client base includes:

Start-up and other smaller companies

Multi-national corporations

Biotechnology and life science concerns

Construction companies

Educational institutions

Healthcare and manufacturing concerns

Hospitality and leisure businesses

Individuals, including significant shareholders, highly compensated employees, consumers, small business owners and professionals

Labor organizations, including local and international labor unions

Private pension funds

Public pension funds

Multi-employer and Taft-Hartley pension funds

Large and mid-size financial institutions

Hedge funds and money managers

International and other significant investors

State and local governmental entities

Technology companies and entrepreneurs



Pro Bono, Community Service and Charitable Work

Miller Shah believes that our attorneys should provide *pro bono* and public interest legal services, as a matter of professional responsibility and in recognition of both the overwhelming need for, and positive outcomes arising from, the provision of such services. Miller Shah attorneys regularly accept unpopular and challenging cases, participating in *pro bono* activities that range from political asylum and death penalty litigation to civil rights, housing, constitutional and mortgage foreclosure class actions to individual civil and criminal matters for low income, disabled and other people who are disadvantaged and in need. Miller Shah also has represented certain non-profit organizations in *pro bono* assignments.

Miller Shah attorneys have contributed thousands of hours of professional time to *pro bono* matters. We believe that our work benefits the clients we serve, the public at large, and our attorneys who develop additional skills and enjoy the great professional fulfillment derived from performing such public service. The Firm actively encourages partners and associates to accept *pro bono* legal assignments and to treat such assignments as matters of the highest priority. In addition to being committed to *pro bono* work, Miller Shah attorneys and staff are highly committed to community services. Miller Shah representatives regularly and actively work on behalf of a number of community organizations, including the Special Olympics, and serve on boards and commissions, including in elected roles, to support the communities in which we work and live. Miller Shah also is committed to charitable work and regularly provides financial support to a number of community and charitable organizations, including YMCA camps and organizations supporting the underprivileged, arts, education and culture. In addition, the Firm is actively engaged in working to promote the donation of cy pres funds from representative proceedings and other litigation. As a direct result of the efforts of Miller Shah attorneys in such matters, more than \$100 million has been donated to charities, public schools, colleges and other educational institutions, and non-profit institutions promoting the social justice system and other good works. The Firm also actively supports the credit internship program of the Cornell University School of Industrial and Labor Relations. At any given time, Miller Shah typically employs one or more full-time interns from the Cornell ILR School to provide these students with practical experience in the workplace related to their chosen field of study. Finally, the Firm actively encourages its attorneys to contribute to the profession through professional writings, service on American Bar Association and state bar committees and support for the bar organizations that assist indigent and other clients obtain access to the justice system.

If you have a question about the Firm's *pro bono*, community service or charitable work or would like us to consider a specific *pro bono* assignment or a community service/charitable work or donation request, please send us an email or other correspondence regarding the same at probono@millersshah.com. If you would like to make arrangements for a cy pres donation with the assistance of Miller Shah or would like to be considered for a cy pres award, please send us an email or other correspondence regarding the same at cypres@millersshah.com. The appropriate Miller Shah representative will respond to your inquiry as promptly as possible.

MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

The Members of our Firm

As described above, the members of our Firm are an accomplished and diverse group of individuals. On the pages that follow, we have provided individual biographical pages for the members of the Miller Shah team that we anticipate being most significantly devoted to this engagement. If you have any questions or require additional information, please contact us at info@millersshah.com.

Attorneys Admitted to Practice Law Before the State and Federal Appellate and Trial Courts of Arizona, California, Connecticut, District of Columbia, Florida, Illinois, New Jersey, New York, Oregon, Pennsylvania and Wisconsin, as well as the Federal Circuit Court of Appeals and the United States Supreme Court

Toll-Free: 866/540-5505 - 877/891-9880
www.millersshah.com

MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

James E. Miller
Connecticut Office
Telephone: 860-526-1100
Facsimile: 866-300-7367
Email: jemiller@millersshah.com

James E. Miller formed Miller Shah in 2021. Prior to starting Miller Shah, Jim had worked at Shepherd, Finkelman, Miller & Shah, LLP since 2002. Jim is admitted to practice law in the States of California, Connecticut and New Jersey, as well as the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for the Southern District of California, District of Connecticut, Eastern District of Pennsylvania, District of New Jersey, Eastern District of Wisconsin, the United States Court of Appeals for the Third Circuit and Ninth Circuit and the United States Supreme Court. In addition to these courts and jurisdictions, Jim has worked on cases with local and co-counsel nationwide and internationally.

Jim concentrates his practice on whistleblower and securities and corporate governance litigation, as well as significant employment, ERISA, employment benefits, defamation and wage/hour cases. He also has significant experience representing clients in a wide variety of consumer and antitrust class actions and other complex commercial litigation, as well as unsuitable trading, churning and trade disputes in FINRA arbitrations/mediations and before international tribunals. Finally, having begun his career working for the labor movement after majoring in Industrial and Labor Relations at Cornell, Jim serves as labor counsel for certain select clients of the Firm.

Jim earned his undergraduate degree from Cornell University (B.S. 1988) and his law degree from the University of Pennsylvania School of Law (J.D. 1991). While at Penn Law School, he was awarded the Edwin R. Keedy Cup and was Editor of the Comparative Labor Law Journal. Following graduation, he served as Law Clerk to the Honorable Daniel H. Huyett, 3rd, United States District Judge for the Eastern District of Pennsylvania.

Jim began his law practice in 1992 in Philadelphia, Pennsylvania, where his practice concentrated on labor and employment litigation, as well as other complex commercial litigation. In 2000, he relocated with his family to Connecticut where he served in a lead role in several consumer and securities class actions, while also representing both institutional and individual investors in major unsuitable trading and churning cases. In 2002, Jim joined the Firm to open its office in Connecticut. Jim is a member of the National Association of Securities and Consumer Attorneys, National Employment Lawyers Association, the American Bar Association, the Connecticut Bar Association, the New Jersey Bar Association and the Pennsylvania Bar Association. He resides with his family in Chester, Connecticut, where he holds elected office, and is active in community, political and charitable activities.

To learn more about Miller Shah and for biographies of all of its professionals, please visit our website at www.millersshah.com.



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James C. Shah
Pennsylvania Office
Telephone: 610-891-9800
Facsimile: 866-300-7367
Email: jcshah@millersshah.com

James C. Shah formed Miller Shah in 2021. Prior to forming Miller Shah, Jim had worked at Shepherd, Finkelman, Miller & Shah, LLP since 2000. Jim is admitted to practice law in the States of California, New Jersey, New York, Wisconsin, as well as the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for the Southern District of California, Eastern District of Pennsylvania, District of New Jersey, Eastern District of Wisconsin and the United States Court of Appeals for the Ninth Circuit. In addition to these courts and jurisdictions, Jim has worked on cases with local and co-counsel nationwide and internationally.

Jim concentrates his practice on antitrust, consumer and insurance litigation, as well as complex commercial and employment matters. He also has significant experiencing representing clients in a wide variety of corporate governance, securities, construction defect, employment and wage/hour cases. Finally, Jim has represented clients in a number of FINRA arbitrations and other proceedings, as well as in a variety of United States and international arbitral and other alternative dispute resolution forums.

Jim earned his undergraduate degree in Political Science from the University of Oregon and his law degree from Temple University School of Law. Jim was a member of Temple's nationally acclaimed Trial Team and also participated on Moot Court. Before joining the Firm, Jim practiced as a litigator in Philadelphia with Pelino & Lentz, P.C., where he concentrated his practice on employment and labor law, securities disputes and general commercial litigation. In 2000, Jim joined forces with Scott Shepherd at which time the Firm was created and, since that time, has been involved in all aspects of the Firm's practice.

Jim is a member of the New Jersey and Pennsylvania Bar Associations, as well as the American Association for Justice, the National Association of Securities and Consumer Attorneys. He resides with his family in Collingswood, New Jersey and is active in community, political and charitable activities.

To learn more about Miller Shah and for biographies of all of its professionals, please visit our website at www.millersshah.com.

MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Natalie Finkelman Bennett
Pennsylvania Office
Telephone: 610-891-9800
Facsimile: 866-300-7367
Email: nfinkelman@millersshah.com

Natalie Finkelman Bennett joined Miller Shah in 2021. Prior to joining Miller Shah, Natalie had worked at Shepherd, Finkelman, Miller & Shah, LLP since 2000. Natalie is admitted to practice law in the State of New Jersey, as well as the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for the United States District Courts for the District of New Jersey and Eastern District of Pennsylvania, and in the United States Courts of Appeal for the Third and Ninth Circuit. In addition to these courts and jurisdictions, Natalie has worked on cases with local and co-counsel across the country and worldwide.

Natalie concentrates her practice on antitrust, consumer and insurance litigation, as well as complex commercial matters. She also has significant experiencing representing clients in a wide variety of corporate governance, securities, employment benefit, wage/hour and unfair trade practices cases. In addition, Natalie represents clients in “whistleblower” cases brought under the United States False Claims Act. Finally, Natalie has significant experience representing physicians and physician groups in a wide variety of matters.

Natalie earned her undergraduate degree magna cum laude from the Pennsylvania State University in 1986 and was elected a member of Phi Beta Kappa Honor Society. Natalie earned her law degree magna cum laude from the Temple University School of Law in 1989. She served as the Managing Editor of the Temple Law Review. After clerking for former Chief Judge Farnan of the United States District Court for the District of Delaware, Natalie began working in private practice at Schnader Harrison Segal & Lewis in 1990. At Schnader, she practiced in many areas of complex commercial litigation, including product liability, insurance coverage and defense, antitrust, contract and commercial lease matters. In 1996, Natalie became an associate at the law firm of Mager Liebenberg & White, a well-known firm that specialized in class actions, where her practice was concentrated in antitrust and consumer protection class action litigation. In 1998, Natalie became a Partner in the law firm of Liebenberg & White.

Natalie is a member of the American Bar Association, Pennsylvania Bar Association, Philadelphia Bar Association and the National Association of Consumer Advocates. She also is a former member of the Pennsylvania Bar Association Commission on Women in the Profession and the Temple American Inn of Court. She resides in Wallingford, Pennsylvania with her family and is active in community affairs and charitable activities.

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MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Jayne A. Goldstein
Florida Office
Telephone: 866-540-5505
Facsimile: 866-300-7367
Email: jagoldstein@millershah.com

Jayne Arnold Goldstein is admitted to practice law in the Supreme Court of the United States, the State of Florida, as well as in the Commonwealth of Pennsylvania, State of Illinois and numerous federal courts, including the United States District Courts for the Southern, Northern and Middle Districts of Florida, the Eastern District of Pennsylvania, the Northern District of Illinois, the United States Courts of Appeal for the First, Second, Third and Eleventh Circuits. In addition to these courts and jurisdictions, Jayne has worked on cases with local and co-counsel throughout the country and worldwide.

Jayne has significant experience in representing individuals, businesses, institutional investors and labor organizations in a variety of complex commercial litigation, including violations of federal and state antitrust and securities laws and unfair and deceptive trade practices. Jayne was lead counsel in *In re Sara Lee Securities Litigation*, and has played a principal role in numerous other securities class actions that resulted in recoveries of over \$100 million.

Jayne, a registered nurse, received her law degree from Temple University School of Law in 1986 and her Bachelor of Science (highest honors) from Philadelphia College of Textiles and Science. Jayne is a member the Florida Public Pension Trustees Association and the Illinois Public Pension Fund Association. Since 2010, Jayne has served as co-chair of P.L.I.'s Class Action Litigation Strategies Annual Conference held in New York. Jayne also has been a frequent speaker at Public Pension Fund Conferences having recently appeared on Panels at the Florida Public Pension Trustees' Association and Illinois Public Pension Fund Association.

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MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Nathan C. Zipperian
Florida Office
Telephone: 954-515-0123
Facsimile: 866-300-7367
Email: nczipperian@millersshah.com

Nathan C. Zipperian joined Miller Shah in 2021. Prior to joining Miller Shah, Nathan had worked at Shepherd, Finkelman, Miller and Shah, LLP since 2005. Nathan is admitted to practice law in the States of Arizona, Florida, New Jersey and Oregon, as well as in the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for the Southern and Middle Districts of Florida, the District of Arizona and the United States Court of Appeal for the Second Circuit. In addition to these courts and jurisdictions, Nathan has worked on cases with local and co-counsel throughout the country and worldwide.

Nathan concentrates his practice on antitrust, consumer and insurance litigation, as well as complex commercial and employment matters. He also has significant experiencing representing clients in a wide variety of corporate governance, securities, construction defect, employment and wage/hour cases. Finally, Nathan has represented clients in a variety of personal injury and medical malpractice litigation.

Nathan earned his undergraduate degree in Political Science from the University of Oregon and his law degree from the Temple University School of Law. While at Temple, Nathan was an Editor of the Environmental Law and Technology Journal. Before joining Shepherd, Finkelman, Miller & Shah, LLP, Nathan was a litigator in Oregon at Bailey Pinney and Associates, where his practice focused on employee rights, and in Arizona with Martin Hart & Fullerton, where he litigated a wide variety of cases including personal injury, medical malpractice and product liability cases. Nathan is a member of the American Bar Association, Oregon Bar Association, and Arizona Bar Association. He resides with his family in Weston, Florida and is active in the South Florida community.

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MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Laurie Rubinow
Connecticut Office
Telephone: 860-526-1100
Facsimile: 866-300-7367
Email: lrubinow@millersshah.com

Laurie Rubinow joined Miller Shah in 2005. She is admitted to practice law in the State of Connecticut, as well as the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for District of Connecticut and the United States Court of Appeals for the First Circuit. In addition to these courts and jurisdictions, Laurie has worked on cases with local and co-counsel nationwide and internationally.

Laurie focuses her practice on representing the Firm's clients in whistleblower cases, as well as antitrust, consumer, complex commercial and insurance litigation. Laurie also has significant experience handling employment, intellectual property and real estate matters. Finally, Laurie is active in the Firm's pro bono work and has represented a number of pro bono clients in federal and state matters.

Laurie earned her undergraduate degree from the University of California at Berkeley, where she was Phi Beta Kappa, graduated summa cum laude, and earned her law degree from Temple University School of Law. She also completed certain of her undergraduate studies at McGill University and, while at Temple Law School, she served as a legal intern with the United States Attorney's Office, the Public Defender's Office, the Pennsylvania Attorney General's Office and for United States Magistrate Judge Powers. In addition, Laurie has received a Certificate in Negotiation, Mediation and Conflict Resolution from the Seton Hall University School of Law. Laurie has a diverse legal background, having worked in private practice as an Associate at a law firm and as a solo practitioner for approximately five years before beginning a career as an in-house attorney at a nationally recognized insurance company, where she worked for approximately eleven years, rising to the position of National Manager. In that position, she was responsible for the management of five regional field offices responsible for defending complex insurance related litigation, including toxic tort and environmental actions. She also has served as an Adjunct Professor in the Department of Sociology at Central Connecticut State University. Laurie joined the Firm's Connecticut office in 2005, where she represents clients in a variety of antitrust, consumer, securities and insurance litigation. Laurie also was actively involved in the Firm's representation of the State of Connecticut in complex litigation against six different pharmaceutical manufacturers.

Laurie is a member of the Chester Bar Association and the Connecticut Bar Association. She resides in Chester, Connecticut with her family and is active in community affairs. Laurie also holds an elected office as a member of the local school board.

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MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Jayne A. Goldstein
Florida Office
Telephone: 954-515-0123
Facsimile: 866-300-7367
Email: jgoldstein@millersshah.com

Jayne Arnold Goldstein joined Miller Shah in January 2017 in the firm's Ft. Lauderdale, Florida office. She brings to Miller Shah her expertise in representing individuals, businesses, institutional investors and labor organizations in a variety of complex commercial litigation, including violations of federal and state antitrust and securities laws and unfair and deceptive trade practices. Jayne was lead counsel in *In re Sara Lee Securities Litigation*, and has played a principal role in numerous other securities class actions that resulted in recoveries of over \$100 million.

Jayne began her legal career, in 1986, with a wide-ranging general practice firm in Philadelphia. In 2000, she was a founding shareholder of Mager & White, P.C. and opened its Florida office, where she concentrated her practice on securities, consumer and antitrust litigation. In 2002, the firm became Mager White & Goldstein, LLP. In 2005, Jayne was a founding partner of Mager & Goldstein LLP. Most recently, she was a partner at Pomerantz LLP. Jayne, a registered nurse, received her law degree from Temple University School of Law in 1986 and her Bachelor of Science (highest honors) from Philadelphia College of Textiles and Science. Jayne is a member the Florida Public Pension Trustees Association and the Illinois Public Pension Fund Association. Since 2010, Jayne served as co-chair of P.L.I.'s Class Action Litigation Strategies Annual Conference held in New York. In January 2017 Jayne will chair P.L.I.'s new program Women Lawyers in Leadership, a program she developed. Jayne has been a frequent speaker at Public Pension Fund Conferences having recently appeared on Panels at the Florida Public Pension Trustees' Association and Illinois Public Pension Fund Association.

Jayne is admitted to practice law in the Supreme Court of the United States, the State of Florida, as well as in the Commonwealth of Pennsylvania, State of Illinois and numerous federal courts, including the United States District Courts for the Southern, Northern and Middle Districts of Florida, the Eastern District of Pennsylvania, the Northern District of Illinois, the United States Courts of Appeal for the First, Second, Third and Eleventh Circuits. In addition to these courts and jurisdictions, Jayne has worked on cases with local and co-counsel throughout the country and worldwide.

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MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Bruce D. Parke
Pennsylvania Office
Telephone: 610-891-9800
Facsimile: 866-300-7367
Email: bdparke@millersshah.com

Bruce D. Parke joined Miller Shah in 2008. Bruce is admitted to practice law in Pennsylvania as well as the United States District Court for the Eastern District of Pennsylvania.

Bruce represents clients in complex commercial litigation, including: securities, antitrust, and consumer protection. In addition, he has experience representing clients in employment and ERISA cases. Bruce has participated in some historic class action recoveries including: In re AOL Time Warner, Inc. Securities Litigation (\$2.65 billion), In re McKesson Securities Litigation (\$1.04 billion), In re Broadcom Corporation Securities Litigation (\$150 million), In re Motorola Securities Litigation (\$190 million), In re Raytheon Securities Litigation (\$460 million), and In re Automotive Refinishing Paint Antitrust Litigation (\$105 million).

Bruce earned his undergraduate degree in Administration of Justice from the Pennsylvania State University and his law degree from the Dickinson School of Law of the Pennsylvania State University (J.D. 2002). Prior to joining the firm he was an associate for the law firms of Mager White & Goldstein LLP and Mager & Goldstein LLP where he practiced securities, antitrust, and consumer protection litigation.

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MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Ronald S. Kravitz
California Office - San Francisco
Telephone: 415-429-5272
Facsimile: 866-300-7367
Email: rskravitz@millershah.com

Ronald S. Kravitz joined Miller Shah in 2014. He is admitted to practice law in the States of California and Texas and the Commonwealth of Pennsylvania and numerous federal courts, including the United States District Courts for all Districts of California, the Middle District of Florida, the Northern District of Illinois, the Eastern District of Michigan, the Northern District of Ohio, Eastern District of Pennsylvania, the Northern and Southern Districts of Texas, the United States Court of Appeals for the Fourth Circuit, Fifth Circuit, Ninth Circuit and Eleventh Circuit and the United States Supreme Court. In addition to these courts and jurisdictions, Ron has worked on cases with local and co-counsel nationwide and internationally. Ron began his legal career as an Attorney Advisor for the U.S. Department of Justice.

With more than 25 years of experience as legal counsel in complex business litigation matters, his practice has been focused primarily on ERISA, employment, intellectual property, and securities-related matters since 1992. He has represented numerous fiduciaries, third-party plan administrators, broker-dealers, and registered representatives in connection with plan administration and investment matters. Ron has served as lead or co-lead class counsel in numerous ERISA class actions throughout the country.

Ron is a past Chairman of the International Advisory Group (IAG), current co-chair of IAG's Litigation Specialist Group, a regional board member of the Anti-Defamation League and the co-chair of the ABA Employee Benefits Committee Fiduciary sub-committee. In addition, Ron is a Lifetime Fellow of the American Bar Foundation and is active in the University of San Francisco Inn of Court.

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MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Kolin C. Tang
California Office - Newport Beach
Telephone: 323-510-4060
Facsimile: 866-300-7367
Email: kctang@millersshah.com

Kolin C. Tang joined Miller Shah in 2009. He is admitted to practice law in the State of California.

At Miller Shah, Kolin concentrates his work on securities and commercial litigation throughout the United States. Kolin plays a key role on the Miller Shah TrackerSM team, a group within the Firm that is dedicated to working with attorneys, computer programmers, investment analysts and other staff members to ensure that clients' investment portfolios are appropriately monitored to identify losses arising from corporate fraud and other misconduct, as well as to recommend the level of participation a given situation requires and recover funds obtained on clients' behalf through appropriate action. In addition to his work in securities and commercial litigation, Kolin also performs significant work in the Firm's growing whistleblower practice, on both cases arising in the United States and overseas.

Kolin received his undergraduate degree in Economics and History with honors from the University of California at Berkeley, and earned his law degree from The George Washington University Law School in 2011, where he was a member of The George Washington International Law Review. As a summer associate with Miller Shah in 2009 and 2010, Kolin worked on antitrust, consumer fraud, and securities cases. He has also worked as a legal intern at the Federal Trade Commission, where he was involved with antitrust and consumer protection issues. Currently, Kolin's practice is focused on representing clients in securities, complex litigation and whistleblower matters.

Kolin is a member of the American Bar Association and currently resides in Santa Ana, California.

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MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Tina M. Coutavas
Pennsylvania Office
Telephone: 610-891-9800
Facsimile: 866-300-7367
Email: tmcoutavas@millersshah.com

Tina M. Coutavas joined Miller Shah in 2019. Tina concentrates her practice on complex commercial litigation, including antitrust, securities, and consumer protection class actions. She is admitted to practice law in the Commonwealth of Pennsylvania, the State of New Jersey, the United States District Court for the Eastern District of Pennsylvania, the District of New Jersey, and in the United States Courts of Appeal for the Third Circuit. Prior to joining Miller Shah, Tina was an attorney with Law Offices Bernard M. Gross, PC, where she participated in a wide array of class actions that resulted in favorable results on behalf of plaintiffs.

Tina earned her undergraduate degree from Ursinus College and earned her law degree from the Dickinson School of Law of the Pennsylvania State University. During law school, Tina was a member of the Dickinson Law Review and a student attorney for the Dickinson Family Law Clinic which provided legal services to indigent clients.

Tina is a member of the Pennsylvania Bar Association. She also serves as President of her condominium association and is a local Volunteer Advocate for a national non-profit organization that promotes medical research, education and awareness of hereditary breast cancer. As a first-generation American, Tina strives to maintain the traditions of her Hellenic heritage and is an active steward of her Greek Orthodox church.

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MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Alec J. Berin
Pennsylvania Office
Telephone: 610-891-9800
Facsimile: 866-300-7367
Email: ajberin@millersshah.com

Alec began working for Miller Shah as a project analyst in 2015 and joined as an attorney for the firm in August 2019. Alec is admitted to practice law in the Commonwealth of Pennsylvania. Alec earned his Bachelor of Science from Cornell University and graduated with honors from the George Washington University Law School, where he served as an Articles Editor of the George Washington International Law Review and Research Associate with the Center for Law, Economics & Finance. While at GW Law, Alec was named a Paul A. Volcker Scholar, an award for excellence in the study of financial regulatory law and commitment to public service.

Additionally, Alec interned in the Enforcement Division of the U.S. Securities and Exchange Commission. With Miller Shah, Alec focuses on securities, ERISA, and federal false claims matters.

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MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

John C. Roberts
Pennsylvania Office
Telephone: 610-891-9800
Facsimile: 866-300-7367
Email: jcroberts@millersshah.com

John began working for Miller Shah as a project analyst in 2015 and joined as an attorney for the firm in August 2019. John graduated from The George Washington University Law School in May 2019, where he was a member of the Federal Communications Law Journal and the Labor and Employment Law Society. He earned his Bachelor of Science degree from Cornell University in 2016, where he majored in Industrial and Labor Relations.

At Miller Shah, John works on various litigation matters including False Claims Act cases, consumer litigation, and wage/hour issues.

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MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Anna K. D'Agostino
New York Office
Telephone: 866-540-5505
Facsimile: 866-300-7367
Email: akdagostino@millersshah.com

Anna K. D'Agostino began working for Miller Shah as a project analyst in 2017 and joined as an attorney in August 2021. Anna graduated from New York University of Law, where she was Editor in Chief of the New York University Journal of International Law & Politics. She earned her Bachelor of Art degree from Fordham University, where she majored in International Political Economy and Spanish Language & Literature.

At Miller Shah, Anna concentrates her practice on complex litigation matters, with a particular focus on ERISA, securities, and international litigation.

To learn more about Miller Shah and for biographies of all of its professionals, please visit our website at www.millersshah.com.

MILLERSHAH
ATTORNEYS AT LAW

Telephone: (866) 540-5505
Facsimile: (866) 300-7367
www.millersshah.com

Mark Xiao
New York Office
Telephone: 866-540-5505
Facsimile: 866-300-7367
Email: mxiao@millersshah.com

Mark Xiao joined Miller Shah in 2021. Mark graduated from the University of Washington School of Law in June 2020, where he was Executive Comments Editor on the Washington International Law Journal and Research Associate of the Technology Law and Public Policy Clinic. While at UW Law, Mark also clerked for two Administrative Law Judges at the Social Security Administration and interned for a private investment management company. Prior to law school, he earned his Bachelor of Arts degree in Psychology from University of Texas at Austin in 2015, with a minor in Business.

At Miller Shah, Mark concentrates his practice on complex litigation, including employment, consumer, and whistleblower cases, as well as corporate work for both U.S. and international corporations. Mark is serving as Outside Counsel to Leapwork LLC, a software company providing automation support and tools for major companies across the globe.

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EXHIBIT 23

1 **NICHOLAS & TOMASEVIC, LLP**
2 Craig M. Nicholas (SBN 178444)
3 Alex Tomasevic (SBN 245598)
4 225 Broadway, 19th Floor
5 San Diego, CA 92101
6 Tel: (619) 325-0492
7 Fax: (619) 325-0496
8 Email: cnicholas@nicholaslaw.org
9 Email: atomasevic@nicholaslaw.org

7 *Counsel for the End Payer Plaintiffs*
8 Lisa Burr, Larry Demonaco, Michael Buff,
9 Ellen Pinto, Robby Reed, Blair Hysni, Dennis Yelvington,
10 Truyen Ton-Vuong

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
14 PRODUCTS ANTITRUST)
15 LITIGATION) **DECLARATION OF ALEX**
16) **TOMASEVIC IN SUPPORT OF**
17) **END PAYER PLAINTIFFS’**
18) **MOTION FOR ATTORNEYS’**
19) **FEES, COSTS, EXPENSES, AND**
20) **SERVICE AWARDS**

19 This Document Relates to:)
20 End Payer Plaintiffs Class Track) DATE: November 22, 2024
21) TIME: 1:30 p.m.
22) JUDGE: Hon. Dana M. Sabraw
23) COURT: 13A (13th Floor)
24)
25)
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27)
28)

1 I, ALEX TOMASEVIC, declare:

2 1. I am an attorney at law duly licensed to practice before all the court of
3 the State of California, the Central, Eastern, Northern, and Southern District Courts
4 of California, the Ninth Circuit Court of Appeals, and U.S. Supreme Court. I am a
5 Partner at the law firm of Nicholas & Tomasevic, LLP (“N&T”). The following facts
6 are within my personal knowledge, and if called as a witness, I could and would testify
7 competently to them.

8 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
9 Attorneys’ Fees, Costs, Expenses, and Service Awards.

10 3. On September 14, 2015, I filed a proposed class action lawsuit on behalf
11 of my client against Bumble Bee Foods, LLC, King Oscar, Inc., StarKist Company,
12 & Tri-Union Seafoods, LLC, in the United States District Court for the Southern
13 District of California and assigned Case No. 15-cv-2044L-WVG. On September 18,
14 2015, I filed a proposed class action lawsuit on behalf of additional clients against
15 Bumble Bee Foods, LLC, King Oscar, Inc., StarKist Company, & Tri-Union
16 Seafoods, LLC, in the United States District Court for the Southern District of
17 California and assigned Case No. 15-cv-2095-LAB-BGS. My clients’ actions were
18 consolidated into the instant action with other similar actions filed in other
19 jurisdictions nationwide as a Multi-District Litigation titled, *In Re: Packaged Seafood*
20 *Products Litigation*, No. 15-MD-2670 in the Southern District of California (the
21 “Action”).

22 4. The principal counsel at N&T are Craig Nicholas and Alex Tomasevic.
23 I have practiced civil litigation on behalf of consumers and individuals in California
24 since 2006. Mr. Nicholas has done the same since 1995. The firm generally employs
25 five attorneys practicing in the areas of consumer class action, unfair competition law,
26 and employee rights.

27 5. N&T’s attorneys have a long history of successfully handling class
28 actions across a range of industries, including antitrust cases. We bring substantial

1 experience in complex litigation matters with a history of litigating in an efficient and
2 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
3 actions.

4 6. N&T's experience includes, but is not limited to, state and federal court
5 certification of class action cases for purposes of trial and for settlement in a
6 variety of contexts, including unfair competition, antitrust, false advertising, and
7 other consumer protection cases.
8

9
10 7. I was admitted to the California Bar in 2006 after graduating *Cum Laude* from
11 the University of San Diego School of Law. I have been selected as a Thomson
12 Reuters "Super Lawyer" from 2018-2024 in the field of Class Actions and Mass
13 Torts. Previously, I was recognized as a Thomson Reuters "Rising Star" in the
14 field as well as part of the San Diego Business Journal's "Best of the Bar."
15

16
17 8. I have tried certified class actions to conclusion and litigated many more, having
18 helped recover billions of dollars for class members over the years. I have also
19 defended class actions and arbitrated class, collective, and mass actions.
20

21 9. I have litigated more than 100 class action cases across the country
22 including antitrust, employment, and unfair competition claims, including the
23 following recent matters in which I have or had a leadership position:

- 24 • *Ludlow et. al. v. Flowers Foods, Inc., et al.*, Case No. 3:18-cv-01190
25 (S.D. Cal.) (lead counsel, over \$120 million recovered in 2024).
- 26 • *Moyle v. Liberty Mutual*, Case No. 10-cv-02179-GPC-MDD (S.D. Cal.)
27 (lead counsel, recovering over \$30 million).
- 28 • *Rikos v. Procter & Gamble*, Case No. 1:11-cv-226 (S.D. Ohio) (Co-

1 lead counsel, over \$25 million recovered).

- 2 • *Flemming v. Matco Tools Corp.*, Case No. 19-cv-00463-WHO (N.D. Cal.) (Co-lead counsel, over \$16 million recovered).
- 3
- 4 • We have also been on the counsel teams representing and recovering
- 5 on behalf of plaintiffs in several other large consumer and antitrust
- 6 MDL cases, including *In re Payment Card Interchange Fee Litigation*
- 7 (\$5.4 Billion recovered); *In re Lithium Ion Batteries Antitrust Litigation*
- 8 (\$113 million recovered); and others.
- 9 • We were also counsel of record, having briefed and appeared before the
- 10 United States Supreme Court in the landmark 2011 case of *AT&T*
- 11 *Mobility LLC v. Concepcion*, 563 U.S. 333, and have a lengthy history
- 12 of fighting for consumer rights, and against forced private arbitration,
- 13 in the class action context, having litigated this landmark case and
- 14 related cases.
- 15

16 10. I and my firm have been involved in the litigation of this Action under
17 the direction of Class Counsel, including, among other tasks, extensively
18 investigating the claims, both before and after filing the initial complaint (including
19 calls and correspondence with potential plaintiffs and class members contacting us
20 for advice and status updates); researching underlying issues of law and drafting the
21 initial complaint; coordinating with other plaintiffs' counsel regarding consolidation
22 and leadership issues; assisting in drafting the consolidation and leadership motions;
23 meeting and conferring with defense counsel regarding various issues; reviewing
24 documents produced by Defendant and available to the public; and communications
25 with our clients regarding various stages of litigation, trial preparation and settlement.

26 11. The current hourly rates for N&T attorneys and staff that have worked
27 on the Action, as well as their hours spent working on the Action as of September 26,
28 2024, and their corresponding lodestar, are as follows:

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N&T Lodestar through September 26, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Craig Nicholas, [Partner]	\$750.00 per hour	127.80	\$95,850.00
Alex Tomasevic, [Partner]	\$750.00 per hour	151.20	\$105,840.00
Tracy Jones , [Associate]	\$450.00 per hour	2.00	\$900.00
Mei-Ying Imanaka, [Associate]	\$450.00 per hour	0.20	\$90.00
Lacy Wells , [Associate]	\$375.00 per hour	26.70	\$10,012.50
David Greco , [Associate]	\$375.00 per hour	54.00	\$20,250.00
Emilia Carillo, [Paralegal]	\$225.00 per hour	70.70	\$15,907.50
Barbara Janiec, [Paralegal]	\$195.00 per hour	18.70	\$3,646.50
Sarah Fan, [Paralegal]	\$195.00 per hour	45.10	\$8,794.50
Esther Buff, [Paralegal]	\$195.00 per hour	10.00	\$1,950.00
TOTAL:		506.4	\$263,241.00

12. These records were prepared from contemporaneous time records regularly prepared and maintained by N&T in its usual course and manner. N&T maintains records regarding the amount of time spent by its professionals, and the

1 lodestar calculation is based on N&T's current billing rates. These records are
2 available for review at the request of the Court.

3 13. In my judgment and based on my experience in complex class action
4 litigation and other litigation, the number of hours expended, and the services
5 performed by my firm, were reasonable and necessary for my firm's representation
6 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
7 hours spent on each task.

8 14. I have general familiarity with the range of hourly rates typically charged
9 by plaintiffs' class action counsel specifically in the field of unfair competition and
10 antitrust in the geographical area where my firm practices and throughout the United
11 States, both on a current basis and historically. From that basis, I am able to conclude
12 that the rates charged by my firm are commensurate with those prevailing in the
13 market for such legal services furnished in complex class action litigation such as this.
14 My firm's hourly rates at the time, including these current rates, have been approved
15 in every case we have sought Court approval for them, including in the following
16 actions (dates of approval also included): *Salinas v. The Cornwell Quality Tools*
17 *Company* Case No. 5:19-cv-02275-FLA (SPx) (C.D. Cal. September 23, 2024);
18 *Rivera, et al., v. Invitations Homes* Case No. 3:21-cv-02194 (N.D. Tex. July 30,
19 2024); *Ludlow, et. al., v. Flowers Foods, Inc., et al.* Case No. 18-cv-01190 (S.D. Cal.
20 March 1, 2024); *Garcia, et. al. v. Cardinal Health, et. al.* (Case No. 37-2019-
21 00068269) (Feb. 2023); *Fleming v. Matco Tools Corp., et al.* (N.D. Cal. 19-cv-00463,
22 April 29, 2022); *Gutierrez v. MAACO Franchising, LLC* (SD Superior Court Case
23 NO. 37-2016-00043384, Oct. 29, 2021); *Medwid v. ASAP Plumbing, et al.* (SD
24 Superior Court Case No. 37-2016-00010176 May 6, 2021); *Daniel Knox v. Planet*
25 *Fitness* (SD Superior Case No. 37-2019-00043225, Aug. 6, 2021); *Duran v. Obesity*
26 *Research Institute, LLC*, Case No. 37-2013-00048664-CU-BT-CTL (San Diego
27 Superior Court, March 6, 2020); *Grivas v. Metagenics, Inc.,*
28 SACV1501838CJCDFM, 2019 WL 2005792, at *2 (C.D. Cal. May 6, 2019); *Hayes*

1 v. 7180 Sunset Blvd., Inc., Case No. BC597517 (Los Angeles Superior Court, June 6,
2 2019); Zelaya v. Foot Locker Retail, Inc., Case No. 2017-1-CV-409812 (Santa Clara
3 Superior Court, April 5, 2019); Moyle v. Liberty Mut. Ret. Benefit Plan, 10CV2179-
4 GPC (MDD), 2018 WL 1141499, at *11 (S.D. Cal. Mar. 2, 2018); Rikos v. Proctor
5 & Gamble Co., 1:11-CV-226, 2018 WL 2009681, at *9 (S.D. Ohio Apr. 30, 2018).

6 15. My firm has incurred costs of \$2,570.49 so far in litigating the Action,
7 consisting of the following categories of costs:

Category	Cost
Online Research	\$127.76
Reproduction/Duplication	\$87.04
Travel Expenses	\$1098.90
Postage	\$32.19
Court & Filing Fees	\$800.00
Service Fees	\$424.60
Total:	\$2570.49

16 16. Throughout the litigation, my firm and I worked under the direction of
17 Class Counsel, and I made every effort to operate as efficiently as possible and to
18 avoid unnecessary duplication. I coordinated with Class Counsel for all work
19 performed and costs incurred in this matter.

20 I declare under penalty of perjury under the laws of the United States that the
21 foregoing is true and correct. Executed on September 27, 2024, at San Diego, CA.

23 Dated: September 27, 2024

By: /s/ Alex Tomasevic
Alex Tomasevic (SBN 245598)

Declarant/Attorney for Plaintiffs

EXHIBIT 24

1 OLIVER BELL GROUP
2 Alyson Oliver
3 *Counsel for the End Payer Plaintiff*
4 *Jade Canterbury*

5 UNITED STATES DISTRICT COURT
6 SOUTHERN DISTRICT OF CALIFORNIA

7 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
8 PRODUCTS ANTITRUST)
9 LITIGATION) **DECLARATION OF ALYSON**
10) **OLIVER IN SUPPORT OF END**
11) **PAYER PLAINTIFFS' MOTION**
12) **FOR ATTORNEYS' FEES,**
13) **COSTS, EXPENSES, AND**
14) **SERVICE AWARDS**

15 _____)
16)
17 This Document Relates to:) DATE: November 22, 2024
18) TIME: 1:30 p.m.
19 End Payer Plaintiffs Class Track) JUDGE: Hon. Dana M. Sabraw
20) COURT: 13A (13th Floor)
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29 _____
30 **DECLARATION OF ALYSON OLIVER**
31 **IN SUPPORT OF END PAYER PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS,**
32 **EXPENSES AND SERVICE AWARDS**
33 **CASE NO. 15-MD-2670 DMS (MSB)**

1 I, Alyson Oliver, declare:

2 1. I am the founding member and managing partner at Oliver Bell Group
3 (“Oliver Bell”). I have been licensed to practice law in the state of Michigan since
4 1999, and Texas since 2020. I am admitted to practice in the U.S. District Courts for
5 the Central and Southern Districts of Illinois, Northern District of Indiana, Eastern
6 and Western Districts of Michigan, Northern District of New York, Northern District
7 of Ohio, Southern District of Texas, Eastern District of Wisconsin and the United
8 States Federal Court of Claims. The following facts are within my personal
9 knowledge, and if called as a witness, I could and would testify competently to them.

10 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
11 Attorneys’ Fees, Costs, Expenses, and Service Awards.

12 3. On September 29, 2015, I filed a proposed class action lawsuit on behalf
13 of my client against Bumble Bee Foods LLC, Starkist Company, Tri-Union Seafoods
14 LLS and King Oscar Inc. in the Southern District of California and assigned Case
15 No.15-cv-2169 H DHB.

16 4. The principal counsel at Oliver Bell is Alyson Oliver, who has practiced
17 civil litigation on behalf of consumers and individuals in Michigan since 1999, and
18 nationally. The firm generally employs four attorneys practicing in the areas of
19 consumer class action, unfair competition law, product liability and personal injury. I
20 head the consumer protection team, specifically related to consumer protection and
21 antitrust class action matters. Attached hereto as **Exhibit A** is my curriculum vitae.

22 5. Oliver Bell’s attorneys have a long history of successfully handling class
23 actions across a range of industries, including antitrust cases. I bring substantial
24 experience in complex litigation matters with a history of litigating in an efficient and
25 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
26 actions. *See Exhibit A* at pages 2-4.

27 6. I have an extensive background in antitrust and consumer protection
28 class action litigation. I have litigated class action cases across the country involving

1 antitrust and unfair competition claims, including the following recent matters in
2 which I have a leadership position:

- 3 • *Philips cPap Litigation, MDL 3014* (Time and Expense Counsel)
- 4 • *In re Aluminum Antitrust Litigation, MDL 2481* (Plaintiff’s Steering
5 Committee)

6 7. I and my firm have been involved in the litigation of this Action under
7 the direction of Class Counsel, including, among other tasks, extensively
8 investigating the claims, both before and after filing the initial complaint (including
9 calls and correspondence with potential plaintiffs and class members contacting us
10 for advice and status updates); researching underlying issues of law and drafting the
11 initial complaint; coordinating with other plaintiffs’ counsel regarding consolidation
12 and leadership issues; reviewing documents produced by Defendant and available to
13 the public; and communications with our client regarding various stages of litigation,
14 trial preparation and settlement.

15 8. The current hourly rates for Oliver Bell attorneys and staff that have
16 worked on the Action, as well as their hours spent working on the Action as of
17 September 1, 2024, and their corresponding lodestar, are as follows:

Oliver Bell’s Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Alyson Oliver, Partner	\$1450.00 per hour	54.7	\$79,315.00
Adam Miller, Associate	\$950.00 per hour	37.58	\$35,701.00
Reed Eriksson, Associate	\$950.00 per hour	2.5	\$2,375.00
Christopher Brown, Associate	\$950.00 per hour	59.3	\$56,335.00

1	Alychia	\$400.00 per hour	13.2	\$5,280.00
2	Lacourciere,			
3	Paralegal			
4	Lindsay Marino,	\$400.00 per hour	1.12	\$448.00
5	Paralegal			
6	Meaghan Skillman,	\$400.00 per hour	3.44	\$1,376.00
7	Paralegal			
8	Fatan Aoraha,	\$400.00 per hour	7.20	\$2,880.00
9	Paralegal			
10	TOTAL:			\$183,710.00

11
 12 9. These records were prepared from contemporaneous, daily time records
 13 regularly prepared and maintained by Oliver Bell in its usual course and manner.
 14 Oliver Bell maintains detailed records regarding the amount of time spent by its
 15 professionals, and the lodestar calculation is based on Oliver Bell’s current billing
 16 rates. These records are available for review at the request of the Court.

17 10. In my judgment and based on my experience in complex class action
 18 litigation and other litigation, the number of hours expended, and the services
 19 performed by my firm, were reasonable and necessary for my firm’s representation
 20 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
 21 hours spent on each task.

22 11. I have general familiarity with the range of hourly rates typically charged
 23 by plaintiffs’ class action counsel specifically in the field of unfair competition and
 24 antitrust in the geographical area where my firm practices and throughout the United
 25 States, both on a current basis and historically. From that basis, I am able to conclude
 26 that the rates charged by my firm are commensurate with those prevailing in the
 27 market for such legal services furnished in complex class action litigation such as this.
 28 My firm’s hourly rates were most recently approved in the Philips cPap litigation this

1 year in the Western District of Pennsylvania.

2 12. My firm has incurred costs of \$20,741.83 so far in litigating the Action,
3 consisting of the following categories of costs:

Category	Cost
Online Research	\$92.10
Reproduction/Duplication	\$7.25
Interest	\$3712.31
Postage	\$.97
Assessments	\$16,500.00
Travel	\$429.20
Total:	\$20,741.83

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14 13. Throughout the litigation, my firm and I worked under the direction of
15 Class Counsel, and I made every effort to operate as efficiently as possible and to
16 avoid unnecessary duplication. I coordinated with Class Counsel for all work
17 performed and costs incurred in this matter.

18 I declare under penalty of perjury under the laws of the United States that the
19 foregoing is true and correct. Executed on October 2, 2024, at Troy, Michigan

20
21 Dated: October 2, 2024

By: /s/Alyson Oliver
Alyson Oliver

EXHIBIT A

Alyson Oliver, Esq.

aoliver@oliverlawgroup.com

50 W. Big Beaver Rd. Ste. 200

Troy, MI 48084

Curriculum Vitae

Legal Excellence & Professionalism.

With a multi-faceted career spanning over 25 years, Alyson Oliver's experience as a lawyer and managing partner of the Oliver Law Group P.C. has provided a solid foundation for handling intricate litigation. Oliver has thrived over the years on challenging courtroom battles and victories. As a dynamic lawyer, she is a diligent advocate for her clients. Oliver is skilled in all phases of litigation from the preparation and discovery phases through negotiations, hearings, and trials. Oliver has an innate ability to identify and digest legal issues and explain them to clients and juries in non-legal jargon that allows for ease of understanding. Oliver has represented classes, individuals and the community at large, often in complex matters. Oliver is well suited to handle with experience, effectiveness and efficiency the legal needs of clients, including in matters such as:

- Civil Rights Litigation
- Product Liability Litigation
- Class Action Litigation
- Personal Injury Litigation
- Dispute Resolution
- Criminal Litigation
- Mass Tort Litigation
- Employment Litigation and Compliance
- Business Litigation
- Antitrust and Competitive Concerns

Curriculum Vitae Highlights.

- Ten years of progressive trial experience in primary practice of criminal law that provided enormous trial exposure, prior to electing to move into civil litigation and ultimately complex litigation.
- Presenter of oral argument at Judicial Panel of Multi-District Litigation (JPML) in efforts to consolidate national litigations in MDL proceedings in *Imprelis* litigation, and *Transvaginal Mesh* litigation.
- Appointed to leadership positions in:

In re Moveit Data Security Breach Multi-District Litigation

- United States District Court for Massachusetts
- Appointed to Time, Fee and Expense Committee
- MDL 3083

In re Philips cPap B-Level Pap, and Mechanical Ventilator Class and Personal Injury Product Liability Multi District Litigation

- United States District Court for the Western District of Pennsylvania
- Appointed to Time and Expense Committee
- MDL 3014

In re Valsartan Class and Personal Injury Product Liability Litigation Multi District Litigation

- United Sates District Court for New Jersey
- *Appointed to Steering Committee*
- *MDL 2875*

In re Packaged Seafood Class Action Antitrust Multi District Litigation

- United States District Court for the District of Southern California
- Case No. 3:15-cv-02169
- *Appointed to Executive Committee*

In re MI Windows & Doors Defective Construction Class Action Product Liability Multi District Litigation

- United States District Court for the District of South Carolina
- MDL No. 2333
- *Appointed to Steering Committee*

In re American Medical Systems, Inc. Pelvic Repair System Product Liability Multi District Litigation

- United States District Court for the Southern District of West Virginia
- MDL No. 2325
- *Appointed to Steering Committee*

In re Boston Scientific Corp. Pelvic Repair System Product Liability Multi District Litigation

- United States District Court for the Southern District of West Virginia
- Case No. 2:12-md-02326; MDL No. 2326
- *Appointed to Steering Committee*

In re Coloplast Corp. Pelvic Support Systems Product Liability Multi District Litigation

- United States District Court for the Southern District of West Virginia
- MDL No. 2387
- *Appointed to Steering Committee*

In re Cook Medical Inc. Pelvic Repair Systems Product Liability Multi District Litigation

- United States District Court for the Southern District of West Virginia
- MDL No. 2440
- *Appointed Steering Committee*

In re C.R. Bard, Inc. Pelvic Repair Systems Product Liability Multi District Litigation

- United States District Court for the Southern District of West Virginia
- MDL No. 2187
- *Appointed to Steering Committee*

In re Ethicon Inc. Pelvic Repair Systems Product Liability Multi District Litigation

- United States District Court for the Southern District of West Virginia
- MDL No. 2327
- *Appointed to Steering Committee*

In re Zimmer NexGen Knee Implant Product Liability Multi District Litigation

- United States District Court for the Northern District of Illinois
- MDL No. 2272
- *Appointed to Steering Committee*

In re Aluminum Antitrust Class Action Multi District Litigation

- United States District Court for the Southern District of New York
- MDL No. 2481
- *Appointed to Steering Committee*

Rouse et al v. Washington et al, Constitutional /Class Action Litigation
(class action concerning Eighth Amendment violations related to the COVID-19 pandemic)

- United States District Court for the Eastern District of Michigan
- Case No. 2:20-cv-11409
- *Appointed Class Counsel*

Rouse et al v. Whitmer et al, Constitutional /Class Action Litigation
(class action concerning violations of the Religious Land Use and Institutionalized Persons Act, the Equal Protection Clause of the Fourteenth Amendment, and state law claims).

- United States District Court for the Eastern District of Michigan
- Case No. 2:20-cv-12308
- *Appointed Class Counsel*

Alexander et al v. Hall et al, Constitutional/Putative Class Action Litigation
(putative class action concerning unconstitutional conditions of confinement at Parchman prison)

- United States District Court for the Northern District of Mississippi
- Case No. 4:20-cv-00021

Does II v. Snyder, Constitutional/Class Action Litigation
(concerning constitutionality of Old SORA)

- United States District Court for the Eastern District of Michigan
- Case No. 2:16-cv-13137
- *Appointed Co-Lead Counsel*

Jackson, et al v. Mastronardi Produce Limited, et al Wage/Hour Class Action Litigation

- United States District Court for the Eastern District of Michigan
- Case No. 2:11-cv-11525
- *Appointed Co-Lead Counsel*

State Court Bar Admissions.

Michigan, May 12, 1999

Texas, February 6, 2020

Federal Court Bar Admissions.

United States Court of Appeals
Sixth Circuit

United States District Court of Illinois
Central District and Southern District

United States District Court of Indiana
Northern District

United States District Court of Michigan
Eastern District and Western District

United States District Court of New York
Northern District

United States District Court of Ohio
Northern District

United States District Court of Texas
Southern District

United States District Court of Wisconsin
Eastern District

United States
Federal Court of
Claims

Special Appointments and Recognition.

- 4/15/2003| Pro Bono Recognition from Chief Judge Lawrence P. Zatkoff of the United States District Court, Eastern District of Michigan.
- 9/23/2008 - 2015| Pro Bono Recognition from Chief Judge Bernard Friedman of the United States District Court, Eastern District of Michigan.
- Named as a Top 100 Trial Attorney in America's Trial Lawyers Association; 2008-2024
- Named as Influential Woman in Law by Michigan Lawyers Weekly, 2024.
- Named SuperLawyer; 2013-2024

- Past Chair to Michigan State Bar's Consumer Protection Committee, and member in 2019, 2020, 2021, 2022, 2023 and 2024.
-

Nationwide Networking, Lectures, Publications.

Oliver understands and functions well in the business and litigation landscape. She has engaged in dozens of conferences, counsel meetings and symposiums involving hundreds of law firms in venues across the country that are designed to facilitate consensus, consider organizational structures and promote coordinated litigation efforts.

Oliver lectured at the the recent MDL Bench/Bar conference at Northwestern University in September, 2023 and is slated to present again on the upcoming Discovery Issues Unique to Mass-Tort MDL's at Charleston School of Law in March, 2025. Oliver presented at the national HarrisMartin Nexgen Zimmer Knee Litigation Conference in San Francisco regarding the Zimmer Nexgen litigation strategy. Oliver presented at the Transvaginal Mesh conference in Savannah, Georgia in November 2011. In September 2012, Oliver had a role in presenting regarding the Daubert considerations as it refers to metal-on- metal hip litigation in New York.

In the March, 2014 edition of Trial Magazine, Oliver was published on the issue of the Importance of Diversity of Leadership in Litigation.

Education.

B.A. 1994 – Oakland University

J.D. 1998- University of Detroit Mercy

Affiliations.

- American Association for Justice
 - Oakland County Bar Association
 - State Bar of Michigan
 - U.S. District Court Pro Bono Committee
 - Consumer Law Division, State Bar of Michigan
 - Federal Bar Association
 - Public Justice
 - American Trial Lawyers Association
-

National Press Coverage.

Oliver has been involved in numerous cases that have sparked national and international interest. She has been interviewed and featured in print, online, on television and radio regarding her expertise and involvement with some of the nation's most interesting litigation. As a result, Oliver has been called upon and often quoted by leaders in with Fox 2 News Detroit, Daily Fox News, Channel 95.5 Detroit, Spin 1038 Radio in Dublin, Ireland, Entertainment Weekly, The New York Observer, Digital Spy, Yahoo! News, Entertainment Weekly, Business Wire, Rolling Stone, NBC, Channel 95.5 Detroit, My Fox Phoenix, Huffington Post, Reuters, ABC News, TV Guide, Billboard, Washington Post, Detroit Legal News, WXYZ Channel 7 Detroit, Lawyers USA, Washington Post, NY Times, Crains, Salon, Al Jazeera, Bloomberg News, NPR Radio, Law360, Rolling Stone and the National Law Journal.

EXHIBIT 25

1 PASKOWITZ LAW FIRM PC
2 Laurence D. Paskowitz
3 97-45 Queens Blvd., Ste. 1202
4 Rego Park, New York 11374
5 Telephone: (212) 685-0969
6 Facsimile: (718) 275-1338
7 lpaskowitz@pasklaw.com

8
9 *Counsel for the End Payer Plaintiff*
10 Barbara Blumstein

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 IN RE: PACKAGED SEAFOOD
14 PRODUCTS ANTITRUST
15 LITIGATION

16) Case No.: 15-MD-2670 DMS (MSB)
17)
18) **DECLARATION OF LAURENCE**
19) **D. PASKOWITZ OF PASKOWITZ**
20) **LAW FIRM PC IN SUPPORT OF**
21) **END PAYER PLAINTIFFS’**
22) **MOTION FOR ATTORNEYS’**
23) **FEES, COSTS, EXPENSES, AND**
24) **SERVICE AWARDS**

25 _____
26 This Document Relates to:

27 End Payer Plaintiffs Class Track

28) DATE: November 22, 2024
29) TIME: 1:30 p.m.
30) JUDGE: Hon. Dana M. Sabraw
31) COURT: 13A (13th Floor)
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1 LAURENCE D. PASKOWITZ, under pain and penalty of perjury under the
2 law of the United States, does hereby declare and state:
3

4 1. I am the principal of Paskowitz Law Firm, P.C., and counsel for plaintiff
5 Barbara Blumstein in this action. I have been an attorney in good standing in the State
6 of New York since my admission in 1984, and have practiced in state and federal
7 court throughout the United States. My practice has been concentrated in class action
8 litigation, including antitrust litigation, securities litigation, shareholder's derivative
9 litigation, and commercial business disputes.

10 2. My work in the antitrust field spans 30 years, and has including antitrust
11 class actions involving products such as copper tubing, flat glass, compact discs,
12 shipping rates, internet advertising, and various other matters. *See* Exh. A.

13 3. I submit this declaration in support of End Payer Plaintiffs' Motion for
14 Attorneys' Fees, Costs, Expenses, and Service Awards.

15 4. In 2015, I was retained as co-counsel in a proposed class action lawsuit
16 on behalf of my client Barbara Blumstein against numerous defendants. My client's
17 action was consolidated into the instant action with other similar actions filed in other
18 jurisdictions nationwide as a Multi-District Litigation titled, *In Re: Packaged Seafood*
19 *Products Litigation*, No. 15-MD-2670 in the Southern District of California (the
20 "Action").
21

22 4. The principal counsel at Paskowitz law Firm PC is myself, and I have
23 practiced civil litigation on behalf of consumers and individuals in New York since
24 1984. The firm generally employs one principal and two of counsel attorneys
25 practicing in the areas of consumer class action, unfair competition law, securities and
26 corporate law.

27 5. We have a long history of successfully handling class actions across a
28 range of industries. I bring substantial experience in complex litigation matters with

DECLARATION OF LAURENCE D. PASKOWITZ IN SUPPORT OF END PAYER
PLAINTIFFS' MOTION FOR ATTORNEYS' FEES, COSTS, EXPENSES AND SERVICE
AWARDS

CASE NO. 15-MD-2670 DMS (MSB)

1 a history of litigating in an efficient and practical manner, including as Lead or Co-
2 Lead Class Counsel in numerous class actions. *See Firm Resume*, attached as **Exhibit**
3 **A**.

4 6. I and my firm have been involved in the litigation of this Action under
5 the direction of Class Counsel, including, among other tasks, plaintiff discovery
6 matters.

7 7. The current hourly rates for Paskowitz law Firm attorneys and staff that
8 have worked on the Action, as well as their hours spent working on the Action as of
9 September 1, 2024, and their corresponding lodestar, are as follows:

Paskowitz Law Firm Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Laurence Paskowitz	\$795 per hour	9.5	\$7,552.50
TOTAL:			\$7,552.50

15
16 8. These records were prepared from contemporaneous, daily time records
17 regularly prepared and maintained by Paskowitz law Firm in its usual course and
18 manner. Paskowitz law Firm maintains detailed records regarding the amount of time
19 spent by its professionals, and the lodestar calculation is based on Paskowitz Law
20 Firm’s current billing rates. These records are available for review at the request of
21 the Court.

22 10. In my judgment and based on my experience in complex class action
23 litigation and other litigation, the number of hours expended, and the services
24 performed by my firm, were reasonable and necessary for my firm’s representation
25 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
26 hours spent on each task.

27 11. I have general familiarity with the range of hourly rates typically charged
28 by plaintiffs’ class action counsel specifically in the field of unfair competition and

1 antitrust in the geographical area where my firm practices and throughout the United
2 States, both on a current basis and historically. From that basis, I am able to conclude
3 that the rates charged by my firm are commensurate with those prevailing in the
4 market for such legal services furnished in complex class action litigation such as this.

5 12. Throughout the litigation, my firm and I worked under the direction of
6 Class Counsel, and I made every effort to operate as efficiently as possible and to
7 avoid unnecessary duplication. I coordinated with Class Counsel for all work
8 performed and costs incurred in this matter.

9 I declare under penalty of perjury under the laws of the United States that the
10 foregoing is true and correct. Executed on October 3, 2024, at New York, New York.

11
12 Dated: October 3, 2024

By: /s/ Laurence Paskowitz
Laurence Paskowitz

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EXHIBIT A

PASKOWITZ LAW FIRM P.C.
FIRM RESUME

The Paskowitz Law Firm PC specializes in class actions brought on behalf of shareholders and consumers, and has wide experience in antitrust matters, general business litigation, and shareholder's derivative litigation. The Firm's founder, Laurence Paskowitz, has been appointed lead or co-lead counsel in over 300 securities and consumer class actions. He previously served as a partner in two well-known law firms, and has represented a wide range of clients, from small shareholders to investment funds.

Mr. Paskowitz has in his career led or co-led a number of securities fraud class actions. The Firm has enjoyed a number of recent successes. For example, in June 2020, the Paskowitz Firm, and its Co-Lead Counsel, in a class action suit brought under the PSLRA, won a reversal of a District Court dismissal from the Third Circuit Court of Appeals, thus reviving claims that the proxy laws were violated in connection with a multi-billion dollar bank merger. Also in 2020-2021, the Firm litigated an action for an investment manager in connection with a multi-million dollar appraisal and shareholder oppression action pending in Connecticut Superior Court.

My work in the antitrust field spans 30 years, and has including antitrust class actions involving products such as copper tubing, flat glass, compact discs, shipping rates, internet advertising, and various other matters.

The Firm is also well known in the Delaware Chancery Court, where much of the nation's business litigation is conducted. In 2023, we were appointed Co-Lead Counsel by Vice Chancellor Will in a shareholder's derivative action involving credit bureau Transunion.

In a landmark case, we were appointed Co-Lead Counsel by former Delaware Chief Justice Strine in a Delaware class action brought against Google, Inc. and its directors concerning a reclassification of Google stock into voting and non-voting shares. Two days before trial, the action settled, for over \$500 million in financial and therapeutic relief. The settlement was approved on October 28, 2013.

The Firm was also instrumental in achieving a \$59 million settlement on behalf of Under Armour shareholders in a very similar case that was resolved in early 2016. In addition, the Paskowitz Law Firm was appointed Co-Lead Counsel by the Delaware Court of Chancery in *In re Cablevision/Rainbow Media Tracking Stock Litigation*, Cons. C.A. No. 19819, which resulted in an \$8.25 million class settlement, which was approved in 2008. In 2015, acting as co-lead counsel in a derivative suit brought on behalf of Jakks Pacific Inc. in California

federal court (but governed by Delaware law), the Firm achieved a settlement valued by plaintiffs' expert as worth \$20-40 million.

The Firm has had additional success in federal District Courts. As co-lead counsel in *In re MBNA Corp. Derivative and Class Litigation*, a case filed in the United States District Court for the District of Delaware, we secured \$7 million in benefits in 2009. Additionally, we were appointed in January 2010 by the United States District Court for the District of Delaware to serve as co-lead counsel in a shareholder's derivative suit brought on behalf of Intel Corp. concerning approximately \$2.7 billion paid by Intel in fines and settlements stemming from alleged antitrust law violations. That action that led to a settlement involving important corporate governance reforms.

The Firm welcomes cases that present novel issues of law. While at the predecessor firm of Abraham & Paskowitz, Mr. Paskowitz and his partner recovered \$20 million in cash in an unprecedented "short swing" insider trading case--then the largest cash recovery ever achieved in a case of that nature. *Steiner v. Williams*, 2001 U.S. Dist. LEXIS 7097 (S.D.N.Y. May 31, 2001)("Here the shareholders...received a \$20,000,000 benefit as a sole result of the diligence and sagacity of Plaintiff's counsel.").

The Paskowitz Law Firm served as lead counsel or co-lead counsel in *Steven Madden Corp. Derivative Litigation* (achieving \$8.6 million derivative

settlement in action alleging unfair employment contract for CEO who was convicted of money laundering and securities fraud); and played a key role in achieving a \$41 million settlement in *In re New Power Secs. Litig*, 02 CV 0550 (SDNY), a case under Section 11 of the 1933 Securities Act where the firm actively represented the Co-Lead Plaintiff.

Mr. Paskowitz graduated from Hofstra Law School in 1983 with highest honors, after serving as an editor of the Hofstra Law Review. He began his career at what was then Pomerantz Levy Haudek & Block (now Pomerantz LLP), a firm founded by the late Abraham Pomerantz, who was often referred to as “the father of the shareholder class action.” During his tenure there as an associate from 1983-89, Mr. Paskowitz played a principal role in a variety of cases involving tender offers, mergers, securities fraud, and antitrust law.

Mr. Paskowitz joined Wolf Popper Ross Wolf & Jones in 1989 (now Wolf Popper, LLP), became a partner in 1991, and then Chairman of the Corporate and Commercial Litigation Department in 1995. Wolf Popper is one of the most prominent national firms specializing in shareholder and consumer rights, and complex corporate litigation. While there, Mr. Paskowitz served as lead counsel or co-lead counsel on more than two dozen shareholder actions, including class

and derivative actions involving excessive compensation. Mr. Paskowitz won settlements of \$12 million derivatively on behalf of Brooke Group, Inc., a similar amount for Citizens Utilities Corp., and \$9 million for Lin Broadcasting Corp. Mr. Paskowitz also played a leading role in obtaining class action settlements in securities fraud actions against Tenneco Corp. (\$50 million settlement); McDonell Douglas Equipment Leasing Securities Litigation (\$35 million recovery); Valley National Corp. (\$10 million settlement); and Security Pacific Corp. (\$9 million settlement). From 1997-2000, Mr. Paskowitz was a sole practitioner, who continued to specialize in shareholder litigation. During this period, he was among a team of lawyers who initiated the shareholder litigation over the collapse of USN Communications, an action which was resolved for \$45 million.

In 2000, Mr. Paskowitz formed the firm of Abraham & Paskowitz. During his tenure at that firm, Mr. Paskowitz served as lead or co-lead counsel for cases that achieved substantial recoveries, including *In re Netcreations Shareholder Litigation* (improvement in buyout price of \$12 million for class of investors) and *In re CSFBdirect Shareholders Litigation* (shareholders who objected to unfair tender offer price paid \$36 million more for their shares pursuant to settlement).

The Firm's experience has included antitrust class actions involving products such as copper tubing, flat glass, compact discs, shipping rates, internet advertising, and various other matters.

Mr. Paskowitz has published articles that have appeared in the *Hofstra Law Review* and *The New York Law Journal*, and has been a member of the New York State Bar Association Committee on Class Actions. Mr. Paskowitz has been admitted to the U.S. District Courts for the Southern and Eastern Districts of New York, the District of Arizona, and the Federal Courts of Appeals for the Second, Third, Fifth and Eighth Circuits. He has practiced before federal and state courts throughout the country, and before the Judicial Panel on Multidistrict Litigation.

EXHIBIT 26

1 Pomerantz LLP
2 Jeremy A. Lieberman
3 600 Third Avenue, Floor 20
4 New York, New York 10016
5 Phone: 212-661-1100
6 Fax: 917-463-1044
7 Email: jalieberman@pomlaw.com

8
9 *Counsel for the End Payer Plaintiffs*

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 IN RE: PACKAGED SEAFOOD
13 PRODUCTS ANTITRUST
14 LITIGATION

) Case No.: 15-MD-2670 DMS (MSB)
)
) **DECLARATION OF JEREMY A.**
) **LIEBERMAN IN SUPPORT OF**
) **END PAYER PLAINTIFFS'**
) **MOTION FOR ATTORNEYS'**
) **FEES, COSTS, EXPENSES, AND**
) **SERVICE AWARDS**

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17 _____
18 This Document Relates to:

19 End Payer Plaintiffs Class Track

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)
) DATE: November 22, 2024
) TIME: 1:30 p.m.
) JUDGE: Hon. Dana M. Sabraw
) COURT: 13A (13th Floor)
)
)
)

1 I, Jeremy A. Lieberman, declare:

2 1. I am Managing Partner at Pomerantz LLP (“Pomerantz”). I have been
3 licensed to practice law in the state of New York since 2003. I am admitted to practice
4 in the U.S. District Courts for Southern District of New York, Eastern District of New
5 York, Northern District of Illinois, Southern District of Texas, District of Colorado,
6 Eastern District of Michigan, Northern District of New York, Western District of New
7 York, Eastern District of Wisconsin, and Northern District of Texas. The following
8 facts are within my personal knowledge, and if called as a witness, I could and would
9 testify competently to them.

10 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
11 Attorneys’ Fees, Costs, Expenses, and Service Awards.

12 3. On September 30, 2015, Pomerantz filed a proposed class action lawsuit
13 on behalf of Vivek Draid against Bumble Bee Foods LLC, Starkist Company, Tri-
14 Union Seafoods LLC, and King Oscar, Inc. in the United States District Court,
15 Southern District of California and assigned Case No. 15-cv-02187. My client’s
16 action was consolidated into the instant action with other similar actions filed in other
17 jurisdictions nationwide as a Multi-District Litigation titled, *In Re: Packaged Seafood*
18 *Products Litigation*, No. 15-MD-2670 in the Southern District of California (the
19 “Action”).

20 4. The principal counsel at Pomerantz was Jayne Arnold Goldstein, who
21 has practiced civil litigation on behalf of consumers and individuals in Pennsylvania
22 since 1986, Florida since 1998, and Illinois since 2013. The firm generally employs
23 fifty three (53) attorneys practicing in the areas of consumer class action, unfair
24 competition law, and securities class actions. I supervise the consumer protection and
25 antitrust class action matters. Attached hereto as **Exhibit A** is the Pomerantz Firm
26 resume.

27 5. Pomerantz’s attorneys have a long history of successfully handling class
28 actions across a range of industries, including antitrust cases. I bring substantial

1 experience in complex litigation matters with a history of litigating in an efficient and
2 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
3 actions. See **Exhibit A** at 16-19.

4 6. I have an extensive background in antitrust and consumer protection
5 class action litigation. I have litigated several class action cases across the country
6 involving antitrust and unfair competition claims, including the following recent
7 matters in which I have a leadership position:

- 8 • *In re LIBOR-Based Financial Instruments Antitrust Litigation*, No. 11-MD-
9 02262 (S.D.N.Y.) (Lender Class Counsel); and
- 10 • *Margolis, et al. v. Apple Inc.*, No. 23-CV-03882 (N.D. Cal.) (Lead Counsel).

11 7. I and my firm have been involved in the litigation of this Action under
12 the direction of Class Counsel, including, among other tasks, case initiation -
13 complaint filing and associated motion practice, case litigation advancement,
14 amended complaint drafting, legal research, editing claims, third party discovery.

15 8. The current hourly rates for Pomerantz attorneys and staff that have
16 worked on the Action, as well as their hours spent working on the Action as of
17 September 1, 2024, and their corresponding lodestar, are as follows:

Pomerantz Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Jayne A. Goldstein, Partner	\$820.00 per hour	24.55	\$20,131.00
Perry Gattegno, Associate	\$390.00 per hour	49.60	\$19,344.00
TOTAL:		74.15	\$39,475.00

28

1 9. These records were prepared from contemporaneous, daily time records
2 regularly prepared and maintained by Pomerantz in its usual course and manner.
3 Pomerantz maintains detailed records regarding the amount of time spent by its
4 professionals, and the lodestar calculation is based on Pomerantz’s current billing
5 rates. These records are available for review at the request of the Court.

6 10. In my judgment and based on my experience in complex class action
7 litigation and other litigation, the number of hours expended, and the services
8 performed by my firm, were reasonable and necessary for my firm’s representation
9 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
10 hours spent on each task.

11 11. I have general familiarity with the range of hourly rates typically charged
12 by plaintiffs’ class action counsel specifically in the field of unfair competition and
13 antitrust in the geographical area where my firm practices and throughout the United
14 States, both on a current basis and historically. From that basis, I am able to conclude
15 that the rates charged by my firm are commensurate with those prevailing in the
16 market for such legal services furnished in complex class action litigation such as this.
17 My firm’s hourly rates were most recently approved by the following Courts:

- 18 • *In re LIBOR-Based Financial Instruments Antitrust Litigation*, No. 11-MD-
19 02262 (S.D.N.Y., July 26, 2022); and
- 20 • *In re LIBOR-Based Financial Instruments Antitrust Litigation*, No. 11-MD-
21 02262 (S.D.N.Y., Mar. 15, 2021).

22 12. My firm has incurred costs of \$294.25 so far in litigating the Action,
23 consisting of the following categories of costs:

Category	Cost
Travel & Lodging	\$294.25
Total:	\$294.25

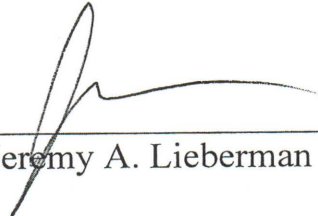
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28 13. Throughout the litigation, my firm and I worked under the direction of

1 Class Counsel, and I made every effort to operate as efficiently as possible and to
2 avoid unnecessary duplication. I coordinated with Class Counsel for all work
3 performed and costs incurred in this matter.

4 I declare under penalty of perjury under the laws of the United States that the
5 foregoing is true and correct. Executed on September 25, 2024, at New York, New
6 York.

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Dated: September 25, 2024



Jeremy A. Lieberman

Exhibit A

POMERANTZLLP

History Pomerantz LLP is one of the most respected law firms in the United States dedicated to representing investors. The Firm was founded in 1936 by the late Abraham L. Pomerantz, widely regarded as a legal pioneer and “dean” of the plaintiffs’ securities bar, who helped secure the right of investors to bring class and derivative actions.

Leadership Today, led by Managing Partner Jeremy A. Lieberman, the Firm maintains the commitments to excellence and integrity passed down by Abe Pomerantz.

Results Pomerantz achieved a historic \$3 billion settlement for defrauded investors in 2018 as well as precedent-setting legal rulings, in *In re Petrobras Securities Litigation*. Pomerantz consistently shapes the law, winning landmark decisions that expand and protect investor rights and initiating historic corporate governance reforms.

Global Expertise Beyond its three American offices, the Firm has offices in Paris, London, and Tel Aviv. Pomerantz also partners with an extensive network of prominent law firms across the globe to assist clients, wherever they are situated, in recovering monies lost due to corporate misconduct and securities fraud. Our team of attorneys is collectively fluent in English, Arabic, Cantonese, Mandarin, French, Hebrew, Italian, Portuguese, Romanian, Russian, Spanish, and Ukrainian.

Practice Pomerantz protects, expands, and vindicates shareholder rights through our securities litigation services and portfolio monitoring service. The Firm represents some of the largest and most influential pension funds, asset managers and institutional investors around the globe, monitoring assets of over \$9.4 trillion and growing. Pomerantz’s practice includes corporate governance, antitrust, and strategic consumer litigation.

Recognition Pomerantz has been recognized as a top tier firm by *The Legal 500*, *Benchmark Litigation*, and *Chambers USA*, among others. In 2020, Pomerantz was named the Plaintiff Firm of the Year by *Benchmark Litigation* and honored with *European Pensions’* inaugural Thought Leadership Award. Courts across the country have noted the quality of our legal work, and Pomerantz attorneys regularly receive praise from their peers. The 2024 *Benchmark Litigation* guide describes Pomerantz’s “prodigious capacity for cases and its tenacity to keep pursuing them” as well as the Firm’s work on litigation “with more meaningful angles.” The Firm’s attorneys have been recognized by major industry publications, including *The National Law Journal*, *The New York Law Journal*, *Law360*, and *Lawdragon*. Among the prestigious honors received by Pomerantz attorneys are the *Benchmark Litigation* Plaintiff Litigator of the Year Award (Jeremy Lieberman, 2019; Emma Gilmore 2024), *New York Law Journal* Innovation Award (Jennifer Pafiti, 2023), and *Law360* Titan of the Plaintiffs Bar (Murielle Steven Walsh, 2024).

Pomerantz is headquartered in New York City, with offices in Chicago, Los Angeles, London, Paris, and Tel Aviv.

Securities Litigation

Significant Landmarks

***In re Petrobras Sec. Litig.*, No. 14-cv-9662 (S.D.N.Y. 2018)**

On January 3, 2018, in a significant victory for investors, Pomerantz, as sole Lead Counsel for the class, along with Lead Plaintiff Universities Superannuation Scheme Limited (“USS”), achieved a historic \$2.95 billion settlement with *Petróleo Brasileiro S.A.* (“Petrobras”) and its related entity, Petrobras International Finance Company, as well as certain of Petrobras’ former executives and directors. On February 2, 2018, Pomerantz and USS reached a \$50 million settlement with Petrobras’ auditors, PricewaterhouseCoopers Auditores Independentes, bringing the total recovery for Petrobras investors to \$3 billion.

This is not only the largest securities class action settlement in a decade but is the largest settlement ever in a securities class action involving a foreign issuer, the fifth-largest securities class action settlement ever achieved in the United States, the largest securities class action settlement achieved by a foreign Lead Plaintiff, and the largest securities class action settlement in history not involving a restatement of financial reports.

The class action, brought on behalf of all purchasers of common and preferred American Depositary Shares (“ADSs”) on the New York Stock Exchange, as well as purchasers of certain Petrobras debt, principally alleged that Petrobras and its senior executives engaged in a multi-year, multi-billion-dollar money-laundering and bribery scheme, which was concealed from investors.

In addition to the multi-billion-dollar recovery for defrauded investors, Pomerantz secured precedent-setting decisions when the Second Circuit Court of Appeals squarely rejected defendants’ invitation to adopt the heightened ascertainability requirement promulgated by the Third Circuit, which would have required plaintiffs to demonstrate that determining membership in a class is “administratively feasible.” The Second Circuit’s rejection of this standard is not only a victory for bondholders in securities class actions, but also for plaintiffs in consumer fraud class actions and other class actions where documentation regarding Class membership is not readily attainable. The Second Circuit also refused to adopt a requirement, urged by defendants, that all securities class action plaintiffs seeking class certification prove through direct evidence (i.e., an event study) that the prices of the relevant securities moved in a particular direction in response to new information.

***Pirnik v. Fiat Chrysler Automobiles N.V. et al.*, No. 1:15-cv-07199-JMF (S.D.N.Y)**

In August 2019, Pomerantz, as Lead Counsel, achieved final approval of a \$110 million settlement for the Class in this high-profile securities class action. Plaintiffs alleged that Fiat Chrysler concealed from investors that it improperly outfitted its diesel vehicles with “defeat device” software designed to cheat NOx emissions regulations in the U.S. and Europe, and that regulators had accused Fiat Chrysler of violating the emissions regulations. The *Fiat Chrysler* recovery provides the class of investors with as much as 20% of recoverable damages—an excellent result when compared to historical statistics in class action settlements, where typical recoveries for cases of this size are between 1.6% and 3.3%.

In addition to creating precedent-setting case law in successfully defending the various motions to dismiss the *Fiat Chrysler* litigation, Pomerantz also significantly advanced investors' ability to obtain critically important discovery from regulators that are often at the center of securities actions. During the litigation, Pomerantz sought the deposition of a former employee of the National Highway Traffic Safety Administration ("NHTSA"). The United States Department of Transportation ("USDOT"), like most federal agencies, has enacted a set of regulations—known as "Touhy regulations"—governing when its employees may be called by private parties to testify in court. On their face, USDOT's regulations apply to both "current" and "former" employees. In response to Pomerantz's request to depose a former employee of NHTSA that interacted with Fiat Chrysler, NHTSA denied the request, citing the Touhy regulation. Despite the widespread application, and assumed appropriateness, of applying these regulations to former employees throughout the case law, Pomerantz filed an action against USDOT and NHTSA, arguing that the statute pursuant to which the Touhy regulations were enacted speaks only of "employees," which should be interpreted to apply only to current employees. The court granted summary judgment in favor of Pomerantz's clients, holding that "USDOT's Touhy regulations are unlawful to the extent that they apply to former employees." This victory will greatly shift the discovery tools available, so that investor plaintiffs in securities class actions against highly regulated entities (for example, companies subject to FDA regulations) will now be able to depose former employees of the regulators that interacted with the defendants during the class period to get critical testimony concerning the company's violations and misdeeds.

Karimi v. Deutsche Bank AG, 1:22-cv-02854 (S.D.N.Y.)

On September 27, 2022, Pomerantz reached a \$26.25 million settlement on behalf of defrauded investors in a securities class action against Deutsche Bank AG. The settlement represents over 49% of estimated recoverable damages, far in excess of the 1.8% median recovery in similar cases.

The complaint alleges that Deutsche Bank failed to properly adhere to its own Know Your Customer ("KYC") policies when dealing with customers it considered high-risk, such as accused sex offender Jeffrey Epstein, Russian oligarchs and politically exposed persons ("PEPs") reportedly engaged in criminal activities. The Bank repeatedly assured investors that it had "developed effective procedures for assessing clients and processes for accepting new clients in order to facilitate comprehensive compliance" with these policies. In reality, however, during the Class Period, defendants repeatedly exempted high net-worth individuals and PEPs from any meaningful due diligence, further enabling their crimes through the use of the Bank's facilities.

For example, in 2013, Deutsche Bank took on Jeffrey Epstein as a client, despite his previous convictions for and new allegations of child sex trafficking and abuse. Because Epstein was regarded as a "high-risk" customer, he should have been subject to the strict due diligence required by the Bank's KYC program; however, he was instead classified as an "Honorary PEP," and his activities within the Bank were allowed to continue, largely due to the business he could generate for the Bank. Prior to his onboarding as a client, "40 underage girls had come forward with testimony of Epstein sexually assaulting them," and despite these allegations, Deutsche Bank remained "comfortable with things continuing."

Howard v. Arconic et al., No. 2:17-cv-01057 (W.D.Pa.)

In August 2023, Pomerantz, as Co-Lead Counsel, achieved final approval of a \$74 million settlement on behalf of defrauded investors in a securities class action against the American industrial company Arconic.

On June 14, 2017, a devastating fire broke out in the Grenfell Tower block of flats in London, United Kingdom, resulting in the deaths of 72 people and injuries to more than 70 other tenants. In the wake of the tragedy, numerous investigations were conducted, ultimately revealing that, while an electrical fault within the building instigated the blaze, Arconic's Reynobond PE panels, which covered the outside of the building, likely acted as an accelerant, contributing to the rapid spread of the flames to the floors above.

In August 2017, Pomerantz filed a securities class action against Arconic alleging that its stock price was artificially inflated during the Class Period by the company's misstatements about the safety of its Reynobond PE insulating panels. Following a partial dismissal, Pomerantz filed a second amended complaint, which cited numerous instances in which Arconic sold Reynobond PE panels for use in other high-rise towers in the UK and across the globe.

Notably, despite the United States' near universal ban of combustible Reynobond for buildings taller than twelve meters (40 feet), plaintiffs found that Arconic had sold these panels for use in the construction of numerous structures measuring twelve meters or higher throughout the country, including a terminal at the Dallas/Fort Worth airport and Ohio's Cleveland Browns stadium. The complaint also pointed to at least eighteen other instances in which deadly fires had spread through exterior wall assemblies, most of which involved high-rise buildings. The new allegations included in the second amended complaint convinced Chief U.S. District Judge Mark R. Hornak to not only change his mind on many of the claims he had previously dismissed, but also to make new law in plaintiffs favor on several significant issues, including the element of scienter, i.e., intent to deceive investors.

The \$74 million settlement represents approximately 22% of recoverable damages for defrauded Arconic shareholders, an amount far exceeding the 1.8% median recovery for all securities class action settlements in 2022.

Kaplan v. S.A.C. Capital Advisors, L.P., No. 12-cv-9350 (S.D.N.Y.)

In May 2017, Pomerantz, as Co-Lead Counsel, achieved final approval of a \$135 million recovery for the Class in this securities class action that stemmed from what has been called the most profitable insider trading scheme in U.S. history. After years of vigorous litigation, billionaire Steven A. Cohen's former hedge fund, S.A.C. Capital Advisors LP, agreed to settle the lawsuit by investors in the drug maker Elan Corp, who said they lost money because of insider trading by one of his portfolio managers.

In re BP p.l.c. Securities Litigation, MDL No. 2185 (S.D. Tex.)

Beginning in 2012, Pomerantz pursued ground-breaking individual lawsuits for institutional investors to recover losses in BP p.l.c.'s London-traded common stock and NYSE-traded American Depositary Shares (ADSs) arising from its 2010 Gulf of Mexico oil spill. Over nine years, Pomerantz briefed and argued every significant dispute on behalf of 125+ institutional plaintiffs, successfully opposed three motions to

dismiss, won other contested motions, oversaw e-discovery of 1.75 million party and non-party documents, led the Individual Action Plaintiffs Steering Committee, served as sole Liaison with BP and the Court, and worked tirelessly with our clients' outside investment management firms to develop crucial case evidence.

A threshold challenge was how to litigate in U.S. court given the U.S. Supreme Court's decision in *Morrison v. National Australia Bank*, 130 S. Ct. 2869 (2010), which barred recovery for losses in foreign-traded securities under the U.S. federal securities laws. In 2013 and 2014, Pomerantz won significant victories in defeating BP's *forum non conveniens* arguments, which sought to force dismissal of the English common law claims from U.S. courts for refiling in English courts, first as regards U.S. institutions and, later, foreign institutions. Pomerantz also defeated BP's attempt to extend the U.S. federal Securities Litigation Uniform Standards Act of 1998 to reach, and dismiss, these foreign law claims in deference to non-existent remedies under the U.S. federal securities laws. These rulings paved the way for 125+ global institutional investors to pursue their claims and marked the first time, post-*Morrison*, that U.S. and foreign investors, pursuing foreign claims seeking recovery for losses in a foreign company's foreign-traded securities, did so in a U.S. court. In 2017, Pomerantz earned an important victory that expanded investor rights under English law, permitting certain BP investors to pursue a "holder claim" theory seeking to recover losses in securities held, rather than purchased anew, in reliance on the alleged fraud—a theory barred under the U.S. federal securities laws since *Blue Chip Stamps v. Manor Drug Stores*, 421 U.S. 723 (1975). This win was significant, given the dearth of precedent from anywhere recognizing the viability of a "holder claim" under any non-U.S. law and holding that a given plaintiff alleged facts sufficiently evidencing reliance and documenting the resulting retention of an identifiable amount of shares on a date certain.

In Q1 2021, Pomerantz secured confidential, favorable monetary settlements from BP for our nearly three dozen clients, including public and private pension funds, money management firms, partnerships, and investment trusts from the U.S., Canada, the U.K., France, the Netherlands, and Australia.

In re Comverse Technology, Inc. Sec. Litig., No. 06-CV-1825 (E.D.N.Y.)

In June 2010, Judge Nicholas G. Garaufis of the U.S. District Court for the Eastern District of New York granted final approval of a \$225 million settlement proposed by Pomerantz and Lead Plaintiff the Menora Group, with Comverse Technology and certain of Comverse's former officers and directors, after four years of highly contested litigation. The *Comverse* settlement is one of the largest securities class action settlements reached since the passage of the Private Securities Litigation Reform Act ("PSLRA").¹ It is the second-largest recovery in a securities litigation involving the backdating of options, as well as one of the largest recoveries—\$60 million—from an individual officer-defendant, Comverse's founder and former CEO, Kobi Alexander.

Other Significant Settlements

Even before the enactment of the PSLRA, Pomerantz represented state agencies in securities class actions, including the Treasurer of the Commonwealth of Pennsylvania (recovered \$100 million) against a major investment bank. *In re Salomon Brothers Treasury Litig.*, No. 91-cv-5471 (S.D.N.Y.).

¹ Institutional Shareholder Services, *SCAS Top 100 Settlements Quarterly Report* (Sept. 30, 2010).

Pomerantz recovered \$50 million for the Treasurer of the State of New Jersey and several New Jersey pension funds in an individual action. This was a substantially higher recovery than what our clients would have obtained had they remained in a related federal class action. *Treasurer of State of New Jersey v. AOL Time Warner, Inc.* (N.J. Super. Ct. Law Div., Mercer Cty.).

Pomerantz has litigated numerous cases for the Louisiana School Employees' Retirement System. For example, as Lead Counsel, Pomerantz recovered \$74.75 million in a securities fraud class action against Citigroup, its CEO Sanford Weill, and its now infamous telecommunications analyst Jack Grubman. *In re Salomon Analyst AT&T Litig.*, No. 02-cv-6801 (S.D.N.Y.) Also, the Firm played a major role in a complex antitrust and securities class action which settled for over \$1 billion. *In re NASDAQ Market-Makers Antitrust Litig.*, MDL No. 1023 (S.D.N.Y.). Pomerantz was a member of the Executive Committee in *In re Transkaryotic Therapies, Inc. Securities Litigation*, C.A. No. 03-10165 (D. Mass.), helping to win a \$50 million settlement for the class.

In 2008, together with Co-Counsel, Pomerantz identified a substantial opportunity for recovery of losses in Countrywide mortgage-backed securities ("MBS") for three large New Mexico funds (New Mexico State Investment Council, New Mexico Public Employees' Retirement Association, and New Mexico Educational Retirement Board), which had been overlooked by all of the firms then in their securities litigation pool. We then filed the first non-class lawsuit by a public institution with respect to Countrywide MBS. *See N.M. State Inv. Council v. Countrywide Fin. Corp.*, No. D-0101-CV-2008-02289 (N.M. 1st Dist. Ct.). In Fall 2010, we negotiated for our clients an extremely favorable but confidential settlement.

Over its long history, Pomerantz has achieved significant settlements in numerous cases, a sampling of which appears below:

- *In re Petrobras Sec. Litig.*, No. 14-cv-9662 (S.D.N.Y. 2018)
\$3 billion settlement of securities class action in which Pomerantz was Lead Counsel.
- *Pirnik v. Fiat Chrysler Automobiles N.V. et al.*, No. 1:15-cv-07199-JMF (S.D.N.Y.)
\$110 million settlement of securities class action in which Pomerantz was Lead Counsel
- *In re Yahoo!, Inc. Sec. Litig.*, No. 17-cv-00373 (N.D. Cal. 2018)
\$80 million settlement of securities class action in which Pomerantz was Co-Lead Counsel
- *In re Libor Based Financial Instruments Antitrust Litig.*, 1:11-md-2262
\$31 million partial settlement with three defendants in this multi-district litigation in which Pomerantz represents the Berkshire Bank and the Government Development Bank for Puerto Rico
- *Kaplan v. S.A.C. Capital Advisors, L.P.*, No. 12-cv-9350 (S.D.N.Y. 2017)
\$135 million settlement of class action in which Pomerantz was Co-Lead Counsel.
- *In re Groupon, Inc. Sec. Litig.*, No. 12-cv-02450 (N.D. Ill. 2015)
\$45 million settlement of class action in which Pomerantz was sole Lead Counsel.
- *In re Elan Corp. Sec. Litig.*, No. 05-cv-2860 (S.D.N.Y. 2005)
\$75 million settlement in class action arising out of alleged accounting manipulations.
- *In re Safety-Kleen Corp. Stockholders Litig.*, No. 00-cv-736-17 (D.S.C. 2004)
\$54.5 million in total settlements in class action alleging accounting manipulations by corporate officials and auditors; last settlement reached on eve of trial.
- *Duckworth v. Country Life Ins. Co.*, No. 1998-CH-01046 (Ill. Cir. Ct., Cook Cty. 2000)
\$45 million recovery.

- *Snyder v. Nationwide Ins. Co.*, No. 97/0633 (N.Y. Sup. Ct. Onondaga Cty. 1998)
Settlement valued at \$100 million in derivative case arising from injuries to consumers purchasing life insurance policies.
- *In re National Health Lab., Inc. Sec. Litig.*, No. CV 92-1949 (S.D. Cal. 1995)
\$64 million recovery.
- *In re First Executive Corp. Sec. Litig.*, No. 89-cv-07135 (C.D. Cal. 1994)
\$102 million recovery for the class, exposing a massive securities fraud arising out of the Michael Milken debacle.
- *In re Boardwalk Marketplace Sec. Litig.*, MDL No. 712 (D. Conn. 1994)
Over \$66 million benefit in securities fraud action.
- *In re Telerate, Inc. S'holders Litig.*, C.A. No. 1115 (Del. Ch. 1989)
\$95 million benefit in case alleging violation of fiduciary duty under state law.

Pomerantz has also obtained stellar results for private institutions and Taft-Hartley funds. Below are a few examples:

- *In re Charter Commc'ns, Inc. Sec. Litig.*, No. 02-cv-1186 (E.D. Mo. 2005) (sole Lead Counsel for Lead Plaintiff StoneRidge Investment Partners LLC); \$146.25 million class settlement, where Charter also agreed to enact substantive improvements in corporate governance.
- *In re Am. Italian Pasta Sec. Litig.*, No. 05-cv-865 (W.D. Mo. 2008) (sole Lead Counsel for Lead Plaintiff Ironworkers Locals 40, 361 and 417; \$28.5 million aggregate settlements).
- *Richardson v. Gray*, No. 116880/1995 (N.Y. Sup. Ct. N.Y. Cty. 1999); and *In re Summit Metals*, No. 98-2870 (Bankr. D. Del. 2004) (two derivative actions where the Firm represented C.C. Partners Ltd. and obtained judgment of contempt against controlling shareholder for having made "extraordinary" payments to himself in violation of a preliminary injunction; persuaded the court to jail him for two years upon his refusal to pay; and, in a related action, won a \$43 million judgment after trial and obtained turnover of stock of two companies).

Shaping the Law

Not only has Pomerantz established a long track record of obtaining substantial monetary recoveries for our clients; whenever appropriate, we also pursue corporate governance reforms on their behalf. In *In re Chesapeake Shareholders Derivative Litigation*, No. CJ-2009-3983 (Okla. Dist. Ct., Okla. Cty. 2011), for example, the Firm served as Co-Lead Counsel, representing a public pension client in a derivative case arising from an excessive compensation package granted to Chesapeake's CEO and founder. This was a derivative action, not a class action. Yet it is illustrative of the results that can be obtained by an institutional investor in the corporate governance arena. There we obtained a settlement which called for the repayment of \$12.1 million and other consideration by the CEO. The Wall Street Journal (Nov. 3, 2011) characterized the settlement as "a rare concession for the 52-year-old executive, who has run the company largely by his own rules since he co-founded it in 1989." The settlement also included comprehensive corporate governance reforms.

The Firm has won many landmark decisions that have enhanced shareholders' rights and improved corporate governance. These include decisions that established that:

- defendants seeking to rebut the *Basic* presumption of reliance on an efficient market must do so by a preponderance of the evidence. *Waggoner v. Barclays PLC*, 875 F.3d 79 (2d Cir. 2017) (*Strougo v. Barclays PLC*, in the court below);
- plaintiffs have no burden to show price impact at the class certification stage. *Waggoner v. Barclays PLC*, 875 F.3d 79 (2d Cir. 2017) (*Strougo v. Barclays PLC*, in the court below);
- the ascertainability doctrine requires only that a class be defined using objective criteria that establish a membership with definite boundaries. *Universities Superannuation Scheme Ltd. v. Petróleo Brasileiro S.A. Petrobras*, 862 F.3d 250 (2d Cir. 2017);
- companies cannot adopt bylaws to regulate the rights of former stockholders. *Strougo v. Hollander*, C.A. No. 9770-CB (Del. Ch. 2015);
- a temporary rise in share price above its purchase price in the aftermath of a corrective disclosure does not eviscerate an investor's claim for damages. *Acticon AG v. China Ne. Petroleum Holdings Ltd.*, 692 F.3d 34 (2d Cir. 2012);
- an MBS holder may bring claims if the MBS price declines even if all payments of principal and interest have been made. Transcript of Proceedings, *N.M. State Inv. Council v. Countrywide Fin. Corp.*, No. D-0101-CV-2008-02289 (N.M. 1st Dist. Ct. Mar. 25, 2009);
- when a court selects a Lead Plaintiff under the Private Securities Litigation Reform Act ("PSLRA"), the standard for calculating the "largest financial interest" must take into account sales as well as purchases. *In re Comverse Tech., Inc. Sec. Litig.*, No. 06-cv-1825, 2007 U.S. Dist. LEXIS 14878 (E.D.N.Y. Mar. 2, 2007);
- a managing underwriter can owe fiduciary duties of loyalty and care to an issuer in connection with a public offering of the issuer stock, even in the absence of any contractual agreement. Professor John C. Coffee, a renowned Columbia University securities law professor, commenting on the ruling, stated: "It's going to change the practice of all underwriting." *EBC I, Inc. v. Goldman Sachs & Co.*, 5 N.Y. 3d 11 (2005);
- purchasers of options have standing to sue under federal securities laws. *In re Green Tree Fin. Corp. Options Litig.*, No. 97-2679, 2002 U.S. Dist. LEXIS 13986 (D. Minn. July 29, 2002);
- shareholders have a right to a jury trial in derivative actions. *Ross v. Bernhard*, 396 U.S. 531 (1970);
- a company may have the obligation to disclose to shareholders its Board's consideration of important corporate transactions, such as the possibility of a spin-off, even before any final decision has been made. *Kronfeld v. Trans World Airlines, Inc.*, 832 F.2d 726 (2d Cir. 1987);
- specific standards for assessing whether mutual fund advisors breach fiduciary duties by charging excessive fees. *Gartenberg v. Merrill Lynch Asset Mgmt., Inc.*, 740 F.2d 190 (2d Cir. 1984);
- investment advisors to mutual funds are fiduciaries who cannot sell their trustee positions for a profit. *Rosenfeld v. Black*, 445 F.2d 1337 (2d Cir. 1971); and
- management directors of mutual funds have a duty to make full disclosure to outside directors "in every area where there was even a possible conflict of interest." *Moses v. Burgin*, 445 F.2d 369 (1st Cir. 1971).

Comments from the Courts

Throughout its history, courts time and again have acknowledged the Firm's ability to vigorously pursue and successfully litigate actions on behalf of investors.

U.S. District Judge Noel L. Hillman, in approving the *In re Toronto-Dominion Bank Securities Litigation* settlement in October 2019, stated:

I commend counsel on both sides for their hard work, their very comprehensive and thoughtful submissions during the motion practice aspect of this case . . . It's clear to me that this was comprehensive, extensive, thoughtful, meaningful litigation leading up to the settlement . . . This settlement appears to have been obtained through the hard work of the Pomerantz firm . . . It was through their efforts and not piggybacking on any other work that resulted in this settlement.

In approving the settlement in *Strougo v. Barclays PLC* in June 2019, Judge Victor Marrero of the Southern District of New York wrote:

Let me thank counsel on both sides for the extraordinary work both sides did in bringing this matter to a reasonable conclusion. As the parties have indicated, the matter was intensely litigated, but it was done in the most extraordinary fashion with cooperation, collaboration, and high levels of professionalism on both sides, so I thank you.

In approving the \$3 billion settlement in *In re Petrobras Securities Litigation* in June 2018, Judge Jed S. Rakoff of the Southern District of New York wrote:

[T]he Court finds that Class Counsel's performance was in many respects exceptional, with the result that, as noted, the class is poised to enjoy a substantially larger per share recovery [65%] than the recovery enjoyed by numerous large and sophisticated plaintiffs who separately settled their claims.

At the hearing for preliminary approval of the settlement in *In re Petrobras Securities Litigation* in February 2018, Judge Rakoff stated:

[T]he lawyers in this case [are] some of [T]he best lawyers in the United States, if not in the world.

Two years earlier, in certifying two Classes in *In re Petrobras Securities Litigation* in February 2016, Judge Rakoff wrote:

[O]n the basis not only of USS's counsel's prior experience but also the Court's observation of its advocacy over the many months since it was appointed Lead Counsel, the Court concludes that Pomerantz, the proposed class counsel, is "qualified, experienced and able to conduct the litigation." . . . [T]he Pomerantz firm has both the skill and resources to represent the Classes adequately.

In approving the settlement in *Thorpe v. Walter Investment Management Corp.*, No. 14-cv-20880, 2016 U.S. Dist. LEXIS 144133 (S.D. Fla. Oct. 14, 2016) Judge Ursula Ungaro wrote:

Class Counsel has developed a reputation for zealous advocacy in securities class actions . . . The settlement amount of \$24 million is an outstanding result.

At the May 2015 hearing wherein the court approved the settlement in *Courtney v. Avid Technology, Inc.*, No. 13-cv-10686 (D. Mass. May 12, 2015), following oral argument by Jeremy A. Lieberman, Judge William G. Young stated:

This has been very well litigated. It is always a privilege. I don't just say that as a matter of form. And I thank you for the vigorous litigation that I've been permitted to be a part of. [Tr. at 8-9.]

At the January 2012 hearing wherein the court approved the settlement in *In re Chesapeake Energy Corp. Shareholder Derivative Litigation*, No. CJ-2009-3983 (Okla. Dist. Ct., Okla. Cty. Jan. 30, 2012), following oral argument by Marc I. Gross, Judge Daniel L. Owens stated:

Counsel, it's a pleasure, and I mean this and rarely say it. I think I've said it two times in 25 years. It is an extreme pleasure to deal with counsel of such caliber. [Tr. at 48.]

In approving the \$225 million settlement in *In re Comverse Technology, Inc. Securities Litigation*, No. 06-CV-1825 (E.D.N.Y.) in June 2010, Judge Nicholas G. Garaufis stated:

As outlined above, the recovery in this case is one of the highest ever achieved in this type of securities action . . . The court also notes that, throughout this litigation, it has been impressed by Lead Counsel's acumen and diligence. The briefing has been thorough, clear, and convincing, and . . . Lead Counsel has not taken short cuts or relaxed its efforts at any stage of the litigation.

In approving a \$146.25 million settlement in *In re Charter Communications Securities Litigation*, No. 02-CV-1186, 2005 U.S. Dist. LEXIS 14772 (E.D. Mo. June 30, 2005), in which Pomerantz served as sole Lead Counsel, Judge Charles A. Shaw praised the Firm's efforts, citing "the vigor with which Lead Counsel . . . investigated claims, briefed the motions to dismiss, and negotiated the settlement." He further stated:

This Court believes Lead Plaintiff achieved an excellent result in a complex action, where the risk of obtaining a significantly smaller recovery, if any, was substantial.

In approving a \$24 million settlement in *In re Force Protection, Inc.*, No. 08 CV 845 (D.S.C. 2011), Judge C. Weston Houk described the Firm as "attorneys of great ability and great reputation" and commended the Firm for having "done an excellent job."

In certifying a class in a securities fraud action against analysts in *DeMarco v. Robertson Stephens, Inc.*, 228 F.R.D. 468 (S.D.N.Y. 2005), Judge Gerard D. Lynch stated that Pomerantz had "ably and zealously represented the interests of the class."

Numerous courts have made similar comments:

- Appointing Pomerantz Lead Counsel in *American Italian Pasta Co. Securities Litigation*, No 05-CV-0725 (W.D. Mo.), a class action that involved a massive fraud and restatements spanning several years, the District Court observed that the Firm "has significant experience (and has been extremely effective) litigating securities class actions, employs highly qualified attorneys,

and possesses ample resources to effectively manage the class litigation and protect the class's interests."

- In approving the settlement in *In re Wiring Devices Antitrust Litigation*, MDL No. 331 (E.D.N.Y. Sept. 9, 1980), Chief Judge Jack B. Weinstein stated that "Counsel for the plaintiffs I think did an excellent job . . . They are outstanding and skillful. The litigation was and is extremely complex. They assumed a great deal of responsibility. They recovered a very large amount given the possibility of no recovery here which was in my opinion substantial."
- In *Snyder v. Nationwide Insurance Co.*, No. 97/0633, (N.Y. Supreme Court, Onondaga Cty.), a case where Pomerantz served as Co-Lead Counsel, Judge Tormey stated, "It was a pleasure to work with you. This is a good result. You've got some great attorneys working on it."
- In *Steinberg v. Nationwide Mutual Insurance Co.* (E.D.N.Y. 2004), Judge Spatt, granting class certification and appointing the Firm as class counsel, observed: "The Pomerantz firm has a strong reputation as class counsel and has demonstrated its competence to serve as class counsel in this motion for class certification." (224 F.R.D. 67, 766.)
- In *Mercury Savings & Loan*, No. 90-cv-00087 LHM (C.D. Cal. 1993), Judge McLaughlin commended the Firm for the "absolutely extraordinary job in this litigation."
- In *Boardwalk Marketplace Securities Litigation*, MDL No. 712 (D. Conn.), Judge Eginton described the Firm's services as "exemplary," praised it for its "usual fine job of lawyering . . . [in] an extremely complex matter," and concluded that the case was "very well-handled and managed." (Tr. at 6, 5/20/92; Tr. at 10, 10/10/92.)
- In *Nodar v. Weksel*, No. 84 Civ. 3870 (S.D.N.Y.), Judge Broderick acknowledged "that the services rendered [by Pomerantz] were excellent services from the point of view of the class represented, [and] the result was an excellent result." (Tr. at 21-22, 12/27/90.)
- In *Klein v. A.G. Becker Paribas, Inc.*, No. 83 Civ. 6456 (S.D.N.Y.), Judge Goettel complimented the Firm for providing "excellent . . . absolutely top-drawer representation for the class, particularly in light of the vigorous defense offered by the defense firm." (Tr. at 22, 3/6/87.)
- In *Digital Securities Litigation*, No. 83-3255 (D. Mass.), Judge Young lauded the Firm for its "[v]ery fine lawyering." (Tr. at 13, 9/18/86.)
- In *Shelter Realty Corp. v. Allied Maintenance Corp.*, 75 F.R.D. 34, 40 (S.D.N.Y. 1977), Judge Frankel, referring to Pomerantz, said: "Their experience in handling class actions of this nature is known to the court and certainly puts to rest any doubt that the absent class members will receive the quality of representation to which they are entitled."
- In *Rauch v. Bilzerian*, No. 88 Civ. 15624 (N.J. Sup. Ct.), the court, after trial, referred to Pomerantz partners as "exceptionally competent counsel," and as having provided "top drawer, topflight [representation], certainly as good as I've seen in my stay on this court."

Corporate Governance Litigation

Pomerantz is committed to ensuring that companies adhere to responsible business practices and practice good corporate citizenship. We strongly support policies and procedures designed to give shareholders the ability to oversee the activities of a corporation. We vigorously pursue corporate governance reform, particularly in the area of excess compensation, where it can address the growing disparity between the salaries of executives and the workers of major corporations. We have successfully utilized litigation to bring about corporate governance reform in numerous cases, and always consider whether such reforms are appropriate before any case is settled.

Pomerantz's Corporate Governance Practice Group, led by Partner Gustavo F. Bruckner, enforces shareholder rights and prosecutes actions challenging corporate transactions that arise from an unfair process or result in an unfair price for shareholders.

In September 2017, New Jersey Superior Court Judge Julio Mendez, of Cape May County Chancery Division, approved Pomerantz's settlement in a litigation against Ocean Shore Holding Co. The settlement provided non-pecuniary benefits for a non-opt out class. In so doing, Judge Mendez became the first New Jersey state court judge to formally adopt the Third Circuit's nine-part *Girsh* factors, *Girsh v. Jepson*, 521 F.2d 153 (3d Cir. 1975). There has never before been a published New Jersey state court opinion setting out the factors a court must consider in evaluating whether a class action settlement should be determined to be fair and adequate. After conducting an analysis of each of the nine *Girsh* factors and holding that "class actions settlements involving non-monetary benefits to the class are subject to more exacting scrutiny," Judge Mendez held that the proposed settlement provided a material benefit to the shareholders.

In February 2018, the Maryland Circuit Court, Montgomery County, approved a \$17.5 million settlement that plaintiffs achieved as additional consideration on behalf of a class of shareholders of American Capital, Ltd. *In re Am. Capital, Ltd. S'holder Litig.*, C.A. No. 422598-V (2018). The settlement resolved Plaintiffs' claims regarding a forced sale of American Capital.

Pomerantz filed an action challenging the sale of American Capital, a Delaware corporation with its headquarters in Maryland. Among other things, American Capital's board of directors (the "Board") agreed to sell the company at a price below what two other bidders were willing to offer. Worse, the merger price was even below the amount that shareholders would have received in the company's planned phased liquidation, which the company was considering under pressure from Elliott Management, an activist hedge fund and holder of approximate 15% of American Capital stock. Elliott was not originally named as a defendant, but after initial discovery showed the extent of its involvement in the Board's breaches of fiduciary duty, Elliott was added as a defendant in an amended complaint under the theory that Elliott exercised actual control over the Board's decision-making. Elliott moved to dismiss on jurisdictional grounds and additionally challenged its alleged status as a controller of American Capital. In June 2017, minutes before the hearing on defendants' motion to dismiss, a partial settlement was entered into with the members of the Board for \$11.5 million. The motion to dismiss hearing proceeded despite the partial settlement, but only as to Elliott. In July 2017, the court denied the motion to dismiss, finding that Elliott, "by virtue solely of its own conduct, . . . has easily satisfied the transacting business prong of the Maryland long arm statute." The court also found that the "amended complaint in this case sufficiently pleads that Elliott was a controller with respect to" the sale, thus implicating a higher standard of review. Elliott subsequently settled the remaining claims for an additional \$6 million. Pomerantz served as Co-Lead Counsel.

In May 2017, the Circuit Court of the State of Oregon approved the settlement achieved by Pomerantz and co-counsel of a derivative action brought by two shareholders of Lithia Motors, Inc. The lawsuit alleged breach of fiduciary duties by the board of directors in approving, without any meaningful review, the Transition Agreement between Lithia Motors and Sidney DeBoer, its founder, controlling shareholder, CEO, and Chairman, who was stepping down as CEO. DeBoer and his son, the current CEO, Bryan DeBoer, negotiated virtually all the material terms of the Agreement, by which the company agreed to pay the senior DeBoer \$1,060,000 and a \$42,000 car allowance annually for the rest of his life,

plus other benefits, in addition to the \$200,000 per year that he would receive for continuing to serve as Chairman.

The *Lithia* settlement extracted corporate governance therapeutics that provide substantial benefits to Lithia and its shareholders and redress the wrongdoing alleged by plaintiffs. The board will now be required to have at least five independent directors—as defined under the New York Stock Exchange rules—by 2020; a number of other new protocols will be in place to prevent self-dealing by board members. Further, the settlement calls for the Transition Agreement to be reviewed by an independent auditor who will determine whether the annual payments of \$1,060,000 for life to Sidney DeBoer are reasonable. Lithia has agreed to accept whatever decision the auditor makes.

In January 2017, the Group received approval of the Delaware Chancery Court for a \$5.6 million settlement it achieved on behalf of a class of shareholders of Physicians Formula Holdings, Inc. over an ignored merger offer in 2012. *In re Physicians Formula Holdings, Inc.*, C.A. No. 7794-VCL (Del. Ch.).

The Group obtained a landmark ruling in *Strougo v. Hollander*, C.A. No. 9770-CB (Del. Ch.), that fee-shifting bylaws adopted after a challenged transaction do not apply to shareholders affected by the transaction. They were also able to obtain a 25% price increase for members of the class cashed out in the going private transaction.

In *Miller v. Bolduc*, No. SUCV 2015-00807 (Mass. Super. Ct.), the Group caused Implant Sciences to hold its first shareholder annual meeting in five years and put an important compensation grant up for a shareholder vote.

In *Smollar v. Potarazu*, C.A. No. 10287-VCN (Del. Ch.), the Group pursued a derivative action to bring about the appointment of two independent members to the board of directors, retention of an independent auditor, dissemination of financials to shareholders and the holding of first ever in-person annual meeting, among other corporate therapeutics.

In *Hallandale Beach Police Officers & Firefighters' Personnel Retirement Fund vs. Lululemon athletica, Inc.*, C.A. No. 8522-VCP (Del. Ch.), in an issue of first impression in Delaware, the Chancery Court ordered the production of the chairman's 10b5-1 stock trading plan. The court found that a stock trading plan established by the company's chairman, pursuant to which a broker, rather than the chairman himself, would liquidate a portion of the chairman's stock in the company, did not preclude potential liability for insider trading.

In *Strougo v. North State Bancorp*, No. 15 CVS 14696 (N.C. Super. Ct.), the Group caused the Merger Agreement to be amended to provide a “majority of the minority” provision for the holders of North State Bancorp's common stock in connection with the shareholder vote on the merger. As a result of the Action, common shareholders could stop the merger if they did not wish it to go forward.

Pomerantz's commitment to advancing sound corporate governance principles is further demonstrated by the more than 26 years that we have co-sponsored the Abraham L. Pomerantz Lecture Series with Brooklyn Law School. These lectures focus on critical and emerging issues concerning shareholder rights and corporate governance and bring together top academics and litigators.

Our bi-monthly newsletter, *The Pomerantz Monitor*, provides institutional investors updates and insights on current issues in corporate governance.

Strategic Consumer Litigation

Pomerantz's Strategic Consumer Litigation practice group, led by Partner Jordan Lurie, represents consumers in actions that seek to recover monetary and injunctive relief on behalf of class members while also advocating for important consumer rights. The attorneys in this group have successfully prosecuted claims involving California's Unfair Competition Law, California's Consumers Legal Remedies Act, the Song Beverly Consumer Warranty Act and the Song Beverly Credit Card Act. They have resolved data breach privacy cases and cases involving unlawful recording, illegal background checks, unfair business practices, misleading advertising, and other consumer finance related actions. All of these actions also have resulted in significant changes to defendants' business practices.

Pomerantz currently represents consumers in a nationwide class action against Facebook for mistargeting ads. Plaintiff alleges that Facebook programmatically displays a material percentage of ads to users outside the defined target market and displays ads to "serial Likers" outside the defined target audience in order to boost Facebook's revenue. *IntegrityMessageBoards.com v. Facebook, Inc.* (N.D. Cal.) Case No. 4:18-cv-05286 PJH.

Pomerantz has pioneered litigation to establish claims for public injunctive relief under California's unfair business practices statute. For example, Pomerantz has filed cases seeking to prevent major auto manufacturers from unauthorized access to, and use of, drivers' vehicle data without compensation, and seeking to require the auto companies to share diagnostic data extracted from drivers' vehicles. The Strategic Consumer Litigation practice group is also prosecuting class cases against auto manufacturers for failing to properly identify high-priced parts that must be covered in California under extended emissions warranties.

Other consumer matters handled by Pomerantz's Strategic Consumer Litigation practice group include actions involving cryptocurrency, medical billing, price fixing, and false advertising of various consumer products and services.

Antitrust Litigation

Pomerantz has earned a reputation for prosecuting complex antitrust and consumer class actions with vigor, innovation, and success. Pomerantz's Antitrust and Consumer Group has recovered billions of dollars for the Firm's business and individual clients and the classes that they represent. Time and again, Pomerantz has protected our free-market system from anticompetitive conduct such as price fixing, monopolization, exclusive territorial division, pernicious pharmaceutical conduct, and false advertising. Pomerantz's advocacy has spanned across diverse product markets, exhibiting the Antitrust and Consumer Group's versatility to prosecute class actions on any terrain.

Pomerantz has served and is currently serving in leadership or Co-Leadership roles in several high-profile multi-district litigation class actions. In December 2018, the Firm achieved a \$31 billion partial settlement with three defendants on behalf of a class of U.S. lending institutions that originated,

purchased or held loans paying interest rates tied to the U.S. Dollar London Interbank Offered Rate (USD LIBOR). It is alleged that the class suffered damages as a result of collusive manipulation by the LIBOR contributor panel banks that artificially suppressed the USD LIBOR rate during the class period, causing the class members to receive lower interest payments than they would have otherwise received. *In re Libor Based Financial Instruments Antitrust Litig.*, 1:11-md-2262.

Pomerantz represented baseball and hockey fans in a game-changing antitrust class action against Major League Baseball and the National Hockey League, challenging the exclusive territorial division of live television broadcasts, internet streaming, and the resulting geographic blackouts. *See Laumann v. NHL and Garber v. MLB* (S.D.N.Y. 2012).

Pomerantz has spearheaded the effort to challenge harmful anticompetitive conduct by pharmaceutical companies—including Pay-for-Delay Agreements—that artificially inflates the price of prescription drugs by keeping generic versions off the market.

Even prior to the 2013 precedential U.S. Supreme Court decision in *Actavis*, Pomerantz litigated and successfully settled the following generic-drug-delay cases:

- *In re Flonase Antitrust Litig.* (E.D. Pa. 2008) (\$35 million);
- *In re Toprol XL Antitrust Litig.* (D. Del. 2006) (\$11 million); and
- *In re Wellbutrin SR Antitrust Litig.* (E.D. Pa. 2004) (\$21.5 million).

Other exemplary victories include Pomerantz's prominent role in *In re NASDAQ Market-Makers Antitrust Litigation* (S.D.N.Y.), which resulted in a settlement in excess of \$1 billion for class members, one of the largest antitrust settlements in history. Pomerantz also played prominent roles in *In re Sorbates Direct Purchaser Antitrust Litigation* (N.D. Cal.), which resulted in over an \$82 million recovery, and in *In re Methionine Antitrust Litigation* (N.D. Cal.), which resulted in a \$107 million recovery. These cases illustrate the resources, expertise, and commitment that Pomerantz's Antitrust Group devotes to prosecuting some of the most egregious anticompetitive conduct.

A Global Advocate for Asset Managers and Public and Taft-Hartley Pension Funds

Pomerantz represents some of the largest pension funds, asset managers, and institutional investors around the globe, monitoring assets of over \$9 trillion, and growing. Utilizing cutting-edge legal strategies and the latest proprietary techniques, Pomerantz protects, expands, and vindicates shareholder rights through our securities litigation services and portfolio monitoring program.

Pomerantz partners routinely advise foreign and domestic institutional investors on how best to evaluate losses to their investment portfolios attributable to financial misconduct and how best to maximize their potential recoveries worldwide. In particular, Pomerantz Partners Jeremy Lieberman and Jennifer Pafiti regularly travel throughout the U.S. and across the globe to meet with clients on these issues and are frequent speakers at investor conferences and educational forums in North America, Europe, and the Middle East.

Pomerantz was honored by European Pensions with its inaugural 2020 Thought Leadership award in recognition of significant contributions the Firm has made in the European pension environment.

Institutional Investor Services

Pomerantz offers a variety of services to institutional investors. Through the Firm's proprietary system, PomTrack[®], Pomerantz monitors client portfolios to identify and evaluate potential and pending securities fraud, ERISA and derivative claims, and class action settlements. Monthly customized PomTrack[®] reports are included with the service. PomTrack[®] currently monitors assets of over \$9.4 trillion for some of the most influential institutional investors worldwide.

When a potential securities claim impacting a client is identified, Pomerantz offers to analyze the case's merits and provide a written analysis and recommendation. If litigation is warranted, a team of Pomerantz attorneys will provide efficient and effective legal representation. The experience and expertise of our attorneys—which have consistently been acknowledged by the courts—allow Pomerantz to vigorously pursue the claims of investors, taking complex cases to trial when warranted.

Pomerantz is committed to ensuring that companies adhere to responsible business practices and practice good corporate citizenship. The Firm strongly support policies and procedures designed to give shareholders the ability to oversee the activities of a corporation. Pomerantz has successfully utilized litigation to bring about corporate governance reform, and always considers whether such reforms are appropriate before any case is settled.

Pomerantz provides clients with insightful and timely commentary on matters essential to effective fund management in our bi-monthly newsletter, *The Pomerantz Monitor* and regularly sponsors conferences and roundtable events around the globe with speakers who are experts in securities litigation and corporate governance matters.

Attorneys

Partners

Jeremy A. Lieberman

Jeremy A. Lieberman is Pomerantz's Managing Partner. He became associated with the Firm in August 2004 and was elevated to Partner in January 2010. The Legal 500, in honoring Jeremy as a Leading Lawyer and Pomerantz as a 2021 and 2022 Tier 1 Plaintiffs Securities Law Firm, stated that "Jeremy Lieberman is super impressive—a formidable adversary for any defense firm." Among the client testimonials posted on The Legal 500's website: "Jeremy Lieberman led the case for us with remarkable and unrelenting energy and aggression. He made a number of excellent strategic decisions which boosted our recovery." Lawdragon has named Jeremy among the Leading 500 Plaintiff Financial Lawyers in the United States each year from 2019 to 2024. Super Lawyers[®] named him among the Top 100 Lawyers in the New York Metro area in 2021. In 2020, Jeremy won a Distinguished Leader award from the *New York Law Journal*. He was honored as Benchmark Litigation's 2019 Plaintiff Attorney of the Year. In 2018, Jeremy was honored as a Titan of the Plaintiffs Bar by Law360 and as a Benchmark

Litigation Star. The Pomerantz team that Jeremy leads was named a 2018 Securities Practice Group of the Year.

Jeremy led the securities class action litigation *In re Petrobras Securities Litigation*, which arose from a multi-billion-dollar kickback and bribery scheme involving Brazil's largest oil company, Petróleo Brasileiro S.A.–Petrobras, in which Pomerantz was sole Lead Counsel. The biggest instance of corruption in the history of Brazil ensnared not only Petrobras' former executives but also Brazilian politicians, including former president Lula da Silva and one-third of the Brazilian Congress. In January and February 2018, Jeremy achieved a historic \$3 billion settlement for the Class. This is not only the largest securities class action settlement in a decade but is the largest settlement ever in a securities class action involving a foreign issuer, the fifth-largest securities class action settlement ever achieved in the United States, the largest securities class action settlement achieved by a foreign Lead Plaintiff, and the largest securities class action settlement in history not involving a restatement of financial reports.

Jeremy also secured a significant victory for Petrobras investors at the Second Circuit Court of Appeals, when the court rejected the heightened ascertainability requirement for obtaining class certification that had been imposed by the Third Circuit Courts of Appeals. The ruling will have a positive impact on plaintiffs in securities fraud litigation. Indeed, the *Petrobras* litigation was honored in 2019 as a National Impact Case by Benchmark Litigation.

Jeremy was Lead Counsel in *Pirnik v. Fiat Chrysler Automobiles N.V. et al.*, No. 1:15-cv-07199-JMF (S.D.N.Y), in which the Firm achieved a \$110 million settlement for the class. Plaintiff alleged that Fiat Chrysler concealed from investors that it improperly outfitted its diesel vehicles with “defeat device” software designed to cheat NOx emissions regulations in the U.S. and Europe, and that regulators had accused Fiat Chrysler of violating the emissions regulations. The *Fiat Chrysler* recovery provided the class of investors with as much as 20% of recoverable damages—an excellent result when compared to historical statistics in class action settlements, where typical recoveries for cases of this size are between 1.6% and 3.3%.

In November 2019, Jeremy achieved a critical victory for investors in the securities fraud class action against Perrigo Co. plc when Judge Arleo of the United States District Court for the District of New Jersey certified classes of investors that purchased Perrigo securities on both the New York Stock Exchange and the Tel Aviv Stock Exchange. Pomerantz represents a number of institutional investors that purchased Perrigo securities on both exchanges after an offer by Mylan N.V. to tender Perrigo shares. This is the first time since *Morrison* that a U.S. court has independently analyzed the market of a security traded on a non-U.S. exchange and found that it met the standards of market efficiency necessary allow for class certification.

Jeremy headed the Firm's individual action against pharmaceutical giant Teva Pharmaceutical Industries Ltd. and Teva Pharmaceuticals USA, Inc. (together, “Teva”), and certain of Teva's current and former employees and officers, relating to alleged anticompetitive practices in Teva's sales of generic drugs. Teva is a dual-listed company, and the Firm represents several Israeli institutional investors who purchased Teva shares on the Tel Aviv Stock Exchange. In early 2021, Pomerantz achieved a major victory for global investors when the district court agreed to exercise supplemental jurisdiction over the Israeli law claims. *Clal Insurance Company Ltd. v. Teva Pharmaceutical Industries Ltd.*

In 2019, Jeremy achieved a \$27 million settlement for the Class in *Strougo v. Barclays PLC*, a high-profile securities class action in which Pomerantz was Lead Counsel. Plaintiffs alleged that Barclays PLC misled institutional investors about the manipulation of the banking giant's so-called "dark pool" trading systems in order to provide a trading advantage to high-frequency traders over its institutional investor clients. This case turned on the duty of integrity owed by Barclays to its clients. In November 2017, Jeremy achieved precedent-setting victories for investors, when the Second Circuit Court of Appeals held that direct evidence of price impact is not always necessary to demonstrate market efficiency to invoke the presumption of reliance, and that defendants seeking to rebut the presumption of reliance must do so by a preponderance of the evidence rather than merely meeting a burden of production.

Jeremy led the Firm's securities class action litigation against Yahoo!, Inc., in which Pomerantz, as Lead Counsel, achieved an \$80 million settlement for the Class in 2018. The case involved the biggest data breaches in U.S. history, in which over 3 billion Yahoo accounts were compromised. This was the first significant settlement to date of a securities fraud class action filed in response to a data breach.

In 2018 Jeremy achieved a \$3,300,000 settlement for the Class in the Firm's securities class action against Corinthian Colleges, one of the largest for-profit college systems in the country, for alleged misrepresentations about its job placement rates, compliance with applicable regulations, and enrollment statistics. Pomerantz prevailed in the motion to dismiss the proceedings, a particularly noteworthy victory because Chief Judge George King of the Central District of California had dismissed two prior lawsuits against Corinthian with similar allegations. *Erickson v. Corinthian Colleges, Inc.* (C.D. Cal.).

Jeremy led the Firm's litigation team that in 2018 secured a \$31 million partial settlement with three defendants in *In re Libor Based Financial Instruments Antitrust Litigation*, a closely watched multi-district litigation, which concerns the London Interbank Offered Rate (LIBOR) rigging scandal.

In *In re China North East Petroleum Corp. Securities Litigation*, Jeremy achieved a significant victory for shareholders in the United States Court of Appeals for the Second Circuit, whereby the Appeals Court ruled that a temporary rise in share price above its purchase price in the aftermath of a corrective disclosure did not eviscerate an investor's claim for damages. The Second Circuit's decision was deemed "precedential" by the *New York Law Journal* and provides critical guidance for assessing damages in a § 10(b) action.

Jeremy had an integral role in *In re Comverse Technology, Inc. Securities Litigation*, in which he and his partners achieved a historic \$225 million settlement on behalf of the Class, which was the second-largest options backdating settlement to date.

Jeremy regularly consults with Pomerantz's international institutional clients, including pension funds, regarding their rights under the U.S. securities laws. Jeremy is working with the Firm's international clients to craft a response to the Supreme Court's ruling in *Morrison v. National Australia Bank, Ltd.*, which limited the ability of foreign investors to seek redress under the federal securities laws.

Jeremy is a frequent lecturer worldwide regarding current corporate governance and securities litigation issues.

Jeremy graduated from Fordham University School of Law in 2002. While in law school, he served as a

staff member of the *Fordham Urban Law Journal*. Upon graduation, he began his career at a major New York law firm as a litigation associate, where he specialized in complex commercial litigation.

Jeremy is admitted to practice in New York; the United States District Courts for the Southern and Eastern Districts of New York, the Northern and Southern Districts of Texas, the District of Colorado, the Eastern District of Michigan, the Eastern District of Wisconsin, and the Northern District of Illinois; the United States Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Ninth, and Tenth Circuits; and the United States Supreme Court.

Gustavo F. Bruckner

Gustavo F. Bruckner heads Pomerantz's Corporate Governance practice group, which enforces shareholder rights and prosecutes litigation challenging corporate actions that harm shareholders. Under Gustavo's leadership, the Corporate Governance group has achieved numerous noteworthy litigation successes. He has been quoted on corporate governance issues by *The New York Times*, *The Wall Street Journal*, *Bloomberg*, *Law360*, and *Reuters*, and was honored from 2016 through 2021 by Super Lawyers® as a "Top-Rated Securities Litigation Attorney," a recognition bestowed on no more than 5% of eligible attorneys in the New York Metro area. In 2023, he was included on Lawdragon's list of the 500 Leading Plaintiff Financial Lawyers. Gustavo regularly appears in state and federal courts across the nation. Gustavo presented at the prestigious Institute for Law and Economic Policy conference.

Gustavo is a fierce advocate of aggressive corporate clawback policies that allow companies to recover damages from officers and directors for reputational and financial harm. Most recently, in *McIntosh vs Keizer, et al.*, Docket No. 2018-0386 (Del. Ch.), Pomerantz filed a derivative suit on behalf of Hertz Global Holdings, Inc. shareholders, seeking to compel the Hertz board of directors to claw back millions of dollars in unearned and undeserved payments that the Company made to former officers and directors who significantly damaged Hertz through years of wrongdoing and misconduct. Under pressure from plaintiff's litigation efforts, the Hertz board of directors elected to take unprecedented action and mooted plaintiff's claims, initiating litigation to recover tens of millions of dollars in incentive compensation and more than \$200 million in damages from culpable former Hertz executives.

Pomerantz, through initiation and prosecution of a shareholder derivative action, forced the Hertz board to seek clawback from former officers and directors of the company, unjustly enriched after causing the Company to file inaccurate and false financial statements leading to a \$235 million restatement and \$16 million fee to the SEC.

In September 2017, Gustavo's Corporate Governance team achieved a settlement in New Jersey Superior Court that provided non-pecuniary benefits for a non-opt out class. In approving the settlement, Judge Julio Mendez, of Cape May County Chancery Division, became the first New Jersey state court judge to formally adopt the Third Circuit's nine-part *Girsh* factors, *Girsh v. Jepsen*, 521 F.2d 153 (3d Cir. 1975). Never before has there been a published New Jersey state court opinion setting out the factors a court must consider in evaluating whether a class action settlement should be determined to be fair and adequate.

Gustavo successfully argued *Strougo v. Hollander*, C.A. No. 9770-CB (Del. Ch. 2015), obtaining a landmark ruling in Delaware that bylaws adopted after shareholders are cashed out do not apply to

shareholders affected by the transaction. In the process, Gustavo and the Corporate Governance team beat back a fee-shifting bylaw and were able to obtain a 25% price increase for members of the class cashed out in the “going private” transaction. Shortly thereafter, the Delaware Legislature adopted legislation to ban fee-shifting bylaws.

In *Stein v. DeBoer* (Or. Cir. Ct. 2017), Gustavo and the Corporate Governance group achieved a settlement that provides significant corporate governance therapeutics on behalf of shareholders of Lithia Motors, Inc. The company’s board had approved, without meaningful review, the Transition Agreement between the company and Sidney DeBoer, its founder, controlling shareholder, CEO, and Chairman, who was stepping down as CEO. DeBoer and his son, the current CEO, negotiated virtually all the material terms of the Agreement, by which the company agreed to pay the senior DeBoer \$1,060,000 and a \$42,000 car allowance annually for the rest of his life, plus other benefits, in addition to the \$200,000 per year that he would receive for continuing to serve as Chairman.

In *Miller v. Bolduc*, No. SUCV 2015-00807 (Mass. Sup. Ct. 2015), Gustavo and the Corporate Governance group, by initiating litigation, caused Implant Sciences to hold its first shareholder annual meeting in 5 years and to place an important compensation grant up for a shareholder vote.

In *Strougo v. North State Bancorp*, No. 15 CVS 14696 (N.C. Super. Ct. 2015), Gustavo and the Corporate Governance team caused the North State Bancorp merger agreement to be amended to provide a “majority of the minority” provision for common shareholders in connection with the shareholder vote on the merger. As a result of the action, common shareholders had the ability to stop the merger if they did not wish it to go forward.

In *Hallandale Beach Police Officers and Firefighters’ Personnel Retirement Fund vs. Lululemon Athletica, Inc.*, C.A. No. 8522-VCP (Del. Ch. 2014), in an issue of first impression in Delaware, Gustavo successfully argued for the production of the company chairman’s Rule 10b5-1 stock trading plan. The court found that a stock trading plan established by the company’s chairman, pursuant to which a broker, rather than the chairman himself, would liquidate a portion of the chairman’s stock in the company, did not preclude potential liability for insider trading.

Gustavo was Co-Lead Counsel in *In re Great Wolf Resorts, Inc. Shareholders Litigation*, C.A. No. 7328-VCN (Del. Ch. 2012), obtaining the elimination of stand-still provisions that allowed third parties to bid for Great Wolf Resorts, Inc., resulting in the emergence of a third-party bidder and approximately \$94 million (57%) in additional merger consideration for Great Wolf shareholders.

Gustavo received his law degree in 1992 from the Benjamin N. Cardozo School of Law, where he served as an editor of the Moot Court Board and on the Student Council. Upon graduation, he received the award for outstanding student service.

After graduating law school, Gustavo served as Chief-of-Staff to a New York City legislator.

Gustavo is a Mentor and Coach to the NYU Stern School of Business, Berkley Center for Entrepreneurial Studies, New Venture Competition. He was a University Scholar at NYU where he obtained a B.S. in Marketing and International Business in 1988 and an MBA in Finance and International Business in 1989. Gustavo is a Trustee and former Treasurer of the Beit Rabban Day School, and an arbitrator in the Civil Court of the City of New York.

Gustavo is admitted to practice in New York and New Jersey; the United States District Courts for the Eastern, Northern, and Southern Districts of New York and the District of New Jersey; the Eastern District of Wisconsin; the United States Courts of Appeals for the Second and Seventh Circuits; and the United States Supreme Court.

Brian Calandra

Brian Calandra joined Pomerantz in June 2019 as Of Counsel and was elevated to Partner in January 2023. He has extensive experience in securities, antitrust, complex commercial, and white-collar matters in federal and state courts nationwide. Brian has represented issuers, underwriters, and individuals in securities class actions involving the financial, telecommunications, real estate, and pharmaceutical industries. He has also represented financial institutions in antitrust class actions concerning foreign exchange; supra-national, sub-sovereign and agency bonds; bonds issued by the government of Mexico; and credit card fees. In 2021, Brian was honored as a Super Lawyers® “Top-Rated Securities Litigation Attorney”.

Brian has written multiple times on developments in securities law and other topics, including co-authoring an overview of insider trading law and enforcement for *Practical Compliance & Risk Management for the Securities Industry*, co-authoring an analysis of anti-corruption compliance risks posed by sovereign wealth funds for *Risk & Compliance*, and authoring an analysis of the effects of the 2005 Bankruptcy Abuse Prevention and Consumer Protection Act on women in bankruptcy for the *Women’s Rights Law Reporter*.

Before joining Pomerantz, Brian was a litigation associate at Shearman & Sterling LLP. Brian graduated from Rutgers School of Law-Newark in 2009, *cum laude*, Order of the Coif. While at Rutgers, Brian was co-editor-in-chief of the *Women’s Rights Law Reporter* and received the Justice Henry E. Ackerson Prize for Distinction in Legal Skills and the Carol Russ Memorial Prize for Distinction in Promoting Women’s Rights.

Brian is admitted to practice in New York; the United States District Courts for the Northern, Southern and Eastern Districts of New York; the District of New Jersey, and the Eastern District of Wisconsin; the United States Courts of Appeals for the First, Second, Third, Fifth and Tenth Circuits; and the United States Supreme Court.

Justin D. D’Aloia

Justin D. D’Aloia is a Partner in Pomerantz’s New York office, where he specializes in securities class action litigation. He has extensive experience litigating high-profile securities cases in federal and state courts across the country. Justin has represented issuers, underwriters, and senior executives in matters involving a range of industries, including the financial services, life sciences, real estate, technology, and consumer retail sectors. His practice covers the full spectrum of proceedings from pre-suit demand through settlement.

Justin joined Pomerantz as a Partner in October 2022. Before joining Pomerantz, Justin was counsel at a large international law firm where he focused on securities litigation and other complex shareholder

class action litigation. He previously served as a law clerk to Judge Mark Falk of the United States District Court for the District of New Jersey.

Justin received his J.D. from Fordham University School of Law, where he was Editor-in-Chief of the Fordham International Law Journal. He earned his undergraduate degree from Rutgers University with a concentration in Business and Economics.

Justin is admitted to practice in New York; United States District Courts for the Southern and Eastern Districts of New York and the District of Colorado; United States Courts of Appeals for the Second, Third, and Tenth Circuits.

Emma Gilmore

Emma Gilmore is a Partner at Pomerantz and is regularly involved in high-profile class-action litigation. In 2024, Benchmark Litigation selected her as “Plaintiff Litigator of the Year.” In 2023, the *National Law Journal* named her a Plaintiffs’ Attorney Trailblazer and Benchmark Litigation shortlisted her for Plaintiff Litigator of the Year. Emma was honored by Law360 in 2023 and in 2018 as an MVP in Securities Litigation, part of an “elite slate of attorneys [who] have distinguished themselves from their peers by securing hard-earned successes in high-stakes litigation, complex global matters and record-breaking deals.” Only up to six attorneys nationwide are selected each year as MVPs in Securities Litigation. In 2018, Emma was the first woman plaintiff attorney to receive this outstanding award since it was initiated in 2011. In 2021, Emma was awarded a spot on *National Law Journal’s* prestigious Elite Women of the Plaintiffs Bar list. In 2021 and 2020, she was named by Benchmark Litigation as one of the Top 250 Women in Litigation—an honor bestowed on only seven plaintiffs’ lawyers in the U.S. those years. The *National Law Journal* and the *New York Law Journal* honored her as a “Plaintiffs’ Lawyer Trailblazer.” Emma has been honored since 2018 as a Super Lawyer®. She has been recognized by Lawdragon as one of the top 500 Leading Plaintiff Financial Lawyers.

Emma is regularly invited to speak about recent trends and developments in securities litigation. She serves on the New York City Bar Association’s Securities Litigation Committee. Emma regularly counsels clients around the world on how to maximize recoveries on their investments.

Emma played a leading role in the Firm’s class action case in the Southern District of New York against Brazil’s largest oil company, Petrobras, arising from a multi-billion-dollar kickback and bribery scheme, in which the Firm was sole Lead Counsel. In a significant victory for investors, Pomerantz achieved a historic \$3 billion settlement with Petrobras. This is not only the largest securities class action settlement in a decade but is the largest settlement ever in a class action involving a foreign issuer, the fifth-largest class action settlement ever achieved in the United States, and the largest settlement achieved by a foreign lead plaintiff. The biggest instance of corruption in the history of Brazil had ensnared not only Petrobras’ former executives but also Brazilian politicians, including former president Lula da Silva and one-third of the Brazilian Congress. Emma traveled to Brazil to uncover evidence of fraud and drafted the complaint. She deposed and defended numerous fact and expert witnesses, including deposing the former CEO of Petrobras, the whistleblower, and the chief accountant. She drafted the appellate brief, playing an instrumental role in securing a significant victory for investors in this case at the Second Circuit Court of Appeals, when the Court rejected the heightened ascertainability requirement for obtaining class certification that had been imposed by other circuit courts. She opposed defendants’ petition for a writ of certiorari to the Supreme Court. Emma successfully obtained sanctions

against a professional objector challenging the integrity of the settlement, both in the District Court and in the Court of Appeals for the Second Circuit.

Emma organized a group of twenty-seven of the foremost U.S. scholars in the field of evidence and spearheaded the effort to submit an amicus brief to the U.S. Supreme Court on their behalf in a critical issue for investors. One of the two issues before the High Court in *Goldman Sachs Group, Inc. et al v. Arkansas Teachers Retirement System, et al.* (No. 20-222) squarely affected investors' ability to pursue claims collectively as a class: whether, in order to rebut the presumption of reliance originated by the Court in the landmark *Basic v. Levinson* decision, defendants bear the burden of persuasion, or whether they bear only the much lower burden of production. The scholars argued that defendants carry the higher burden of persuasion. In a 6-3 decision, the Supreme Court sided with Pomerantz and the scholars.

Emma led the Firm's class action litigation against Deutsche Bank and its executives, arising from the Bank's improper anti-money-laundering and know-your-customer procedures. Plaintiffs alleged that, despite the Bank's representations that it implemented a "robust and strict" Know Your Customer program with "special safeguards" for politically exposed persons (PEPs), defendants repeatedly exempted high-net-worth individuals and PEPs from any meaningful due diligence, enabling their criminal activities through the Bank's facilities. For example, Deutsche Bank continued "business as usual" with Jeffrey Epstein even after learning that 40 underage girls had come forward with testimony that he had sexually assaulted them. Deutsche Bank's former CEOs also onboarded, retained, and serviced Russian oligarchs and other clients reportedly engaged in criminal activities, with little or no due diligence. On October 20, 2022, Emma secured for investors nearly 50% of recoverable damages, which reflects a premium for the palpable misconduct and is exceptionally high for securities class action settlements. The Deutsche Bank litigation and settlement serve as important legal precedents aimed to deter financial institutions from enabling the wealthy and powerful to commit crimes in return for financial benefits to the institutions.

Emma co-leads the Firm's securities class action against Amazon arising from the behemoth's anti-competitive practices, which are also the subject of investigations by the U.S Congress and foreign regulators. Amazon is accused of misrepresenting its business dealing with third-party sellers on its market platform. Unbeknownst to investors, Amazon repeatedly misappropriated third-party sellers' data to create competing products, tied and bundled its products, exploited its power over third party sellers and favored its private-label products to the detriment of third-party sellers and consumers. The lawsuit seeks to recover billions of dollars in damages on behalf of defrauded investors.

Emma played a leading role in *Strougo v. Barclays PLC*, a high-profile securities class action that alleged Barclays PLC misled institutional investor clients about the extent of the banking giant's use of so-called "dark pool" trading systems. She secured an important precedent-setting opinion from the Second Circuit. Emma organized a group of leading evidence experts who filed amicus briefs supporting plaintiffs' position in the Second Circuit.

Emma secured a unanimous decision by a panel of the Ninth Circuit Court of Appeals, benefiting defrauded investors in *Costa Brava Partnership III LP v. ChinaCast Education Corp.* In an issue of first impression, the Ninth Circuit held that imputation of the CEO's scienter to the company was warranted vis-a-vis innocent third parties, despite the fact that the executive acted for his own benefit and to the company's detriment.

She has also devoted a significant amount of time to pro bono matters. She played a critical role in securing a unanimous ruling by the Arkansas Supreme Court striking down as unconstitutional a state law banning cohabiting individuals from adopting children or serving as foster parents. The ruling was a relief for the 1,600-plus children in the state of Arkansas who needed a permanent family. The litigation generated significant publicity, including coverage by the *Arkansas Times*, *the Wall Street Journal*, and *the New York Times*.

She was Lead Counsel in the Firm's class action litigation against Arconic, in which she secured a \$74 million settlement for the class. Arconic is the U.S. company that manufactured the highly flammable aluminum cladding allegedly responsible for the 2017 Grenfell Tower fire in London that eradicated a public housing block, killing 72 people and injuring 70 other tenants. Arconic repeatedly misrepresented to the market its safety protocols and the safety classification of its cladding products. When the truth about Arconic's unsafe practices emerged, investors lost over \$1 billion in damages.

Before joining Pomerantz, Emma was a litigation associate with the firms of Skadden, Arps, Slate, Meagher and Flom, LLP, and Sullivan & Cromwell, LLP. She worked on the *WorldCom Securities Litigation*, which settled for \$2 billion.

She also served as a law clerk to the Honorable Thomas C. Platt, former U.S. Chief Judge for the Eastern District of New York.

Emma graduated *cum laude* from Brooklyn Law School, where she served as a staff editor for the *Brooklyn Law Review*. She was the recipient of two CALI Excellence for the Future Awards, in the subjects of evidence and discovery. She graduated *summa cum laude* from Arizona State University, with a BA in French and a minor in Business.

She serves on the Firm's Anti-Harassment and Discrimination Committee.

Michael Grunfeld

Michael Grunfeld joined Pomerantz in July 2017 as Of Counsel and was elevated to Partner in 2019.

Michael has extensive experience in securities, complex commercial, and white-collar matters in federal and state courts around the country.

He has played a leading role in some of the Firm's significant class action litigation, including its case against Yahoo!, Inc. arising out of the biggest data breaches in U.S. history, in which the Firm, as Lead Counsel, achieved an \$80 million settlement on behalf of the Class. This settlement made history as the first substantial shareholder recovery in a securities fraud class action related to a cybersecurity breach. Michael also plays a leading role in many of the Firm's other ongoing class actions.

Michael is an honoree of Benchmark Litigation's 40 & Under Hot List 2020, 2021, and 2022, granted to a few of the "best and brightest law firm partners who stand out in their practices." He was named a 2019 Rising Star by Law360, a prestigious honor awarded to a select few top litigators under 40 years old "whose legal accomplishments transcend their age." In 2020, 2021, and 2022, Michael was recognized

by Super Lawyers® as a Top-Rated Securities Litigation Attorney;” in 2018 and 2019 he was honored as a New York Metro Rising Star.

Michael also leads Pomerantz’s litigation on behalf of the Colorado Public Employees’ Retirement System as an intervenor in *The Doris Behr 2012 Irrevocable Trust v. Johnson & Johnson*. At issue is an activist investor’s attempt to have Johnson & Johnson (“J&J”) shareholders vote on a proxy proposal instituting a corporate bylaw that would require all securities fraud claims against the company to be pursued through mandatory arbitration, and that would waive shareholder’s rights to bring securities class actions. In March 2022, the district court handed down an important victory for shareholders when it granted J&J’s and the Intervenors’ Motion to Dismiss the Third Amended Complaint.

Michael is the co-author of a chapter on damages in securities class actions in the LexisNexis treatise, *Litigating Securities Class Actions*.

Michael served as a clerk for Judge Ronald Gilman of the Sixth Circuit Court of Appeals and as a foreign law clerk for Justice Asher Grunis of the Israeli Supreme Court. Before joining Pomerantz, he was a litigation associate at Shearman & Sterling LLP and Paul, Weiss, Rifkind, Wharton & Garrison LLP.

Michael graduated from Columbia Law School in 2008, where he was a Harlan Fiske Stone Scholar and Submissions Editor of the Columbia Business Law Review. He graduated from Harvard University with an A.B. in Government, *magna cum laude*, in 2004.

Michael is admitted to practice in New York; the United States District Courts for the Southern and Eastern Districts of New York and the District of Colorado; and the United States Courts of Appeal for the Second, Third, Fourth, Sixth, Ninth, and Tenth Circuits.

J. Alexander Hood II

J. Alexander Hood II joined Pomerantz in June 2015 and was elevated to Of Counsel to the Firm in 2019. He was elevated to Partner in 2022. Alex leads the Firm’s case origination team, identifying and investigating potential violations of the federal securities laws. In 2023, Alex was selected as a Rising Star in the *National Law Journal’s* Elite Trial Lawyers awards competition. This award honors lawyers under 40 who represent the next generation of legal leaders. He has been named a Super Lawyers® Rising Star each year since 2019.

He has been named a Super Lawyers® Rising Star each year since 2019.FF

Alex played a key role in securing Pomerantz’s appointment as Lead Counsel in actions against Meta Platforms, Inc., AT&T, Inc., Adobe, Inc., Hawaiian Electric Industries, Inc., Rite Aid Corporation, Yahoo!, Inc., Amazon.com, Inc., Fiat Chrysler Automobiles N.V., Wynn Resorts Limited, Perrigo Company plc, among others.

Alex also oversees the firm’s involvement on behalf of institutional investors in non-U.S. litigations, assisting Pomerantz clients with respect to evaluating and pursuing recovery in foreign jurisdictions, including matters in the Netherlands, Germany, the UK, Australia, Brazil, Denmark, and elsewhere.

Prior to joining Pomerantz, Alex practiced at nationally recognized law firms, where he was involved in commercial, financial services, corporate governance, and securities matters.

Alex graduated from Boston University School of Law (J.D.) and from the University of Oregon School of Law (LL.M.). During law school, he served as a member of the Boston University Review of Banking & Financial Law and participated in the Thomas Tang Moot Court Competition. In addition, Alex clerked for the American Civil Liberties Union of Tennessee and, as a legal extern, worked on the Center for Biological Diversity's Clean Water Act suit against BP in connection with the Deepwater Horizon oil spill.

Alex is admitted to practice in New York; the United States District Courts for the Southern, Eastern, Western and Northern Districts of New York; the District of Colorado; the Eastern District of Michigan; the Eastern District of Wisconsin; the Northern District of Illinois; the Northern District of Indiana; the Southern District of Texas; and the United States Courts of Appeals for the Second Circuit.

Omar Jafri

Omar Jafri is a Partner at Pomerantz. He represents defrauded investors in individual and class action securities litigation. *Lawdragon* has named him one of the country's Leading Plaintiff Financial Lawyers, and Super Lawyers® has recognized him as a Top-Rated Securities Litigator. Previously, Omar was recognized by the *National Law Journal* as a Rising Star of the Plaintiffs' Bar. The *National Law Journal* selected lawyers who "demonstrated repeated success in cutting-edge work on behalf of plaintiffs over the last 18 months [and] possess a solid track record of client wins over the past three to five years." He was also recognized by Super Lawyers® as a Rising Star in Securities Litigation between 2021 and 2023.

Omar has played an integral role in numerous cases where the Firm achieved significant recoveries for defrauded shareholders as Lead, Co-Lead or Additional Counsel, including: *Roofer's Pension Fund v. Papa et al.* (\$97 million recovery); *In re Chicago Bridge & Iron Co. N.V. Securities Litigation* (\$44 million recovery); *In re Juno Therapeutics, Inc. Securities Litigation* (\$24 million recovery); *In re Aveo Pharmaceuticals, Inc. Securities Litigation* (\$18 million recovery, which was more than four times larger than the SEC's fair fund recovery in its parallel litigation); *Sudunagunta v. NantKwest, Inc.* (\$12 million settlement); *Cooper v. Thoratec Corporation et al.* (\$11.9 million settlement following a reversal in the United States Court of Appeals for the Ninth Circuit after the lower court repeatedly dismissed the case); *Thomas v. MagnaChip Semiconductor Corp. Securities Litigation* (\$6.2 million settlement with majority shareholder, Avenue Capital); *Solomon v. Sprint Corporation et al.* (\$3.75 million settlement); *In re Paysign, Inc. Securities Litigation* (\$3.75 million settlement); *Schaeffer v. Nabriva Therapeutics plc et al.* (\$3 million settlement); *In re Sequans Communications S.A. Securities Litigation* (\$2.75 million settlement); *Torres et al. v. Berry Corporation et al.* (\$2.5 million settlement); and *Busic v. Orphazyme A/S et al.* (\$2.5 million settlement).

Through vigorous litigation, Omar has helped shape important precedents for all investors. *NantKwest* was the first case in the United States to recognize statistical proof of traceability. In *Roofer's Pension Fund v. Papa et al.*, the District Court independently analyzed the market of a security traded on a foreign exchange and found that it met the standards of market efficiency to allow for class certification for the first time since the U.S. Supreme Court decided *Morrison*. *Nabriva* was the first case in the Second Circuit to sustain a complaint based on the failure to disclose the FDA's serious criticisms identified in a Form 483 letter. In *Yan v. ReWalk Robotics et al.*, while the United States Court of Appeals for the First Circuit disagreed on the merits, the Circuit held that it is erroneous to dismiss a case for lack

of standing when a named plaintiff can be substituted with another class member, shutting the door on such defense tactics in any future case filed in that Circuit. *In re Bed Bath & Beyond Corporation Securities Litigation* was one of the first decisions in the country to conclude that the dissemination of a misleading emoji can be an actionable misrepresentation under the federal securities laws. And in *Glazer Capital Management, L.P. et al. v. Forescout Technologies, Inc. et al.*, Omar won a rare reversal in a securities fraud class action in the United States Court of Appeals for the Ninth Circuit. In a published decision that reversed the dismissal in *Forescout*, the Ninth Circuit held that lower courts must not comingle the lower standard for falsity with the higher standard for scienter in analyzing the sufficiency of a securities fraud complaint, and repudiated numerous arguments concerning the testimony of Confidential Witnesses that the defense bar had convinced many lower courts to erroneously endorse over the years.

Omar started his legal career at the height of the financial crisis in 2008 and has litigated major disputes on behalf of institutional investors arising out of the credit crisis, including disputes related to Collateralized Debt Obligations, Residential Mortgage-Backed Securities, Credit Default Swaps and other complex financial investments. Omar also represented the Examiner in the *Lehman Brothers* bankruptcy, the largest in history at the time, and helped draft a report that identified colorable claims against Lehman's senior executives for violating their fiduciary duties. He also has a robust *pro bono* criminal defense practice and has represented indigent defendants charged with crimes that range from simple battery to arson and murder.

Before joining Pomerantz, Omar was a law clerk to Judge William S. Duffey, Jr. of the United States District Court for the Northern District of Georgia, and an associate at an international law firm where he represented clients in a wide variety of matters, including securities litigation, complex commercial litigation, white collar criminal defense, and internal investigations.

Omar is a 2004 honors graduate of the University of Texas at Austin, and a 2008, *magna cum laude*, graduate of the University of Illinois College of Law, where he was inducted into the *Order of the Coif* and received the Rickert Award for Excellence in Advocacy. He is a fellow of the American Bar Foundation.

Omar is admitted to practice in Illinois; the United States District Courts for the Northern District of Illinois (Trial Bar) and the Northern District of Indiana; the United States Courts of Appeals for the First, Second, Fifth, and Ninth Circuits; and the United States Supreme Court.

Jordan L. Lurie

Jordan L. Lurie joined Pomerantz as a partner in the Los Angeles office in December 2018. Jordan heads Pomerantz's Strategic Consumer Litigation practice. He was named a 2021 Southern California Super Lawyer®.

Jordan has litigated shareholder class and derivative actions, complex corporate securities and consumer litigation, and a wide range of fraud and misrepresentation cases brought under state and federal consumer protection statutes involving unfair competition, false advertising, and privacy rights. Among his notable representations, Jordan served as Lead Counsel in the prosecution and successful resolution of major nationwide class actions against Nissan, Ford, Volkswagen, BMW, Toyota, Chrysler and General Motors. He also successfully preserved a multi-million dollar nationwide automotive class

action settlement by convincing the then Chief Judge of the Ninth Circuit and his wife, who were also class members and had filed objections to the settlement, to withdraw their objections and endorse the settlement.

Jordan has argued cases in the California Court of Appeals and in the Ninth Circuit that resulted in published opinions establishing class members' rights to intervene and clarifying the standing requirements for an objector to appeal. He also established a Ninth Circuit precedent for obtaining attorneys' fees in a catalyst fee action. Jordan has tried a federal securities fraud class action to verdict. He has been a featured speaker at California Mandatory Continuing Legal Education seminars and is a trained ombudsman and mediator. In 2020, Jordan was recognized as a 2021 Southern California Super Lawyer.

Outside of his legal practice, Jordan is an active educator and community leader and has held executive positions in various organizations in the Los Angeles community. Jordan participated in the first Wexner Heritage Foundation leadership program in Los Angeles and the first national cohort of the Board Member Institute for Jewish Nonprofits at the Kellogg School of Management.

Prior to joining Pomerantz, Jordan was the Managing Partner of the Los Angeles office of Weiss & Lurie and Senior Litigator at Capstone Law APC.

Jordan graduated cum laude from Yale University in 1984 with a B.A in Political Science and received his law degree in 1987 from the University of Southern California Gould School of Law, where he served as Notes Editor of the *University of Southern California Law Review*.

Jordan is a member of the State Bar of California and has been admitted to practice before the United States District Courts for the Northern, Southern, Central and Eastern Districts of California, the Eastern and Western Districts of Michigan, and the District of Colorado.

Jennifer Pafiti

Jennifer Pafiti became associated with the Firm in April 2014 and was elevated to Partner in December 2015. A dually qualified U.K. solicitor and U.S. attorney, she is the Firm's Head of Client Services and also takes an active role in complex securities litigation, representing clients in both class and non-class action securities litigation.

In 2023, Jennifer was one of only four individuals to be honored with the *New York Law Journal's* Innovation Award, which recognizes "creative and inspiring approaches by forward-thinking firms and individuals." Jennifer was nominated as a 2023 Lawyer of Distinction. In 2022, *The Enterprise World* named Jennifer as *The Most Successful Business Leader to Watch*. In 2021, Jennifer was selected as one of the "Women, Influence and Power in Law" honorees by Corporate Counsel, in the Collaborative Leadership—Law Firm category. Lawdragon has named Jennifer among the Leading 500 Lawyers in the United States every year since 2021. In 2020 she was named a Southern California Rising Star by Super Lawyers® and was recognized by Benchmark Litigation as a Future Star. Lawdragon has recognized Jennifer as a Leading Plaintiff Financial Attorney from 2019 through 2021. In 2019, she was also honored by Super Lawyers® as a Southern California Rising Star in Securities Litigation, named to Benchmark Litigation's *40 & Under Hot List* of the best young attorneys in the United States, and recognized by *Los Angeles Magazine* as one of Southern California's Top Young Lawyers. In 2018,

Jennifer was recognized as a Lawyer of Distinction. She was honored by Super Lawyers® in 2017 as both a Rising Star and one of the Top Women Attorneys in Southern California. In 2016, the *Daily Journal* selected Jennifer for its “Top 40 Under 40” list of the best young attorneys in California.

Jennifer was an integral member of the Firm’s litigation team for *In re Petrobras Securities Litigation*, a case relating to a multi-billion-dollar kickback and bribery scheme at Brazil’s largest oil company, Petróleo Brasileiro S.A.–Petrobras, in which the Firm was sole Lead Counsel. She helped secure a significant victory for investors in this case at the Second Circuit Court of Appeals, when the court rejected the heightened ascertainability requirement for obtaining class certification that had been imposed by other Circuit courts such as the Third and Sixth Circuit Courts of Appeals. Working closely with Lead Plaintiff, Universities Superannuation Scheme Limited, she was also instrumental in achieving the historic settlement of \$3 billion for Petrobras investors. This is not only the largest securities class action settlement in a decade but is the largest settlement ever in a securities class action involving a foreign issuer, the fifth-largest securities class action settlement ever achieved in the United States, the largest securities class action settlement achieved by a foreign Lead Plaintiff, and the largest securities class action settlement in history not involving a restatement of financial reports.

Jennifer was involved, among other cases, in the securities class action against rare disease biopharmaceutical company, KaloBios, and certain of its officers, including CEO Martin Shkreli. In 2018, Pomerantz achieved a settlement of \$3 million plus 300,000 shares for defrauded investors—an excellent recovery in light of the company’s bankruptcy. *Isensee v. KaloBios*. Jennifer also helped achieve a \$10 million recovery for the class in a securities litigation against the bankrupt Californian energy company, PG&E, which arose from allegedly false statements made by the company about its rolling power outages in the wake of the catastrophic wildfire incidents that occurred in California in 2015, 2017, and 2018. *Vataj v. Johnson, et al.*

Jennifer earned a Bachelor of Science degree in Psychology at Thames Valley University in England, prior to studying law. She earned her law degrees at Thames Valley University (G.D.L.) and the Inns of Court School of Law (L.P.C.) in the U.K.

Before studying law in England, Jennifer was a regulated financial advisor and senior mortgage underwriter at a major U.K. financial institution. She holds full CeFA and CeMAP qualifications. After qualifying as a solicitor, Jennifer specialized in private practice civil litigation, which included the representation of clients in high-profile cases in the Royal Courts of Justice. Prior to joining Pomerantz, Jennifer was an associate with Robbins Geller Rudman & Dowd LLP in their San Diego office.

Jennifer regularly travels throughout the U.S. and Europe to advise clients on how best to evaluate losses to their investment portfolios attributable to financial fraud or other misconduct, and how best to maximize their potential recoveries. Jennifer is also a regular speaker at events on securities litigation and fiduciary duty. In 2022, Thought Leaders 4 Disputes published Jennifer’s article entitled “The Globalisation of Securities Litigation.”

Jennifer served on the Honorary Steering Committee of Equal Rights Advocates (“ERA”), which focuses on specific issues that women face in the legal profession. ERA is an organization that protects and expands economic and educational access and opportunities for women and girls.

Jennifer is a member of the National Association of Pension Fund Attorneys and represents the Firm as a member of the California Association of Public Retirement Systems, the State Association of County Retirement Systems, the National Association of State Treasurers, the National Conference of Employee Retirement Systems, the Texas Association of Public Employee Retirement Systems, and the U.K.'s National Association of Pension Funds.

Jennifer is admitted to practice in England and Wales; California; the United States District Courts for the Northern, Central and Southern Districts of California; and the United States Court of Appeals for the Ninth Circuit.

Joshua B. Silverman

Joshua B. Silverman is a partner in Pomerantz's Chicago office. He specializes in individual and class action securities litigation.

Josh was Lead Counsel in *In re Groupon, Inc. Securities Litigation*, achieving a \$45 million settlement, one of the highest percentage recoveries in the Seventh Circuit. He was also Lead or Co-Lead Counsel in *In re MannKind Corp. Securities Litigation* (\$23 million settlement); *In re AVEO Pharmaceuticals, Inc. Securities Litigation* (\$18 million settlement, more than four times larger than the SEC's fair fund recovery in parallel litigation); *New Mexico State Investment Council v. Countrywide Financial Corp.* (very favorable confidential settlement); *New Mexico State Investment Council v. Cheslock Bakker & Associates* (summary judgment award in excess of \$30 million); *Sudunagunta v. NantKwest, Inc.* (\$12 million settlement); *Bruce v. Suntech Power Holdings Corp.* (\$5 million settlement); *In re AgFeed, Inc. Securities Litigation* (\$7 million settlement); and *In re Hemispherx BioPharma Securities Litigation* (\$2.75 million settlement). Josh also played a key role in the Firm's representation of investors before the United States Supreme Court in *StoneRidge*, and prosecuted many of the Firm's other class cases, including *In re Sealed Air Corp. Securities Litigation* (\$20 million settlement).

Josh, together with Managing Partner Jeremy Lieberman, achieved a critical victory for investors in the securities fraud class action against Perrigo Co. plc when Judge Arleo of the United States District Court for the District of New Jersey certified classes of investors that purchased Perrigo securities on both the New York Stock Exchange and the Tel Aviv Stock Exchange. Pomerantz represents a number of institutional investors that purchased Perrigo securities on both exchanges after an offer by Mylan N.V. to tender Perrigo shares. This is the first time since *Morrison* that a U.S. court has independently analyzed the market of a security traded on a non-U.S. exchange, and found that it met the standards of market efficiency necessary allow for class certification.

Several of Josh's cases have set important precedent. For example, *In re MannKind* established that investors may support complaints with expert information. *New Mexico v. Countrywide* recognized that investors may show Section 11 damages for asset-backed securities even if there has been no interruption in payment or threat of default. More recently, *NantKwest* was the first Section 11 case in the nation to recognize statistical proof of traceability.

In addition to prosecuting cases, Josh regularly speaks at investor conferences and continuing legal education programs.

Before joining Pomerantz, Josh practiced at McGuireWoods LLP and its Chicago predecessor, Ross & Hardies, where he represented one of the largest independent futures commission merchants in commodities fraud and civil RICO cases. He also spent two years as a securities trader, and continues to actively trade stocks, futures, and options for his own account.

Josh is a 1993 graduate of the University of Michigan, where he received Phi Beta Kappa honors, and a 1996 graduate of the University of Michigan Law School.

Josh is admitted to practice in Illinois; the United States District Court for the Northern District of Illinois; the United States Courts of Appeals for the First, Second, Third, Seventh, Eighth and Ninth Circuits; and the United States Supreme Court.

Brenda Szydlo

Brenda Szydlo joined Pomerantz in January 2016 as Of Counsel and was elevated to Partner in 2022. She brings to the Firm extensive experience in complex civil litigation in federal and state court on behalf of plaintiffs and defendants, with a particular focus on securities and financial fraud litigation, litigation against pharmaceutical corporations, accountants' liability, and commercial litigation. In 2020, 2021, 2022, 2023, and 2024, Brenda was recognized by Super Lawyers® as a "Top-Rated Securities Litigation Attorney." Brenda was also included on the Lawdragon 500 Leading Plaintiff Financial Lawyers list in 2022, 2023, and 2024. Additionally, Brenda was named New York Metro Top Women 2024 for Securities Litigation.

Brenda played a leading role in the Firm's securities class action case in the Southern District of New York against Brazil's largest oil company, Petrobras, arising from a multi-billion-dollar kickback and bribery scheme, in which the Firm, as sole Lead Counsel, achieved a precedent-setting legal ruling and a historic \$3 billion settlement for the Class. This is not only the largest securities class action settlement in a decade but is the largest settlement ever in a securities class action involving a foreign issuer, the fifth-largest securities class action settlement ever achieved in the United States, the largest securities class action settlement achieved by a foreign Lead Plaintiff, and the largest securities class action settlement in history not involving a restatement of financial reports.

Brenda has represented investors in additional class and private actions that have resulted in significant recoveries, such as *In re Pfizer, Inc. Securities Litigation*, where the recovery was \$486 million, and *In re Refco, Inc. Securities Litigation*, where the recovery was in excess of \$407 million. She has also represented investors in opt-out securities actions, such as investors opting out of *In re Bank of America Corp. Securities, Derivative & ERISA Litigation* in order to pursue their own securities action.

Prior to joining Pomerantz, Brenda served as Senior Counsel in a prominent plaintiff advocacy firm, where she represented clients in securities and financial fraud litigation, and litigation against pharmaceutical corporations and accounting firms. Brenda also served as Counsel in the litigation department of one of the largest premier law firms in the world, where her practice focused on defending individuals and corporations in securities litigation and enforcement, accountants' liability actions, and commercial litigation.

Brenda is a graduate of St. John's University School of Law, where she was a St. Thomas More Scholar and member of the Law Review. She received a B.A. in economics from Binghamton University.

Brenda is admitted to practice in New York; United States District Courts for the Southern and Eastern Districts of New York; the U.S. Courts of Appeals for the Second and Ninth Circuits; and the United States Supreme Court.

Matthew L. Tuccillo

A Partner since 2013, Matthew L. Tuccillo joined Pomerantz in 2011. With 24+ years of experience, he is recognized as a top national securities litigator.

Matt serves as the Firm's lead litigator on high-stakes securities class action litigation in courts nationwide. He closely advises his institutional clients, which are regularly appointed to serve as lead plaintiffs overseeing such lawsuits. His current caseload includes multiple lawsuits headed by his clients with class-wide damages of \$500 million - \$1 billion+. Matt's representative cases include:

- In *In re Emergent Biosolutions, Inc. Securities Litigation*, No. 8:21-cv-00955-PWG (D. Md.), arising from a company's COVID-19 vaccine manufacturing failures, one of Matt's foreign pension fund clients is court-appointed co-lead plaintiff with a second Pomerantz client. Matt secured partial denial of the motion to dismiss a robust amended complaint, based on confidential sources and extensive U.S. government documents, in September 2023. The court certified the class in June 2024, and the lawsuit is now proceeding through discovery.
- In *Edwards v. McDermott Int'l, Inc.*, No. 4:18-cv-4330-AB (S.D. Tex.), Matt successfully opposed a motion to dismiss a class action lawsuit, led by one of his foreign pension fund clients, alleging a years-long, multi-prong fraud by an engineering and construction company that did a risky merger, delayed massive write-downs, and declared bankruptcy. Matt led the case through discovery, securing court orders that required defendants to review for production 1.25 million+ documents identified via plaintiff-authored search terms on plaintiff-selected custodians. Recent efforts have focused on class certification litigation and expert work.
- In *Ramos v. Comerica, Inc.*, No. 2:23-cv-06843-SB-JPR (C.D. Cal.), one of Matt's foreign pension fund clients is lead plaintiff overseeing class action claims arising from a bank's statements regarding certain government contract programs and related operating and financial metrics. A further amended complaint will be filed after an initial dismissal without prejudice.
- In *In re Miniso Group Holding Limited Securities Litigation*, No. CV-22-5815 (MR Wx) (S.D.N.Y.), one of Matt's foreign pension fund clients is lead plaintiff overseeing class action claims arising from a China-based retail company's U.S. IPO. A further amended complaint will be filed after the court resolves all briefing concerning the amended complaint.
- In *Chun v. Fluor Corp., et al.*, No. 3:18-cv-01338-S (N.D. Tex.), with two of his U.S. municipal pension fund clients serving as co-lead plaintiffs, Matt served as co-lead counsel in hard-fought litigation concerning underperforming, large-scale, fixed-bid projects through two motions to dismiss. A months-long mediation and negotiation process resulted in a court-approved \$33 million settlement, which was a 37.5% recovery of the upheld claim value.
- In *Kendall v. Odonate Therapeutics, Inc., et al.*, No. 3:20-01828-H-LL (S.D. Cal.), Matt successfully opposed a motion to dismiss a securities lawsuit arising from a pharmaceuticals company's failure to advance its lead drug candidate to FDA approval. Notably, the court held that defendants' scienter (intent) was sufficiently pled, even though they bought, rather than sold,

company stock during the period of alleged fraud. A successful mediation resulted in a court-approved \$12.75 million settlement.

- In *In re BP p.l.c. Securities Litigation*, No. 4:10-md-2185 (S.D. Tex.), where the court praised the “uniformly excellent” “quality of lawyering,” Matt spearheaded lawsuits over BP’s Gulf of Mexico oil spill by 125+ global institutional investors. Over 9 years, he successfully opposed three motions to dismiss, oversaw e-discovery of 1.75 million documents, led the Plaintiffs Steering Committee, was the sole interface with BP and the Court, and secured some of the Firm’s most ground-breaking rulings. In a ruling of first impression, he successfully argued that investors asserted viable English law “holder claims” for losses due to retention of already-owned shares in reliance on a fraud, a theory barred under U.S. law since *Blue Chip Stamps v. Manor Drug Stores*, 421 U.S. 723 (1975). He successfully argued against *forum non conveniens* (wrong forum) dismissal of 80+ global institutions’ lawsuits - the first ruling after *Morrison v. Nat’l Australia Bank Ltd.*, 130 S. Ct. 2869 (2010), to permit foreign investors to pursue in U.S. court their foreign law claims for losses in a foreign company’s securities traded on a foreign exchange. He successfully argued that the U.S. Securities Litigation Uniform Standards Act of 1998 (SLUSA), which extinguishes U.S. state law claims in deference to the U.S. federal law, should not extend to the foreign law claims of U.S. and foreign investors, a ruling that saved those claims from dismissal where U.S. federal law afforded no remedy after *Morrison*. In 2021, Matt achieved mediator-assisted, confidential, favorable monetary settlement for all 35 Firm clients including public and private pension funds, money management firms, partnerships, and trusts from the U.S., Canada, the U.K., France, the Netherlands, and Australia. Notably, seven of these plaintiffs were Matt’s institutional clients from the U.S., U.K., and Canada.
- In *In re Toronto-Dominion Bank Securities Litigation*, No. 1:17-cv-01735 (D.N.J.), Matt pled a multi-year fraud arising at one of Canada’s largest banks, based on extensive statements by former employees detailing underlying retail banking misconduct. Matt persuaded the court to reject a motion to dismiss in an order noteworthy because it validated the scienter (intent) pleading despite no witness speaking directly to the individual defendants’ state of mind. The court approved a \$13.25 million class-wide settlement achieved after mediation.
- In *Perez v. Higher One Holdings, Inc., et al.*, No. 14-cv-00755-AWT (D. Conn.), Matt persuaded the court, after an initial dismissal, to uphold a second amended complaint asserting five threads of fraud by an education funding company and its founders and to approve a \$7.5 million class-wide settlement. Notably, the court held that the company’s reported financial results violated SEC Regulation S-K, Item 303, for failure to disclose known trends and impacts from underlying misconduct – a rare ruling absent an accounting restatement.
- In *In re KaloBios Pharmaceuticals, Inc. Securities Litigation*, No. 15-cv-05841 (N.D. Cal.), a lawsuit against a bankrupt drug company and its jailed ex-CEO, Matt negotiated two class-wide settlements totaling \$3.25+ million, including cash payments and stock from the company, that were approved by the bankruptcy and district courts.
- In *In re Silvercorp Metals, Inc. Securities Litigation*, No. 1:12-cv-09456 (S.D.N.Y.), Matt worked with mining, accounting, damages, and market efficiency experts to survive a motion to dismiss by a Canadian company with mining operations in China and NYSE-traded stock. In approving the \$14 million settlement achieved after two mediations, Judge Rakoff called the case “unusually complex,” given the technical nature of mining metrics, the need to compare mining standards in Canada, China, and the U.S., and the volume of Chinese-language evidence.

Matt was also on the multi-firm team that represented commercial real estate investors against the Empire State Building's long-term lessees/operators regarding a consolidation, REIT formation, and IPO in *In re Empire State Realty Trust, Inc. Investor Litig.*, No. 650607/2012 (N.Y. Sup. Ct.), which was resolved for a \$55 million cash/securities settlement fund, a \$100 million tax benefit from restructured terms, remedial disclosures, and deal protections.

Matt regularly counsels institutional investors, foreign and domestic, regarding pending or potential complex litigation in the U.S. He is skilled at identifying potential securities frauds early, regularly providing clients with the first opportunity to evaluate and pursue their claims, and he has worked extensively with outside investment management firms retained by clients to identify a winning set of supporting evidence. When litigation is filed, he fully oversees its conduct and resolution, counseling clients throughout every step of the process, while handling all significant motions and courtroom arguments. These skills have enabled him to sign numerous institutional clients for litigation and portfolio monitoring services, including public and private pension plans, investment management firms and sponsored investment vehicles, from both the U.S. and abroad. Matt's clients have spearheaded the Firm's litigation efforts in the *BP, Fluor, McDermott, Emergent, Miniso, and Comerica* litigations discussed above.

Matt takes great pride in representing union clients. He got his own union card as a teenager (United Food & Commercial Workers International Union, Local 371), following in the footsteps of his grandfather (International Brotherhood of Teamsters, Local 560).

Before joining Pomerantz, Matt worked at a large full-service firm then plaintiff-side boutique firms in Boston and Connecticut, litigating complex business disputes and securities, consumer, and employment class actions. His pro bono work included securing Social Security benefits for a veteran with non-service-related disabilities.

Matt graduated from the Georgetown University Law Center in 1999, where he made the Dean's List. He graduated from Wesleyan University in 1995, and among his various volunteer activities, he served as President of the Wesleyan Lawyers Association from 2017-2020.

His has been named a *Super Lawyers*[®] "Top-Rated Securities Litigation Attorney" (2016-present), *Lawdragon* Leading Plaintiff Financial Lawyer (2019-2020, 2022- present), *Benchmark* Litigation Star (2021-2023), *Legal 500* Recommended Securities Litigator (2016, 2021), *American Lawyer* Top Rated Litigator (2023) and Northeast Trailblazer (2021), and a *Martindale-Hubbell AV*[®] Preeminent[™] peer-rated attorney (2014-present). His advocacy has been covered by Bloomberg, Law360, the *Houston Chronicle*, the *Hartford Business Journal*, and other outlets.

He is a member of the Bars the Supreme Court of the United States; the State of New York; the State of Connecticut; the Commonwealth of Massachusetts; the Second and Ninth Circuit Courts of Appeals; and the United States District Courts for the Southern and Eastern District of New York, Connecticut, Massachusetts, the Northern District of Illinois, the Eastern District of Wisconsin, and the Southern District of Texas. He is regularly admitted pro hac vice in state and federal courts nationwide.

Austin P. Van

Austin focuses his practice on high-profile securities class actions. In 2020, Austin was named an MVP in Securities Litigation by Law360, as part of an “elite slate of attorneys [who] have distinguished themselves from their peers by securing hard-earned successes in high-stakes litigation, complex global matters and record-breaking deals.” Only up to six attorneys nationwide are selected each year as MVPs in Securities Litigation. Austin was named to Benchmark Litigation’s “40 and Under Hotlist” in 2020 and 2021. Austin has been recognized by Lawdragon as one of the top 500 Leading Plaintiff Financial Lawyers and has been named as a Recommended Lawyer by The Legal 500. From 2018–2021, Austin was honored as a Super Lawyers® Rising Star.

Austin was in charge of Pomerantz’s securities class action against TechnipFMC, an oil and gas services provider. He uncovered the theory of this case: that TechnipFMC massively overstated its net income in its initial registration statement due to its use of incorrect foreign exchange rates. Austin successfully argued at oral argument in 2018 that the Court should deny defendants’ motion to dismiss the central claim in the matter. In 2019, Austin successfully argued lead plaintiff’s motion for class certification. He led the class through complete preparations for trial. The case settled in 2020 for approximately \$20 million.

Austin led a successful securities class action at Pomerantz against Rockwell Medical, Inc. and served as co-lead counsel on the matter with another firm. Austin extensively investigated the facts of this case and drafted the operative complaint. At a pre-motion conference for Defendants’ motion to dismiss, District Senior Judge Allyn R. Ross stated: “based on what I have reviewed, it is virtually inconceivable to me that the consolidated amended complaint could possibly be dismissed on a Rule 12(b)(6) motion or a Rule 9(b) motion” and that the proposed motion practice “would be a complete waste of time and resources of counsel, of the clients’ money, and my time.” Defendants declined even to move to dismiss the complaint and settled the case in 2019 for \$3.7 million—a highly favorable settlement for the Class. Austin received a J.D. from Yale Law School, where he was an editor of the Yale Law Journal and the Yale Journal of International Law. He has a B.A. from Yale University and an M.Sc. from the London School of Economics.

Austin is admitted to practice law in New York and New Jersey; the United States District Courts for the Southern and Eastern Districts of New York, the District of New Jersey, the Northern District of Illinois, and the Southern District of Texas; the United States Courts of Appeals for the First and Second Circuits; and the United States Supreme Court.

Murielle Steven Walsh

Murielle Steven Walsh joined the Firm in 1998 and was elevated to Partner in 2007. In 2024 Murielle was named a Titan of the Plaintiffs Bar by *Law360*, and in 2022 she was selected to participate on the publication’s Securities Editorial Board. She was named a 2020 Plaintiffs’ Lawyer Trailblazer by the *National Law Journal*, an award created to “honor a handful of individuals from each practice area that are truly agents of change” and was also honored as a 2020 Plaintiffs’ Trailblazer by the *New York Law Journal*. Murielle was honored in 2019, 2020 and 2021 as a Super Lawyers® “Top-Rated Securities Litigation Attorney,” a recognition bestowed on 5% of eligible attorneys in the New York Metro area. Lawdragon named her a Top Plaintiffs’ Financial Lawyer in 2019 and 2020.

During her career at Pomerantz, Murielle has prosecuted highly successful securities class action and corporate governance cases. She was one of the lead attorneys litigating *In re Livent Noteholders' Securities Litigation*, a securities class action in which she obtained a \$36 million judgment against the company's top officers, a ruling which was upheld by the Second Circuit on appeal. Murielle was also part of the team litigating *EBC I v. Goldman Sachs*, where the Firm obtained a landmark ruling from the New York Court of Appeals, that underwriters may owe fiduciary duties to their issuer clients in the context of a firm-commitment underwriting of an initial public offering.

Murielle currently leads the high-profile securities class action against Wynn Resorts Ltd., in which Pomerantz is lead counsel. The litigation arises from the company's concealment of a long-running pattern of sexual misconduct against Wynn employees by billionaire casino mogul Stephen Wynn, the company's founder and former Chief Executive Officer. In March 2023, Murielle achieved class certification on behalf of defrauded investors. *Ferris v. Wynn Resorts Ltd.*, No. 18-cv-479 (D. Nev.)

In a securities class action against Ormat Technologies, Inc., Murielle achieved a \$3,750,000 settlement on behalf of defrauded investors in January 2021. Ormat's securities are dual-listed on the NYSE and the Tel Aviv Stock Exchange. Murielle persuaded the district court in exercise supplemental jurisdiction in order to apply U.S. securities law to the claims in the case, regardless of where investors purchased their securities.

Murielle led the Firm's ground-breaking litigation that arose from the popular Pokémon Go game, in which Pomerantz was lead counsel. Pokémon Go is an "augmented reality" game in which players use their smart phones to "catch" Pokémon in real-world surroundings. GPS coordinates provided by defendants to gamers included directing the public to private property without the owners' permission, amounting to an alleged mass nuisance. *In re Pokémon Go Nuisance*, No. 3:16-cv-04300 (N.D. Cal.)

Murielle was co-lead counsel in *Thorpe v. Walter Investment Management Corp.*, No. 14-cv-20880 (S.D. Fla.), a securities fraud class action challenging the defendants' representations that their lending activities were regulatory-compliant, when in fact the company's key subsidiary engaged in rampant violations of federal consumer financial protection laws, subjecting it to various government investigations and enforcement action by the CFPB and FTC. In 2016, the Firm obtained a \$24 million settlement on behalf of the class. She was also co-lead counsel in *Robb v. Fitbit, Inc.*, No. 16-cv-00151 (N.D. Cal.), a securities class action alleging that the defendants misrepresented that their key product delivered "highly accurate" heart rate readings when in fact their technology did not consistently deliver accurate readings during exercise and its inaccuracy posed serious health risks to users of Fitbit's products. The Firm obtained a \$33 million settlement on behalf of the investor class in this action.

In 2018 Murielle, along with then-Senior Partner Jeremy Lieberman, achieved a \$3,300,000 settlement for the Class in the Firm's case against Corinthian Colleges, one of the largest for-profit college systems in the country, for alleged misrepresentations about its job placement rates, compliance with applicable regulations, and enrollment statistics. Pomerantz prevailed in the motion to dismiss the proceedings, a particularly noteworthy victory because Chief Judge George King of the Central District of California had dismissed two prior lawsuits against Corinthian with similar allegations. *Erickson v. Corinthian Colleges, Inc.*, No. 2:13-cv-07466 (C.D. Cal.).

Murielle serves as a member and on the Executive Committee of the Board of Trustees of the non-profit organization Court Appointed Special Advocates for Children ("CASA") of Monmouth County. She also

served on the Honorary Steering Committee of Equal Rights Advocates (“ERA”), which focuses on and discusses specific issues that women face in the legal profession. ERA is an organization that protects and expands economic and educational access and opportunities for women and girls. In the past, Murielle served as a member of the editorial board for Class Action Reports, a Solicitor for the Legal Aid Associates Campaign, and has been involved in political asylum work with the Association of the Bar of the City of New York.

Murielle serves on the Firm's Anti-Harassment and Discrimination Committee.

Murielle graduated *cum laude* from New York Law School in 1996, where she was the recipient of the Irving Mariash Scholarship. During law school, Murielle interned with the Kings County District Attorney and worked within the mergers and acquisitions group of Sullivan & Cromwell.

Murielle is admitted to practice in New York; the United States District Court for the Southern District of New York; and the United States Courts of Appeals for the Second and Sixth Circuits.

Tamar A. Weinrib

Tamar A. Weinrib joined Pomerantz in 2008. She was Of Counsel to the Firm from 2014 through 2018 and was elevated to Partner in 2019. In 2020, The Legal 500 honored her as a Next Generation Partner. Tamar was named a 2018 Rising Star under 40 years of age by Law360, a prestigious honor awarded to a select few “top litigators and dealmakers practicing at a level usually seen from veteran attorneys.” Tamar has been recognized by Super Lawyers® as a 2021 “Top-Rated Securities Litigation Attorney;” she was honored as a New York Metro Rising Star every year from 2014 to 2019.

In 2019, Tamar and Managing Partner Jeremy Lieberman achieved a \$27 million settlement for the Class in *Strougo v. Barclays PLC*, a high-profile securities class action in which Pomerantz was Lead Counsel. Plaintiffs alleged that Barclays PLC misled institutional investor clients about the extent of the banking giant’s use of so-called “dark pool” trading systems. This case turned on the duty of integrity owed by Barclays to its clients. In November 2016, Tamar and Jeremy achieved precedent-setting victories for investors, when the Second Circuit Court of Appeals held that direct evidence of price impact is not always necessary to demonstrate market efficiency to invoke the presumption of reliance, and that defendants seeking to rebut the presumption of reliance must do so by a preponderance of the evidence rather than merely meeting a burden of production. In 2018, Tamar successfully opposed Defendants’ petition to the Supreme Court for a writ of certiorari.

In approving the settlement in *Strougo v. Barclays PLC* in June 2019, Judge Victor Marrero of the Southern District of New York stated:

Let me thank counsel on both sides for the extraordinary work both sides did in bringing this matter to a reasonable conclusion. As the parties have indicated, the matter was intensely litigated, but it was done in the most extraordinary fashion with cooperation, collaboration, and high levels of professionalism on both sides, so I thank you.

Tamar headed the litigation of *In re Delcath Systems, Inc. Securities Litigation*, in which Pomerantz achieved a settlement of \$8,500,000 for the class. She successfully argued before the Second Circuit in *In*

re China North East Petroleum Securities Litigation, to reverse the district court's dismissal of the defendants on scienter grounds.

Among other securities fraud class actions that Tamar led to successful settlements are *KB Partners I, L.P. v. Pain Therapeutics, Inc.* (\$8,500,000); *New Oriental Education & Technology Group, Inc.* (\$3,150,000); and *Whiteley v. Zynerba Pharmaceuticals, Inc. et al.* (\$4,000,000).

Before coming to Pomerantz, Tamar had over three years of experience as a litigation associate in the New York office of Clifford Chance US LLP, where she focused on complex commercial litigation. Tamar has successfully tried pro bono cases, including two criminal appeals and a housing dispute filed with the Human Rights Commission.

Tamar graduated from Fordham University School of Law in 2004 and while there, won awards for successfully competing in and coaching Moot Court competitions.

Tamar is admitted to practice in New York; the United States District Courts for the Southern and Eastern Districts of New York; and the United States Courts of Appeals for the Second, Third, Fourth, and Ninth Circuits.

Michael J. Wernke

Michael J. Wernke joined Pomerantz as Of Counsel in 2014 and was elevated to Partner in 2015. He was named a 2020 Plaintiffs' Lawyer Trailblazer by the *National Law Journal*, an award created to "honor a handful of individuals from each practice area that are truly agents of change."

Michael, along with Managing Partner Jeremy Lieberman, led the litigation in *Pirnik v. Fiat Chrysler Automobiles N.V. et al.*, No. 1:15-cv-07199-JMF (S.D.N.Y), in which the Firm, as Lead Counsel, achieved a \$110 million settlement for the class. This high-profile securities class action alleges that Fiat Chrysler concealed from investors that it improperly outfitted its diesel vehicles with "defeat device" software designed to cheat NOx emissions regulations in the U.S. and Europe, and that regulators had accused Fiat Chrysler of violating the emissions regulations. The *Fiat Chrysler* recovery provides the class of investors with as much as 20% of recoverable damages—an excellent result when compared to historical statistics in class action settlements, where typical recoveries for cases of this size are between 1.6% and 3.3%.

Michael led the securities class action *Zwick Partners, LP v. Quorum Health Corp., et al.*, No. 3:16-cv-2475, achieving a settlement of \$18,000,000 for the class in June 2020. The settlement represented between 12.7% and 42.9% of estimated recoverable damages. Plaintiff alleged that defendants misrepresented to investors the poor prospects of hospitals that the parent company spun off into a stand-alone company. In defeating defendants' motions to dismiss the complaint, Michael successfully argued that company from which Quorum was spun off was a "maker" of the false statements even though all the alleged false statements concerned only Quorum's financials and the class involved only purchasers of Quorum's common stock. This was a tremendous victory for plaintiffs, as cases alleging false statements of goodwill notoriously struggle to survive motions to dismiss.

Along with Managing Partner Jeremy Lieberman, Michael leads the Firm's individual action against pharmaceutical giant Teva Pharmaceutical Industries Ltd. and Teva Pharmaceuticals USA, Inc. (together,

“Teva”), and certain of Teva’s current and former employees and officers, relating to alleged anticompetitive practices in Teva’s sales of generic drugs. Teva is a dual-listed company; the Firm represents several Israeli institutional investors who purchased Teva shares on the Tel Aviv Stock Exchange. In early 2021, Pomerantz achieved a major victory for global investors when the district court agreed to exercise supplemental jurisdiction over the Israeli law claims. *Clal Insurance Company Ltd. v. Teva Pharmaceutical Industries Ltd.*

In December 2018, Michael, along with Pomerantz Managing Partner Jeremy A. Lieberman, secured a \$31 million partial settlement with three defendants in *In re Libor Based Financial Instruments Antitrust Litigation*, a closely watched multi-district litigation, which concerns the LIBOR rigging scandal.

In October 2018, Michael secured a \$15 million settlement in *In re Symbol Technologies, Inc. Securities Litigation*, No. 2:05-cv-03923-DRH-AKT (E.D.N.Y.), a securities class action that alleges that, following an accounting fraud by prior management, Symbol’s management misled investors about the state of its internal controls and the Company’s ability to forecast revenues.

He was Lead Counsel in *Thomas v. Magnachip Semiconductor Corp.*, in which he achieved a \$23.5 million partial settlement with certain defendants, securing the settlement despite an ongoing investigation by the Securities and Exchange Commission and shareholder derivative actions. He played a leading role in *In re Lumber Liquidators, Inc. Securities Litigation*, in which Pomerantz, as Co-Lead Counsel, achieved a settlement of \$26 million in cash and 1,000,000 shares of Lumber Liquidators common stock for the Class. Michael also secured a \$7 million settlement (over 30% of the likely recoverable damages) in the securities class action *Todd v. STAAR Surgical Company, et al.*, No. 14-cv-05263-MWF-RZ (C.D. Cal.), which alleged that STAAR concealed from investors violations of FDA regulations that threatened the approval of STAAR’s long awaited new product.

In the securities class action *In re Atossa Genetics, Inc. Securities Litigation*, No. 13-cv-01836-RSM (W.D. Wash.), Michael secured a decision by the Ninth Circuit Court of Appeals that reversed the district court’s dismissal of the complaint. The Ninth Circuit held that the CEO’s public statements that the company’s flagship product had been approved by the FDA were misleading despite the fact that the company’s previously filed registration statement stated that that the product did not, at that time, require FDA approval.

During the nine years prior to coming to Pomerantz, Michael was a litigator with Cahill Gordon & Reindel LLP, with his primary focus in the securities defense arena, where he represented multinational financial institutions and corporations, playing key roles in two of only a handful of securities class actions to go to jury verdict since the passage of the PSLRA.

In 2020 and 2021, Michael was honored as a Super Lawyers® “Top Rated Securities Litigation Attorney.” In 2014 and 2015, he was recognized as a Super Lawyers® New York Metro Rising Star.

Michael received his J.D. from Harvard Law School in 2004. He also holds a B.S. in Mathematics and a B.A. in Political Science from Ohio State University, where he graduated *summa cum laude*.

He serves on the Firm’s Anti-Harassment and Discrimination Committee.

Michael is admitted to practice in New York; the United States District Court for the Southern District of New York; and the United States Supreme Court.

Senior Counsel

Stanley M. Grossman

Stanley M. Grossman, Senior Counsel, is a former Managing Partner of Pomerantz. Widely recognized as a leader in the plaintiffs' securities bar, he was honored in 2020 with a Lifetime Achievement award by the *New York Law Journal*. Martindale Hubbell awarded Stan its 2021 AV Preeminent Rating®, "given to attorneys who are ranked at the highest level of professional excellence for their legal expertise, communication skills, and ethical standards by their peers." Stan was selected by *Super Lawyers*® as an outstanding attorney in the United States for the years 2006 through 2020 and was featured in the *New York Law Journal* article *Top Litigators in Securities Field—A Who's Who of City's Leading Courtroom Combatants*. Lawdragon named Stan a Leading Plaintiff Financial Lawyer in 2019 and 2020, and in 2021, he was inducted into the Lawdragon Hall of Fame. In 2013, Brooklyn Law School honored Stan as an Alumnus of the Year.

Stan has primarily represented plaintiffs in securities and antitrust class actions, including many of those listed in the Firm biography. *See, e.g., Ross v. Bernhard*, 396 U.S. 531 (1970); *Rosenfeld v. Black*, 445 F.2d 137 (2d Cir. 1971); *Wool v. Tandem Computers, Inc.*, 818 F.2d 1433 (9th Cir. 1987); and *In re Salomon Bros. Treasury Litig.*, 9 F.3d 230 (2d Cir. 1993). In 2008 he appeared before the United States Supreme Court to argue that scheme liability is actionable under Section 10(b) and Rule 10b-5(a) and (c). *See StoneRidge Inv. Partners, LLC v. Sci.-Atlanta, Inc.*, No. 06-43 (2008). Other cases where he was the Lead or Co-Lead Counsel include: *In re Salomon Brothers Treasury Litigation*, No. 91 Civ. 5471 (S.D.N.Y. 1994) (\$100 million cash recovery); *In re First Executive Corporation Securities Litigation*, No. CV-89-7135 (C.D. Cal. 1994) (\$100 million settlement); and *In re Sorbates Direct Purchaser Antitrust Litigation*, No. C98-4886 (N.D. Cal. 2000) (over \$80 million settlement for the class).

In 1992, Senior Judge Milton Pollack of the Southern District of New York appointed Stan to the Executive Committee of counsel charged with allocating to claimants hundreds of millions of dollars obtained in settlements with Drexel Burnham & Co. and Michael Milken.

Many courts have acknowledged the high quality of legal representation provided to investors by Stan. In *Gartenberg v. Merrill Lynch Asset Management, Inc.*, No. 79 Civ. 3123 (S.D.N.Y.), where Stan was lead trial counsel for plaintiff, Judge Pollack noted at the completion of the trial:

[I] can fairly say, having remained abreast of the law on the factual and legal matters that have been presented, that I know of no case that has been better presented so as to give the Court an opportunity to reach a determination, for which the court thanks you.

Stan was also the lead trial attorney in *Rauch v. Bilzerian* (N.J. Super. Ct.) (directors owed the same duty of loyalty to preferred shareholders as common shareholders in a corporate takeover), where the court described the Pomerantz team as "exceptionally competent counsel." He headed the six week trial on liability in *Walsh v. Northrop Grumman* (E.D.N.Y.) (a securities and ERISA class action arising from Northrop's takeover of Grumman), after which a substantial settlement was reached.

Stan frequently speaks at law schools and professional organizations. In 2010, he was a panelist on *Securities Law: Primary Liability for Secondary Actors*, sponsored by the Federal Bar Council, and he presented *Silence Is Golden—Until It Is Deadly: The Fiduciary’s Duty to Disclose*, at the Institute of American and Talmudic Law. In 2009, Stan was a panelist on a Practising Law Institute “Hot Topic Briefing” entitled *StoneRidge—Is There Scheme Liability or Not?*

Stan served on former New York State Comptroller Carl McCall’s Advisory Committee for the NYSE Task Force on corporate governance. He is a former president of NASCAT. During his tenure at NASCAT, he represented the organization in meetings with the Chairman of the Securities and Exchange Commission and before members of Congress and of the Executive Branch concerning legislation that became the PSLRA.

Stan served for three years on the New York City Bar Association’s Committee on Ethics, as well as on the Association’s Judiciary Committee. He is actively involved in civic affairs. He headed a task force on behalf of the Association, which, after a wide-ranging investigation, made recommendations for the future of the City University of New York. He was formerly on the board of the Appleseed Foundation, a national public advocacy group.

Stan is admitted to practice in New York; the United States District Courts for the Southern and Eastern Districts of New York, Central District of California, Eastern District of Wisconsin, District of Arizona, District of Colorado; the United States Courts of Appeals for the First, Second, Third, Ninth and Eleventh Circuits; and the United States Supreme Court.

Marc I. Gross

Marc I. Gross is Senior Counsel at Pomerantz LLP, where he has litigated securities fraud class actions for over four decades, serving as its Managing Partner from 2009 to 2016. His major lawsuits include SAC Capital (Steven Cohen—insider trading); Chesapeake Energy (Aubrey McClendon—insider bail out); Citibank (analyst Jack Grubman—false AT&T stock recommendation); and Charter Communications (Paul Allen—accounting fraud). He also litigated market efficiency issues in the firm’s landmark \$3 billion recovery in *Petrobras*.

Mr. Gross has also served as President of the Institute of Law and Economic Policy (“ILEP”), which has organized symposiums each year where leading academics have presented papers on securities law and consumer protection issues. These papers have been cited in over 200 cases, including several in the United States Supreme Court. <http://www.ilep.org>.

Mr. Gross has addressed numerous forums in the United States on shareholder-related issues, including ILEP; Loyola-Chicago School of Law’s Institute for Investor Protection Conference; the National Conference on Public Employee Retirement Systems’ (“NCPERS”) Legislative Conferences; PLI conferences on Current Trends in Securities Law; a panel entitled *Enhancing Consistency and Predictability in Applying Fraud-on-the-Market Theory*, sponsored by the Duke Law School Center for Judicial Studies, as well as securities law students at NYU and Georgetown Law schools.

Among other articles, Mr. Gross authored *Cooking Books? The Valuation Treadmill*, 50 Sec. Reg. L. Jrl. 363 (2022); *Reputation and Securities Litigation*, 47 Sec. Reg. I Jrl. 99 (2019) *Back to Basic(s): Common*

Sense Trumps Econometrics, N.Y.L.J. (Jan. 8, 2018) (with Jeremy Lieberman); and *Class Certification in a Post-Halliburton II World*, 46 Loyola-Chicago L.J. 485 (2015).

Mr. Gross was honored in 2022 by T'ruah, the Rabbinic Call to Human Rights, for his pro bono work in support of the Coalition of Immokalee Workers in Florida in their battle for recognition by Wendy's Restaurants, and recently joined the Board of Mainchance, a homeless drop-in shelter operating in Manhattan.

Mr. Gross is a graduate of NYU Law '76 and Columbia College '73.

Patrick V. Dahlstrom

Patrick Dahlstrom joined Pomerantz as an associate in 1991 and was elevated to Partner in January 1996. He served as Co-Managing Partner with Jeremy Lieberman in 2017 and 2018 and is now Senior Counsel. Patrick heads the Firm's Chicago office. He was honored as a Super Lawyers® "Top-Rated Securities Litigation Attorney" from 2018–2021 in both Securities Litigation and Appellate matters. In 2021, Patrick was inducted into the Lawdragon Hall of Fame.

Patrick, a member of the Firm's Institutional Investor Practice and New Case Groups, has extensive experience litigating cases under the PSLRA. He led *In re Comverse Technology, Inc. Securities Litigation*, No. 06-CV-1825 (E.D.N.Y.), in which the Firm, as Lead Counsel, recovered a \$225 million settlement for the Class—the second-highest ever for a case involving back-dating options, and one of the largest recoveries ever from an individual officer-defendant, the company's founder and former CEO. In *Comverse*, the Firm obtained an important clarification of how courts calculate the "largest financial interest" in connection with the selection of a Lead Plaintiff, in a manner consistent with *Dura Pharmaceuticals, Inc. v. Broudo*, 544 U.S. 336 (2005). Judge Garaufis, in approving the settlement, lauded Pomerantz: "The court also notes that, throughout this litigation, it has been impressed by Lead Counsel's acumen and diligence. The briefing has been thorough, clear, and convincing, and . . . Lead Counsel has not taken short cuts or relaxed its efforts at any stage of the litigation."

In *DeMarco v. Robertson Stephens, Inc.*, 228 F.R.D. 468 (S.D.N.Y. 2005), Patrick obtained the first class certification in a federal securities case involving fraud by analysts.

Patrick's extensive experience in litigation under the PSLRA has made him an expert not only at making compelling arguments on behalf of Pomerantz's clients for Lead Plaintiff status, but also in discerning weaknesses of competing candidates. *In re American Italian Pasta Co. Securities Litigation* and *Comverse* are the most recent examples of his success in getting our clients appointed sole Lead Plaintiff despite competing motions by numerous impressive institutional clients.

Patrick was a member of the trial team in *In re ICN/Viratek Securities Litigation* (S.D.N.Y. 1997), which, after trial, settled for \$14.5 million. Judge Wood praised the trial team: "[P]laintiffs counsel did a superb job here on behalf of the class . . . This was a very hard fought case. You had very able, superb opponents, and they put you to your task . . . The trial work was beautifully done and I believe very efficiently done."

Patrick's speaking engagements include interviews by NBC and the CBC regarding securities class actions, and among others, a presentation at the November 2009 State Association of County

Retirement Systems Fall Conference as the featured speaker at the Board Chair/Vice Chair Session entitled: "Cleaning Up After the 100 Year Storm. How trustees can protect assets and recover losses following the burst of the housing and financial bubbles."

Patrick is a 1987 graduate of the Washington College of Law at American University in Washington, D.C., where he was a Dean's Fellow, Editor in Chief of the *Administrative Law Journal*, a member of the Moot Court Board representing Washington College of Law in the New York County Bar Association's Antitrust Moot Court Competition, and a member of the Vietnam Veterans of America Legal Services/Public Interest Law Clinic. Upon graduating, Patrick served as the Pro Se Staff Attorney for the United States District Court for the Eastern District of New York and was a law clerk to the Honorable Joan M. Azrack, United States Magistrate Judge.

Patrick is admitted to practice in New York and Illinois; the United States District Courts for the Southern and Eastern Districts of New York, Northern District of Illinois, Northern District of Indiana, Eastern District of Wisconsin, District of Colorado, and Western District of Pennsylvania; the United States Courts of Appeals for the First, Fourth, Sixth, Seventh, Eighth, and Ninth Circuits; and the United States Supreme Court.

Of Counsel

Samuel J. Adams

Samuel J. Adams became an Associate at Pomerantz in January 2012 and was elevated to Of Counsel to the Firm in 2021. He has been recognized as a Super Lawyers® "Rising Star" every year from 2015 through 2021.

Sam focuses his practice on corporate governance litigation and has served as a member of the litigation team in numerous actions that concluded in successful resolutions for stockholders. He was an integral member of the litigation team that secured a \$5.6 million settlement on behalf of a class of shareholders of Physicians Formula Holdings, Inc. following an ignored merger offer. *In re Physicians Formula Holdings, Inc. S'holder Litig.*, C.A. No. 7794-VCL (Del. Ch. Ct.). Sam was also instrumental in achieving a settlement in *Strougo v. Hollander*, C.A. No. 9770-CB (Del. Ch. Ct.) which provided for a 25% price increase for members of the class cashed out in the going-private transaction and established that fee-shifting bylaws adopted after a challenged transaction do not apply to stockholders affected by the transaction. Additionally, he was on the team of Pomerantz attorneys who obtained the elimination of stand-still provisions that allowed third parties to bid for Great Wolf Resorts, Inc., resulting in the emergence of a third-party bidder and approximately \$94 million (57%) in additional merger consideration for Great Wolf shareholders. *In re Great Wolf Resorts, Inc. S'holder Litig.*, C.A. No. 7328-VCN (Del. Ch.).

Sam is a 2009 graduate of the University of Louisville Louis D. Brandeis School of Law. While in law school, he was a member of the National Health Law Moot Court Team. He also participated in the Louis D. Brandeis American Inn of Court.

Sam is admitted to practice in New York; the United States District Courts for the Southern, Northern, and Eastern Districts of New York and the Eastern District of Wisconsin; and the United States Court of Appeals for the Fifth Circuit.

Ari Y. Basser

Ari Y. Basser joined Pomerantz as an associate in April 2019 and was elevated to Of Counsel in January 2022. He focuses his practice on strategic consumer litigation by representing consumers in unfair competition, fraud, false advertising, and auto defect actions that recover monetary and injunctive relief on behalf of class members while also advocating for important consumer rights. Ari has successfully prosecuted claims involving California's Unfair Competition Law, California's Consumers Legal Remedies Act, the Song-Beverly Consumer Warranty Act, and the Magnusson-Moss Warranty Act.

Prior to joining Pomerantz, Ari was an associate at major litigation law firms in Los Angeles. Ari also worked as a Law Clerk in the Economic Crimes Unit of the Santa Clara County Office of the District Attorney. Ari has litigated antitrust violations, product defect matters, and a variety of fraud and misrepresentation cases brought under state and federal consumer protection statutes involving unfair competition and false advertising. He has also been deputized in private attorneys general enforcement actions to recover civil penalties from corporations, on behalf of the State of California, for violations of the Labor Code.

Ari is a contributing author to the *Competition Law Journal*, the official publication of the Antitrust, UCL, and Privacy Section of the State Bar of California, where he has examined trends in antitrust litigation and the regulatory authority of the Federal Trade Commission.

Ari received dual degrees in Economics and Psychology from the University of California, San Diego in 2004. He earned his Juris Doctor in 2010 from Santa Clara University School of Law.

Samantha Daniels

Samantha brings years of commercial litigation experience to the Pomerantz team, joining the Firm as Of Counsel in 2024. Her practice involves representing aggrieved shareholders in securities litigation to recover losses across a number of industries, including pharma, technology, and entertainment.

Prior to joining Pomerantz, Samantha was an associate at Gibson, Dunn & Crutcher LLP, primarily in the firm's renowned appellate practice, representing highly-visible clients in a range of issues from securities litigation, consumer deception, and labor and employment, to constitutional crises. Her former matters include resolving first impression questions of employment status for gig workers for Uber and Postmates, securing victory for Apple against allegations of consumer fraud regarding FaceTime, and helping win NML shareholders 2.1 billion in due Argentine bonds.

Samantha earned her law degree from the University of Chicago Law School where she published her student comment on consumer protection. Before that, Samantha studied at Cornell University in Ithaca, New York, earning degrees in Political Science and History.

Cheryl D. Hamer

Cheryl D. Hamer joined Pomerantz in 2003 as an associate, served as a partner from 2007 to 2015 and is now Of Counsel to the Firm. She is based in San Diego.

Before joining Pomerantz, she served as counsel to nationally known securities class action law firms focusing on the protection of investors rights. In private practice for over 20 years, she has litigated, at both state and federal levels, Racketeer Influenced and Corrupt Organizations, Continuing Criminal Enterprise, death penalty and civil rights cases and grand jury representation. She has authored numerous criminal writs and appeals.

Cheryl was an Adjunct Professor at American University, Washington College of Law from 2010–2011 and served as a pro bono attorney for the Mid-Atlantic Innocence Project. She was an Adjunct Professor at Pace University, Dyson College of Arts and Sciences, Criminal Justice Program and The Graduate School of Public Administration from 1996–1998. She has served on numerous non-profit boards of directors, including Shelter From The Storm, the Native American Preparatory School and the Southern California Coalition on Battered Women, for which she received a community service award.

Cheryl has been a member of the Litigation and Individual Rights and Responsibilities Sections of the American Bar Association, the Corporation, Finance & Securities Law and Criminal Law and Individual Rights Sections of the District of Columbia Bar, the Litigation and International Law Sections of the California State Bar, and the National Association of Public Pension Attorneys (NAPPA) and represents the Firm as a member of the Council of Institutional Investors (CII), the National Association of State Treasurers (NAST), the National Conference on Public Employees Retirement Systems (NCPERS), the International Foundation of Employee Benefit Plans (IFEBP), the State Association of County Retirement Systems (SACRS), the California Association of Public Retirement Systems (CALAPRS) and The Association of Canadian Pension Management (ACPM/ACARR).

Cheryl is a 1973 graduate of Columbia University and a 1983 graduate of Lincoln University Law School. She studied tax law at Golden Gate University and holds a Certificate in Journalism from New York University and a Certificate in Photography: Images and Techniques from The University of California San Diego.

Louis C. Ludwig

Louis C. Ludwig joined Pomerantz in April 2012 and was elevated to Of Counsel to the Firm in 2019. He has been honored as a 2016 and 2017 Super Lawyers® Rising Star and as a 2018 and 2019 Super Lawyers® Top-Rated Securities Litigation Attorney.

Louis focuses his practice on securities litigation, and has served as a member of the litigation team in multiple actions that concluded in successful settlements for the Class, including *Satterfield v. Lime Energy Co.*, (N.D. Ill.); *Blitz v. AgFeed Industries, Inc.* (M.D. Tenn.); *Frater v. Hemispherx Biopharma, Inc.* (E.D. Pa.); *Bruce v. Suntech Power Holdings Co.* (N.D. Cal.); *In re: Groupon, Inc. Securities Litigation* (N.D. Ill.); *Flynn v. Sientra, Inc.* (C.D. Cal.); *Thomas v. MagnaChip Semiconductor Corp.* (N.D. Cal.); *In re: AVEO Pharmaceuticals, Inc. Securities Litigation* (N.D. Cal.); and *In re: Akorn, Inc. Securities Litigation* (N.D. Ill.).

Louis graduated from Rutgers University School of Law in 2007, where he was a Dean's Law Scholarship Recipient. He served as a law clerk to the Honorable Arthur Bergman, Superior Court of New Jersey. Prior to joining Pomerantz, Louis specialized in litigating consumer protection class actions at Bock & Hatch LLC in Chicago, Illinois.

Louis is admitted to practice in New Jersey and Illinois; the United States District Courts for the District of New Jersey and the Northern District of Illinois; and the United States Courts of Appeals for the Seventh and Ninth Circuits.

Jonathan D. Park

Jonathan D. Park joined Pomerantz as Of Counsel in April 2022. Prior to joining Pomerantz, he was associated with a prominent plaintiff-side litigation firm, where he represented clients in securities and investment litigation. He is regularly recognized as a Super Lawyers® Rising Star.

Jonathan focuses his practice on securities litigation. He is currently pursuing claims against Twitter concerning its cybersecurity practices and user metrics. Jonathan was a key member of the litigation teams that obtained settlements in *Poirier v. Bakkt Holdings, Inc.* (E.D.N.Y.) and *Lako v. loanDepot, Inc.* (C.D. Cal.). Prior to joining Pomerantz, he was a member of the litigation team that obtained \$19 million for the class in *In re Synchronoss Technologies, Inc. Securities Litigation*, and he represented investors in *In re JPMorgan Chase & Co. Securities Litigation*, which arose from the “London Whale” scandal and was settled for \$150 million. He has also represented investors in opt-out securities actions against pharmaceutical manufacturers and other companies.

Jonathan also has experience representing investors in breach of contract actions. He was the primary associate representing institutional investors injured by the early redemption of bonds issued by CoBank, ACB and AgriBank, FCB. In the litigation against CoBank, the plaintiffs secured a summary judgment ruling on liability, and in the litigation against AgriBank, the plaintiffs defeated a motion to dismiss, permitting the claims to proceed though the plaintiffs were beneficial owners and not record holders of the bonds at issue. Both cases were resolved on confidential terms.

At the New York City Bar Association, Jonathan has served on the Task Force on Puerto Rico, the New Lawyers Council, and the International Human Rights Committee. He also served on the board of his non-profit running club, the Dashing Whippets Running Team.

Jonathan earned his J.D. in 2013 from Fordham University School of Law, where he served on the school’s Moot Court Board as the Editor of the Jessup International Law Competition Team. During law school, he was a Crowley Scholar in International Human Rights, received the Archibald R. Murray Public Service Award, and interned with a refugee law project in Cairo, Egypt. He received a B.A. in 2006 from Vassar College, where he majored in Africana Studies.

Brian P. O’Connell

Brian P. O’Connell joined Pomerantz as an associate in August 2021 and was elevated to Of Counsel in August 2024. Brian focuses his practice on securities and financial services litigation.

Brian leads some of the Firm’s most important securities class actions, winning decisions that expand investor rights. Among these is a case against Ginkgo Bioworks (“Ginkgo”), a synthetic biology company that merged with a special purpose acquisition company (“SPAC”). The case alleges that Ginkgo made false and misleading statements about its revenue, customers and value before the merger. Brian

recently reached a settlement agreement with Ginkgo defendants for \$17.75 million, representing favorable recovery for the class of investors.

In March 2024, Brian survived a motion to dismiss another de-SPAC case against Grab Holdings, Inc., known as the Uber of Southeast Asia, giving the oral argument that sustained Section 11 of the Securities Act and Section 14(a) of the Securities Exchange Act claims. Brian also played an integral role in the litigation and settlement of three Pomerantz cases that recently reached final approval of settlement: telecommunications giant Sprint Corporation (\$3.75 million), biopharmaceutical company Orphazyme A/S (\$2.5 million), and energy and oil company Berry Corporation (\$2.5 million).

Prior to joining Pomerantz in its Chicago office, Brian was an associate at Cafferty Clobes Meriwether & Sprengel LLP, where he specialized in antitrust and commodity futures litigation. Brian has successfully litigated complex class actions involving securities, as well as manipulation of futures and options contracts. Brian also previously worked at the Financial Regulatory Authority (FINRA) as a contractor focusing on options trading regulation. Following law school, Brian was a legal fellow at the chambers of Judge Marvin E. Aspen in the United States District Court for the Northern District of Illinois.

Brian is passionate about finance and securities law, having previously interned for the Chicago Board Options Exchange and for Susquehanna International Group. Brian has served as a Vice Chair of the Chicago Bar Association Securities Law Committee. Brian was recently recognized as a Super Lawyers® Rising Star for 2024.

Brian earned his Juris Doctor from Northwestern University Pritzker School of Law. During his time there, he had the opportunity to work at the Center on Wrongful Convictions, where he argued in court on behalf of a client serving a life sentence and was later exonerated. Brian also served as Executive Articles Editor for the Journal of International Human Rights Law and as a teaching assistant for the Northwestern Center on Negotiation and Mediation.

A graduate of Stanford University, Brian majored in Political Science and minored in Economics. During his senior year, he was Editor-in-Chief of The Stanford Review, where he had previously been a Features Editor and a staff writer.

Brian is admitted to practice in Illinois and California, the United States District Courts for the Northern District of Illinois, the Northern and Central Districts of California, and the United States Court of Appeals for the Ninth Circuit.

Lesley Portnoy

Lesley Portnoy joined Pomerantz as Of Counsel in January 2020, bringing to the Firm more than a decade of experience representing investors and consumers in recovering losses caused by corporate fraud and wrongdoing. Lesley is based in Los Angeles.

Lesley has assisted in the recovery of billions of dollars on behalf of aggrieved investors, including the victims of the Bernard M. Madoff bankruptcy. Courts throughout the United States have appointed him as Lead Counsel to represent investors in securities fraud class actions. Lesley has been recognized as a Super Lawyers® Rising Star every year from 2017 through 2021.

As Co-Lead Counsel with Pomerantz in *In re Yahoo!, Inc. Sec. Litig.*, a high-profile class action litigation against Yahoo!, Inc., Lesley helped achieve an \$80 million settlement for the Class in 2018. The case involved the biggest data breaches in U.S. history, in which over 3 billion Yahoo accounts were compromised.

Other securities fraud cases that Lesley successfully litigated include *Parmelee v. Santander Consumer USA Holdings, Inc.*; *In re Fifth Street Asset Management, Inc. Sec. Litig.*; *In re ITT Educational Services, Inc. Sec. Litig.*; *In re Penn West Petroleum Ltd. Sec. Litig.*; *Elkin v. Walter Investment Management Corp.*; *In re CytRx Corporation Sec. Litig.*; *Carter v. United Development Funding IV*; and *In re Akorn, Inc. Sec. Litig.*

Lesley received his B.A. in 2004 from the University of Pennsylvania. In 2009, he simultaneously received his JD magna cum laude from New York Law School and his Master's of Business Administration from City University of New York. At New York Law School, Lesley was on the Dean's List—High Honors and an Articles Editor for the New York Law School Law Review.

Lesley is admitted to practice in New York and California; the United States District Courts for the Southern and Eastern Districts of New York, the Central, Northern, and Southern Districts of California and the Northern District of Texas; and the United States Court of Appeals for the Second Circuit.

Jennifer Banner Sobers

Jennifer Banner Sobers is Of Counsel to the Firm.

In 2021, Jennifer was honored as a Super Lawyers® “Top-Rated Securities Litigation Attorney”. She was also named a 2020 Rising Star by Super Lawyers®, Law360, and the *New York Law Journal*, all separate and highly competitive awards that honor attorneys under 40 whose legal accomplishments transcend their age. After a rigorous nomination and vetting process, Jennifer was honored in 2019 and 2020 as a member of the National Black Lawyers Top 100, an elite network of the top 100 African American attorneys from each state.

Jennifer played an integral role on the team litigating *In re Petrobras Securities Litigation*, in the Southern District of New York, a securities class action arising from a multi-billion-dollar kickback and bribery scheme involving Brazil's largest oil company, Petróleo Brasileiro S.A.—Petrobras. The Firm, as sole Lead Counsel, achieved a historic \$3 billion settlement on behalf of investors in Petrobras securities. Among Jennifer's contributions to the team's success were: managing the entire third-party discovery in the United States, which resulted in the discovery of key documents and witnesses; deposing several underwriter bank witnesses; drafting portions of Plaintiffs' amended complaints that withstood motions to dismiss the claims and Plaintiffs' successful opposition to Defendants' appeal in the Second Circuit, which resulted in precedential rulings, including the Court rejecting the heightened ascertainability requirement for obtaining class certification that had been imposed by other circuit courts; and second chaired argument in the Second Circuit that successfully led to the Court upholding the award of sanctions against a professional objector challenging the integrity of the settlement.

Jennifer played a leading role in *In re Toronto-Dominion Bank Securities Litigation*, an action in the District of New Jersey alleging a multi-year fraud arising from underlying retail banking misconduct by one of Canada's largest banks that was revealed by investigative news reports. Jennifer undertook

significant work drafting the briefing to oppose Defendants' motion to dismiss the claims, which the Court denied. She oversaw the discovery in the action, which included, among other things, heading the complicated process of obtaining documents in Canada and being a principal drafter of the motion to partially lift the PSLRA stay in order to obtain discovery. Jennifer successfully presented oral argument which led to the Court approval of a \$13.25 million class-wide settlement.

U.S. District Judge Noel L. Hillman, in approving the *Toronto-Dominion Bank* settlement, stated, "I commend counsel on both sides for their hard work, their very comprehensive and thoughtful submissions during the motion practice aspect of this case. I paused on it because it was a hard case. I paused on it because the lawyering was so good. So, I appreciate from both sides your efforts." He added, "It's clear to me that this was comprehensive, extensive, thoughtful, meaningful litigation leading up to the settlement." Singling out Pomerantz's role as lead counsel, the judge also said, "This settlement appears to have been obtained through the hard work of the Pomerantz firm . . . It was through their efforts and not piggybacking on any other work that resulted in this settlement."

Jennifer was a key member of the team litigating individual securities actions against BP p.l.c. in the Northern District of Texas on behalf of institutional investors in BP p.l.c. to recover losses in BP's common stock (which trades on the London Stock Exchange), arising from BP's 2010 Gulf oil spill. The actions were resolved in 2021 in a confidential, favorable monetary settlement for all 35 Firm clients.

Jennifer was a lead litigator in *Crutchfield v. Match Group, Inc.* Jennifer was also a key member of the litigation teams of other nationwide securities class action cases, including: *In re Ubiquiti Networks, Inc. Sec. Litig.*, an action in the Southern District of New York, for which Jennifer was one of the principal drafters of the amended complaint—the strength of which led the Court to deny permission to the defendants to file a formal motion to dismiss it—which secured a court-approved \$15 million class-wide settlement; *In re KaloBios Pharmaceuticals, Inc. Securities Litigation*, an action in the Northern District of California, which successfully secured settlements from the bankrupt company and its jailed CEO worth over \$3.25 million for the Class that were approved by the Court as well as the bankruptcy court; *Perez v. Higher One Holdings, Inc.*, an action in the District of Connecticut, for which Jennifer was one of the principal drafters of the successful opposition to Defendants' motion to dismiss, and which secured a court-approved \$7.5 million class-wide settlement; *Edwards v. McDermott Int'l, Inc.*; *Chun v. Fluor Corp.*; and *Kendall v. Odonate Therapeutics, Inc.*

Prior to joining Pomerantz, Jennifer was an associate with a prominent law firm in New York where her practice focused on complex commercial litigation, including securities law and accountants' liability. An advocate of pro bono representation, Jennifer earned the Empire State Counsel honorary designation from the New York State Bar Association and received an award from New York Lawyers for the Public Interest for her pro bono work.

Jennifer received her B.A. from Harvard University (with honors), where she was on the Dean's List, a Ron Brown Scholar, and a recipient of the Harvard College Scholarship. She received her J.D. from University of Virginia School of Law where she was a participant in the Lile Moot Court Competition and was recognized for her pro bono service.

She is a member of the Securities Litigation and Public Service Committees of the Federal Bar Council, and the New York City Bar Association.

Jennifer is admitted to practice in New York; the United States District Court for the Southern and Eastern Districts of New York; and the United States Courts of Appeals for the Second, Fifth, and Ninth Circuits.

Nicolas Tatin

French lawyer Nicolas Tatin joined Pomerantz in April 2017 as Of Counsel. He heads the Firm's Paris office and serves as its Director-Business Development Consultant for France, Benelux, Monaco and Switzerland. Nicolas advises institutional investors in the European Union on how best to evaluate losses to their investment portfolios attributable to financial misconduct, and how best to maximize their potential recoveries in U.S. and international securities litigations.

Nicolas was previously a financial lawyer at ERAFP, France's €24bn pension and retirement fund for civil servants, where he provided legal advice on the selection of management companies and the implementation of mandates entrusted to them by ERAFP.

Nicolas began his career at Natixis Asset Management, before joining BNP Paribas Investment Partners, where he developed expertise in the legal structuring of investment funds and acquired a global and cross-functional approach to the asset management industry.

Nicolas graduated in International law and received an MBA from IAE Paris, the Sorbonne Graduate Business School.

Christopher Tourek

Christopher Tourek focuses his practice on securities litigation.

Prior to joining Pomerantz in its Chicago office, Christopher was an associate at a prominent complex-litigation firm and specialized in consumer protection, antitrust, and securities litigation. Christopher has successfully litigated securities fraud, antitrust violations, and consumer protection violations on behalf of plaintiffs in state and federal court. His litigation experience has led to his being honored as a Super Lawyers® Rising Star in Mass Torts litigation from 2016 through 2021, and in the area of Securities litigation from 2022 through 2025.

Christopher is currently pursuing claims concerning a novel pump-and-dump scheme involving emojis and Twitter that resulted in hundreds of millions of dollars in damages in *In re Bed Bath & Beyond Corporation Securities Litigation* (D.D.C.). He is also a member of the team pursuing claims in *In re: FTX Cryptocurrency Exchange Collapse Litigation* (S.D. Fla.). Finally, Christopher is representing investors in securities actions against home robotics manufacturers, pharmaceutical manufacturers, and other companies.

Christopher graduated *cum laude* in 2013 from the University of Illinois College of Law, where he obtained his pro bono notation, honors in legal research, and was a member of the Federal Civil Rights Clinic, in which he first chaired the case of *Powers v. Coleman* in the United States District Court for the

Central District of Illinois. He earned his bachelor's degree in Government & Law, with a minor in Anthropology & Sociology, from Lafayette College in 2010.

Christopher is admitted to practice in Illinois and the United States District Courts for the District of Columbia, the Northern and Southern Districts of Illinois, and the Eastern District of Michigan.

Associates

Genc Arifi

Genc Arifi focuses his practice on securities litigation.

Prior to joining Pomerantz in its Chicago office, Genc was an associate with a prominent Chicago law firm and represented an expansive range of businesses in employment law matters as well as complex commercial litigation in both state and federal courts. Genc's experience includes handling complex civil matters, such as cases arising out of the Racketeer Influenced and Corrupt Organizations Act (RICO), shareholder derivative lawsuits, and employment law matters. He has also advised technology start-up clients as well as established financial institutions with risk assessment and litigation strategies.

Genc earned his J.D. from DePaul University College of Law and his B.S. from Western Illinois University, *summa cum laude*. He demonstrated strong academic credentials throughout law school; most notably when he achieved the highest grade in Business Organizations, which earned him the CALI Excellence for the Future Award. Genc was a recipient of the Dean's Certificate of Service awarded to law students who provided 100 hours of community service. Genc participated in a criminal appeals clinic and successfully reduced an indigent client's prison sentence.

Genc is co-author of "Valuation," Chapter 6 in "Disputes Involving Closely Held Companies 2020 Edition." Published by the Illinois Institute for Continuing Legal Education in Feb. 2020, it is the essential guide for Illinois attorneys who represent closely held corporations, partnerships, or LLCs.

Genc currently serves as the Secretary and board member of the Albanian-American Community of Illinois, a 501(c)(3) non-profit whose mission is to preserve and promote Albanian culture, history, and tradition through civic engagement and educational initiatives.

Genc is admitted to practice in Illinois and the United States District Court for the Northern District of Illinois.

Brandon M. Cordovi

Brandon M. Cordovi focuses his practice on securities litigation.

Prior to joining Pomerantz, Brandon was an associate at a law firm in New York that specializes in the defense of insurance claims. Brandon's practice focused on the defense of transportation, premises and construction liability matters.

Brandon earned his J.D. in 2018 from Fordham University School of Law, where he served on the Moot Court Board and was the recipient of a merit-based scholarship. While at Fordham Law, Brandon participated in the Securities Litigation and Arbitration Clinic, where he prepared for the negotiation and arbitration of claims brought on behalf of clients with limited resources. During his second summer of law school, Brandon was a summer associate at a major plaintiffs securities firm.

Brandon earned his B.S. from the University of Delaware where he double-majored in Sport Management and Marketing.

Brandon is admitted to practice in New York, New Jersey, and the United States District Courts for the Southern and Eastern Districts of New York.

Jessica N. Dell

Jessica Dell focuses her practice on securities litigation.

She has worked on dozens of cases at Pomerantz, including the Firm's securities fraud lawsuits arising from BP's 2010 Gulf oil spill. Jessica has expertise in managing discovery and a nose for investigating complex fraud across many sectors, including pharmaceuticals, medical devices, and data security. True to her roots in public interest law, she has also worked in complex pro bono class action litigation at Pomerantz.

Jessica graduated from CUNY School of Law in 2005. She was the recipient of an Everett fellowship for her work at Human Rights Watch. She also interned at the Urban Justice Center and National Advocates for Pregnant Women. While in the CUNY clinical program, she represented survivors of domestic violence facing deportation and successfully petitioned under the Violence Against Women Act. She also successfully petitioned for the release of survivors incarcerated as drug mules in Central America. After Hurricane Katrina, Jessica traveled to Louisiana to aid emergency efforts to reunite families and restore legal process for persons lost in the prison system weeks after the flood.

Jessica is a member of the New York City and State Bar Associations and the National Lawyers Guild.

Zachary Denver

Zachary Denver focuses his practice on securities litigation.

Prior to joining Pomerantz, Zachary worked at prominent New York firms where he litigated a variety of complex commercial matters, specializing in financial markets, securities, and bankruptcy.

Zachary graduated from New York University School of Law in 2013 and was a staff editor at the NYU Journal of Law and Liberty and a board member for the Suspension Representation Project. He earned a double bachelor's degree from the University of Massachusetts in Political Science and Communications. After undergrad, Zachary served as a Teach for America corps member in New York City and earned a master's degree in classroom teaching from PACE University.

Zachary also serves as a board member for the Legal Alliance of Pheonjong, a non-profit organization that provides legal services to Tibetan asylum seekers in New York City, and he has served as lead counsel on several applications including two successful trials in immigration court.

Zachary is admitted to practice in New York, the United States District Courts for the Southern and Eastern Districts of New York and the Courts of Appeals for the Second and Fifth Circuits.

Dean P. Ferrogari

Dean P. Ferrogari focuses his practice on securities litigation. He was recognized in the 2024 edition of the *Best Lawyers: Ones to Watch® in America* publication for his work in securities litigation.

Dean earned his Juris Doctor in 2020 from Brooklyn Law School, where he served as an Associate Managing Editor for the Brooklyn Law Review. While in law school, Dean was initiated into the International Legal Honor Society of Phi Delta Phi and was an extern for the Brooklyn Volunteer Lawyers Project. He was recognized by the New York State Unified Court System's Office for Justice Initiatives for his distinguished service in assisting disadvantaged civil litigants in obtaining due process in consumer credit actions. Dean also authored the publication "The Dark Web: A Symbol of Freedom Not Cybercrime," New York County Lawyers Association CLE Institute, *Security in a Cyber World: Whistle Blowers, Cyber Threats, Domestic Terrorism, Financial Fraud, Policy by Twitter . . . and the Evolving Role of the Attorney and Firm*, Oct. 4, 2019, at 321.

Dean earned his B.A. from the University of Maryland, where he majored in Economics and was awarded the President's Transfer Scholarship.

He is admitted to practice in the United States District Courts for the Southern and Eastern Districts of New York.

Emily C. Finestone

Emily C. Finestone focuses her practice on securities litigation.

Prior to joining Pomerantz, Emily was an associate at a boutique litigation firm in New York where she successfully litigated matters pertaining to sports and entertainment law, copyright infringement, and employment law. Emily previously worked at a prominent complex litigation firm specializing in consumer protection, antitrust, whistleblower, and securities litigation. She also gained appellate experience as a temporary law clerk and Staff Attorney at the Supreme Court of Virginia.

In 2022 – 2024, Emily was recognized as a Super Lawyers® Rising Star.

Emily graduated from Boston University School of Law in 2015 and was a member of *the Review of Banking & Financial Law*. She received her B.A. from the University of Virginia in 2012, where she double majored in English and Spanish, and minored in Government.

Emily is admitted to practice in New York, Massachusetts, Pennsylvania, and Virginia, as well as the United States District Courts for the Southern District of New York, Eastern District of New York, District of Connecticut, District of Massachusetts, and Eastern District of Pennsylvania.

James M. LoPiano

James M. LoPiano focuses his practice on securities litigation. He is part of the Firm's case origination team, identifying and investigating potential violations of the federal securities laws.

James has been named a Super Lawyers® Rising Star each year since 2021.

Prior to joining Pomerantz, James served as a Fellow at Lincoln Square Legal Services, Inc., a non-profit law firm run by faculty of Fordham University School of Law.

James earned his J.D. in 2018 from Fordham University School of Law, where he was awarded the Archibald R. Murray Public Service Award, cum laude, and merit-based scholarship. While in law school, James served as a judicial intern to the Honorable Stephen A. Bucaria of the Nassau County Supreme Court, Commercial Division, of the State of New York. He also served as Senior Notes and Articles Editor of the Fordham Intellectual Property, Media and Entertainment Law Journal, and authored the publication "Public Fora Purpose: Analyzing Viewpoint Discrimination on the President's Twitter Account," Note, 28 Fordham Intell. Prop. Media & Ent. L.J. 511 (2018). In addition, James completed legal internships at the Authors Guild and Fordham University School of Law's Intellectual Property and Information Law Clinic, where he counseled clients and worked on matters related to Freedom of Information Act litigation, trademarks, and copyrights.

James earned his B.A. from Stony Brook University, where he double -majored in English and Cinema and Cultural Studies, completed the English Honors Program, was inducted into the Stony Brook University chapter of the International English Honors Society, and was awarded the university's Thomas Rogers Award for best analytical paper in an English course by an undergraduate.

James is admitted to practice in New York and the United States District Courts for the Southern and Eastern Districts of New York.

Diego Martinez-Krippner

Diego Martinez-Krippner focuses his practice on securities litigation.

Prior to joining Pomerantz, Diego was a litigation associate at a large international law firm, where he litigated cases in state and federal courts involving mergers and acquisitions, corporate governance, multidistrict litigation, products liability, and commercial matters. He also served as a litigation associate at a boutique law firm where he was involved in disputes concerning art, investment instruments, intellectual property, fiduciary duties, and other commercial matters.

Diego is a graduate of the University of Chicago and the University of Illinois College of Law. He began his career as a judicial law clerk for the Honorable Theresa Lazar Springmann, United States District Court for the Northern District of Indiana, and the Honorable Mary Beck Briscoe, United States Court of Appeals for the Tenth Circuit.

Diego is admitted to practice in Illinois.

Thomas H. Przybylowski

Thomas H. Przybylowski focuses his practice on securities litigation.

Prior to joining Pomerantz, Thomas was an associate at a large New York law firm, where his practice focused on commercial and securities litigation, and regulatory investigations. In 2020 and 2021, Thomas was honored as a Super Lawyers® Rising Star.

Thomas earned his J.D. in 2017 from the Georgetown University Law Center. While in law school, Thomas served as a Notes Editor for the *Georgetown Journal of Legal Ethics* and authored the publication “A Man of Genius Makes No Mistakes: Judicial Civility and the Ethics of the Opinion,” Note, 29 *Geo. J. Legal Ethics* 1257 (2016). Thomas earned his B.A. from Lafayette College in 2014, where he double majored in English and Philosophy.

Thomas is admitted to practice in New York and New Jersey, and the United States District Courts for the Eastern and Southern Districts of New York and the District of New Jersey.

Jared Rabinowitz

Jared Rabinowitz focuses his practice on securities litigation.

Prior to joining Pomerantz, Jared was a judicial law clerk for Justice Andrew Borrok of the New York County Supreme Court Commercial Division.

Jared earned his J.D. in 2021 from New York Law School, where he served as a Senior Editor for the *New York Law School Law Review* and was the recipient of a merit-based scholarship. While at New York Law School, Jared participated in the Securities Arbitration Clinic, where he prepared for the negotiation and arbitration of securities claims brought on behalf of clients with limited resources. Prior to law school, Jared worked as an institutional equity trader at a New York financial services firm.

Jared earned his B.S. from Hofstra University where he majored in Legal Studies in Business.

Jared is admitted to practice in New York and United States District Courts for the Southern and Eastern Districts of New York.

Ankita Sangwan

Ankita Sangwan focuses her practice on corporate governance matters.

She graduated in 2022 from the LL.M. program at Columbia Law School as a Harlan Fiske Stone Scholar. Prior to attending Columbia Law School, Ankita worked for four years in the Commercial Litigation Team of a prominent law firm in Bombay, India, at which she focused her practice on complex commercial and civil disputes. Ankita assisted in arguments before various courts in India, including the Supreme Court.

In 2017, Ankita graduated with Honors from the B.A. LL.B. program at Jindal Global Law School, India. She was a member of the university’s Moot Court Society, which finished as semi-finalists at the World Rounds of the International Investment Moot Court Competition, held in Frankfurt, Germany (2016).

Ankita's moot court experience was recognized by her university; she was awarded the "Outstanding Contribution to Moot Court" prize upon graduation.

Ankita is admitted to practice in the State of New York.

Villi Shteyn

Villi Shteyn focuses his practice on securities litigation.

Villi worked on individual securities lawsuits concerning BP's 2010 Gulf of Mexico oil spill, which proceeded in *In re BP p.l.c. Secs Litig.*, No. 4:10-md-2185 (S.D. Tex.) and were resolved in 2021 in a confidential, favorable monetary settlement for all 35 Firm clients, including public and private pension funds, money management firms, partnerships, and investment trusts from the U.S., Canada, the U.K., France, the Netherlands, and Australia. He also worked on a successful 2021 settlement for investors in a case against Chinese company ChinaCache.

Villi pursued claims against Deutsche Bank for its lending activities to disgraced financier Jeffrey Epstein and was involved in the Firm's class action litigation against Arconic, arising from the deadliest U.K. fire in more than a century. He also represented investors in a case against AT&T for widespread fraud relating to their rollout of DirecTVNow, and against Frutarom for fraud related to widespread bribery in Russia and Ukraine. He represented Safra Bank in a class action against Samarco Mineração S.A., in connection with the Fundao dam-burst disaster, which is widely regarded as the worst environmental disaster in Brazil's history. He represented investors against Recro Pharma in relation to their non-opioid pain-relief product IV Meloxicam, and against online education companies 2U and K12. Villi also worked on a consumer class action against Apple, Inc. in relation to alleged slowdowns of the iPhone product.

Before joining Pomerantz, Villi was employed by a boutique patent firm, where he worked on patent validity issues in the wake of the landmark *Alice* decision and helped construct international patent maintenance tools for clients and assisted in pursuing injunctive relief for a patent-holder client against a large tech company.

Villi has been recognized as a Super Lawyers® Rising Star from 2021 through 2023.

Villi graduated from The University of Chicago Law School (J.D., 2017). In 2014, he graduated *summa cum laude* from Baruch College with a Bachelor of Science in Public Affairs.

Villi is admitted to practice in New York, and the United States District Courts for the Southern District of New York and the Eastern District of New York, and the United States Court of Appeals for the Second Circuit.

Stephanie Weaver

Stephanie Weaver focuses her practice on securities litigation. Prior to joining Pomerantz, Stephanie was an associate at a boutique securities litigation firm, focused on securities litigation, antitrust and bankruptcy matters.

Stephanie graduated from St. John's University School of Law *cum laude* in 2021. While in law school, she served as Managing Director of the Moot Court Honor Society and won the Best Brief Award at the 2020 Elaine Jackson Stack Moot Court Competition. She was also a member of the school's New York International Law Review. She was also honored as a New York State Court of Appeals Fellow in 2019. She earned her bachelor's degree *summa cum laude* from St. John's University in 2018.

Stephanie is admitted to practice in the State of New York.

Guy Yedwab

Guy Yedwab focuses his practice on securities litigation.

Guy graduated from Rutgers Law School *summa cum laude* in 2023, while also receiving a Master's Degree in Public Affairs and Policy from the Rutgers University Bloustein School of Planning and Public Policy. While in law school, he won awards with the National Appellate Advocacy Team and was an editor at the *Journal of Law and Public Policy*, in which he published a note on constitutional law. He was honored with the Marsha Wenk Fellowship at the A.C.L.U. of New Jersey, and the Eagleton Institute's Henry J. Raimondo Legislative Fellowship.

Guy serves as a board member for the League of Independent Theater, a 501(c)(6) trade association for small-sized cultural institutions in New York City. As such, he consults with policymakers on fostering small business in the city.

Guy is admitted to practice in New York State's First Appellate Department.

Staff Attorneys

Jay Douglas Dean

Jay Dean focuses on class action securities litigation. He has been a commercial litigator for more than 30 years.

Jay has been practicing with Pomerantz since 2008, including as an associate from 2009–2014, interrupted by a year of private practice in 2014–2015. More recently, he was part of the Pomerantz teams prosecuting the successful *Petrobras* and *Yahoo* actions. Prior to joining Pomerantz, he served as an Assistant Corporation Counsel in the Office of the Corporation Counsel of the City of New York, most recently in its Pensions Division. While at Pomerantz, in the Corporation Counsel's office and previously in large New York City firms, Jay has taken leading roles in trials, motions and appeals.

Jay graduated in 1988 from Yale Law School, where he was Senior Editor of the *Yale Journal of International Law*.

Jay is admitted to practice in New York; the United States District Courts for the Southern and Eastern Districts of New York; and the United States Court of Appeals for the Second Circuit. Jay has also earned the right to use the Chartered Financial Analyst designation.

Timor Lahav

Timor Lahav focuses his practice on securities litigation.

Timor participated in the Firm's securities class action case against Brazil's largest oil company, Petrobras, arising from a multi-billion-dollar kickback and bribery scheme, in which the Firm, as sole Lead Counsel, achieved a historic \$3 billion settlement for the Class, as well as precedent-setting legal rulings. Timor also participated in the firm's landmark litigation against Yahoo!, Inc., for the massive security breach that compromised 1.5 billion users' personal information.

Timor received his LL.B. from Tel Aviv University School of Law in Israel, following which he clerked at one of Israel's largest law firms. He was an associate at a law firm in Jerusalem, where, among other responsibilities, he drafted motions and appeals, including to the Israeli Supreme Court, on various civil matters.

He received his LL.M. from Benjamin N. Cardozo School of Law in New York. There, Timor received the Uriel Caroline Bauer Scholarship, awarded to exceptional Israeli law graduates.

Timor brings to Pomerantz several years' experience as an attorney in New York, including examining local SOX anti-corruption compliance policies in correlation with the Foreign Corrupt Practices Act; and analysis of transactions in connection with DOJ litigation and SEC enforcement actions.

Timor was a Captain in the Israeli Defense Forces. He is a native Hebrew speaker and is fluent in Russian.

He is admitted to practice in New York and Israel.

Laura M. Perrone

Laura M. Perrone focuses on class action securities litigation.

Prior to joining Pomerantz, Laura worked on securities class action cases at Labaton Sucharow. Preceding that experience, she represented plaintiffs at her own securities law firm, the Law Offices of Laura M. Perrone, PLLC.

At Pomerantz, Laura participated in the Firm's securities class action case against Brazil's largest oil company, Petrobras, arising from a multi-billion-dollar kickback and bribery scheme, in which the Firm, as sole Lead Counsel, achieved a historic \$3 billion settlement for the Class, as well as precedent-setting legal rulings.

Laura has also represented bondholders against Citigroup for its disastrous investments in residential mortgage-backed securities, shareholders against Barclays PLC for misrepresentations about its dark pool trading system known as Barclays LX, and shareholders against Fiat Chrysler Automobiles for misrepresentations about its recalls and its diesel emissions defeat devices.

Laura graduated from the Benjamin N. Cardozo School of Law, where she was on the editorial staff of Cardozo's Arts and Entertainment Law Journal and was the recipient of the Jacob Burns Merit Scholarship.

Laura is admitted to practice in New York; the United States District Courts for the Southern and Eastern Districts of New York; and the United States Court of Appeals for the Second Circuit.

Allison Tierney

Allison Tierney focuses her practice on securities litigation.

Allison brings to Pomerantz her 10 years' expertise in large-scale securities class action litigation. She participated in the Firm's securities class action case against Brazil's largest oil company, Petrobras, arising from a multi-billion-dollar kickback and bribery scheme, in which the Firm, as sole Lead Counsel, achieved a historic \$3 billion settlement for the Class, as well as precedent-setting legal rulings.

Prior to joining Pomerantz, Allison worked on securities class action cases at several top New York law firms, representing institutional investors. She has represented plaintiffs in disputes related to antitrust violations, corporate financial malfeasance, and residential mortgage-backed securities fraud.

Allison earned her law degree from Hofstra University School of Law, where she served as notes and comments editor for the *Cyberlaw Journal*. She received her B.A. in Psychology from Boston University, where she graduated *magna cum laude*.

Allison is conversant in Spanish and studying to become fluent.

Allison is admitted to practice in New York.

EXHIBIT 27

1 I, Elizabeth C. Pritzker, declare:

2 1. I am the co-founder and managing partner at the law firm of Pritzker
3 Levine LLP (“PL”). I have been licensed to practice law in the State of California
4 since 1990. I am admitted to practice in the U.S. District Courts for the Northern,
5 Central, Southern and Eastern Districts of California, the District of Colorado, the
6 Eastern District of Michigan, and the United States Supreme Court. The following
7 facts are within my personal knowledge, and if called as a witness, I could and would
8 testify competently to them.

9 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
10 Attorneys’ Fees, Costs, Expenses, and Service Awards.

11 3. The PL Firm has been involved in this litigation since prior to the filing
12 of one of the original End-Payor Plaintiff (EPP) complaints, *Olive et al. v. Bumble*
13 *Bee Foods et al*, Case No. 3:15-cv-01909-DMS-MSB, filed August 28, 2015 in the
14 United States District Court for the Southern District of California. The PL Firm is a
15 California-based law firm with a nationwide practice emphasis representing plaintiffs
16 in private antitrust enforcement actions. Given PL’s Emeryville, California location,
17 and the firm’s attorneys vast experience representing plaintiffs in complex antitrust
18 class actions, PL was asked by Fred T. Isquith, Sr., then a partner at the law firm of
19 Wolf Haldenstein, Adler, Freeman & Herz LLP (WHAFH), to join with WHAFH in
20 prosecuting this complex multi-district antitrust action for benefit of the EPPs. The
21 PL Firm and I provided immediate assistance to WHAFH by undertaking background
22 factual research at their direction, developing legal claims and theories, and
23 researching and drafting the original *Olive* complaint, filed August 28, 2015, as well
24 as additional, follow-on complaints filed thereafter. The PL Firm then worked with
25 WHAFH in preparing and filing related action filings before the Judicial Panel on
26 Multi-District Litigation (JPML), and assisting WHAFH’s efforts before the JPML at
27 its November 2015 hearing to argue in favor of transfer to and coordination of all of
28 the related actions in the United States District Court for Southern District of

1 California. The JPML issued its order on December 9, 2015, transferring and
2 coordinating the *Olive* and all similar actions as a Multi-District Litigation titled *In*
3 *Re: Packaged Seafood Products Litigation*, No. 15-MD-2670, in the Southern District
4 of California (the “Action”).

5 4. I am the managing partner of the PL Firm and the principal counsel for
6 PL in this Action. I have been licensed to practice law for 34 years, and have practiced
7 complex civil litigation on behalf of consumers and individuals in California and
8 nationwide since at least 2002. I am a Fellow of the International Academy of Trial
9 Lawyers (IATL). In 2022, I was honored to receive the Antitrust Lawyer of the Year
10 Award from California Lawyers Association Antitrust and Unfair Competition Law
11 Section. The American Antitrust Institute (AAI) also recognized my work in the field
12 of antitrust law with its annual Outstanding Antitrust Litigation Achievement in
13 Private Law Practice Award in 2022 and 2015.

14 5. All of the PL Firm’s nine attorneys practice in the areas of antitrust class
15 actions, consumer class actions, unfair competition law, privacy law, and general
16 business litigation. As managing partner, I head the firm’s antitrust practice, which
17 traditionally makes up approximately 70 percent of the PL Firm’s practice. Attached
18 hereto as **Exhibit A** is the PL Firm resume.

19 6. PL’s attorneys have a long history of successfully handling class actions
20 across a range of industries, including antitrust cases. I bring substantial experience
21 in complex litigation matters with a history of litigating in an efficient and practical
22 manner, including as Lead or Co-Lead Class Counsel in numerous class actions. *See*
23 **Exhibit A** at 1-5, 16-17.

24 7. I have an extensive background in antitrust and consumer protection
25 class action litigation. I have litigated over 60 individual or class action cases across
26 the country involving antitrust and unfair competition claims, including the following
27 matters in which I presently have, or recently have had, a leadership position:
28

- 1 • *In re: EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices*
2 *and Antitrust Litig.*, MDL No. 2785-DDC (D. Kan.): Co-Lead Class
3 Counsel;
- 4 • *Al's Discount Plumbing, LLC et al., v. Viega, LLC*, No. 1:19-cv-00159
5 (M.D. Penn.) (antitrust class action): Class Counsel;
- 6 • *In Re National Collegiate Athletic Association Grant-In-Aid Cap Antitrust*
7 *Litig.*, MDL No. 14-md-02541-CW (N.D. Cal.): Class Counsel;
- 8 • *In re Google RTB Consumer Privacy Litig.*, 4:21-cv-02155-YGR (N.D.
9 Cal.): Interim Lead Class Counsel;
- 10 • *Il Fornai (America) Corp. v. Lazzari Fuel Company, LLC et al.* (antitrust
11 class action), No. 3:13-cv-05197-WHA (N.D. Cal.): Class Counsel;
- 12 • *In Re Aqueous Film-Forming Foams Products Liability Litig.*, MDL No.
13 2:18-mn-2873-RMG (D. S.C.): Plaintiffs Executive Committee;
- 14 • *In re: Google Play Store Antitrust Litig.*, MDL No. 2981-JD (N.D. Cal.):
15 Liaison Counsel for Consumer Class;
- 16 • *Wood Mountain Fish LLC et al, v. Mowi ASA (aka Marine Harvest)*, No.
17 19-cv-22128-RS (S.D. Fla) (an antitrust class action): EPP Plaintiffs
18 Steering Committee;
- 19 • *In re Lenovo Adware Litigation*, MDL No. 5:15-md-026240-RMW (N.D.
20 Cal.): Co-Lead Class Counsel;
- 21 • *ITyX Solutions, AG v. Kodak Alaris Inc.*, 16-cv-10250-ADB (D. Mass.):
22 Lead Plaintiffs' Counsel and Trial Counsel;
- 23 • *In Re TFT-LCD (Flat Panel) Antitrust Litig.*, MDL No. 07-md-01827-SI
24 (N.D. Cal.): Liaison Counsel for DPP Plaintiffs;
- 25 • *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litig.*, MDL
26 No. 14-md-02542-VSB (S.D.N.Y.): EPP Plaintiffs Steering Committee;
- 27 • *Gathron v. Chrysler Group, LLC*, No. 4:13-cv-05922-WHO (N.D. Cal.):
28 Co-Lead Class Counsel;

- 1 • *In re Lithium Ion Rechargeable Batteries Antitrust Litig.*, MDL No. 13-
2 md-02420-YGR (N.D. Cal.): DPP Plaintiffs Executive Committee; and
- 3 • *In re Domestic Drywall Antitrust Litig.*, MDL No. 13-md-02437 (E.D.
4 Pa.): EPP Plaintiffs Executive Committee.

5 8. My firm and I have been actively involved in the litigation of this Action
6 since mid-Summer 2015. Under the direction of Class Counsel, PL’s attorneys have
7 undertaken substantial work to prosecute the Action zealously and effectively for the
8 benefit of the Class. Among other tasks, under the direction of Class Counsel, PL
9 attorneys assisted with the prosecution of this Action by extensively investigating the
10 underlying claims, both before and after filing the initial complaint; assisting in
11 drafting the coordination and leadership motions; researching underlying issues of
12 law and drafting amended and consolidated complaints; analyzing documents
13 produced in discovery and available through public sources; tracking the parallel
14 criminal proceedings; preparing and responding to written, third party, and expert
15 discovery; researching and preparing motions and responsive briefings, including
16 opposition briefing in response to defendants’ motions to dismiss, EPPs briefing in
17 support of class certification, EPPs briefing in opposition to Defendants’ *Daubert*
18 motions, and summary judgment briefings; researching and preparing appellate
19 briefing to the Ninth Circuit Court of Appeals; taking and defending party and expert
20 depositions; working with EPPs’ experts to complete their expert reports and prepare
21 their expert testimony; preparing liability memoranda for Class Counsel; and
22 appearing at court hearings.

23 9. Also under the direction of Class Counsel, PL’s attorneys actively
24 participated in trial preparation efforts, including drafting jury instructions; preparing
25 verdict forms; drafting and responding to Motions in Limine, meeting and conferring
26 with Defendants over trial exhibits and deposition designations; and preparing witness
27 examinations and trial exhibits and demonstratives. As part of the designated trial
28 team, I had prepared for and was ready to undertake examinations of witnesses at trial.

1 10. Under the direction of Class Counsel, I also played an active role in
 2 preparing settlement analyses and mediation briefing. I personally participated in each
 3 of the numerous settlement discussions with the Settling Defendants, including the
 4 many settlement proceedings before Magistrate Judge Michael S. Berg. I assisted
 5 Class Counsel in preparing memoranda of understanding, settlement agreements, and
 6 the motions for preliminary settlement approval (and final settlement approval as to
 7 COSI) that have been filed in the Action. As well, I assisted in preparing this filing
 8 and the concurrently filed motions papers in support of final approval of Settlement.

9 11. The current hourly rates for PL attorneys and staff that have worked on
 10 the Action, as well as their hours spent working on the Action as of September 1,
 11 2024, and their corresponding lodestar, are as follows:

Pritzker Levine LLP			
Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Elizabeth Pritzker, Partner	\$1,100.00 per hour	2366.0	\$ 2,602,600.00
Jonathan Levine, Partner	\$1,100.00 per hour	58.7	\$ 64,570.00
Bethany Caracuzzo, Partner	\$950.00 per hour	1757.8	\$ 1,669,910.00
Heather Haggarty, Associate	\$850.00 per hour	139.0	\$ 118,150.00
Caroline Corbitt, Associate	\$725.00 per hour	26.7	\$ 19,357.50
Sydney Allen, Associate	\$495.00 per hour	15.5	\$ 7,672.50
Shiho Yamamoto, Associate	\$450.00 per hour	28.2	\$ 12,690.00
Joanna Dowaliby, Paralegal	\$295.00 per hour	30.9	\$ 9,115.50
Tammara Brown, Paralegal	\$150.00 per hour	7.2	\$ 1,080.00
TOTAL:		4430.00	\$4,505,145.50

1 12. These records were prepared from contemporaneous, daily time records
2 regularly prepared and maintained by PL in its usual course and manner. The PL Firm
3 maintains detailed records regarding the amount of time spent by its professionals,
4 and the lodestar calculation is based on PL's current billing rates. These records are
5 available for review at the request of the Court.

6 13. In my judgment and based on my experience in complex class action
7 litigation and other litigation, the number of hours expended, and the services
8 performed by my firm, were reasonable and necessary for my firm's representation
9 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
10 hours spent on each task.

11 14. I have general familiarity with the range of hourly rates typically charged
12 by plaintiffs' class action counsel specifically in the field of unfair competition and
13 antitrust in the geographical area where my firm practices and throughout the United
14 States, both on a current basis and historically. From that basis, I am able to conclude
15 that the rates charged by my firm are commensurate with those prevailing in the
16 market for such legal services furnished in complex class action litigation such as this.
17 My firm's hourly rates were most recently approved by the following Courts:

- 18 • *In re: EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices*
19 *and Antitrust Litig.*, MDL No. 2785-DDC (D. Kan. Nov. 17, 2021) and (D.
20 Kan. July 11, 2022);
- 21 • *Securities and Exchange Commission v. San Francisco Regional Center*
22 *LLC, et al.*, No. 3:17-cv-00223-RS (N.D. Cal. Oct. 17, 2022);
- 23 • *Al's Discount Plumbing, LLC et al., v. Viega, LLC*, No. 1:19-cv-00159
24 (M.D. Penn. Dec. 18, 2020); and
- 25 • *In Re National Collegiate Athletic Association Grant-In-Aid Cap Antitrust*
26 *Litig.*, MDL No. 14-md-02541-CW (N.D. Cal. Dec. 23, 2019).

27
28

1 15. My firm has incurred costs of \$314,774.65 so far in litigating the Action,
2 consisting of the following categories of costs:

Pritzker Levine LLP	
Incurred Costs through September 1, 2024	
Category	Cost
Online Research	\$2,999.16
Reproduction/Duplication	\$2,014.88
Postage	\$115.96
Court & Filing Fees	\$52.68
Professional Fees/Services	\$19.40
Travel	\$39,572.57
Common Litigation Fund	\$270,000.00
Reimbursed Expenses	-\$221,747.94
Total:	\$93,026.71

15
16 16. The above chart shows that PL received a partial reimbursement of the
17 firm’s common litigation fund contributions, in the amount of \$221,747.94, on
18 September 1, 2022, following final approval of the COSI Settlement. Accounting for
19 that reimbursement, PL has unreimbursed costs amounting to \$93,026.71

20 17. Throughout the litigation, my firm and I worked under the direction of
21 Class Counsel, and I made every effort to operate as efficiently as possible and to
22 avoid unnecessary duplication. I coordinated with Class Counsel for all work
23 performed and costs incurred in this matter.

24 I declare under penalty of perjury under the laws of the United States that the
25 foregoing is true and correct. Executed on September 30, 2024, at Emeryville,
26 California.

27 Dated: September 30, 2024

By: /s/ Elizabeth C. Pritzker
Elizabeth C. Pritzker
Pritzker Levine LLP

EXHIBIT A

PRITZKER LEVINE LLP

PHONE: 415.692.0772
FAX: 415.366.6100
WWW.PRITZKERLEVINE.COM

Pritzker Levine LLP is a boutique law firm focused on complex litigation and trial work nationwide. Our attorneys bring a unique blend of expertise, efficiency and sound judgment to the vigorous representation of clients in individual and class cases.

Pritzker Levine attorneys have successfully represented corporate clients, public entities, pension funds, small businesses, nonprofit groups, labor unions, whistleblowers and injured persons in cases involving antitrust violations, privacy violations, unfair competition, securities fraud and derivative claims, commercial disputes, employment law and personal injuries – resulting in recoveries in excess of \$2 billion.

Founding partners, Elizabeth Pritzker and Jonathan Levine, each have more than 30 years of experience in complex, multi-party and class litigation. The firm’s highly accomplished attorneys have repeatedly been recognized as “*Top Attorneys*,” “*Super Lawyers*” or “*Rising Stars*” in their fields for their work serving their clients’ interests in courtrooms, mediations and arbitrations across the country.

Pritzker Levine LLP maintains offices in California and represents clients in state and federal courts throughout the United States.

ANTITRUST

Pritzker Levine has served as a lead or co-lead counsel in antitrust litigation matters representing plaintiff classes alleging price fixing, monopolization and other anticompetitive conduct. We serve in a court-appointed leadership capacity in certain cases, and contribute as members of a court-approved executive committee or in a supportive role for the lead law firms in other cases.

While our leadership role varies, our contributions are always valuable. Our leadership experience includes the following antitrust matters:

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- ***In re Packaged Seafood Products Antitrust Litigation***, MDL No. 2670 (S.D. Cal.): Elizabeth Pritzker and Pritzker Levine serve on the leadership team and as trial counsel, representing a certified class of consumers in a multi-district antitrust case alleging price-fixing by the major producers of canned or packaged tuna products. Following a favorable *en banc* opinion by the Ninth Circuit Court of Appeals affirming the district court’s class certification decision, the case was set for trial on July 16, 2024. The multi-district litigation finally settled just two weeks before the commencement of trial, for a class-wide settlement totaling \$162 million. Judge Dana M. Sabraw in the U.S. District Court for the Southern District of California granted preliminary approval of last two settlements on August 23, 2023 and a final approval and fairness hearing is set for November 26, 2024.

- ***In Re Google Play Store Antitrust Litigation***, MDL No. 3:21-md-02981-JD (N.D. Cal.), Elizabeth Pritzker, as court-appointed Liaison Counsel, represents consumer class plaintiffs who use the Android OS operating system on their smart phone devices and who have downloaded or purchased applications (“apps”) through the Google Play Store. Plaintiffs allege that Google has knowingly created, and continues to exert, an unlawful monopoly over the market for the distribution of apps through the Android OS, making it impossible for users to purchase apps other than through the Google Play Store. The case is pending before Judge James Donato in the U.S. District Court for the Northern District of California. A settlement between the parties was reached and is awaiting Court approval.

- ***In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation***, MDL No. 2785 (D. Kan.): Co-Lead Class Counsel Elizabeth Pritzker represented a certified class of end-payer plaintiffs in a nationwide RICO and multi-state antitrust class action alleging that Mylan NV and Pfizer, Inc., the seller and manufacturer of the life-saving EpiPen, respectively, engaged in an unlawful scheme to sharply increase the price of the device while at the same time stifling competition seeking to enter the market. The case is pending before Judge Daniel D. Crabtree in the U.S. District Court of Kansas. A \$345 million settlement with Pfizer received final court approval on November 17, 2021. A \$264 million settlement with Mylan received final approval on July 11, 2022. The combined settlements provided \$609 million in monetary relief for class members.

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- ***In re National Collegiate Athletic Association Grant-In-Aid Cap Antitrust Litigation***, MDL No. 2541 (N.D. Cal.): Additional Class Counsel Elizabeth Pritzker and Pritzker Levine represented college football and basketball players in an antitrust class-action against the National Collegiate Athletic Association (NCAA) and the NCAA's most powerful conference members, the Pac-12, Big Ten, Big-12, SEC and ACC, claiming that these entities have agreed in violation of national antitrust laws to unlawfully cap the value of athletic scholarships. Firm clients, Justine Hartman and Afure Jemerigbe, both former University of California-Berkeley women's basketball players, served as class representatives in the case. Nationwide classes seeking injunctive relief have been certified, and \$208 million class damages class settlement received final court approval in 2017. The injunctive relief case was tried, successfully, before the Hon. Claudia Wilken in 2018. The U.S. Supreme Court unanimously affirmed the judgment in June 2021. *Nat'l Collegiate Athletic Ass'n v. Alston*, __ U.S. __, 141 S. Ct. 2141 (June 21, 2021).
- ***In re Cattle and Beef Antitrust Litigation***, MDL No. 22-md-03031-JRT (D. Minn.): Michael Schrag and George Sampson serve on the court-appointed Plaintiffs' Executive Committee for Producer Plaintiffs. Plaintiffs allege that the four largest meat packing companies conspired to suppress the prices paid to cattle ranchers for fed cattle.
- ***Al's Discount Plumbing, LLC et al., v. Viega, LLC***, Case No. 1:19-cv-159 (M.D. PA): In her court-appointed role as Co-Lead Class Counsel, Elizabeth Pritzker represented indirect purchasers in a multi-state class action alleging anticompetitive and exclusionary conduct by a leading manufacturer of copper press pipe fittings. Chief Judge Christopher C. Conner in the U.S. District Court for the Middle District of Pennsylvania granted final approval granted final approval to a \$15 million settlement on behalf of a multi-state class of indirect purchasers of Viega ProPress® copper press fittings on December 18, 2020.
- ***In re HIV Antitrust Litigation***, Case No. 3:19-cv-02573-EMC (N.D. Cal.): Pritzker Levine represented plaintiffs and putative class members in a class action lawsuit against drug manufacturer Gilead and others, including Johnson & Johnson and Bristol-Meyers Squibb, for knowingly colluding to raise the price of anti-HIV drugs,

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and wrongfully raising the price of treatment for the one million people in the United States living with HIV.

- ***Wood Mountain Fish LLC, et al, v. Mowi ASA (fka Marine Harvest ASA), et al.***, Case No. 19-cv-22128-RS (S.D. Fla.): Elizabeth Pritzker and Pritzker Levine served on the Plaintiffs’ Steering Committee and represent an indirect purchaser plaintiff class in a multi-state antitrust class action alleging price fixing by the major producers of farm-raised salmon and salmon products. Judge Rodney Smith in the U.S. District Court for the Southern District of Florida (Ft. Lauderdale) granted final approval to a \$33 million antitrust class settlement on February 27, 2023.
- ***In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation***, MDL No. 2542 (S.D.N.Y.): Pritzker Levine served on the Indirect Purchaser Plaintiff Litigation Committee and represents consumers and a proposed class of indirect purchasers in a nationwide class action against Keurig Green Mountain, Inc., Green Mountain Roasters, Inc., and Keurig, Inc. (collectively “Keurig”), for allegedly monopolizing the U.S. market for the sale of single-serve portion packages of coffee, tea, cocoa and other beverages. This multi-district litigation was consolidated before Judge Vincent S. Broderick in U.S. District Court for the Southern District of New York, who approved a \$31 million class settlement on June 7, 2021.
- ***In re Disposable Contact Lens Antitrust Litigation***, MDL No. 2626 (M.D. Florida): In its role on the Plaintiffs’ Steering Committee, Pritzker Levine represented plaintiffs and a certified class in an antitrust class action against contact lens manufacturers alleging that they colluded to maintain the retail prices of contact lenses by imposing resale price maintenance restrictions on those products. This multi-district litigation was consolidated before Judge Harvey E. Schlesinger in the U.S. District Court for the Middle District of Florida, and ultimately settled in March 2023 on the eve of trial for a total recovery of \$118 million.
- ***In re Transpacific Passenger Air Transportation Antitrust Litigation***, Case No. 07-cv-5634-CRB (N.D. Cal.): Elizabeth Pritzker, as a member of Plaintiffs’ Executive Committee, represented a class of consumers and direct purchasers in a multi-district class action alleging fuel surcharge price-fixing by airlines in the

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transpacific passenger airline market. Plaintiffs secured class settlements totaling approximately \$160 million.

- ***In re TFT-LCD (Flat Panel) Antitrust Litigation***, MDL No. 1827 (N.D. Cal.): Liaison Counsel Elizabeth Pritzker represented a certified class of direct purchaser plaintiffs in a multi-district antitrust class action alleging price-fixing by foreign and domestic manufacturers of Thin Film Transistor Liquid Crystal Display (TFT-LCD) panels and products. The case resulted in class settlements of \$473 million, and an \$87 million jury verdict before trebling. The case was litigated and tried to verdict before Northern District of California Judge Susan Illston.
- ***Il Fornaio (America) Corporation et al. v. Lazzari Fuel Company, LLC et al.***, Case No. 13-cv-05197-WHA (N.D. Cal.): Class Counsel Elizabeth Pritzker represented a certified class of direct purchasers in antitrust class action alleging customer allocation and bid rigging among sellers of restaurant grade mesquite charcoal. Northern District of California Judge William Alsup granted final approval of a class-wide settlement that resulted in settlement payments to class members representing approximately 85% of actual antitrust damages.
- ***In re Lithium Ion Rechargeable Batteries Antitrust Litigation***, MDL No. 2420 (N.D. Cal.): Elizabeth Pritzker and Pritzker Levine served as on the court-appointed Plaintiffs' Steering Committee, representing direct purchasers in a multi-district antitrust class action alleging price-fixing by the major manufacturers of lithium ion rechargeable batteries. Direct purchaser plaintiffs secured over \$70 million in settlements. Northern District of California Judge Yvonne Gonzalez Rogers granted final settlement approval on May 8, 2018.
- ***In re Domestic Drywall Antitrust Litigation***, MDL No. 2437 (E.D. Pa.): Pritzker Levine served as a member of the Plaintiffs Steering Committee, representing 501(c)(3) nonprofit community development organizations and a proposed class of indirect purchasers, in a class action alleging a conspiracy among gypsum board manufacturers and distributors to fix the prices of gypsum board. This multi-district litigation resulted in several indirect purchaser class settlements. Eastern District of Pennsylvania Judge Michael M. Baylson presided over the case.

UNFAIR COMPETITION AND PRIVACY VIOLATIONS

Pritzker Levine and its attorneys have represented consumers injured by violations of a wide variety of deceptive practices and consumer protection laws. We have brought claims for all types of consumers, including credit card holders and purchasers of prescription drugs, motor vehicles, cosmetics, consumer electronics, and time shares interests. We also prosecute privacy class actions for consumers impacted by computer malware or data breaches. Examples of some of our consumer law cases include:

- ***In re ZF-TRW Airbag Control Units Products Liability Litigation***, MDL No. 2:19-ml-02905-JAK-FFM (C.D. Cal.): Jonathan Levine serves as Plaintiffs' Liaison Counsel in a multi-district action alleging that certain vehicles are installed with a defective Airbag Control Unit ("ACU") designed by ZF Friedrichshafen AG. Plaintiffs allege that this defective ACU causes a critical component that monitors signals from crash sensors throughout affected vehicles to be unreasonably susceptible to damage from electrical overstress, which can result in malfunctioning airbags and seatbelts. The consolidated actions are pending before Central District of California Judge John A. Kronstadt, and are in active litigation.
- ***In re Google RTB Consumer Privacy Litigation***, Case No. 5:21-cv-02155-LHK-VKD (N.D. Cal.): Elizabeth Pritzker serves as court-appointed Interim Class Counsel in this consolidated class action on behalf of a nationwide class of Google account holders alleging that class members' personal information is improperly sold and disseminated by Google to thousands of companies through Google's proprietary advertising auction process, which is effectuated through real-time bidding ("RTB") auctions (the "Google RTB") in violation of California and federal law. The consolidated actions are pending before Northern District of California Judge Yvonne Gonzalez Rogers and are in active litigation.
- ***Hubbard v. Google LLC***, Case No. 5:19-cv-07016-SVK (N.D. Cal.): Pritzker Levine, as Co-Lead Counsel, represents a proposed class of minor children and their parents or guardians alleging that Google, YouTube and certain other companies that develop and advertise content on the YouTube platform illegally tracked and collected personal information from minor children viewing children's content on

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YouTube. Following the Ninth Circuit's reversal of the district court's order dismissing the case, the litigation is pending before Northern District of California Judge Susan van Keulen.

- ***In Re: Lenovo Adware Litigation***, MDL No. 2624 (N.D. Cal): Pritzker Levine, as Co-Lead Class Counsel, represented a certified class of more than 800,000 consumers in a nationwide multi-district class action against Lenovo and Superfish for damages arising from the surreptitious installation of a Superfish spyware program by Lenovo on certain notebook computer models sold in the United States. The Superfish program "VisualDiscovery" allowed Superfish to monitor and alter computer users' internet search results, and made those computers vulnerable to security breaches and data theft. The litigation resulted in an \$8.3 million settlement to compensate purchasers of the affected Lenovo computers.
- ***In re Adobe Systems, Inc., Privacy Litigation***, Case No. 13-cv-05226-LHK (N.D. Cal.): As a member of the Plaintiffs' Executive Committee, Pritzker Levine partner Elizabeth Pritzker represented consumers and a proposed class of users of Adobe software products whose personal private information or property was compromised as a result of allegedly substandard security practices at Adobe that lead to a massive data and security breach in September 2013. The parties reached a settlement which required Adobe to substantially strengthen its security controls, including by undertaking new intrusion detection and encryption measures.
- ***In re Countrywide Financial Corp. Data Security Breach Litigation***, Case No. 3:08-MD-1988 (W.D. Ky.): As a member of the Plaintiffs' Executive Committee, Pritzker Levine partner Jonathan Levine represented a nationwide class of more than 2.4 million customers and potential customers of Countrywide whose personal information was stolen by a former employee and then sold to competing mortgage lenders. The case settled for more than \$10 million of cash and other benefits as well as changes in Countrywide's business practices.
- ***Beringer v. Certegy Check Services, Inc.***, Case No. 8:07-cv-1657-SDM (M.D. Fla.): As a member of the Plaintiffs' Executive Committee, Pritzker Levine partner Jonathan Levine represented a nationwide class of more than 5.5 million

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consumers whose financial records were stolen by a company employee and then resold to a third-party marketer. The case settled for in excess of \$100 million of cash and other benefits as well as changes in Certegy's business practices.

- ***In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation***, MDL No. 2672 (N.D. Cal): As cooperating plaintiffs' counsel, Pritzker Levine represented class representatives in multi-district litigation stemming from Volkswagen's admission to federal regulators in September 2015 that the company used illegal software to cheat emissions tests on certain of its four-cylinder diesel cars, including the popular TDI models of the VW Jetta, Passat, Golf and Beetle, and the Audi A3 TDI diesel sedan. A set of class settlements for monetary compensation and auto repairs totaling more than \$10.3 billion has received final court approval.
- ***Gathron v. Chrysler Group, LLC***, Case No. 4:13-cv-05922-WHO (N.D. Cal.): As Co-lead Counsel, Pritzker Levine partners Elizabeth Pritzker and Bethany Caracuzzo represented a proposed class of owners and lessees of 2011-2012 Dodge Chargers alleging that factory-installed headlight harnesses in these model year vehicles were defective and posed a serious safety hazard. The case was filed in the U.S. District Court for the Northern District of California, before Judge William H. Orrick. As a result of plaintiffs' efforts, Chrysler instituted a recall and repair program that included reimbursement benefits to vehicle lessees and owners.
- ***In re GIB LLC Cases***, J.C.C.P. No. 4657 (Cal. Sup. Ct., County of Los Angeles): As Co-lead Class Counsel in this California State Court Judicial Council Coordinated Proceeding, Elizabeth Pritzker represented certified classes of salon owners, hair stylists and consumers who were exposed to off-gassing formaldehyde and other harsh chemicals from the Brazilian Blowout line of hair smoothing products and hair treatments that were deceptively advertised as "formaldehyde free" and as not containing harmful chemicals. In January 2014, the Los Angeles Superior Court granted final approval to a class settlement that provided substantial monetary benefits distributed to stylists and consumers, together with business practice changes with respect to the marketing, sale, handling, use, and disposition of Brazilian Blowout products.

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- ***Benedict v. Diamond Resorts Corp., et al.***, Case No. 1:2012cv00183 (D. Hawaii): Pritzker Levine partners Elizabeth Pritzker and Jonathan Levine, as Co-lead Counsel, represented a class of timeshare owners challenging the imposition of an unauthorized Special Assessment fee for the repair of one of the timeshare resorts in Hawaii. Judge David A. Ezra granted final approval to a class action settlement of the matter in June 2013.
- ***Berrien v. New Raintree Resorts, International, LLC, et al.***, Case No. 4:10-cv-03125-CW (N.D. Cal): Pritzker Levine partners Jonathan Levine and Elizabeth Pritzker, as Class Counsel, represented timeshare vacation program members of Raintree Vacation Club and Club Regina who were charged a Special Assessment Fee. Following favorable decisions on defendants' motions to dismiss by Northern District of California Judge Claudia Wilken and plaintiffs' motion for class certification, the case resulted in a court-approved class settlement.
- ***Wixon v. Wyndham Resort Development Corp., et al.***, Case No. C 07-2361- JSW (BZ) (N.D. Cal.): Pritzker Levine partners Jonathan Levine and Elizabeth Pritzker, as Lead Class and Derivative Counsel, represented time-share owners in a nationwide class action challenging pricing of WorldMark resorts and in derivative litigation against the WorldMark Board of Directors challenging corporate governance matters. After more than four years of litigation in federal and state court, the case was settled on favorable terms.
- ***In re Providian Credit Card Cases***, J.C.C.P. No. 4085 (Cal. Sup. Ct., County of San Francisco): Pritzker Levine partner Jonathan Levine represented as Co-lead Counsel a nationwide class of Providian credit card holders in this California State Court Judicial Council Consolidated Proceeding. The lawsuit alleged that Providian engaged in unlawful, unfair and fraudulent business practices by charging its customers unauthorized fees and charges. The case resulted in a \$105 million settlement, plus injunctive relief – one of the largest class action recoveries arising out of consumer credit card litigation.
- ***In re GM Cases***, J.C.C.P. No. 4396 (Cal. Sup. Ct., County of Los Angeles): Pritzker Levine partner Elizabeth Pritzker, as Class Counsel, represented a certified class of owners and lessees of Chevrolet Silverado trucks whose vehicle engines had

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abnormal “knock, ping or slap” noise. The complaint alleged that GM maintained an Engine Knock Noise Adjustment Program that gave owners and lessees who complained free extended warranties and other benefits, but that GM failed to notify all affected owners and lessees of the Adjustment Program and its benefits, in violation of California’s Secret Warranty Law. This hotly contested litigation included two unsuccessful appeals by General Motors. The Los Angeles Superior Court finally approved a class settlement in 2009, which was ratified by the Bankruptcy Court for the Southern District of New York in 2011 after GM filed for bankruptcy.

- ***In re Ipod Cases***, J.C.C.P. No. 4355 (Cal. Sup. Ct., County of San Mateo): Pritzker Levine partner Elizabeth Pritzker, as Co-lead Class Counsel, represented consumers in a nationwide class action lawsuit alleging that Apple’s advertising about the battery life of its First and Second Generation iPods was false and misleading. This Judicial Council Coordinated Proceeding, which was filed in California State Court, resulted in a settlement conservatively valued at \$15 million, which provided warranty extensions, battery replacements, cash payments, and store credits for class members. The Honorable Beth Labson Freeman, now a Northern District of California Judge, presided over the case and settlement.

SHAREHOLDER AND SECURITIES FRAUD LITIGATION

Pritzker Levine’s attorneys are leading advocates for individual and institutional investors, and have a deserved reputation for success in representing shareholder interests in derivative or shareholder litigation. Our experience in matters involving shareholder disputes or securities fraud includes the following matters.

- ***Young v. Henderson***, Case No. RG-15-778891 (Cal. Sup. Ct., County of Alameda): Pritzker Levine represented shareholders in direct and derivative litigation filed in California State Court, alleging individual and derivative claims on behalf of six California limited liability companies, and asserting claims for breaches of fiduciary duty, conversion, breaches of contract, and related claims arising out of defendants’ alleged misuse and misappropriation of foreign investment funds

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provided under the federal Immigration Investment, or EB-5, program. Pritzker Levine successfully moved for appointment of a receiver, and facilitated the sale of commercial real estate assets (including the landmark Oakland Tribune Tower), recouping approximately \$30 million for foreign investors. The litigation spawned a parallel federal enforcement action by the Securities and Exchange Commission (SEC), and a Ninth Circuit appeal that included a favorable appellate decision for Pritzker Levine and its clients. Northern District of California Judge Richard Seeborg oversaw the litigation.

- ***Securities and Exchange Commission v. Bivona, et al.***, Case No. 3:16-cv-01386-EMC (N.D. Cal.): Pritzker Levine represented a majority investor group comprising approximately seventy percent of the membership interests in certain investment funds at issue as real parties in interest in a federal enforcement action by the SEC against a prior fund manager. The investors sought to assume management responsibilities of the funds, which were the subject of a federal receivership, in order to protect their investments and further the investment purposes of the funds. Northern District of California Judge Edward Chen finally approved a resolution and plan of distribution as advocated by Pritzker Levine’s clients.
- ***In re Lehman Brothers Debt/Equity Securities Litigation***, Case No. 1:08-cv-05523-LAK:GWC (S.D.N.Y): Pritzker Levine partner Jonathan Levine represented as Class Counsel a certified class of retail investors in Lehman-issued structured products sold by UBS Financial Services, Inc. The plaintiffs alleged that UBS violated federal securities laws by selling the structured products pursuant to offering documents that misrepresented Lehman’s financial condition and failed to disclose that the “principal protection” feature of many of the notes depended upon Lehman’s solvency. The case resulted in a settlement that created a \$120 million fund to resolve the claims.
- ***In re SLM Corporation Securities Litigation***, Case No. 08 Civ. 1029 (WHP) (S.D.N.Y): Pritzker Levine partner Jonathan Levine, as Lead Counsel, represented a nationwide class of investors of SLM Corporation (“Sallie Mae”) in litigation alleging that Sallie Mae, the leading provider of student loans in the U.S., misled the public about its financial performance in order to inflate stock prices. The case resulted in settlement that created a \$35 million fund to resolve investors’ claims.

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- ***In re Winstar Communications Securities Litigation***, Case No. 01 Civ. 3014 (GBD) (S.D.N.Y.): Pritzker Levine partner Jonathan Levine represented Allianz of America, Inc., Fireman’s Fund and other large private institutional investors in federal securities litigation against the senior executives of Winstar Communications Inc., Lucent Technologies Inc. and Grant Thornton LLP, arising out of plaintiffs’ investments in Winstar Communications, Inc. The case was resolved through several confidential settlements, the last one achieved on the eve of trial.
- ***In re American Express Financial Advisors Securities Litigation***, Case No. 04 Civ. 1773 (DAB) (S.D.N.Y.): Pritzker Levine partner Jonathan Levine represented as Co-lead Counsel a nationwide class of individuals who bought financial plans and invested in mutual funds from American Express Financial Advisors. The case alleged that American Express steered its clients into underperforming “shelf space funds” to reap kickbacks and other financial benefits. The case resulted in a cash settlement of \$100 million.
- ***Rosen v. Macromedia, Inc.***, Case No. 988526 (Cal. Sup. Ct., County of San Francisco): Pritzker Levine partner Jonathan Levine, as Co-lead Counsel, represented a certified nationwide class of investors of Macromedia in litigation alleging that the company and certain of its executives misled the public about its financial performance and products in order to inflate its stock price. The case resulted in a settlement with a \$48 million fund to resolve investors’ claims.
- ***In Re Gupta Corporation Securities Litigation***, Case No. C 94-1517 FMS (N.D. Cal.): Pritzker Levine partner Jonathan Levine represented as Co-lead Counsel a certified nationwide class of investors of Gupta Corporation in litigation alleging that Gupta and its senior-most executives misled the public about the company’s financial performance in order to inflate the company’s stock price. The case resulted in a \$15 million settlement fund to resolve investors’ claims.
- ***Provenz v. Miller***, Case No. CV-92-20159-RMW (N.D. Cal.): Pritzker Levine partner Jonathan Levine represented as Co-lead Counsel a certified nationwide class of investors of MIPS Technologies, Inc. in litigation alleging that MIPS and certain of its executives misled the public about its financial performance and products in

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order to inflate the company's stock price. The case resulted in a settlement that established a \$15 million fund to resolve investors' claims.

BUSINESS LITIGATION

Pritzker Levine has successfully handled litigation matters for corporate and business clients involving breach of contract, breaches of fiduciary duty, unfair competition, deceptive labeling, trade libel and other matters. While we employ our legal and business acumen to resolve business disputes amicably, the firm's attorneys are respected and skillful trial counsel. Some recent cases and trial successes include:

- ***Envirodigm, Inc. v. Apple Inc.***, Case No. 20CV373138 (Cal. Sup. Ct., County of Santa Clara): Pritzker Levine represents a corporate client in a trade secret dispute with Apple regarding a proprietary process and formula used in the manufacture of over a dozen iPhone products, proceeding in California Superior Court. The case is currently on appeal.
- ***Droege v. Cummings***, Case No. CGC-23-604815 (Cal. Sup. Ct., County of San Francisco): Partner Jonathan Levine and associate Caroline Corbitt represent cannabis business owners in breach of contract and fraud actions in connection with the sale their businesses pending in both superior court and arbitration. The arbitration matter was heard in July 2024 and is awaiting judgement. In the superior court action, trial is set for February 2025.
- ***Farmhouse DTLA Inc. v. LA Farmers Inc.***, Case No. A245061-24 (Judicate West – Los Angeles): Firm partners Jonathan Levine and Bethany Caracuzzo represented a local tech company in a breach of contract and breach of fiduciary duty arbitration matter arising from an investment in and the subsequent sale of a marijuana grow operation and dispensary in Los Angeles, California. The matter was arbitrated in February 2021, resulting in a favorable arbitration award for the firm's client.
- ***ITyX Solutions, AG v. Kodak Alaris Inc.***, Case No. 1:16-cv-10250-ADB (D. Mass.): As chief trial counsel, firm partners Elizabeth Pritzker and Jonathan Levine

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successfully litigated an international business dispute involving artificial intelligence technologies. After a 10-day trial in the District Court of Massachusetts, the jury returned a unanimous \$9.2 million verdict in favor of Pritzker Levine's clients, and United States District Court Judge Allison D. Burroughs entered judgment in favor of the firm's clients on equitable claims. Pritzker Levine also successfully defended the jury verdict after the defendant appealed to the First Circuit Court of Appeals.

- ***BeUbiq, Inc. v. CCG, Inc.***, Case No. 114cv270691 (Cal. Sup. Ct., County of Santa Clara): Partners Jonathan Levine and Bethany Caracuzzo represented a Silicon Valley tech start-up in a breach of contract action against a software development company that BeUbiq hired to develop the software platform for its principal product, and obtained a California State Court jury verdict favorable to their clients.
- ***BTI Group v. Forrests Music***, Case No. C-17-00780 (Cal. Sup. Ct., County of Contra Costa): Pritzker Levine represented local business owners who were sued for breach of contract in connection with the sale of their business. Following several months of litigation, Pritzker Levine was able to obtain a dismissal with prejudice for its clients.

PERSONAL INJURY

Pritzker Levine LLP offers personal, attentive and professional legal services to those who have suffered pain or trauma as result of the negligent or wrongful conduct of others. The firm's attorneys have experience representing personal injury cases involving toxic chemicals, pharmaceuticals, dangerous products, medical malpractice and unsafe conditions. Our lawyers have helped clients in wrongful death cases, and in cases involving serious, permanent and debilitating injuries, such as spine and traumatic brain injuries, severe burns, cancer, and other devastating losses. In all personal injury cases, from class actions to mass actions to individual cases, we rigorously represent every claim and every client. Some of our significant cases include:

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- ***In Re Aqueous Film-Forming Foams Products Liability Litig.***, MDL No. 2:18-mn-2873-RMG (D.S.C): Elizabeth Pritzker (as an appointed member of the Plaintiffs Steering Committee) and Pritzker Levine represent current and former firefighters and some of their spouses in multi-district litigation against manufacturers, designers, sellers, suppliers, and distributors of Class B firefighting foams as well as protective clothing (turnouts) specifically designed for firefighters. Each of the firefighter plaintiffs has been diagnosed with and treated for cancers, thyroid disease, or ulcerative colitis that Plaintiffs allege were caused by years of on-the-job exposure to per- and polyfluoroalkyl (PFAS) substances present in the firefighting foams they used and the protective clothing they wore. The firm currently represents dozens of firefighter families in five active cases.
- ***Jane Doe and John Doe v. Steven Lawrence Katz, M.D., et al.***: Pritzker Levine attorneys represented a mother and child in an action against a fertility clinic for accidentally transferring an embryo belonging to another couple into the mother and the intentional cover-up of the mistake until the child was 10 months old. The other couple then sought and later obtained shared custody of the child in unrelated family court proceedings. The case resulted in a \$1 million settlement for the mother and child despite MICRA limitations in medical malpractice actions.
- ***McKay v. Caltrans***: Pritzker Levine attorneys represented a husband and wife in dangerous road condition action against Caltrans, in which the husband was severely injured by a motorist whose vehicle crossed the median barrier on Highway 80 and struck him head-on. Plaintiffs alleged that Caltrans knew its median barriers could cause such cross-median accidents and failed to take any preventative action. The case resulted in \$2.9 million settlement.
- ***Andrade v. JSS Restaurant Group, et al.*** The firm represented a recently-retired client who was hospitalized and treated for severe hemolytic uremic syndrome (HUS) resulting from E. coli bacterium poisoning caused by eating contaminated meal prepared and served by an artisanal burger chain. The case was litigated in the Contra Costa County Superior Court and settled close to trial for a significant monetary sum.

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- ***Clergy Sexual Abuse/Coordinated Proceedings.*** Pritzker Levine attorneys represented a woman who was sexually abused as a child by her parish priest. Part of landmark action against the Los Angeles Archdiocese and the Diocese of Orange. The 562 cases, spanning four generations of victims, settled for \$660 million.
- ***Mallard v. Mills Peninsula Health Services, et al.*** Pritzker Levine represented a client who, as a result of negligent care and treatment at both a hospital and skilled nursing facility, suffered injuries which became necrotic and infected, necessitating amputation of his leg below the knee. The client died in the course of the litigation. The case was filed, litigated and resolved, prior to trial, in a favorable monetary settlement for the client's estate.

ATTORNEY PROFILES

Elizabeth C. Pritzker

Elizabeth C. Pritzker is a co-founding partner of Pritzker Levine LLP, where she represents consumers, shareholders and businesses harmed by corporate wrongdoing and unfair competition. Elizabeth practices exclusively in the areas of litigation, trial and client counseling. She has prosecuted cases against monopolists, price-fixing cartels, big tech, major manufacturers, pharmaceutical companies, and the NCAA.

Elizabeth is frequently appointed by courts to lead major complex cases. Most recently, Elizabeth was appointed to serve as: (1) Interim Class Counsel in *In re Google RTB Consumer Privacy Litigation*, a putative nationwide class action on behalf of Google account holders alleging that class members' personal information is improperly sold and disseminated by Google through Google's proprietary advertising auction process, which is effectuated through real-time bidding ("RTB") auctions in violation of California and federal law; (2) Co-Lead Counsel in the *In Re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*, a nationwide RICO and multi-state antitrust class action alleging that Mylan NV and Pfizer, Inc., the seller and manufacturer of the life-saving EpiPen, respectively, engaged in an unlawful scheme to sharply increase the price of the device while at the same time stifling competition from others seeking to enter the market; and (3) as Liaison Counsel for the consumer plaintiff class in the *In re Google Play Store Antitrust Litigation*, a multi-district antitrust class action alleging that Google has knowingly created, and continues to exert, an unlawful monopoly over the market for the distribution of apps through the Android OS, making it impossible for users to purchase apps other than through the Google Play Store.

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Additionally, Elizabeth serves on the leadership team and as trial counsel in the *In re Packaged Seafood Products Antitrust Litigation*, a certified class action on behalf of consumers harmed by price-fixing cartelists in the packaged tuna industry. This multi-district antitrust class action is expecting final approval of the last of three defendant settlements in 2024.

Elizabeth previously served as Additional Class Counsel in *In re NCAA Grant-in-Aid Cap Antitrust Litigation*, in which a trial verdict on behalf of a nationwide class of college athletes challenging NCAA-imposed caps on athletic scholarships was upheld in a unanimous decision by the U.S. Supreme Court in June 2021. *Nat'l Collegiate Athletic Ass'n v. Alston*, ___ U.S. ___, 141 S. Ct. 2141 (June 21, 2021).

Elizabeth's other past work includes her appointment as Plaintiffs' Class Counsel in *Il Fornaio (America) Corporation v. Lazzari Fuel Company, LLC*, an antitrust class action alleging customer allocation and bid rigging among sellers of restaurant grade mesquite charcoal. She was appointed to the Direct Purchaser Plaintiffs' Steering Committee in the *In re Lithium Ion Rechargeable Batteries Antitrust Litigation*, and Liaison Counsel in the *In re TFT-LCD (Flat Panel) Antitrust Litigation*.

Elizabeth heads up the firm's antitrust practice, with additional leadership roles in *In re German Automotive Manufacturers Antitrust Litigation* (Plaintiffs' Steering Committee); *In re Transpacific Passenger Air Transportation Antitrust Litigation* (Plaintiffs' Executive Committee); *In re Domestic Drywall Antitrust Litigation* (Liability Team Leader/Plaintiffs' Steering Committee); and *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (Indirect Purchaser Plaintiffs' Litigation Committee).

Elizabeth is experienced and successful in trial work. As recent examples, in addition to her work in the *NCAA* trial, she and law firm partner, Jonathan Levine, obtained a \$9.2 million federal jury trial verdict for a German-based tech start-up in *ITyX AG v. Kodak Alaris, Inc.*, No. 16-cv-10250-ADB (D. MA), that has been upheld by the First Circuit.

Also currently, Elizabeth (as a member of the Plaintiffs Steering Committee in the *In Re Aqueous Film-Forming Foams Products Liability Litigation*) and the Pritzker Levine firm are leading the charge in several personal injury matters on behalf of firefighters who have been diagnosed with cancer and other serious illnesses as a result of their exposure to PFAS chemicals in Class B firefighter foams and firefighter protective gear ("turnouts"). The *FFFF MDL*, Case No. 2:18-mn-2873-RMG (D.S.C), is pending before Judge Richard M. Gergel in the United State District Court of South Carolina.

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Elizabeth speaks French and is learning to speak German.

Education

- University of San Francisco School of Law, J.D.
- McGill University, B.A (Economics)

Admissions

- California
- United States Supreme Court
- United States Court of Appeals for the Ninth Circuit
- United States District Courts for the Northern, Central, Southern and Eastern Districts of California, the District of Colorado, and the Eastern District of Michigan

Honors/Appointments

- Fellow, International Academy of Trial Lawyers (2024)
- California Lawyers Association “Antitrust Lawyer of the Year” in 2022
- Recipient, American Antitrust Institute (AII) Award for Outstanding Antitrust Litigation Achievement in Private Law Practice, in 2022 and 2015
- *Daily Journal* “Top Antitrust Lawyer in 2020”
- Northern California “Super Lawyer”
- Northern California “Top 100 Lawyers”
- Northern California “Top 50 Women Lawyers”
- Past Chair, Antitrust and Unfair Competition Law Section of the California Lawyers Association, and founder of Section’s Diversity & Inclusion Fellowship Program
- Past Editor-in-Chief, *Competition* - Journal of the Antitrust and Unfair Competition Law Section of the California Lawyers Association
- Past Executive Committee Member of the Antitrust and Unfair Competition Law Section of the California Lawyers Association (formerly the State Bar of California)
- Appointed Lawyer Representative, Ninth Circuit Conference Executive Committee
- Appointed Lawyer Representative, United States District Court for the Northern District of California
- Member/Contributing Author, Duke Law Committee on Standards and Best Practices for Increasing Diversity in Mass Tort and Class Action Leadership
- Board of Governors of Consumer Attorneys of California
- Board Member, Legal Aid Society of San Mateo County
- Board Member, Bay Area Lawyers for Individual Freedom

Memberships

- American Bar Association, Antitrust Law Section
- California Lawyers Association, Antitrust & UCL Section

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- American Association for Justice
- Consumer Attorneys of California
- Alameda County Bar Association
- Bay Area Lawyers for Individual Freedom

Publications/Speaking Engagements

- Speaker, *Apple Meets Amex – Two-Sided Liability*, American Bar Association, Antitrust Law Section (June 2020)
- Speaker, *Matters That Involve Antitrust – Some You Expect, Some You Don't*, Annual Meeting of the California Lawyers Association (September 2019)
- Speaker, *Third Annual Celebration of Women in Competition Law: Why Majority Women Trial Teams Make Sense*, Antitrust UCL & Privacy Section of the California Lawyers Association (March 2019)
- Speaker, *Advising Clients on Antitrust Issues*, Annual Meeting of the California Lawyers Association (September 2018)
- Author, *“Making the Intangible Concrete: Litigating Intangible Harms in a Post-Spokeo World,”* Competition - The Journal of the Antitrust, UCL and Privacy Section of the State Bar of California, Vol. 26, No. 1 (Spring 2017)
- Speaker, *“Antitrust 101,”* Annual Convention of the State Bar of California (August 2017; September 2016)
- Speaker, *“Multistate Indirect Purchaser Class Actions: Using Consumer Protection Statutes to Hurdle the Illinois Brick Wall,”* American Bar Association, Antitrust Law Section (December 2015)
- Moderator, *“Emerging Standards Under the FTAIA,”* Antitrust, UCL and Privacy Section of the State Bar of California (February 2015)
- Lecturer, *“Post-Brinker Employment Class Action Seminar,”* 46th Annual Consumer Attorneys of California Convention (November 2012)
- Presenter, *“Class Actions under Dukes,”* Cambridge International Forums: Plaintiffs Class Action Forum (April 2012)
- Lecturer, *Summary Judgment Seminar*, San Francisco Trial Lawyers Association (February 2012)
- Moderator, *Judicial Perspectives on Class Actions*, Consumer Attorneys of California (March 2012)

PRITZKER LEVINE LLP

Jonathan K. Levine

Jonathan K. Levine is a co-founding partner of Pritzker Levine LLP, where he represents investors, multi-national corporations, small businesses, whistleblowers and consumers in individual, derivative and class action litigation. Jonathan has more than 30 years of experience prosecuting complex securities fraud, business, antitrust and consumer class action litigation in state and federal courts.

Jonathan has served in a leadership role in numerous cases brought under federal and state securities, antitrust and consumer statutes. He also has successfully represented whistleblowers before the U.S. Securities and Exchange Commission, the U.S. Commodity Futures Trading Commission and the U.S. Department of Justice. Jonathan currently serves as co-lead counsel in *Hubbard v. Google*, where he represents minor children and their parents in a nationwide lawsuit alleging that Google, YouTube and certain other companies that develop and advertise content on YouTube illegally tracked and collected personal information and persistent identifiers for minor children viewing children's content on YouTube. He is also serving on the leadership team in the *In re ZF-TRW Airbag Control Units Products Liability Litigation*, a nationwide multidistrict class action concerning defective airbag control units in certain vehicles. Jonathan also has an active role and serves on several committees in the *In re AFFF Products Liability Litigation*, a nationwide multidistrict action seeking compensation for firefighters for injuries suffered from exposure to PFAS chemicals in groundwater, firefighting foam and firefighter protective gear. The AFFF MDL is pending before Judge Richard M. Gergel in the United State District Court of South Carolina.

Jonathan has an active business litigation, arbitration, and trial practice. He served as lead trial counsel, with firm partner Elizabeth Pritzker, in *ITyX Solutions, AG v. Kodak Alaris Inc.*, representing several German companies and their executives in an international business dispute involving breaches of contract and fiduciary duty. After a 10-day trial in the District Court of Massachusetts, the jury returned a unanimous \$9.2 million verdict in favor of Pritzker Levine's clients. Jonathan served as lead trial counsel, with firm partner Bethany Caracuzzo, in *BeUbiq, Inc. v. CCG, Inc.*, a breach of contract dispute, in which the firm obtained a favorable jury verdict for their Silicon Valley tech clients. Jonathan was also one of the lead trial lawyers in *Corcoran v. CVS Pharmacy, Inc.*, a class action alleging that CVS wrongfully overcharged consumers who were insured and had third-party prescription drug coverage for commonly prescribed generic prescription drugs.

Jonathan currently represents business owners in litigation and arbitration for breach of contract and fraud in connection with the sale of their cannabis businesses. He has also represented another cannabis company in litigation and arbitration for breach of contract

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and breach of fiduciary duty in connection with the improper sale of a business. He previously represented a local tech entrepreneur in a breach of contract, breach of fiduciary duty and derivative action arising from his ownership interests in several related limited liability companies and partnerships. That action resulted in the recovery of more than \$29 million of misappropriated investor funds. Jonathan also represented a group of more than 130 accredited investors in a securities fraud action brought by the SEC against the managers of several investment funds. In that case, he successfully argued for the adoption of a receivership distribution plan different than the plan proposed by the SEC.

Education

- Fordham University School of Law, J.D.
- Columbia University, B.A.

Admissions

- California
- New York
- Connecticut
- United States Supreme Court
- United States Courts of Appeals for the Second, Fourth, Ninth and Eleventh Circuits
- United States District Courts for the Southern and Eastern Districts of New York, the Northern, Central, Southern and Eastern Districts of California, the Northern District of Texas, the District of Colorado, and the Eastern District of Michigan

Honors/Appointments

- Chair (former), Executive Committee of the Business Section of the Alameda County Bar Association
- Vice Chair (former) and Advisor , Executive Committee of the Antitrust and Unfair Competition Law Section of the California Lawyers Association
- Appointed member (former), Committee on Federal Courts of the State Bar of California
- American Bar Association Litigation Section Subcommittee on Officers and Directors Liability
- National Association of Public Pension Attorneys' *Morrison* Working Group
- Northern California "Super Lawyer"

Memberships

- California Lawyers Association
- Alameda County Bar Association
- New York State Bar Association
- Connecticut Bar Association

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Publications/Speaking Engagements

- Speaker, *"Data Security for Law Firms,"* California Lawyers Association Small Firm Summit (June 2019)
- Speaker, *"Data Privacy in the US and EU,"* California Lawyers Association Annual Meeting (September 2018)
- Speaker, *"Trial Strategy,"* Alameda County Bar Association (October 2016)
- Co-author, *"California Online Privacy Laws: The Battle for Personal Data,"* Competition – The Journal of the Antitrust, UCL and Privacy Section of the California Lawyers Association (2016)
- Speaker, *"Arbitration Agreements,"* Alameda County Bar Association (November 2015)
- Co-author, *Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud,* NAPPA (2012)
- Speaker, *"Evaluating the Impact of the LIBOR Scandal,"* West LegalEdCenter (August 2012)
- Speaker, *"Successful Direct Examination of Expert Witnesses,"* Bridgeport 2011 Conference on Working With and Deposing Experts (March 2011)
- Author, *"E-Mail and Voice Mail Discovery Issues,"* Glasser LegalWorks (1998)
- Author, *"Discovery Techniques in Commercial Litigation and Recent Developments In the Rules of Discovery,"* American Trial Lawyers Association (1991)
- Co-author, *"The Business Judgment Rule and Derivative Actions,"* Practising Law Institute (1989)

Bethany L. Caracuzzo

Bethany L. Caracuzzo has more than twenty years of experience litigating federal and state antitrust violations, consumer protection, defective products and services, employment law disputes, business disputes, and catastrophic injury actions.

Bethany has been active in the firm's prosecution of antitrust class actions, including *AI's Discount Plumbing LLC v. Viega LLC*, representing plumbers alleging that a plumbing fitting manufacturer uses its monopoly power to undermine competitors in the market for copper pipe press fittings; *In re Packaged Seafood Products Antitrust Litigation*, representing end payor plaintiffs in a multi-district class action alleging price fixing by producers of packaged seafood products; *In Re Transpacific Air Transportation Antitrust Litigation*, representing consumers in a multi-district class action alleging fuel surcharge price-fixing by airlines in the transpacific passenger airline market; *In re Domestic Drywall Antitrust Litigation*, representing nonprofit housing development entities and indirect purchasers in a multi-district class action alleging price fixing by U.S. drywall

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manufacturers; and *Il Fornaio (America) Corporation v. Lazzari Fuel Company, LLC*, representing restaurant-consumers alleging price-fixing by distributors of mesquite lump charcoal used in cooking and preparing food.

Bethany also had an active role in *Corcoran v. CVS Pharmacy, Inc.*, representing consumers in a class action alleging that CVS wrongfully overcharges consumers who are insured and have third-party prescription drug coverage for commonly prescribed generic prescription drugs. She was also a significant contributor to the firm's settlement of consumer class action litigation involving the Brazilian Blowout line of hair smoothing products.

Currently, Bethany is assisting in the firm's litigation of the *In re Google RTB Consumer Privacy Litigation* (of which Elizabeth Pritzker is Interim Class Counsel), a putative nationwide class action alleging that Google account holders' personal information is improperly sold and disseminated by Google through Google's proprietary advertising auction process ("RTB"); *Envirodigim, Inc. v. Apple Inc.*, a breach of contract and trade secret dispute with Apple regarding a proprietary process and formula used in the manufacture of over a dozen iPhone models; *Hubbard v. Google LLC*, a nationwide class action alleging that Google, YouTube, and content creators, illegally tracked and collected personal information of minor children viewing children's content on YouTube; and *In re AFFF Products Liability Litigation*, a nationwide multidistrict action on behalf of firefighters who suffered injuries from exposure to PFAS chemicals in firefighting foam and firefighter protective gear ("turnouts").

Bethany, along with partner Jonathan Levine, successfully tried to a jury verdict a breach of contract action involving a Silicon Valley start-up. She has also served as a member of several trial and arbitration teams in litigating cases to judgement, including those involving wrongful death, traumatic birth injuries, injuries from defective products, and cannabis business disputes.

Prior to joining Pritzker Levine in 2013, Bethany spent over twelve years representing injured victims and employees at two San Francisco Bay Area law firms, where she litigated and obtained favorable settlements in personal injury cases involving medical malpractice, dangerous drugs, defective products, dangerous property conditions, and motor vehicle accidents.

Education

- California Western School of Law, J.D.
- Boston College, B.A., *cum laude*

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Admissions

- California
- United States Supreme Court
- United States Court of Appeals for the Ninth Circuit
- United States District Courts for the Northern, Central, Southern, and Eastern Districts of California

Honors/Appointments

- The Sedona Conference Working Group 1
- Northern California “Super Lawyer”

Memberships

- American Bar Association, Antitrust Section
- Consumer Attorneys of California
- San Francisco Trial Lawyers Association
- American Association for Justice
- Alameda County Bar Association

Publications/Speaking Engagements

- Author, *“Where Do We Go From Here: Article III Standing and Cy Pres-Only Settlements in Privacy Class Actions in the Wake of Frank v. Gaos,”* Competition – The Journal of the Antitrust, UCL and Privacy Section of the California Lawyers Association (2019)
- Lecturer, *“Opposing Motions for Summary Judgment,”* San Francisco Trial Lawyers Association

Heather P. Haggarty

Heather P. Haggarty represents consumers, investors, and individuals in class actions and other complex litigation, holding companies and institutions accountable when they engage in misconduct. Over her 24-year legal career, Heather has litigated a wide range of commercial cases involving securities fraud, trademark, copyright, product liability and patent infringement and white-collar criminal defense. She also has experience in internal corporate investigations.

Heather is very active in the firm’s prosecution of personal injury matters on behalf of firefighters who have been diagnosed with cancer and other serious illnesses as a result of their exposure to PFAS chemicals in Class B firefighter foams and firefighter protective gear (“turnouts”). The cases are proceeding as part of *In Re Aqueous Film-Forming Foams*

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Products Liability Litig., a multi-district litigation pending before Judge Richard M. Gergel in the United State District Court of South Carolina.

Heather has also aided in the litigation of *In Re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*, a class action alleging that the seller and manufacturer of the life-saving EpiPen engaged in anticompetitive practices in an unlawful scheme to sharply increase the price of the device; and *In re NCAA Grant-in-Aid Cap Antitrust Litigation*, a class action on behalf of a nationwide class of college athletes challenging NCAA-imposed caps on athletic scholarships.

Prior to joining Pritzker Levine, Heather worked at Bullivant Houser Bailey PC in San Francisco and Dorsey & Whitney, LLP in New York. Heather has served as a volunteer attorney with the Lawyers Committee for Civil Rights Under Law and with Public Justice in Oakland, California. She has also done volunteer work for Public Advocates in San Francisco.

Education

- Fordham University School of Law, J.D.
- Scripps College, B.A.

Admissions

- California
- New York
- United States District Courts for the Northern and Central Districts of California, and the Southern District of New York

Memberships

- California Lawyers Association
- New York State Bar Association

Publications/Speaking Engagements

- Co-author, "*California Online Privacy Laws: The Battle for Personal Data*," Competition – The Journal of the Antitrust, UCL and Privacy Section of the State Bar of California (2016)
- Co-author, "*Rule 23(b)(3)(F): Closing the Doors of the Courthouse*," published in the Common Good, Fordham Law School (1999).
- Co-author, "*Court Permits Differential Treatment Based on Native American Sovereignty*," New York Law Journal (1998)

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- Co-author, “*Defamation, Internet Providers, and Publisher Liability: A Square Peg in a Round Hole?*,” NY State Bar Association Entertainment, Arts & Sports Law Journal (1998)
- Co-author, “*The Media and the Attorneys’ Absolute Privilege to Defame: Undermining or Preserving the Integrity of the Judicial Process?*,” NY State Bar Association Entertainment, Arts & Sports Law Journal (1997)

Caroline C. Corbitt

Caroline C. Corbitt is an associate attorney with a practice that encompasses a wide range of complex commercial litigation, including antitrust, privacy, consumer protection, and business litigation.

Caroline has been active in the firm’s prosecution of *In re Google RTB Consumer Privacy Litigation*, a class action alleging that Google account holders’ personal information is improperly sold and disseminated by Google to thousands of companies through Google’s proprietary RTB advertising auction process; *Wood Mountain Fish LLC, et al, v. Mowi ASA*, representing an indirect purchaser plaintiff class in a multi-state antitrust class action alleging price fixing by the major producers of farm-raised salmon and salmon products; *In re Google Play Store Antitrust Litigation*, an antitrust class action alleging that Google has an unlawful monopoly over the market for the distribution of apps through the Android OS through its Play Store; *In re HIV Antitrust Litigation*, a class action lawsuit against drug manufacturers Gilead, Johnson & Johnson and Bristol-Meyers Squibb, for allegedly knowingly colluding to raise the price of anti-HIV drugs, and wrongfully raising the price of treatment for the one million people in the United States living with HIV; and *Corcoran v. CVS Pharmacy, Inc.*, a class action on behalf of insured consumers who were allegedly overcharged at CVS pharmacies for their generic prescription drugs.

Caroline currently has an active role in *Hubbard v. Google LLC*, a nationwide class action on behalf of minor children alleging that Google, YouTube and certain other companies that advertise content on YouTube illegally tracked and collected personal information and persistent identifiers for minor children viewing children’s content on YouTube. Caroline also currently represents business owners in litigation and arbitration for breach of contract and fraud in connection with the sale of their cannabis businesses.

Prior to joining Pritzker Levine, Caroline worked for four years as an associate attorney at Gibbs Law Group LLP. While there, she worked on numerous class action lawsuits that received widespread national media coverage, including *In re Anthem, Inc. Data Breach Privacy Litigation*; *In re Wells Fargo Collateral Protection Insurance Litigation*; and *Fero v.*

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Excellus Health Plan, Inc.

During law school, Caroline was a summer extern for the Honorable Laurel Beeler, Magistrate Judge of the United States District Court, Northern District of California. She also completed externships at the Federal Trade Commission and the California Department of Justice, Antitrust Division.

Education

- University of Southern California, J.D.
- Harvard University, B.A.

Admissions

- California
- United States Court of Appeals for the Ninth Circuit
- United States District Courts for the Northern, Central, and Southern Districts of California

Honors/Appointments

- Executive Committee, CLA Antitrust and Unfair Competition Law Section
- Northern California “Rising Star”

Publications

- Author, *Monopsony and Its Impact on Wages and Employment: Past and Future Merger Review*, Competition – The Journal of the Antitrust, UCL and Privacy Section of the California Lawyers Association (Fall 2019)
- Co-Author, *Will Ratepayers Or Shareholders Pay For California Fires?*, Law360 (Jan. 10, 2018)

Memberships

- California Lawyers Association
- American Association for Justice

Richard R. Seal

Richard R. Seal is of counsel to Pritzker Levine LLP. Rick is based in the firm’s California office where is working with first responders who have sustained injuries from occupational exposure to toxic materials.

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For the past four years, Rick has been working with firefighters who have sustained injuries and illness associated with workplace hazards. Rick has counseled fire chiefs and union officials in the development of protocols aimed at reducing the incidence of cancer in the fire service.

Rick is an active member of the firm's litigation team representing dozens of clients in several personal injury matters on behalf of firefighters who have been diagnosed with cancer and other serious illnesses as a result of their exposure to PFAS chemicals in Class B firefighter foams and firefighter protective gear ("turnouts").

Prior to attending law school and joining Pritzker Levine, Rick had a long and distinguished career in public safety. Over three decades, Rick served as a mobile intensive care paramedic, and then as a firefighter, fire captain, Battalion Chief and EMS Chief in San Jose, California. Rick ended his public safety career as the Fire Chief for the East Bay Regional Park District. In 1998, Rick received a Medal of Valor- Class A for a successful rescue and resuscitation of a young woman trapped in a residential structure fire.

Rick is also an accredited attorney with the United States Veterans Administration focusing on assisting veterans obtaining their benefits.

Education

- Golden Gate University, J.D.
- San Jose State University, M.P.A., *pi alpha*
- University of California, Berkeley, B.A., *phi beta kappa*

Admissions

- California
- United States District Court for the Northern District of California

Memberships

- California Lawyers Association

[Anne Maness Whitney](#)

Anne C. Maness Whitney is an associate attorney whose practice focuses on antitrust and privacy. She has assisted in the litigation of *In re Cattle and Beef Antitrust Litigation*, representing producer plaintiffs who allege that the four largest meat packing companies conspired to suppress the prices paid to cattle ranchers for fed cattle; *Hubbard v. Google LLC*, representing a proposed class of minor children and their parents or guardians

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alleging that Google, YouTube and certain other companies that develop and advertise content on the YouTube platform illegally tracked and collected personal information from minor children viewing children's content on YouTube; *In re Google Play Store Antitrust Litigation*, representing consumers in a multi-district antitrust class action alleging that Google has knowingly created, and continues to exert, an unlawful monopoly over the market for the distribution of apps through the Android OS, making it impossible for users to purchase apps other than through the Google Play Store; *AI's Discount Plumbing LLC v. Viega LLC*, representing plumbers alleging that a plumbing fitting manufacturer uses its monopoly power to undermine competitors in the market for copper pipe press fittings; *In re: National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, representing current and former student-athletes in a class action alleging artificial caps on scholarships; and *In re: Lenovo Adware Litigation*, representing consumers in a class action alleging secret installation of spyware.

Anne holds a certification from the International Association of Privacy Professionals in the area of U.S. private sector (C.I.P.P./US).

Education

- George Mason University School of Law, J.D.
- Duke University, B.A.

Admissions

- California
- North Carolina

Memberships

- California Lawyers Association
- North Carolina Bar Association

Michael Schrag

Michael Schrag is of counsel to Pritzker Levine LLP. For 28 years, Michael Schrag has represented consumers and small businesses in complex class actions and multi-plaintiff lawsuits against some of the country's largest banks, insurers, credit card, and telecommunication companies. He has recovered hundreds of millions of dollars on behalf of his clients and his class action practice covers a broad range of legal areas including antitrust, breach of contract, fraud, consumer protection, and civil RICO cases. Michael has also represented individuals and large groups of plaintiffs in breach of fiduciary duty, product liability, personal injury and medical malpractice cases.

PRITZKER LEVINE LLP

Michael and his team recently recovered \$52 million for borrowers wrongfully denied home loan modifications by Wells Fargo Bank. He served as court-appointed Co-Lead class counsel in *Hernandez v. Wells Fargo Bank*, representing a certified class of over one thousand borrowers who lost their homes after Wells Fargo wrongfully foreclosed. Michael and his team achieved a \$40 million settlement, which was praised for bringing “significant” relief to the class. Michael was also appointed Co-Lead class counsel in a related loan modification case in federal court in Ohio against Wells Fargo that settled for \$12 million.

Michael was also on the Expert Committee and trial team in the *In re: Disposable Contact Lens Antitrust Litigation*, a nationwide class action lawsuit alleging that manufacturers and distributors conspired to fix prices of contact lenses sold to consumers. The case settled for a total of \$118 million after the court certified a nationwide class and denied Defendants’ motions for summary judgment.

Michael was Co-Lead class counsel in an Unfair Competition case against a real estate developer. After plaintiffs-purchasers obtained an important victory in the Ninth Circuit (*Beaver v. Tarsadia Hotels*, 816 F.3d 1170 (9th Cir. 2016)), the lawsuit settled for \$51.15 million. He was also Co-Lead class counsel in *Ammari v. Pacific Bell Directory* where his team obtained a \$27 million judgment on behalf of a class of small businesses after a jury verdict and two appeals. Michael also represented small business plaintiffs against AIG in an insurance fraud action that settled mid-trial for a confidential sum.

Currently, Michael serves on the court-appointed Plaintiffs’ Executive Committee in the *In re Cattle and Beef Antitrust Litigation*, where Plaintiffs allege that the four largest meat packing companies conspired to suppress the prices paid to cattle ranchers for fed cattle.

Michael also helped initiate a class action against Umpqua Bank for aiding and abetting a real estate Ponzi scheme. The court recently certified a nationwide class and denied Umpqua’s motion for summary judgment.

A Bay Area native, Michael began his career prosecuting securities class actions and serving as a law clerk to the Honorable Judith N. Keep, U.S. District Judge, Southern District of California. He then worked at Schrag & Baum from 2000-2006 where he helped initiate the currency conversion fee cases against Visa and MasterCard that ultimately resulted in a \$336 million settlement. From 2007-2015 Michael was a partner and co-founder of Meade & Schrag, LLP, where he prosecuted class actions and also litigated personal injury, medical malpractice, breach of contract, and business litigation matters. From 2015-2022, Michael was a partner at Gibbs Law Group in Oakland, CA.

PRITZKER LEVINE LLP

Education

- Columbia University, B.A.
- University of California at Berkeley School of Law, J.D.
- University of California at Berkeley, Masters in Public Policy

Admissions

- California
- United States Supreme Court
- United States Court of Appeals for the Ninth Circuit
- United States District Courts for Northern, Central and Southern Districts of California

Memberships

- Consumer Attorneys of California
- American Association for Justice

George Sampson

George Sampson is of counsel to Pritzker Levine LLP. He has 39 years of experience prosecuting complex antitrust cases on behalf of consumers and small businesses. Currently, George serves along with his colleague Michael Schrag on the court-appointed Plaintiffs' Executive Committee in the *In re Cattle and Beef Antitrust Litigation*, where Plaintiffs allege that the four largest meat packing companies conspired to suppress the prices paid to cattle ranchers for fed cattle.

Prior to founding Sampson Dunlap LLP in 2015, George was for 20 years an antitrust partner at Seattle's preeminent plaintiffs class action firm. There he served as co-lead counsel in *In re Disposable Contact Lens Antitrust Litig.*, MDL No. 1030 (M.D. Fla.). As Trial Counsel he was principally responsible for all expert economic testimony. The case settled after five weeks of trial for a total recovery in excess of \$90 million. George was also appointed co-lead counsel in *In re Visa Check/MasterMoney Antitrust Litigation*, 280 F.3d 124 (CA2, 2001) (affirming class certification), which settled on the eve of trial for \$3 billion, at the time the largest antitrust class settlement ever achieved. Other notable cases include *McDonough v. Toys R Us*, 638 F. Supp 2d 461 (E.D. PA. 2009), a "hub-and-spoke" case against Toys R Us for forcing baby product manufacturers to raise prices at competing retailers. Again, George was principally responsible for all expert economic testimony. After extensive discovery and a two-day class certification hearing, the case settled for \$35 million.

PRITZKER LEVINE LLP

George began his career in antitrust enforcement in 1984, when he joined the New York Attorney General's Antitrust Bureau. He served as an Assistant Attorney General for 10 years— the last two years (1992-1994) as Chief of the Antitrust Bureau. George was the lead trial attorney in a civil bid-rigging action in which he won the state's first ever bid-rigging jury trial, recovering \$7.8 million for the state (*State of New York v. Hendrickson Bros., Inc.*, 840 F.2d 1065 (2d Cir. 1988)).

At Sampson Dunlap LLP, George has continued his prosecution of antitrust class actions on behalf of consumers and employees. He served as Trial Counsel in *In re Disposable Contact Lens Antitrust Litig.*, MDL No. 2626, 215 F.Supp.3d 1272 (M.D. Fla.), and was primarily responsible for the expert economic work in the case, including depositions and testimony at the two-day class certification hearing, August 1-2 2018. That hearing resulted in an order by the Hon. Harvey Schlesinger (M.D. Fla.) certifying a class of over 30 million contact lens wearers. The case ultimately settled in March 2023 on the eve of trial for a total recovery of \$118 million.

Education

- New York University School of Law, J.D.
- Cornell University, B.A. (Economics)

Admissions

- New York and Washington
- United States Supreme Court
- United States Court of Appeals for the Second, Third, Eighth, Ninth and Eleventh Circuits
- United States District Courts for the Southern and Eastern Districts of New York, the Western District of Washington, and the Northern District of California

Memberships

- American Bar Association, Antitrust Law Section
- Washington Bar Association, Antitrust & Consumer Protection Section

EXHIBIT 28

1 Randall S. Newman, Esq.
2 99 Wall Street, Suite 3727
3 New York, NY 10005
4 (212) 797-3735
5 rsn@randallnewman.net

6 *Counsel for the End Payer Plaintiffs*
7 *Melissa Bowman, Vivek Dravid, Danielle Johnson, Jessica Bartling & Gay Birnbaum*

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
11 PRODUCTS ANTITRUST)
12 LITIGATION) **DECLARATION OF RANDALL S.**
13) **NEWMAN IN SUPPORT OF END**
14) **PAYER PLAINTIFFS' MOTION**
15) **FOR ATTORNEYS' FEES,**
16) **COSTS, EXPENSES, AND**
17) **SERVICE AWARDS**

18 _____)
19 This Document Relates to:) DATE: November 22, 2024
20 End Payer Plaintiffs Class Track) TIME: 1:30 p.m.
21) JUDGE: Hon. Dana M. Sabraw
22) COURT: 13A (13th Floor)
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1 I, Randall S. Newman, declare:

2 1. I am a solo practitioner at Randall S. Newman, P.C. (“RSN PC”). I have
3 been licensed to practice law in the state of California since 1997, the State of Ohio
4 since 1999, the State of New York since 2002 and the State of New Jersey since 2003.
5 I am admitted to practice in the U.S. District Courts for the Southern District of
6 California, the Northern District of California, the Central District of California, the
7 Eastern District of California, the Southern District of New York and the Eastern
8 District of New York.

9 The following facts are within my personal knowledge, and if called as a
10 witness, I could and would testify competently to them.

11 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
12 Attorneys’ Fees, Costs, Expenses, and Service Awards.

13 3. On September 30, 2015, Wolf Haldenstein Adler Freeman & Herz LLP
14 (“WHAFH”) and RSN PC filed a proposed class action lawsuit on behalf of my client,
15 Melissa Bowman against Bumble Bee Foods LLC, Starkist Company, Tri-Union
16 Seafoods LLC and King Oscar, Inc. in the Southern District of California and assigned
17 Case No. 15cv2185 (The “Bowman Action”). The Bowman Action was consolidated
18 into the instant action with other similar actions filed in other jurisdictions nationwide
19 as a Multi-District Litigation titled, *In Re: Packaged Seafood Products Litigation*, No.
20 15-MD-2670 in the Southern District of California (the “Action”).

21 4. On September 30, 2015, WHAFH and RSN PC filed a proposed class
22 action lawsuit on behalf of my client, Vivek Dravid against Bumble Bee Foods LLC,
23 Starkist Company, Tri-Union Seafoods LLC and King Oscar, Inc. in the Southern
24 District of California and assigned Case No. 15cv2187 (The “Dravid Action”). The
25 Dravid Action was consolidated into the Action.

26 5. On October 5, 2015, WHAFH and RSN PC filed a proposed class action
27 lawsuit on behalf of my clients, Danielle Johnson, Andrew Langston and Herbert
28 Kleigerman against Bumble Bee Foods LLC, Starkist Company, Tri-Union Seafoods

1 LLC and King Oscar, Inc. in the Southern District of California and assigned Case
2 No. 15cv2216 (The “Johnson Action”). The Johnson Action was consolidated into
3 the Action.

4 6. Thereafter, I added two additional clients to the Action, Jessica Bartling
5 and Gay Birnbaum.

6 7. I am the only attorney at Randall S. Newman, P.C. and I have practiced
7 civil litigation on behalf of consumers and individuals in New York and California
8 for over 20 years. Additionally, I was a partner at WHAFH from April 2016 to April
9 2020. WHAFH is Class Counsel in this matter. I generally practice in the areas of
10 consumer class actions, complex litigation, unfair competition law and copyright
11 litigation. Attached hereto as **Exhibit A** is RSN PC’s firm resume.

12 8. I have a long history of successfully handling class actions across a range
13 of industries, including antitrust cases. I bring substantial experience in complex
14 litigation matters with a history of litigating in an efficient and practical manner,
15 including as Lead or Co-Lead Class Counsel in numerous class actions.

16 9. I have been working with WHAFH as co-counsel for more than 17 years
17 and I have an extensive background in antitrust and consumer protection class action
18 litigation because of my relationship with WHAFH. I have litigated several class
19 action cases across the country involving antitrust and unfair competition claims as
20 co-counsel with WHAFH, including the following matters:

- 21 • *In Re: Apple iPhone Antitrust Litigation*, No. 4:11-cv-06714-YGR-TSH (N.D.
22 Cal.).
- 23 • *Rupa Marya v. Warner Chappell Music, Inc.* Case No. 2:13-cv-4460-GHK-
24 MRW (C.D. Cal.) (the “Happy Birthday” Copyright case).

25 10. I have been involved in the litigation of this Action under the direction
26 of Class Counsel, including, among other tasks, responding to discovery, maintaining
27 relationships with the plaintiffs and keeping myself and Plaintiffs informed of the
28 litigation by reviewing all of the filings in the Action.

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11. My current hourly rate for, as well as the hours I spent working on the Action as of September 30, 2024, and my corresponding lodestar, are as follows:

RSN PC Lodestar through September 30, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Randall S. Newman	\$790.00 per hour	527.6	\$416,804.00
TOTAL:			\$416,804.00

12. These records were prepared from contemporaneous, daily time records regularly prepared and maintained by me in its usual course and manner. I maintain detailed records regarding the amount of time I spent and the lodestar calculation is based on my current billing rates. These records are available for review at the request of the Court.

13. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services I performed, were reasonable and necessary for my firm’s representation of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the hours spent on each task.

14. I have general familiarity with the range of hourly rates typically charged by plaintiffs’ class action counsel specifically in the field of unfair competition and antitrust in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I am able to conclude that the rates charged by my firm are commensurate with those prevailing in the market for such legal services furnished in complex class action litigation such as this.

15. Throughout the litigation, I worked under the direction of Class Counsel, and I made every effort to operate as efficiently as possible and to avoid unnecessary duplication. I coordinated with Class Counsel for all work performed in this Action.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on October 14, 2024, at Dade City, Florida.

Dated: October 15, 2024 By: /s/ Randall S. Newman
Randall S. Newman

EXHIBIT A

EXHIBIT "A"

RANDALL S. NEWMAN, P.C. FIRM RESUME

Randall S. Newman has been licensed to practice law for more than 25 years and also passed the CPA exam more than 25 years. Mr. Newman has experience representing clients in both transactional and litigation matters.

Mr. Newman has worked in the legal field for more than 40 years, starting as a docket clerk in Cleveland, Ohio at the age of 14. By the time he was 21, and before proliferation of the Internet, Mr. Newman worked full-time at what is now Squire Patton Boggs Sanders LLP, one of the largest law firms in the United States doing all the paper litigation filings in Cleveland, Ohio's municipal, state and federal courts. Additionally, Mr. Newman worked part-time at Deloitte, LLP reviewing audited financial statements and he attended Cleveland State University at night and on the weekends. Mr. Newman obtained a BBA in Accounting in 1992 and worked for two seasons in public accounting. Mr. Newman attended the University of Akron School of Law ("Akron") full-time from 1994 to 1996. During his time at Akron, Mr. Newman won the American Jurisprudence Award for Civil Procedure I and II and corporate taxation. Mr. Newman also was a member of the Akron Law Review and was ranked in the top 10 students in his class. After his second year at Akron, Mr. Newman was accepted into New York University School of Law's non-matriculated LL.M. in Taxation program and attended J.D. and LL.M. classes at NYU from 1996 to 1997. Those credits were transferred to Akron and Mr. Newman graduated magna cum laude from Akron in May, 1997 and obtained an LL.M. in Taxation from NYU in December, 1997. Mr. Newman passed the California bar in July, 1997 and less than three months later, Mr. Newman passed the November, 1997 Maryland CPA exam with an average score of 93+. Mr. Newman won an award from the State of Maryland for scoring one of the top 10 scores in the state on the 1997 CPA exam. After graduating from NYU's LL.M. in Taxation program in December, 1997, Mr. Newman worked as a transactional tax attorney until he became an associate in the New York office of Dechert, LLP ("Dechert") in 2000 litigating state and local tax cases for Dechert's corporate clients. EXHIBIT A Page 11 2 Mr. Newman is admitted to practice before the United States Tax Court, the United States Court of Claims, the United States District Court for the Southern District of New York, the United States District Court for the Eastern District of New York, the United States District Court for the Northern District of California, the United States District Court for the Southern District of California, the United

States District Court for the Western District of California, the United States District Court for the Eastern District of California, the Court of Appeal for the Second Circuit, the Court of Appeals for the Seventh Circuit, the Court of Appeals for the Ninth Circuit and the Court of Appeals for the Federal Circuit. While at Dechert, Mr. Newman was instrumental in the taxpayer's victory in *Carpenter Tech. Corp. v. Comm'r of Revenue Services*, 256 Conn. 455, 772 A.2d 593 (2001) before the Connecticut Supreme Court. In 2003, Mr. Newman started Randall S. Newman, P.C. In 2004, Mr. Newman commenced an action in the Southern District of New York captioned as *Newman & Associates v. J.K. Harris & Co., LLC*, Case No. 04- cv- 9264 for violation of the unfair competition provisions of the Lanham Act. Mr. Newman's firm acted as the plaintiff in that action and the action resulted in substantial changes to the claims J.K. Harris made in its advertising and resulted in an often-cited decision on the issue of discovery of documents protected by Federal Rule of Evidence 408, *Newman & Associates v. J.K. Harris & Co., LLC*, 2005 WL 3610140 (SDNY December 15, 2005). J.K. Harris ultimately paid millions in fines and restitution to the attorneys' general in at least 19 states. In 2005, Mr. Newman commenced an action in the U.S. District Court for the Southern District of New York against the Law Offices of Roni Lynn Deutch, a California attorney for violation of the unfair competition provisions of the Lanham Act captioned as *Newman & Associates v. Law Office of Roni Deutch*, 05- cv-4789 (MGC). Once again Mr. Newman's firm acted as the plaintiff in that action. As a result of Mr. Newman's action, Ms. Deutch agreed to not accept any clients from New York State and made substantial revisions to her television advertising. Mr. Newman worked closely with the New York City Department of Consumer Affairs and assisted them in filing an action against Ms. Deutch captioned as *Comm'r Department of Consumer Affairs of the City of New York v. Roni Lynn Deutch*, Index No. 403215/2005 (New York County Supreme Court). As a result of Mr. Newman's efforts, Ms. Deutch agreed to pay the City of New York a total of \$300,000, which included \$200,000 in restitution to consumers and \$100,000 in fines. In 2010, the California Attorney General sued Ms. Deutch for EXHIBIT A Page 12 3 \$34 million in the Superior Court of Sacramento and Ms. Deutch is no longer eligible to practice law in the State of California. In 2006, Mr. Newman filed a class-action complaint captioned *Brown v. American Tax Relief, LLC*, Index No. 16771/2006 in New York Supreme Court, Kings County and assisted New York City in filing a companion case captioned *Comm'r Department of Consumer Affairs of the City of New York v. American Tax Relief, LLC*, Index No. 402140/2006 (New York County Supreme Court). American Tax Relief was a Beverly Hills based company, and was a

competitor of J.K. Harris and Roni Lynn Deutch. On September 24, 2010, the United States Federal Trade Commission (“FTC”) obtained an ex parte restraining order and asset freeze against American Tax Relief in a case captioned Federal Trade Commission v. American Tax Relief, LLC, 10-cv-6123 filed in the U.S. District Court for the Northern District of Illinois. On January 29, 2013, the parties in the FTC action agreed to a Stipulated Final Order for Permanent Injunction and other Equitable Relief against whereby the FTC obtained a monetary judgment of \$103,387,291.62 and American Tax Relief surrendered more than \$15 million in cash. After the J.K. Harris, Roni Lynn Deutch and American Tax Relief litigation, Mr. Newman began representing homeowners in Truth in Lending, 15 U.S.C. § 1601, et seq. rescission claims. The Truth in Lending litigation resulted in several reported decisions. One significant reported decision is Glucksman v. First Franklin Financial Corp., 601 F.Supp.2d 511 (EDNY March 6, 2009) in which the Court held that a homeowner could be in “foreclosure” for purposes of calculating the TILA tolerance limits prior to the filing of the Summons and Complaint. Mr. Newman obtained that decision against Reed Smith, one of the top 20 largest law firms in the United States. Many of the cases Mr. Newman initiated raise novel issues of law. For example in a case of first impression, Decatrel v. Metro Loft Mgmt., LLC, 2010 NY Slip Op 52350 (N.Y. Sup. Ct., 2010), the Court allowed the Plaintiff to assert a cause of action under New York’s roommate law which prohibits a landlord from restricting a tenant’s right to have a roommate. Another novel case Mr. Newman filed was Maremont v. Fredman, Case No. 10-cv-7811, in U.S. District Court for the Northern District of Illinois asserting claims under the Lanham Act in the context of social media. Maremont resulted in two published decisions Maremont v. Fredman, 772 F.Supp.2d 967 (2011) (decision on motion to dismiss) and Maremont v. Fredman, 2011 WL 6101949 (N.D.Ill. December 7, 2011) (decision on motion for summary judgment). Maremont was also widely followed by the media and has been the subject of a Law Review Comment published on February 17, 2012 by a student at Northern Illinois University College of Law titled Me.Com: The Growing Need for the Illinois Right of Publicity Act to Respond to Online Social Networks. Mr. Newman has represented several actors over movie merchandising rights including the character Scut Farkus from the 1983 movie A Christmas Story and Chotchkie’s Waiter from the 1998 movie Office Space. Mr. Newman has been involved in copyright disputes over movie scripts and photographs as well as numerous consumer class action cases against companies such as Apple, Toyota Motor Credit Corporation and StubHub.

In 2013, Mr. Newman filed a historic case to invalidate the copyright to the world's most famous song, "Happy Birthday to You". *Rupa Marya v. Warner Chappell Music, Inc.* Case No. 2:13-cv-4460-GHK-MRW (C.D. Cal.) (the "Happy Birthday" Copyright case). That case resulted in a \$14m settlement and the invalidation of the 1935 copyrights to *Happy Birthday to You*.

Mr. Newman was recently part of the team at Keller Postman, LLC that secured a \$1.4b settlement against Meta Platforms, Inc. on behalf of the State of Texas regarding Facebook's use of facial recognition technology against Texas law. *The State of Texas v. Meta Platforms, Inc. f/k/a Facebook, Inc.*, 22-021 (District Court, Harrison County, Texas).

Mr. Newman was also part of the team at Keller Postman, LLC that secured a \$2.2b settlement against Glaxo Smith Kline regarding allegations that its drug Zantac caused cancer to thousands of Americans. *In re Ranitidine Products Cases*, JCCP No. 5150 (Alameda County, California).

EXHIBIT 29

1 Peter Safirstein
2 Safirstein Law LLC
3 45 N. Broad Street, Suite 100
4 Ridgewood, New Jersey 07450

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9 *Counsel for the End Payer Plaintiff*
10 *Stephanie Gipson*

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

14 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
15 PRODUCTS ANTITRUST)
16 LITIGATION) **DECLARATION OF PETER**
17) **SAFIRSTEIN IN SUPPORT OF**
18) **END PAYER PLAINTIFFS’**
19) **MOTION FOR ATTORNEYS’**
20) **FEES, COSTS, EXPENSES, AND**
21) **SERVICE AWARDS**

22 _____)
23 This Document Relates to:) DATE: November 22, 2024
24 End Payer Plaintiffs Class Track) TIME: 1:30 p.m.
25) JUDGE: Hon. Dana M. Sabraw
26) COURT: 13A (13th Floor)
27)
28)

DECLARATION OF PETER SAFIRSTEIN IN SUPPORT OF END PAYER PLAINTIFFS’
MOTION FOR ATTORNEYS’ FEES, COSTS, EXPENSES AND SERVICE AWARDS
CASE NO. 15-MD-2670 DMS (MSB)

1 I, Peter Safirstein, declare:

2 1. I am the Managing Partner Of Safirstein Law LLC and I was the
3 Managing Partner of Safirstein Metcalf LLP (now in dissolution) (collectively, the
4 “Safirstein Entities”). I have been licensed to practice law in the states of New York
5 and New Jersey since approximately 1985 and 1986. I am admitted to practice in the
6 U.S. District Courts for numerous federal jurisdictions, including, but not limited to
7 the Southern District of New York and the District of New Jersey. The following facts
8 are within my personal knowledge, and if called as a witness, I could and would testify
9 competently to them.

10 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
11 Attorneys’ Fees, Costs, Expenses, and Service Awards.

12 3. In 2015, I filed a proposed class action lawsuit in this matter on behalf
13 of my client in the Southern District of California. My client’s action was
14 consolidated into the instant action with other similar actions filed in other
15 jurisdictions nationwide as a Multi-District Litigation titled, *In Re: Packaged Seafood*
16 *Products Litigation*, No. 15-MD-2670 in the Southern District of California (the
17 “Action”).

18 4. The principal counsel at The Safirstein Entities is myself, Peter
19 Safirstein, who has practiced civil litigation on behalf of consumers and individuals
20 in New York and elsewhere since 1985. The firms generally employ or have
21 employed one or more attorneys practicing in the areas of consumer class action,
22 unfair competition law and securities law. The attorney who logged the most hours in
23 this matter on behalf of the Safirstein Entities is Ruth Susnick, Esq., an attorney
24 formerly with the United States Department of Justice, Antitrust Division – New York
25 Field Office. I head Safirstein Law LLC and formerly headed Safirstein Metcalf LLP
26 specifically related to consumer protection and antitrust class action matters. Attached
27 hereto as **Exhibit A** is the Firm resume.

28

1 5. The Safirstein Entities attorneys have a long history of successfully
2 handling class actions across a range of industries, including antitrust cases. I bring
3 substantial experience in complex litigation matters with a history of litigating in an
4 efficient and practical manner, including as Lead or Co-Lead Class Counsel in
5 numerous class actions. *See Exhibit A.*

6 6. I have an extensive background in antitrust and consumer protection
7 class action litigation. I have litigated numerous class action cases across the country
8 involving antitrust and unfair competition claims, including the following recent
9 matter in which I have held a leadership position:

- 10 • *In Re: Namenda Indirect Purchaser Antitrust Litigation*, No. 1:15-cv-06549 -
11 CM (S.D. N.Y.) (Co-Lead Counsel);

12 7. I and the Safirstein Entities have been involved in the litigation of this
13 Action under the direction of Class Counsel, including, among other tasks,
14 extensively investigating the claims, both before and after filing the initial complaint
15 (including calls and correspondence with potential plaintiffs and class members
16 contacting us for advice and status updates); researching underlying issues of law and
17 drafting the initial complaint; coordinating with other plaintiffs' counsel regarding
18 consolidation and leadership issues; assisting in drafting the consolidation and
19 leadership motions; reviewing documents produced by Defendants; reviewing
20 documents in the public domain; attend depositions; communications with our client
21 regarding various stages of litigation, trial preparation and settlement, and assisted in
22 preparing this filing and the concurrently filed motion papers in support of final
23 approval of the Settlement.

24 8. The applicable hourly rates for the Safirstein Entities attorneys and staff
25 that have worked on the Action, as well as their hours spent working on the Action as
26 of September 1, 2024, and their corresponding lodestar, are as follows:

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Safirstein Metcalf LLP Lodestar through December 31, 2021			
Timekeeper	Current Rate	Hours	Lodestar
Peter Safirstein, Partner	<u>\$850.00</u> per hour	<u>154.5</u>	<u>\$131,325.00</u>
Peter Safirstein, Partner (2021 rate)	<u>\$895.00</u> per hour	<u>1.7</u>	<u>\$1,521.50</u>
Ruth Susnick, Of Counsel	<u>\$395.00</u> per hour	<u>548.1</u>	<u>\$216,499.50</u>
Sheila Feerick, Other Professional	<u>\$525.00</u> per hour	<u>20.2</u>	<u>\$10,605.00</u>
TOTAL:			<u>\$359,951.00</u>

Safirstein Law LLC Lodestar through September 1, 2024]			
Timekeeper	Current Rate	Hours	Lodestar
Peter Safirstein, Partner	<u>\$950.00</u> per hour	<u>3.0</u>	<u>\$2,850.00</u>
Sheila Feerick, Other Professional	<u>\$650.00</u> per hour	<u>6.2</u>	<u>\$4,030.00</u>
TOTAL:			<u>\$6,880.00</u>

SAFIRSTEIN ENTITIES TOTAL:	<u>\$366,831.00</u>
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9. These records were prepared from contemporaneous, daily time records regularly prepared and maintained by the Safirstein Entities in its usual course and manner. The Safirstein Entities maintain detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on The Safirstein Entities current and historic billing rates. The underlying records are available for review at the request of the Court.

1 10. In my judgment and based on my experience in complex class action
2 litigation and other litigation, the number of hours expended, and the services
3 performed by my firm, were reasonable and necessary for my firm’s representation
4 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
5 hours spent on each task.

6 11. I have general familiarity with the range of hourly rates typically charged
7 by plaintiffs’ class action counsel specifically in the field of unfair competition and
8 antitrust in the geographical area where my firm practices and throughout the United
9 States, both on a current basis and historically. From that basis, I am able to conclude
10 that the rates charged by my firm are commensurate with those prevailing in the
11 market for such legal services furnished in complex class action litigation such as this.
12 My firm’s hourly rates were most recently approved in the Namenda litigation cited
13 above.

14 12. The Safirstein Entities have incurred costs of \$54,836.69 so far in
15 litigating the Action, consisting of the following categories of costs:

Category	Cost
Litigation Fund	\$53,000.00
Travel and Misc. Expenses	\$1836.69
Total:	\$54,836.69

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25 13. To date, the Safirstein Entities have been reimbursed for expenses in the
26 amount of \$44,349.59, leaving \$10,487.10 in outstanding reimbursable expenses.

27 14. Throughout the litigation, the Safirstein Entities and I worked under the
28 direction of Class Counsel, and I made every effort to operate as efficiently as possible

1 and to avoid unnecessary duplication. I coordinated with Class Counsel for all work
2 performed and costs incurred in this matter.

3 I declare under penalty of perjury under the laws of the United States that the
4 foregoing is true and correct. Executed on September 30, 2024, at Ridgewood, New
5 Jersey.

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Dated: September 30, 2024

By: /s/ Peter Safirstein
Peter Safirstein

EXHIBIT A

SAFIRSTEIN LAW LLC

Antitrust

Consumer Fraud

Securities Fraud & Derivative Actions

Class Action Litigation

Attorney & Professional Staff Résumé

SAFIRSTEIN LAW LLC'S LITIGATION PRACTICE

Safirstein Law has extensive experience representing plaintiffs in derivative, antitrust, securities, commodities, and consumer class actions. Our law firm has been intensively involved in legal actions related to various antitrust, securities, and corporate wrongdoing, as well as in the development of individualized legal strategies to offset our clients' losses. Our team has played prominent roles in important class actions including serving as lead counsel in the *In re Namenda Indirect Purchaser Antitrust Litigation* which settled for more than \$55 million as well as in the mammoth IPO Securities litigation that settled for more than \$500 million.

Our clients' cases have involved antitrust violations, financial fraud, challenges to unfair mergers and tender offers, failed corporate governance, and customer/brokerage firm arbitration proceedings. We have successfully challenged drug price-fixing, won compensation for consumers injured by debilitating products, and achieved significant, long term corporate governance changes at public companies.

Firm Founder Peter Safirstein has been actively involved in prosecuting numerous cases, including:

- *In re Namenda Indirect Purchaser Antitrust Litig.*, Nos. 15 Civ. 6549 (S.D.N.Y) (settled pharmaceutical antitrust matter challenging defendants' pay for delay strategy – settled for \$56.4 million) (court appointed co-lead counsel);
- *Iowa Public Employees' Retirement System et al v. Bank of America Corp. et al.*, No. 1:17-cv-06221 (S.D.N.Y.) (active class action alleging five banks colluded to prevent modernization of the \$1.7 trillion stock loan market to prevent losing out on massive fees - partial settlement for \$580 million) (additional counsel).

- *In re McKesson Corp. Shareholder Derivative Litig.*, No. 4:17-cv-1850-CW (N.D. Cal.) (settled derivative matter regarding breaches by McKesson Corp.'s board of directors and senior officers in abdicating their fiduciary duty of oversight with respect to the company's sale of opioid drugs and controlled substances – settled for \$175 million and significant corporate governance changes) (additional counsel);
- *City of Monroe Employees' Retirement System v. Rupert Murdoch, et al.* C.A. No. 0833-AGB (Del. Ch. Nov. 20, 2017) (settled derivative matter asserting breach of fiduciary duty claims regarding the systematic, decades-long culture of sexual harassment, racial discrimination, and retaliation that led to a hostile work environment at FOX News Channel - settled for \$90 million and significant corporate governance) (additional counsel);
- *Reynolds v. Dow Chemical Co.*, C.A. No. 2017-0203-JRS (Del. Ch.) (settled derivative matter alleging the improper reporting of payment for significant amounts of personal expenses incurred by the company's CEO);
- *In re Disposable Contact Lens Antitrust Litig.*, No. 3:15-md-02626 (M.D. Fla.) (settled antitrust matter challenging collusion against the leading producers of disposable contact lenses – settled for \$117 million) (additional counsel);
- *In re Aggrenox Antitrust Litig.*, No. 14-md-2516 (D. Conn.) (settled pharmaceutical antitrust matter challenging defendants' pay for delay strategy – settled for \$54 million) (additional counsel);
- *In re Lidoderm Antitrust Litig.*, No. 14-md-2521(N.D. Cal.) (settled pharmaceutical antitrust matter challenging defendants' pay for delay strategy – settled for \$104.75 million) (additional counsel);
- *In Re: Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litig.*, No. 1:18-md-02819 (E.D.N.Y.) (settled pharmaceutical antitrust matter challenging defendants' pay for delay strategy – settled for \$30 million) (additional counsel);

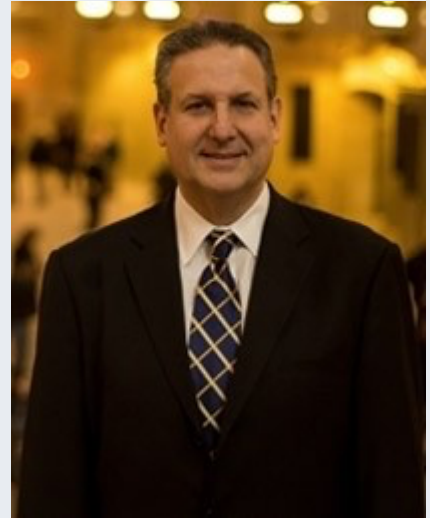
- *In Re: Zetia (Ezetimibe) Antitrust Litig.*, No. 2:18-md-02836 (E.D.Va.) (settled pharmaceutical antitrust matter challenging defendants' pay for delay strategy – settled for \$70 million) (additional counsel); and
- Several anti-trust matters alleging conspiracies to increase the prices of various generic medications including (all currently pending in E.D. Pa.): *SBA v. Endo Int'l. plc et al.*, No. 2:17-cv-01986 (amitriptyline); *SBA v. Taro Pharm. Industries, Ltd. et al.*, No. 2:17-cv-01759 (lidex); *SBA v. Fougera Pharm., Inc. et al.*, No. 2:17-cv-01755 (desonide); *SBA v. Actavis Elizabeth, LLC et al.*, 2:17-cv-01771 (propranolol); and *SBA v. Fougera Pharm. Inc. et al.*, No. 2:17-cv-01753 (clobetasol).

Peter Safirstein

Peter primarily represents plaintiffs in securities, antitrust, commodities and consumer class actions and also represents whistleblowers before the SEC.

Prior to entering private practice, Peter served in the Enforcement Division of the Securities Exchange Commission and in the United States Attorneys' Offices for the Southern District of New York and the Southern District of Florida where he concentrated on prosecuting white collar crime.

He has played a prominent role in important class actions including the mammoth IPO Securities litigation that settled for more than \$500 million. He served as co-lead counsel in *Blessing v. Sirius XM Radio, Inc.*, No. 09 CV 10035 (HB) (S.D.N.Y.), an antitrust case that settled for \$180 million, and served in prominent roles in such other antitrust matters as *In re Disposable Contact Lens Antitrust Litigation*, No. 3:15-md-02626 (M.D. Fla.) and *In re Korean Air Lines Co., Ltd Antitrust Litigation*, No. 07-cv-05107 (C.D. Cal.). In addition, Peter's practice includes Human Rights Litigation and Peter successfully represented Nigerian children allegedly victimized by Pfizer's improper medical experiments involving the drug Trovan. Peter was also part of the team that represented consumers in an antitrust case against Sirius.



psafirstein@safirsteinlaw.com
(917) 952-8458 (direct)

Education:

B.A., George Washington University, 1978
M.A., Georgetown University, 1980
J.D., Brooklyn Law School, 1985

Bar Admissions include:

United States Supreme Court
United States Court of Appeals,
Second Circuit
United States Court of Appeals,
Ninth Circuit
United States District Court,
Southern District of New York
United States District Court, Eastern
District of New York
United States District Court, District
of New Jersey
New York State Bar
New Jersey State Bar

Sheila Feerick

Financial Analyst Director of Client Communications

Sheila has fifteen years of law firm experience. She performs extensive investigative financial analysis for potential class action lawsuits, identifying and analyzing potential cases for antitrust and securities class action litigation. Once those cases are filed, Sheila provides detailed financial analysis assisting in the prosecution of those matters.

In addition, Sheila is responsible for communicating with individuals, health and welfare funds and institutional investors about antitrust and securities class actions. Prior to Safirstein Law, she managed the Shareholder Services Department at a large New York-based securities litigation firm.

Sheila earned a BA in English from Villanova University and an MBA in Finance from Stern School of Business at NYU.



sfeerick@safirsteinlaw.com
(917) 887-1356 (direct)

EXHIBIT 30

1 SULLIVAN HILL REZ & ENGEL
A Professional Law Corporation
2 Donald G. Rez, SBN 82615
600 B Street, 17th Floor
3 San Diego, California 92101
Telephone: (619) 233-4100
4 Fax Number: (619) 231-4372
Our File No. 535779.0001
5

6 *Counsel for the End Payer Plaintiffs*
7

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 IN RE: PACKAGED SEAFOOD
11 PRODUCTS ANTITRUST
LITIGATION

Case No. 15-MD-2670 DMS (MSB)

**DECLARATION OF DONALD G.
REZ IN SUPPORT OF END PAYER
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS,
EXPENSES, AND SERVICE
AWARDS**

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15 This Document Relates to:
16 End Payer Plaintiffs Class Track
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JUDGE: Hon. Dana M. Sabraw
COURT: 13A (13th Floor)

18 I, DONALD G. REZ, declare and state as follows:

19 1. I am an attorney at law licensed to practice before all courts in the State
20 of California and, since 1978, this Honorable Court, the United States District Court
21 for the Southern District of California. I am a 1978 cum laude graduate of Harvard
22 Law School and a founding shareholder of the Law Firm of Sullivan Hill Rez &
23 Engel ("Sullivan Hill"). Sullivan Hill is currently in the process of winding up its
24 affairs. I have practiced business litigation law in the Southern District of California
25 since 1978. I have served as a Lawyer Representative to the Ninth Circuit Judicial
26 Conference from this District and have been the chair of the Civil Litigation Section
27 of the San Diego County Bar Association (2012-2013). The following facts are
28

1 within my personal knowledge, and if called as a witness, I could and would testify
2 competently to them.

3 2. I submit this declaration in support of End Payer Plaintiffs' Motion for
4 Attorneys' Fees, Costs, Expenses, and Service Awards.

5 3. In or about 2015, I was engaged to be co-counsel with Hulett Harper &
6 Stewart and Gustafson Gluek, PLLC for Plaintiffs, Nay Alidad, Galyna
7 Andrusyshyn, Robert Benjamin, Barbara Buening, Danielle Greenberg, Sheryl
8 Haley, Lisa Hall, Tya Hughes, Marissa Jacobus, Gabrielle Kurdt, Erica Pruess, Seth
9 Salenger, and Harold Stafford in the Southern District of California. The action filed
10 on their behalf was consolidated into the instant action with other similar actions
11 filed in other jurisdictions nationwide as a Multi-District Litigation titled, *In Re:*
12 *Packaged Seafood Products Litigation*, No. 15-MD-2670 in the Southern District of
13 California (the "Action").

14 4. I have practiced civil litigation on behalf of consumers and individuals
15 in California since 1978. I submitted the Declaration of Donald G. Rez in Support
16 of Motion To Appoint Zelle LLP, The Kralowec Law Group, And Miller Law LLC
17 Interim Co-Lead Counsel, and Hulett Harper Stewart LLP Liaison Counsel, for the
18 Indirect Purchaser End-Payor Plaintiffs in this case on February 1, 2016 [ECF 70-2,
19 page 138 of 351]. A true and correct copy of the Declaration is attached as **Exhibit**
20 **A** hereto. That Declaration sets forth my experience and qualifications.

21 5. I and my firm were involved in the litigation of this Action under the
22 direction of Class Counsel. Specifically, I assisted in the original investigation of
23 the potential claims, including factual and legal research. I had previously been
24 involved in a monopsony lawsuit filed against defendants by certain tuna fisherman
25 (United States Tuna Fleet) and I reviewed those files for potentially useful
26 information. I reviewed and revised the draft complaint filed in this action.

27 ///

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1 6. The hourly rates for Sullivan Hill, as well as my hours spent working
2 on the Action as of September 1, 2024, and the corresponding lodestar, are as
3 follows:

Sullivan Hill Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Donald G. Rez, Partner	\$540.00 per hour	4.40	\$2,376.00

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8 7. These records were prepared from contemporaneous, daily time records
9 regularly prepared and maintained by Sullivan Hill in its usual course and manner.
10 Sullivan Hill maintains detailed records regarding the amount of time spent by its
11 professionals, and the lodestar calculation is based on Sullivan Hill's recent billing
12 rates. These records are available for review at the request of the Court.

13 8. In my judgment and based on my experience in complex class action
14 litigation and other litigation, the number of hours expended, and the services
15 performed by my firm, were reasonable and necessary for my firm's representation
16 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
17 hours spent on each task.

18 9. I have general familiarity with the range of hourly rates typically charged
19 by plaintiffs' class action counsel specifically in the field of unfair competition and
20 antitrust in the geographical area where my firm practices and throughout the United
21 States, both on a current basis and historically. From that basis, I am able to conclude
22 that the rates charged by my firm are commensurate with those prevailing in the
23 market for such legal services furnished in complex class action litigation such as this.
24 My firm's hourly rates were most recently approved by the following Courts:

- 25 • *In re Asset Resolution, LLC*, No. BK-S-09-32824-RCJ (United States
26 Bankruptcy Court, District of Nevada); and
- 27 • *Sullivan Hill Rez & Engel, APLC v. Stuart Parsons Jr., et al.*, No. 3:24-cv-
28 0093-BAS-MSB (United States District Court, Southern District of

1 California).

2 10. Throughout the litigation, I worked under the direction of Class
3 Counsel, and I made every effort to operate as efficiently as possible and to avoid
4 unnecessary duplication. I coordinated with Class Counsel for all work performed
5 and costs incurred in this matter and am only seeking fees for such approved work.
6 (For example, I am not seeking approximately \$18,000.00 worth of additional time
7 value of work performed before approval by Class Counsel).

8 I declare under penalty of perjury under the laws of the United States that the
9 foregoing is true and correct. Executed on September 24, 2024, at San Diego,
10 California.

11 /s/ Donald G. Rez
12 Donald G. Rez

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EXHIBIT

A



Donald G. Rez, Shareholder

Practice

Donald Rez focuses his practice in the areas of business and commercial litigation and antitrust and trade regulation. He has handled all types of commercial lawsuits, including cases involving trade regulation and antitrust, breach of contract, franchisor/franchisee issues, lender liability cases, professional malpractice, and intellectual property. He has been involved in complex multi-district litigation, and his antitrust experience has involved claims of virtually every kind.

Donald has represented such diverse clients as the San Diego Clippers, Exxon, Fotomat, Mashburn Sanitation and Recycling (see *City of San Marcos v. Coast Waste Mgmt, Inc.*, 54 Cal Rptr 2d 588 (1996)), Nevada Bob's Pro Shop, Inc., and Orlimar Golf Co. In approving a consumers' antitrust class action settlement in which Donald had been appointed co-lead plaintiffs' counsel, the United States District Court Judge recognized the high quality of representation on behalf of the class. *Shames v. Hertz Corp.*, 2012 WL 5392159 at *19 (S.D. Cal Nov. 5, 2012).

Active in the legal community, Donald is a past Chair of the Civil Litigation section of the San Diego County Bar Association (2013) and was Co-Chair in 2012, during which he has organized and moderated many continuing education programs on topics such as California's anti-SLAPP statute, e-filing in San Diego Superior Court and court funding. He was an Editor of the Harvard Environmental Law Review, and was one of the U.S. District Court for the Southern District of California Lawyer Representatives to the Ninth Circuit Judicial Conference.

Expertise

Donald has an AV® Preeminent™ Peer Review Rating by Martindale-Hubbell which he has held for more than 25 years. He has been recognized as a San Diego "Top Lawyer" and as a "Super Lawyer."

Donald is a co-author of California Pretrial Practice & Forms (James Publishing Co.), a landmark treatise on civil procedure before trial. He has written extensively and has published articles in various legal journals, has co-authored articles for the American Bar Association's Forum Committee on Franchising, and has co-edited issues of the ABA's Antitrust Law Journal.

Publications

- California Pretrial Practice & Forms, Kwong, Kane & Rez, James Publishing Company, 2003 (updates 2004-2013)
- Antitrust Law Journal (National Institute Ed.), (Co-editor), American Bar Association (1981-1984)
- Antitrust Trade Regulation: Developments Relating to Franchising (Sullivan & Rez), ABA Forum Committee on Franchising (1983)
- Let's Get Rid of Big Cases (Sullivan & Rez), 7 Litigation Nos. 4, p.8, Summer (1981)



Contact

619.595.3239

rez@sullivanhill.com

Practice Areas

- Commercial & Business Litigation

Education

- Harvard Law School, J.D., cum laude, 1978
- University of Texas, B.A., with highest honors, 1975



- Antitrust Discovery Handbook and Supplement (Fraudulent Concealment and Sanctions) (Contributor), ABA Antitrust Section (1980)
- Causation and Automatic Damages in Secondary-Line Cases Under Section 2(a) of the Robinson-Patman Act: Is Fowler v. Gorlich Dead?, 55 Notre Dame Lawyer 660 (1980)

Seminars and Courses

- Presenter, "eDiscovery Essentials," Network Deposition Services Inc., San Diego, May 2014
- Co-Presenter (with Judge Meyers), "Recent Developments in California Civil Procedure," San Diego County Bar Association (Civil Litigation Section), April 2014
- Presenter, Webinar, "What Works Well in Mediation?" San Diego County Bar Association (Civil Litigation Section), November 2013
- Presenter, "Recent Developments in California Civil Procedure," San Diego County Bar Association (Civil Litigation Section), March 2013
- Presenter, "Everything You Need to Know: Motion for Summary Judgment," San Diego County Bar Association (Civil Litigation Section), April 2012
- Presenter, "The Art of the Deposition: Deposition Procedure," Veritext San Diego, February 2012
- Presenter, "E-Discovery in the Mobile Age," Veritext San Diego, August 2011
- Presenter in Southern California seminar series entitled "Foreclosure Prevention & Debt Relief for Lawyers"
- Lecturer, "E-Discovery Under the New Federal Rules of Civil Procedure," Meritas Litigation Section Meeting, 2006
- Faculty, Developing Deposition Skills, National Institute of Trial Advocacy (NITA), 1999
- Adjunct Professor of Law, Pretrial Procedures, California Western School of Law, 1984
- Guest Lecturer, Antitrust Law Seminar, University of San Diego, 1999
- Lecturer Business Litigation in the 1990's – Tactics and Techniques, San Diego County Bar Association – Section on General Civil Litigation, 1989
- Lecturer, Use of Videotaped Depositions, California Continuing Education of the Bar, 1982
- Lecturer, Practicum, Federal Practice Institute, California Continuing Education of the Bar, 1979

Representative Matters

- Adler v. Federal Republic of Nigeria, 107 F. 3d 720 (9th Cir. 1997)
- Bischel v. Fire Insurance Exchange, 1 Cal. App. 4th 1168 (Cal. App. 1991)
- Cellular Plus, Inc. v. Superior Court, 14 Cal. App. 4th 1224 (Cal. App. 1993)
- City of San Marcos v. Coast Waste Management, Inc., 47 Cal. App. 4th 320 (Cal. App. 1996)
- Daw Industries v. Proteor Holdings, S.A., 2008 WL 4103985 (S.D. Cal. 2008)
- Durkin v. Shea & Gould, 92 F. 3d 1510 (9th Cir. 1997)
- Durkin v. Shields, 1997 U.S. Dist. LEXIS 20945 (S.D. Cal. 1997)
- Hydranautics v. Filmtec, 204 F.3d 880 (9th Cir. 2000)
- Hydranautics v. Filmtec Corp., 306 F. Supp.2d 958 (S.D. Cal., 2003)
- Medical Imaging Centers of America v. Lichtenstein, 917 F. Supp. 717 (S.D. Cal. 1996)
- SEC v. Integrated Equities, Inc., 2006 WL 3717487 (D. Nev. 2006) (representing court appointed receiver)
- Platypus Wear v. K.D. Co., 905 F. Supp. 808 (S.D. Cal. 1995)
- Shames v. California Travel and Tourism Commission, 626 F. 3d 1079 (9th Cir. 2010)
- Shames v. Hertz Corp. 2012 WL 5392159 (S.D. Cal Nov. 5, 2012)(approval of class action settlement and award of attorneys' fees).
- Sionix v. Moorehead, 299 F. Supp. 2d 1082 (S.D. CA. 2003)
- U.S. v. Guess, 2005 WL 1819382 (S.D. Cal., June 28, 2005) (representing court appointed receiver)



Affiliations

A member of the American Bar Association and a Fellow of the American Bar Foundation, Donald has also served as an adjunct professor at California Western School of Law and on the faculty at the National Institute for Trial Advocacy.

Donald is currently on the Board of Visitors of the University of San Diego School of Law and on the Board of Trustees of John Paul the Great Catholic University.

He is a past president of the Thomas More Society of San Diego and a Knight of the Equestrian Order of the Holy Sepulchre of Jerusalem. He made the keynote address at the annual St. Thomas More Society dinner which honored Bankruptcy Judge John Hargrove as its attorney of the year.

Donald has been a member of the parish and finance councils at Our Lady of Refuge Roman Catholic Church, and was on the Diocesan Pastoral Council for the Diocese of San Diego (2002-2004). In addition, he has served on the Board of Directors of Catholic Exchange and is the President of the San Diego Chapter of Legatus (2012-2014).

Representative Matters

- *Adler v. Federal Republic of Nigeria*, 107 F. 3d 720 (9th Cir. 1997)
- *Bischel v. Fire Insurance Exchange*, 1 Cal. App. 4th 1168 (Cal. App. 1991)
- *Cellular Plus, Inc. v. Superior Court*, 14 Cal. App. 4th 1224 (Cal. App. 1993)
- *City of San Marcos v. Coast Waste Management, Inc.*, 47 Cal. App. 4th 320 (Cal. App. 1996)
- *Daw Industries v. Proteor Holdings, S.A.*, 2008 WL 4103985 (S.D. Cal. 2008)
- *Durkin v. Shea & Gould*, 92 F. 3d 1510 (9th Cir. 1997)
- *Durkin v. Shields*, 1997 U.S. Dist. LEXIS 20945 (S.D. Cal. 1997)
- *Hydranautics v. Filmtec*, 204 F.3d 880 (9th Cir. 2000)
- *Hydranautics v. Filmtec Corp.*, 306 F. Supp.2d 958 (S.D. Cal., 2003)
- *Medical Imaging Centers of America v. Lichtenstein*, 917 F. Supp. 717 (S.D. Cal. 1996)
- *SEC v. Integrated Equities, Inc.*, 2006 WL 3717487 (D. Nev. 2006) (representing court appointed receiver)
- *Platypus Wear v. K.D. Co.*, 905 F. Supp. 808 (S.D. Cal. 1995)
- *Shames v. California Travel and Tourism Commission*, 626 F. 3d 1079 (9th Cir. 2010)
- *Shames v. Hertz Corp.* 2012 WL 5392159 (S.D. Cal Nov. 5, 2012)(approval of class action settlement and award of attorneys' fees).
- *Sionix v. Moorehead*, 299 F. Supp. 2d 1082 (S.D. CA. 2003)
- *U.S. v. Guess*, 2005 WL 1819382 (S.D. Cal., June 28, 2005) (representing court appointed receiver)

SAMPLE CLASS ACTION CASES (Donald Rez)

- *Shames v. The Hertz Corporation*, (S.D. Cal.) Case No. 07 CV 2174-MMA (WMC). Co-lead class counsel. See, 626 F.3d 1079 (9th Cir. 2010) and 2012 WL 5392159 (S.D. Cal. Nov. 5, 2012).
- *Lo v. Investment Advisors, Inc., et al.*, (S.D. Cal. & D. Minn.) Case No. 98 CV 1302 JM and 98-2597 DUF (represented a class of investors seeking to recover mutual fund losses)
- *Penick v. FPA Medical Management, Inc.*, (S.D. Cal.) Case No. 98 CV 928 H (co-counsel for class of investors)
- *Jordan v. DMV (Ramos)*, Sacramento Superior Court, Case No. 95AS03903 (summary judgment for plaintiff class)
- *Buys v. City of San Francisco* (San Francisco County Superior Court Case No. 400669 (red light camera class action) (class co-counsel)
- *In re Global Crossing Erisa Litigation* (Case No. 02 CV 07453) (S.D.N.Y.)
- *Scheinartz v. Waitt* (Case No. 01 CV 00830) (S.D. Cal.) (derivative action re Gateway computers)
- *Matloubian v. Home Savings of America* San Diego Superior Court, Case No. 693362 (forced order insurance class – co-counsel)
- *Nelson, et al. v. St. Paul Fire & Marine Insurance, et al.* United States District Court, Southern District of Texas, Case No. G-95-331 (Court approved \$25+ million settlement of class claims)
- *Maywalt, et al. v. Parker & Parsley Petroleum Co., et al.* 67 F.3d 1072 (2d Cir. 1995) (approving \$8.25+ million settlement of class claims)
- *Zwart, et al. v. John Hancock Mutual Life Insurance Co., et al.* San Diego Superior Court, Case No. 673902 (case settled for \$3 million+ for class plaintiffs)
- *Potter v. Zodiac of North America*, San Diego Superior Court, Case No. 667845 (class certified case settled)
- *Sirota v. Swing-N-Slide*, State of Wisconsin District Court, County of Rock, Wisconsin, Case No. 95 CV 726J

- *Lopez v. Super Plating, et al.* (S.D. Cal.) (defended class action price fixing case)
- *In re J. David Dominelli Litigation* (defended class claims against Nancy Hoover)
- *Hadler v. PSA, Inc.*, San Diego Superior Court, Case No. 719562 (defended individual against class claims)
- *In re ACI HDT Supply Co.: Bethlahmy v. Elcotel*, BK Case No. 95-08253-A11, Adv. No. 95-90809 (defended class claims)
- *First v. Prudential Bache Securities*, S.D. Cal. Case No. 91 CV 004714 (defended class claims on behalf of one defendant)
- *In re Shopping Cart Antitrust Litigation* – MDL 451 (S.D.N.Y.) (representing opt out plaintiff Fed Mart)
- *SEC v. Wenke* (S.D. Cal.) (representing certified class in attempting to collect from Walter Wenke estate)
- *Durkin v. Milberg, Weiss, et al.* (S.D. Cal.) (see, e.g., 92 F.3d 1510 (9th Cir. 1996)) (represented former class and derivative plaintiffs and their lawyers in action brought by resulting bankruptcy trustee asserting the settlement of underlying litigation was in derogation of rights of and duties owed to corporation: substantial issues as to class representation and counsel's duties and obligations)

EXHIBIT 31

1 Thomas P. Thrash
2 THRASH LAW FIRM, P. A.
3 1101 Garland Street
4 Little Rock, AR 72201
5 Phone: (501) 374-1058
6 Fax: (501) 374-2222
7 tomthrash@thrashlawfirmpa.com

8
9 *Counsel for the End Payer Plaintiffs*
10 *Janet Machin*

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
14 PRODUCTS ANTITRUST)
15 LITIGATION) **DECLARATION OF THOMAS P.**
16) **THRASH IN SUPPORT OF END**
17) **PAYER PLAINTIFFS' MOTION**
18) **FOR ATTORNEYS' FEES,**
19) **COSTS, EXPENSES, AND**
20) **SERVICE AWARDS**

21 _____)
22 This Document Relates to:) DATE: November 22, 2024
23 End Payer Plaintiffs Class Track) TIME: 1:30 p.m.
24) JUDGE: Hon. Dana M. Sabraw
25) COURT: 13A (13th Floor)
26)
27)
28)

1 I, Thomas P. Thrash, declare:

2 1. I am Partner at Thrash Law Firm, P. A. (the “Thrash Law Firm”). I have
3 been licensed to practice law in the state of Arkansas since 1980. I am admitted to
4 practice in the U.S. District Courts for the Eastern and Western Districts of Arkansas.
5 The following facts are within my personal knowledge, and if called as a witness, I
6 could and would testify competently to them.

7 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
8 Attorneys’ Fees, Costs, Expenses, and Service Awards.

9 3. On August 31, 2015, I filed a proposed class action lawsuit on behalf of
10 my client against Bumble Bee Foods, LLC, Tri-Union Seafoods, LLC and Starkist
11 Company in the United States District Court for the Eastern District of Arkansas and
12 assigned Case No. 4:15 CV 545-SWW. My client’s action was consolidated into the
13 instant action with other similar actions filed in other jurisdictions nationwide as a
14 Multi-District Litigation titled, *In Re: Packaged Seafood Products Litigation*, No. 15-
15 MD-2670 in the Southern District of California (the “Action”).

16 4. The principal counsel at Thrash Law Firm is Thomas P. Thrash, who has
17 practiced civil litigation on behalf of consumers and individuals in Arkansas and
18 nationwide since 1995. The firm generally employs two attorneys practicing in the
19 areas of consumer class action, unfair competition law, antitrust and deceptive trade
20 practice claims, including cases specifically related to consumer protection and
21 antitrust class action matters. Attached hereto as **Exhibit A** is the Thrash Law Firm
22 resume.

23 5. Thrash Law Firm’s attorneys have a long history of successfully
24 handling class actions across a range of industries, including antitrust cases. I bring
25 substantial experience in complex litigation matters with a history of litigating in an
26 efficient and practical manner, including as Lead or Co-Lead Class Counsel in
27 numerous class actions. *See Exhibit A.*

28

1 6. I have an extensive background in consumer protection and antitrust
 2 class action litigation. I have litigated numerous class action cases across the country
 3 involving antitrust and consumer protection claims. *See Exhibit A.*

4 7. I and my firm have been involved in the litigation of this Action under
 5 the direction of Class Counsel. As one of Plaintiffs’ counsel in this litigation, my firm
 6 performed work on all facets of the litigation, including, *inter alia*, the following
 7 tasks: factual investigation; client communications; legal research; litigation strategy
 8 and analysis; preparation of initial complaint and subsequent amended complaints;
 9 travel, preparation for and attendance of numerous depositions and witness
 10 interviews; preparation of discovery; client meetings; discovery review; attendance
 11 of conference calls; and conferences with co-counsel.

12 8. The current hourly rates for Thrash Law Firm attorneys and staff that
 13 have worked on the Action, as well as their hours spent working on the Action as of
 14 September 1, 2024, and their corresponding lodestar, are as follows:

Thrash Law Firm Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Thomas P. Thrash, Partner	\$850.00 per hour	228.6	\$194,310.00
Marcus N. Bozeman, Associate	\$600.00 / \$650.00 per hour	999.2	\$648,192.50
TOTAL:			\$842,502.50

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 23 9. These records were prepared from contemporaneous, daily time records
 24 regularly prepared and maintained by Thrash Law Firm in its usual course and
 25 manner. Thrash Law Firm maintains detailed records regarding the amount of time
 26 spent by its professionals, and the lodestar calculation is based on Thrash Law Firm’s
 27 current billing rates. These records are available for review at the request of the Court.

28 10. In my judgment and based on my experience in complex class action

1 litigation and other litigation, the number of hours expended, and the services
2 performed by my firm, were reasonable and necessary for my firm’s representation
3 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
4 hours spent on each task.

5 11. I have general familiarity with the range of hourly rates typically charged
6 by plaintiffs’ class action counsel specifically in the field of unfair competition and
7 antitrust in the geographical area where my firm practices and throughout the United
8 States, both on a current basis and historically. From that basis, I am able to conclude
9 that the rates charged by my firm are commensurate with those prevailing in the
10 market for such legal services furnished in complex class action litigation such as this.
11 My firm’s hourly rates were most recently approved by the following Court:

- 12 • *In Re: Family Dollar Pest Infestation Litigation*, No. 2:22-MD-03032-SHL-
13 tmp (W.D. Ark., Jun. 14, 2022);

14 12. My firm incurred total costs of \$245,334.75 (which included \$33,782.69
15 of travel costs and case assessments of \$210,000.00). The unreimbursed costs are
16 \$84,000.00 in case assessments. *See Exhibit B.*

17 13. Throughout the litigation, my firm and I worked under the direction of
18 Class Counsel, and I made every effort to operate as efficiently as possible and to
19 avoid unnecessary duplication. I coordinated with Class Counsel for all work
20 performed and costs incurred in this matter.

21 I declare under penalty of perjury under the laws of the United States that the
22 foregoing is true and correct. Executed on October 11, 2024, at Little Rock, Arkansas.

23

24 Dated: October 11, 2024

By: /s/ Thomas P. Thrash
Thomas P. Thrash

25

26

27

28

EXHIBIT A

THRASH LAW FIRM, P.A.

Thrash Law Firm has more than 50 years of experience handling consumer fraud cases; complex litigation; class actions; pharmaceutical and medical products litigation; claims against cigarette companies; product liability claims; anti-trust litigation; corporate fraud and insurance litigation, on behalf of Arkansas consumers and consumers nationwide.

Thomas P. Thrash

Thomas P. Thrash is a member of the Arkansas Bar Association, the Pulaski County Bar Association, the Arkansas Trial Lawyers Association, was voted the 2000 Arkansas Trial Lawyer of the Year, and voted the 2018 National Trial Lawyers Association, Class Action Trial Team of the Year. He graduated from the University of Arkansas, School of Law, with Honors. Thomas P. Thrash was a Senior Partner of the Rose Law Firm practicing with the Rose Law Firm from 1980 to 1998. He formed his own law firm in 1998 and began specializing in class action and mass tort litigation. Thomas P. Thrash has been involved in numerous class action lawsuits. Some of the class action and mass tort cases include:

- Hale v. State Farm, United States District Court, Southern District of Illinois, Case No. 3:12-cv-00660-DRH-SCW (Class Action); \$250 Million Class Action Settlement. Represented Plaintiffs in a RICO Class Action alleging a conspiracy of fraud and misrepresentation by State Farm and others to the Illinois Supreme Court.
- Avery v. State Farm, Circuit Court Williamson County, Illinois, Case No. 97-L-114 (class action)

Represented Plaintiffs in Breach of Contract and Consumer Fraud claims (4.7 million class members) - \$1.186 billion judgment against State Farm. He was co-trial counsel in the case that challenged State Farm's practice of specifying imitation "crash" parts on repair estimates for millions of its insureds' vehicles. After a seven week trial, the jury awarded \$456 million in compensatory damages to plaintiffs for their breach of contract claim. The trial court agreed that State Farm had breached its contract and found that State Farm's

practice of using imitation parts and claiming they were of like kind and quality violated the Illinois Consumer Fraud Act. The trial court awarded an additional \$130 million in compensatory damages, and ordered State Farm to pay an additional \$600 million in punitive damages. On April 5, 2001, the Appellate Court of Illinois, in a unanimous opinion, upheld the verdict. 321 Ill. App. 3d 269; 7 N.E.2d 1242 (2000). The Appellate Court, however, reduced the original \$1.18 billion judgment entered by the trial court by \$130 million to subtract what it felt was an overlapping award on the two separate counts. The total remaining award of \$1.05 billion is one of the largest verdicts in Illinois ever upheld on appeal. The Illinois Supreme Court granted a Writ of Certiorari and the case was reversed three years later by the Illinois Supreme Court.

- Miner v. Philip Morris: Pulaski County Circuit Court (Arkansas), Case No. 60CV03-4661 – He represented a class of Arkansas consumers who were defrauded by Philip Morris’ advertising that Light Cigarettes were less harmful than regular cigarettes. The case resulted in a class action settlement of \$45 Million, one of the largest settlements in Arkansas history.
- Shumate v City of Conway, Faulkner County Circuit Court. Case No.23-cv-2012-855. Represented a class of police officers and firefighters in breach of contract case against the City of Conway. \$1.15 Million Class Action Settlement.
- Auto Parts Antitrust Litigation, U.S. District Court, Eastern District of Michigan. Multiple antitrust and price-fixing cases against foreign auto part manufacturing companies, resulting in over \$350,000,000 in settlements to automobile dealers. One of the largest antitrust cases ever in the United States.
- National Trucking Financial Reclamation Services, LLC v. Pilot Corporation, et al, U.S. District Court, Eastern District of Arkansas, Case No. 4:13-cv-00250-JLH. (class action - \$90 Million settlement – Co-Lead Counsel); This case involved claims of fraud, deceptive trade practices act, unjust enrichment, conversion, breach of contract, fraudulent concealment.
- In Re: Packaged Seafood Prods. Antitrust Litig., Case No. 15-MD-2670 JLS (MDD) (S.D. Cal.) (ongoing antitrust class action involving price fixing of packaged tuna);
- In re Pork Antitrust Litig., No. 0:18-cv-01776-JRT-HB (D. Minn.) (ongoing antitrust class action involving price fixing of pork);

- Maddox v. Alltel Communication, Circuit Court of Saline County, Arkansas, Case No. 98-776 (class action settlement)

Represented Plaintiffs in fraud claim and violation of Arkansas Deceptive Trade Practices Act against Alltel - Improper rounding up of consumer airtime - Improper charges

- Purdue v. Country Mutual Insurance Company and Country Casualty Insurance Company, Circuit court of Monroe County, Illinois (class action settlement)

Represented Plaintiffs in Breach of Contract and Consumer Fraud - Use of aftermarket car parts

- O'Brien v. Liberty Mutual Insurance Company, Ontario Canada Superior Court of Justice, Case No. 99-CV-182436 (class action settlement)

Represented Plaintiffs in Breach of Contract and Consumer Fraud

- Blachandran v. American International Group, Inc., Supreme Court, County of New York, State of New York, Case No. 99-604275 (class action settlement)

Represented Plaintiffs in Breach of Contract and violation of Deceptive Acts and Practice Act against AIG

- Foultz v. Erie Insurance Exchange, Court of Common Pleas of Philadelphia County, Pennsylvania, February Term 2000, No. 3052 (class action settlement)

Represented Plaintiffs in Breach of Contract and Consumer Fraud

- Couch v. Brunswick, Circuit court of Washington County, Tennessee, Case No. 19646 (class action settlement)

Represented Class Plaintiffs in Anti-Trust Claim against Brunswick

- Gustafson v. Bridgestone/Firestone, Inc., United States District Court for the Southern District of Illinois, Case No. 00-612-GPM (class action) Multi District Litigation - Master File No. IP 00-9373-C-B/S MDL No. 1373;

- Wallis v. Firestone, Hot Springs County, Arkansas (class action)

Represented Plaintiffs in Nationwide Breach of Warranty and Fraud Claim (Firestone tire defects/Ford Explorer defects)

- Dorries, et al vs. State Farm Mutual Automobile Insurance Company, Circuit Court for the Twentieth Judicial Circuit, St. Clair County, Illinois, Case No. 99-L-394A

Represented Plaintiffs in Nationwide Breach of Contract and Consumer Fraud Claim - failure to pay Diminished Value of vehicles

- Fen-Phen ("Diet Drug") Litigation, In September 1997, the "Fen-Phen" diet drugs Fenfluramine (sold as Pondimin) and/or dexfenfluramine (sold as Redux) were withdrawn from the market. Represented individuals pursuing personal injury claims.
- Sims, et al vs. Allstate Insurance Company, Circuit Court for the Twentieth Judicial Circuit, St. Clair County, Illinois, Case No. 99-L-393A (class certified). Co-Lead Counsel in three week trial. The jury ruled in favor of Allstate.

Represented Plaintiffs in Nationwide Breach of Contract and Consumer Fraud Claim - failure to pay Diminished Value of vehicles

- Vioxx Products Liability Litigation, MDL No. 1657 (E.D. La.). He represented patients that suffered heart attacks or strokes, and the families of loved ones who died, after having being prescribed the arthritis and pain medication Vioxx. In individual personal injury lawsuits against Merck, the manufacturer of Vioxx, the claims alleged that Merck falsely promoted the safety of Vioxx and failed to disclose the full range of the drug's dangerous side effects.
- Rice v. American Abstract, Circuit Court of Pulaski County, Arkansas (class certified/class action settlement)

Fraud and deceptive trade practice claims - charging unlawful document preparation fees.

- Welding Fume Litigation, MDL 1535, Cleveland, Ohio. He represented welders who had suffered from manganese poisoning from welding fumes. In individual personal injury lawsuits against manufacturers of welding rods (such as Lincoln Electric, Hobart, Westinghouse, General Electric and others) claims are brought for failure to properly warn the welders of the known dangers associated with exposure to welding fumes.
- Burial Insurance Litigation, Life of Georgia and American General – He represented individuals who were deceived and defrauded in the sale of burial insurance policies in Arkansas. Many cases were resolved through successful settlements.

- Johnson v. Progressive, Circuit Court of Union County, Arkansas (class action settlement)

Fraud, deceptive trade practice and unjust enrichment claim - overcharging of policyholders.

- Wilkins v. Geico, Circuit Court of Jefferson County, Arkansas (class action)

Fraud, deceptive trade practice and unjust enrichment claim - overcharging of policyholders.

- Fowler v. Allstate, Circuit Court of Grant County, Arkansas (class action)

Fraud, deceptive trade practice and unjust enrichment claim - overcharging of policyholders.

- Asbestos Litigation, He represented laborers in the State of Arkansas who had suffered from asbestos exposure in individual personal injury product liability lawsuits against manufacturers of the asbestos materials. Many cases have been resolved through successful settlements.

- Katrina Litigation. He represented several hundred homeowners against insurance companies for damages to homes caused by Hurricane Katrina.

- In Re Light Cigarette: MDL 2068, Bangor Maine – He represented a Class that was defrauded by false advertisements of Light Cigarettes.

- In Re Toyota: Sudden acceleration MDL. He represented a Class of individuals who purchased Toyota vehicles and suffered diminished value of their vehicles and economic damages (class action settlement).

- In Re Neurontin Litigation, MDL 1629, New Jersey – He represented individuals in the State of Arkansas who purchased the Neurontin drug for uses not authorized or approved by the FDA. Claims were made against Pfizer, the drug manufacturer, for promoting the unauthorized and unapproved use of the Neurontin drug. He was also counsel in the class action in the MDL, which resulted in a classwide settlement.

- Gray v. AIG, Circuit Court of Jefferson County, Arkansas (class action settlement)

Fraud, deceptive trade practice and unjust enrichment claims - overcharging policy holders

- Radican v. Stewart Title, Circuit Court of Saline County, Arkansas (class action settlement)

Fraud, deceptive trade practice - charging unlawful document preparation fees.

- Raglon v. ChartOne, Circuit Court of Jefferson County, Arkansas (class action settlement)

Fraud, deceptive trade practice, unjust enrichment – overcharging for medical records

- Walls v. Sagamore, United States District Court, El Dorado Division (class action)

Breach of contract, unjust enrichment, fraud – insurance company – improper termination of insurance policy

- Harris v. Sagamore, Circuit Court of Phillips County, Arkansas (class action pending)

Fraud, deceptive trade practice, breach of contract – failure to obtain written waiver of coverage

- Miller v. SourceCorp, Circuit Court of Shelby County, Tennessee (class action settlement)

Fraud, deceptive trade practice, unjust enrichment, and Breach of Warranty

- Staples v. Batesville Casket, United States District Court, Eastern District of Arkansas (class action)

Fraud, deceptive trade practice, unjust enrichment – overcharging for medical records

- Barton v. Travis Boats, Circuit Court of Garland County, Arkansas (class action settlement)

Fraud, deceptive trade practice, unjust enrichment – unauthorized practice of law – charging document preparation fee.

- Feldman v. Travelers, U.S. District Court, Eastern District of Arkansas, Case No. 08-cv-4140. (class action settlement)

Fraud, deceptive trade practices act, unjust enrichment – unauthorized practice of law – charging excessive premium by insurance company.

Thomas P. Thrash has experience in litigating complex class action lawsuits in the Circuit Courts of the State of Arkansas and the United States District Courts located in the State of Arkansas and in Courts outside the State of Arkansas.

Marcus N. Bozeman

Marcus N. Bozeman is licensed to practice law in Arkansas, Missouri, and Tennessee. In 1995, Mr. Bozeman graduated first in his class from the University of Arkansas at Little Rock – Bowen School of Law, where he also served as Editor in Chief of the school’s law review, and at that time he commenced a two-year legal clerkship for the Hon. Floyd R. Gibson of the United States Court of Appeals for the Eighth Circuit. Marcus N. Bozeman entered private practice as a litigation associate upon the completion of his federal judicial clerkship in 1997, and since that time he has successfully prosecuted and defended class action lawsuits. For example, while an associate at the Memphis office of Baker Donelson Bearman Caldwell & Berkowitz, PC, Mr. Bozeman was actively and closely involved in the successful defense of State Farm Fire & Casualty Company in the class action litigation reported at *State Farm Fire & Cas. Co. v. Ledbetter*, 355 Ark. 28, 129 S.W.3d 815 (2003).

For the last fifteen years, Mr. Bozeman’s legal practice has concentrated on the representation of Plaintiffs in class action lawsuits. During that time, while maintaining an AV rating through Martindale-Hubbell, he has assumed a prominent role in the following matters, among many others:

- *Hale v. State Farm*, Case No. 3:12-cv-00660-DRH-SCW (S.D. Ill.) (\$250 million settlement for class);
- *Shumate v. City of Conway*, No. 23-cv-2012-855 (Faulkner County, Ark. Cir. Ct.) (\$1.15 Million pending settlement for class)
- *Miner v. Philip Morris Cos.*, No. 60CV-03-4661 (Pulaski County, Ark. Cir. Ct.) (\$45 Million Settlement for Class, which materialized only after Mr. Bozeman litigated the case for over 14 years, during which Mr. Bozeman briefed and entered an appearance at Counsel Table for oral arguments before the United States Supreme Court);
- *In re: Wire Harness Cases*, No. 2:12-cv-00102-MOB-MKM (E.D. Mich.) (pending antitrust class action, resulting in a recovery to-date of over \$350 Million for a class of automobile dealerships);
- *In re: Packaged Seafood Prods. Antitrust Litig.*, Case No. 15-MD-2670 JLS (MDD) (S.D. Cal.) (ongoing antitrust class action involving price fixing of packaged tuna);
- *In re Pork Antitrust Litig.*, No. 0:18-cv-01776-JRT-HB (D. Minn.) (ongoing antitrust class action involving price fixing of pork);
- *Spinelli v. Capital One Bank (USA), N.A.*, No. 8:08-cv-00132-VNC-EAJ (M.D. Fla.) (over \$100 million settlement for class);
- *In re Cent. Park. Corp. Sec. Litig.*, No. 3:30-0546 (M.D. Tenn.) (\$4.85 million settlement for class);
- *In re BISYS Sec. Litig.*, No. 1:04-cv-03840-JSR-GWG (S.D.N.Y.) (over \$65 million settlement for class);
- *Asher v. Baxter Int'l, Inc.*, No. 02 C. 5608 (N.D. Ill.) (securities class action);
- *Sheet Metal Workers Local 28 Pension Fund v. Office Depot, Inc.*, No. 07-81038 (S.D. Fla.) (securities class action);
- *Webb v. Exxon Mobil Corp.*, No. 4:13-cv-00232-BSM (E.D. Ark.) (class action regarding Exxon's Pegasus Pipeline)

Marcus N. Bozeman has experience in litigating complex class action lawsuits in the courts of the State of Arkansas and all levels of federal courts located in the State of Arkansas and outside the State of Arkansas.

EXHIBIT B

Assessment Payment	Federal Express, Local Courier, etc.	Postage Charges	Facsimile Charges	Long Distance	In-House Photocopying	Outside Photocopying	Travel (transportation, lodging, meals, etc.)	Court Fees (filing, etc.)	Professional Fees (expert/investigators, etc.)	Witness/Service Fees	Court Reporter/Transcripts	Computer Research	Misc.
							\$12.00	\$400.00					
							\$12.00						
					\$467.60		\$1,851.43						
							\$1,903.70						
							\$1,856.44						
							\$1,292.20						
							\$360.01						
							\$2,813.05						
							\$5,557.12						
							\$3,680.19						
							\$691.94						
						\$122.44	\$8,587.17						
						\$23.02	\$4,424.69						
							\$580.39						
					\$632.40								
							\$160.36						
					\$6.60								
					\$1,106.60	\$145.46	\$33,782.69	\$400.00					

TOTAL Expenses
\$35,334.75

TOTAL Assessments
\$210,000.00

TOTAL Expenses & Assessments
\$245,334.75


Packaged Seafood

Expense Report

Firm: Thrash Law Firm, P. A.
Time Period: Inception to July 31, 2024

	Current Expenses	Cumulative Expenses
Assessments		\$ 84,000.00
Court Reporters/Videos/Transcripts/Publications		
Copying		
Travel - Hotels, Transportation, Meals, Misc.		
Messenger.Express Mail		
Postage		
Telephone, Facsimile		
Westlaw/Lexis-Nexis/PACER research		
Expert Fees		
Filing Fees and Service		
Miscellaneous		
Total	\$ -	\$ 84,000.00

I believe that these expenses are properly documented, complete and accurate and were incurred for the common benefit.



Attorney Signature: 8/13/24 Date:

PACKAGED SEAFOOD – LODESTAR SUMMARY

THRASH LAW FIRM

Name/Initials	Position	Hourly Rate	Hours Worked	Lodestar
Thomas P. Thrash	Partner	\$850	228.60	\$194,310.00
Marcus Bozeman	Associate	\$600 / \$650	999.2	\$648,192.50
		TOTALS:	1,227.80	\$842,502.50

EXHIBIT 32

1 Christopher T. Micheletti (136446)
2 Qianwei Fu (242669)
3 **ZELLE LLP**
4 555 12th Street, Suite 1230
5 Oakland, CA 94607
6 Telephone: (415) 693-0700
7 cmicheletti@zellelaw.com
8 qfu@zellelaw.com

9 *Counsel for the End Payer Plaintiffs and
10 Class Representative Plaintiffs Scott Caldwell,
11 Carla Lown, and Michael Juetten*

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
15 PRODUCTS ANTITRUST)
16 LITIGATION) **DECLARATION OF**
17) **CHRISTOPHER T. MICHELETTI**
18) **IN SUPPORT OF END PAYER**
19) **PLAINTIFFS’ MOTION FOR**
20) **ATTORNEYS’ FEES, COSTS,**
21) **EXPENSES, AND SERVICE**
22) **AWARDS**

23 _____)
24 This Document Relates to:)

25 End Payer Plaintiffs Class Track)

26) DATE: November 22, 2024
27) TIME: 1:30 p.m.
28) JUDGE: Hon. Dana M. Sabraw
) COURT: 13A (13th Floor)
)
)
)

1 I, Christopher T. Micheletti, declare:

2 1. I am a senior partner at Zelle LLP (“Zelle”). I have been licensed to
3 practice law in the state of California since 1988. I am admitted to practice in the U.S.
4 District Courts for the Northern, Central, Eastern, and Southern Districts of California
5 and the United States Court of Appeals for the First, Sixth, and Ninth Circuits. The
6 following facts are within my personal knowledge, and if called as a witness, I could
7 and would testify competently to them.

8 2. I submit this declaration in support of End Payer Plaintiffs’ (“EPPs”)
9 Motion for Attorneys’ Fees, Costs, Expenses, and Service Awards.

10 3. In the late summer and fall of 2015, I and my colleagues at Zelle filed
11 proposed class action lawsuits on behalf of our clients Scott Caldwell, James Walnum,
12 Steven M. Colberg, Michael Juetten, Carla Lown, and Diana Mey against Bumble
13 Bee Foods LLC, StarKist Company, Tri-Union Seafoods LLC, and King Oscar, Inc.
14 (collectively, “Defendants”) in the U.S. District Court for the Southern District of
15 California. These matters were assigned Case Nos. 3:15-cv-01887-JLS-MDD, 3:15-
16 cv-02011-JLS-MDD, 3:15-cv-02125-DMS-KSC and 3:15-cv-02302-JLS-MDD. Our
17 clients’ actions were consolidated into the instant action with other similar actions
18 filed in other jurisdictions nationwide as a Multi-District Litigation titled *In Re:*
19 *Packaged Seafood Products Litigation*, No. 15-MD-2670, in the Southern District of
20 California (the “Action”).

21 4. I am principal counsel at Zelle on this matter, and have practiced civil
22 antitrust litigation on behalf of businesses and individuals in California and
23 throughout the United States since 1988. Zelle has over 90 attorneys with offices in
24 Atlanta, Boston, Dallas, Ft. Lauderdale, London, Minneapolis, New York, Oakland,
25 Philadelphia, and Washington, D.C. Zelle attorneys have been practicing antitrust
26 litigation and counseling individual and corporate clients on antitrust matters for 35
27 years. Zelle’s antitrust attorneys, which currently number over 20, are located
28 primarily in its Oakland, Minneapolis, and Washington D.C. offices, but also include

1 attorneys in Zelle’s other offices throughout the U.S. The firm also represents
2 corporate plaintiffs in antitrust matters outside the class action context, and in fee
3 arrangements that are not solely contingent. As a result, Zelle attorneys are adept at
4 managing a large case efficiently to avoid duplication of work and unnecessary
5 inefficient practices, and eliminating any waste that would be rejected by clients. I
6 lead most of the firm’s antitrust class action matters, including those involving
7 indirect purchaser classes like this case. Attached hereto as **Exhibit A** is the Zelle
8 Firm resume.

9 5. Zelle has an unparalleled record of success in leading antitrust class
10 action litigation on a national and international basis and including, in particular,
11 antitrust class actions on behalf of indirect purchasers under state law. Zelle attorneys
12 have been appointed by courts as lead counsel, co-lead counsel, or liaison counsel in
13 numerous complex antitrust cases involving foreign defendants, price-fixed products
14 and components, state-law claims, and pass-through issues. Examples include *In re*
15 *Static Random Access Memory (SRAM) Antitrust Litig.*, MDL No. 1819 (N.D. Cal.)
16 (Lead Counsel for 25 certified statewide damages classes of indirect purchasers
17 alleging price-fixing of computer memory chips, with settlements totaling \$41.3
18 million); *In re TFT-LCD (Flat Panel) Antitrust Litig.*, MDL No. 1827 (N.D. Cal.)
19 (Co-Lead Counsel for 23 certified statewide damages classes of indirect purchasers
20 alleging price-fixing of liquid crystal display panels, with settlements totaling nearly
21 \$1.1 billion); *In re: Cathode Ray Tube (CRT) Antitrust Litig.*, MDL No. 1917 (N.D.
22 Cal.) (part of core team of counsel for 22 certified statewide damages classes of
23 indirect purchasers alleging price-fixing of cathode ray tubes, with settlements
24 totaling \$580.75 million); and *In re Dynamic Random Access Memory (DRAM)*
25 *Antitrust Litig.*, MDL No. 1486 (N.D. Cal.) (Liaison Counsel and Executive
26 Committee Member for certified settlement class of indirect purchasers alleging
27 price-fixing of computer memory chips, with settlements exceeding \$310 million).
28 The firm currently serves as co-lead interim class counsel in *In re: Hard Disk Drive*

1 *Suspension Assemblies Antitrust Litig.*, MDL No. 2918 (N.D. Cal.), an indirect-
2 purchaser class action alleging price-fixing of a critical component in hard disk drives,
3 and on the Plaintiffs' Executive Committee for direct purchaser plaintiffs in *In re*
4 *Eyewear Antitrust Litigation*, Case No. 1:24-cv-04826-MKV (S.D. N.Y.).

5 6. I have practiced antitrust law for over 35 years, worked predominantly
6 on indirect-purchaser class actions for the past 25 years, tried antitrust consumer class
7 claims to a jury, and served leadership roles in numerous indirect-purchaser class
8 actions. As reflected in the attached firm resume, I have led litigation of indirect
9 purchaser claims in numerous actions, including serving as court-appointed lead
10 counsel in *In re Static Random Access Memory (SRAM) Antitrust Litig.*, MDL No.
11 1819 (N.D. Cal.) and *In re: Hard Disk Drive Suspension Assemblies Antitrust Litig.*,
12 MDL No. 2918 (N.D. Cal.). My partner, Qianwei Fu, who also performed extensive
13 work in this litigation, is a recent past Chair and current Advisor of the California
14 Lawyers Association Antitrust and Unfair Competition Law Section. She is the first
15 and only woman of color who has been appointed to the Chair position. Ms. Fu has
16 played primary roles in key aspects of *DRAM*, *SRAM*, *TFT-LCD*, *CRT*, and *HDD*
17 *Suspension Assemblies*. She has a sophisticated international background with legal
18 trainings and practicing experiences in the U.S., the EU, and China.

19 7. I and my firm have been extensively involved in the litigation of this
20 Action under the direction of Class Counsel. My work in this action, which was
21 assisted by other Zelle attorneys (including Ms. Fu) and staff, has included the
22 following: initial case investigation and analysis; protecting class members' interests
23 through objections to the scope of releases in a separate tuna-related consumer class
24 case against StarKist; initial consultation with and retention by multiple consumer
25 plaintiffs who thereafter filed actions; preparation and service of pre-filing notices to
26 defendants required under state law; preparation and filing of motion to consolidate
27 cases before Judge Sammartino; preparation of and filing papers supporting the
28 Judicial Panel on Multidistrict Litigation's transfer and coordination of these actions

1 in S.D. Cal; working with Zelle’s clients to collect documentation and to respond to
2 Class Counsel vetting inquiries; assisting in the preparation of oppositions to two
3 rounds of motions to dismiss; work on class representative discovery matters,
4 including preparation of class representatives for their depositions and attending
5 depositions; strategy development related to class certification and preparation of
6 class certification motion papers; development and implementation of needed expert
7 work and strategy related to class certification; working with EPPs’ class expert in
8 preparation of his expert reports; development of a plan for third-party discovery
9 needed for class certification and proof of pass-through; assisting in preparing EPPs’
10 expert for his class certification deposition; representation of EPPs at other parties’
11 experts’ depositions; preparation of EPPs’ class expert for evidentiary hearing on
12 class certification, including mock examinations and related work; development of
13 strategies for cross-examination of defendants’ class certification expert; attending
14 and assisting EPPs’ Class Counsel in strategy development and related tasks at the
15 class certification evidentiary hearing; preparation of motions to exclude defense
16 expert testimony; work on briefing and strategies in the Ninth Circuit’s review of the
17 Court’s class certification orders; preparation of responses to defendants’ motions for
18 summary judgment; and analysis and development of strategy for presentation of class
19 representative testimony at trial.

20 8. My partner, Qianwei Fu, also worked extensively on behalf of the EPPs
21 in the case. Ms. Fu made substantial contributions to major pleadings filed in the
22 case, including the consolidated amended complaints, the oppositions to motions to
23 dismiss, the opening and reply briefs for class certification, and the oppositions to
24 summary judgment motions. In addition to working heavily on those submissions,
25 her extensive knowledge of state-law issues was instrumental in drafting the
26 complaints and supporting class certification. Additionally, Ms. Fu served as client
27 contact for Zelle’s named plaintiffs, including managing client communications as
28 well as preparing discovery responses, document productions, and the defense of their

1 depositions. She also handled third-party subpoena negotiations with several C-stores
 2 and collaborated with EPPs’ experts/consultants to obtain data from third parties
 3 needed for pass-through analysis. She also assisted in preparing for the deposition of
 4 EPPs’ class expert. Furthermore, she provided support for the preparation of the
 5 defense expert’s cross-examination and EPPs’ class expert’s mock-examination in
 6 connection with the class certification evidentiary hearing, and helped draft the
 7 opposition to the defendants’ 23(f) petition.

8 9. The current hourly rates for Zelle attorneys and staff that have worked
 9 on the Action, as well as their hours spent working on the Action as of September 1,
 10 2024, and their corresponding lodestar, are as follows:

Zelle LLP Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Christopher Micheletti, Partner	\$1,025/ hour	1,279.80	\$1,311,795.00
Qianwei Fu, Partner	\$850/hour	1,706.10	\$1,450,185.00
Jiangxiao (Athena) Hou, Partner	\$775/hour	284.80	\$220,720.00
Michael S. Christian, Partner	\$850/hour	251.80	\$214,030.00
Judith A. Zahid, Partner	\$1,025/hour	25.10	\$25,727.50
Seth V. Jackson, Partner	\$775/hour	4.00	\$3,100.00
Woody Peterson, Senior Counsel	\$860/hour	84.60	\$72,756.00
James S. Dugan, Associate	\$535/hour	215.20	\$115,132.00
Allison M. Vissichelli, Associate	\$535/hour	97.60	\$52,216.00
Sarah J. Van Culin, Associate	\$535/hour	50.20	\$26,857.00
Nicholas S. Cheolas, Associate	\$600/hour	16.60	\$9,960.00
James S. Dugan, Law Clerk	\$350/hour	27.50	\$9,625.00
Robert L. Newman, Paralegal	\$360/hour	170.90	\$61,524.00
Marie J. Babione, Paralegal	\$360/hour	62.30	\$22,428.00
Lauren E. Griffith, Paralegal	\$360/hour	2.50	\$900.00
TOTAL:			\$3,596,955.50

DECLARATION OF CHRISTOPHER T. MICHELETTI IN SUPPORT OF END PAYER
 PLAINTIFFS’ MOTION FOR ATTORNEYS’ FEES, COSTS, EXPENSES AND SERVICE
 AWARDS - CASE NO. 15-MD-2670 DMS (MSB)

1 10. These records were prepared from contemporaneous, daily time records
2 regularly prepared and maintained by Zelle in its usual course and manner of business.
3 Zelle maintains detailed records regarding the amount of time spent by its
4 professionals, and the lodestar calculation is based on Zelle’s current billing rates.
5 These records are available for review at the request of the Court.

6 11. In my judgment and based on my experience in complex class action
7 litigation and other litigation, the number of hours expended, and the services
8 performed by my firm, were reasonable and necessary for my firm’s representation
9 of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the
10 hours spent on each task.

11 12. I have general familiarity with the range of hourly rates typically charged
12 by plaintiffs’ class action counsel specifically in the field of unfair competition and
13 antitrust in the geographical area where my firm practices and throughout the United
14 States, both on a current basis and historically. From that basis, I am able to conclude
15 that the rates charged by my firm are commensurate with those prevailing in the
16 market for such legal services furnished in complex class action litigation such as this.
17 My firm’s hourly rates were most recently approved by the court in *In Re: Cathode*
18 *Ray Tube (CRT) Antitrust Litigation*, Master File No. 4:07-cv-05944-JST (N.D. Cal.).

19 13. My firm has incurred unreimbursed costs of \$115,195.88 so far in
20 litigating the Action, consisting of the following categories of costs:

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Expense	Submitted
Co-Counsel Assessment	\$ 314,525.00
Court Fees	\$ 1,600.00
Computer Research	\$ 9,933.69
Copies	\$ 5,469.25
Delivery/Messenger	\$ 525.44
Service of Process	\$ 1,357.60
Phone/Postage	\$ 502.69
Travel	\$ 10,142.82
Cost Award Distribution (09/01/22)	\$ (228,860.61)
TOTAL	\$ 115,195.88

14. Throughout the litigation, my firm and I worked under the direction of Class Counsel, and we made every effort to operate as efficiently as possible and to avoid unnecessary duplication. We coordinated with Class Counsel for all work performed and costs incurred in this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 26, 2024, at Oakland, California.

Dated: September 26, 2024

By: /s/ Christopher T. Micheletti
Christopher T. Micheletti

EXHIBIT A



FIRM RESUME

FIRM PROFILE

Overview

Zelle is a national and international law firm specializing in complex litigation, with more than 90 attorneys in offices in Atlanta, Boston, Dallas, London, Fort Lauderdale, Minneapolis, New York, Philadelphia, Oakland and Washington, D.C. Zelle is among the preeminent antitrust class action litigation firms in the United States with 21 antitrust litigators in offices in Oakland, Washington, D.C., New York, Boston, and Minneapolis—16 of whom are women and/or of color. Zelle’s Antitrust Practice Group comprises a cohesive group of skilled attorneys who elevate their performance through a collaborative approach with colleagues and clients. The team’s antitrust experience covers a broad spectrum of sectors, including energy, financial services, technology, automotive, transportation, consumer products, and healthcare. Women occupy important positions of leadership in the practice area and in firm management.

Recognitions

Zelle’s long-time focus and success in plaintiff antitrust class actions has earned the firm top marks from leading ranking services, including Chambers USA, The Legal 500 US, Best Lawyers, Super Lawyers and Lawdragon. Zelle’s Antitrust practice has consistently been ranked in the first or second band/tier, in addition to multiple attorneys in the practice earning individual accolades. The 2024 Chambers USA Guide noted that “Zelle LLP is an accomplished firm recognized for skillful representation of plaintiffs in both class and competitor actions. The team is particularly notable for expertise in cross-border matters. The firm is well placed to advise clients across a range of industries including healthcare and advertising.” The Legal 500 US notes that “Zelle LLP is a boutique litigation firm with an antitrust & unfair competition team based in Oakland and Washington, DC. The practice has acted on behalf of individual corporate plaintiff and consumer purchaser classes, and continues to represent clients from a plethora of industries, including the health, financial, agricultural, telecoms, and aerospace sectors . . . In Oakland, Christopher Micheletti can assist with all stages of an antitrust lawsuit, from pre-trial and discovery, through to settlement and recovery. Also based in California, Qianwei Fu centers on consumer protection and opt-out claimants, and has a keen understanding of the international elements behind claims and recoveries.”

ANTITRUST LITIGATION EXPERIENCE

Indirect-Purchaser Cases - Leadership Positions and Central Roles

Zelle and its Antitrust Practice Group have held leadership positions in indirect-purchaser (including end-user) classes and played central roles in numerous antitrust class actions over the past 20 years. Many of these cases are nationwide MDLs, requiring collaboration or coordination with a large number of counsel on both sides of the aisle and coordination with the State Attorneys General:

- *In re Hard Disk Drive Suspension Assemblies Antitrust Litig.*, MDL No. 2918 (N.D. Cal.). Court-appointed Interim Co-Lead Class Counsel for end users. This matter involves alleged price-fixing of a critical component of hard disk drives.

- *In re Static Random Access Memory (SRAM) Antitrust Litig.*, MDL No. 1819 (N.D. Cal.). Court-appointed Lead Counsel for 25 certified statewide damages classes of end users in matter alleging price-fixing of computer memory chips. The SRAM chips at issue were sold as part of finished products such as routers, servers, and mobile phones. Case settlements totaled \$41.3 million.
- *In re TFT-LCD (Flat Panel) Antitrust Litig.*, MDL No. 1827 (N.D. Cal.). Court-appointed Co-Lead Counsel for 23 certified statewide damages classes of end users alleging price-fixing of liquid crystal display panels. The LCD panels at issue were sold as part of finished products such as laptop computers, monitors, and flat screen televisions. Zelle helped successfully settle the case on the eve of trial in collaboration with the Attorneys General in Arkansas, California, Florida, Michigan, Missouri, New York, West Virginia, and Wisconsin, for a total recovery of \$1.1 billion.
- *In re: Cathode Ray Tube (CRT) Antitrust Litig.*, MDL No. 1917 (N.D. Cal.). Counsel for 22 certified state damages classes of end users alleging price-fixing of cathode ray tubes. Zelle has served a central role in merits discovery, class certification, expert consultation and discovery, trial preparation, and settlements. The CRTs at issue were sold as part of finished products such as computer monitors and televisions. Case settlements on behalf of the indirect-purchaser classes total \$580.75 million in this ongoing matter.
- *In re: Auto. Parts Antitrust Litig.*, MDL No. 2311 (E.D. Mich.). Member of Plaintiffs' Executive Committee for numerous certified settlement classes of end-payor plaintiffs alleging price-fixing and bid-rigging of automotive parts. Zelle has held key responsibilities for pleading motions, plaintiff deposition preparation and defense, third-party discovery, and economic expert work, among other tasks. The auto parts at issue were sold as part of automobiles. Case settlements exceed \$1.2 billion in this ongoing matter.
- *In re: Packaged Seafood Prods. Antitrust Litig.*, MDL No. 2670 (S.D. Cal.). Counsel for 31 certified state damages classes of end users alleging price-fixing of packaged tuna products. Zelle has played a central role in pleading motions, class certification, expert discovery, and summary judgment in this ongoing matter.
- *In re Flash Memory Antitrust Litig.*, MDL No. 1852 (N.D. Cal.). Court-appointed Co-Lead Counsel for indirect-purchaser end users alleging price-fixing of flash memory (solid-state) chips. The flash memory chips at issue were sold as part of finished products such as computers, memory cards and flash drives.
- *Smokeless Tobacco Antitrust Litig.*, J.C.C.P. No. 4250 (California Super. Ct., San Francisco). Court-appointed Executive Committee Member for certified class of California end users alleging unlawful monopolization of the canned smokeless tobacco market. Case settlement totaled \$96 million.
- *In re Graphics Processing Units Antitrust Litig.*, MDL No. 1826 (N.D. Cal.). Court-appointed Co-Lead Counsel for end users alleging price-fixing of graphic processing units (GPUs). The GPUs at issue were sold as part of finished products such as computers, work stations and game consoles.
- *Credit/Debit Card Tying Cases*, J.C.C.P. No. 4335 (California Super. Ct., San Francisco). Court-appointed Lead Counsel for a certified settlement class of California consumers of products and services from retail businesses that accepted and/or issued Visa and MasterCard payment cards, alleging that defendants' violations of California antitrust and unfair competition laws resulted in higher prices for consumers. Case settlements totaled \$31 million.
- *In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, MDL No. 1486 (N.D. Cal.). Court-appointed Liaison Counsel and Executive Committee Member for certified settlement class of indirect purchasers alleging price-fixing of memory chips. The DRAM chips at issue were sold as part of finished products such as computers. Case settlements for the indirect purchasers' claims and the California and New York Attorneys General's *parens patriae* claims totaled over \$310 million.

- *Sullivan v. DB Investments, Inc.*, No. 04-02819 (SJC) (D.N.J.). Court-appointed settlement class counsel for consumers alleging unlawful monopolization of the polished diamonds market. The diamonds at issue were sold to consumers in diamond jewelry. Case settlement totaled \$295 million.
- *In re Intel Corp. Microprocessor Antitrust Litig.*, MDL No. 1717 (D. Del.). Court-appointed Co-Lead Counsel for end users alleging unlawful monopolization and abuse of market power in market for microprocessors. The microprocessors at issue were sold as part of finished products such as desktop and laptop computers.
- *Auto. Refinishing Paint Cases*, J.C.C.P. No. 4199 (California Super. Ct., Alameda). Court-appointed Plaintiffs' Executive Committee Member for certified California class of indirect purchasers alleging price-fixing of automotive refinishing paint. The automotive paint at issue was sold as part of auto body and other paint refinishing services provided by auto repair shops. Case settlements totaled \$9.4 million.
- *Cal. Natural Gas Antitrust Litig.*, J.C.C.P. Nos. 4221, 4224, 4226 & 4228 (California Super. Ct., San Diego). Court-appointed Executive Committee Member representing indirect purchasers of natural gas in California. Case settlements totaled nearly \$165 million.
- *Automobile Antitrust Cases I, II (Coordinated Proceeding Special Title (Cal. R. Ct. 1550(b))*, J.C.C.P. No. 4298 (California Super. Ct., San Francisco). Court-appointed Liaison Counsel representing California indirect purchasers of automobiles. Zelle collaborated with lead counsel in the parallel federal MDL and state actions on pretrial discovery and settlement negotiations. Settlements with certain defendants in state and federal cases totaled \$137.85 million.

Direct-Purchaser and Direct-Action Cases – Leadership Positions, Central Roles and Clients

Zelle and its Antitrust Practice Group have held leadership positions or key roles in direct-purchaser class actions, and represented individual companies pursuing “opt-out” claims in MDL class action proceedings:

- *United HealthCare Services, Inc. v. Actavis Holdco U.S., Inc., et al.*, No. 2:19-cv-00629-CMR (E.D. Pa.). Represents United HealthCare Services, Inc. in three individual antitrust matters against the makers of more than 200 generic pharmaceutical drugs, alleging a widespread price-fixing and market allocation conspiracy; this matter has been consolidated with *In re: Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724.
- *In re LIBOR-Based Fin. Instruments Antitrust Litig.*, MDL No. 2262 (S.D.N.Y.). Represents Freddie Mac and the FDIC as Receiver for 39 Closed Banks and serves as Liaison Counsel for more than two dozen direct-action plaintiffs. Freddie Mac and the FDIC allege, among other things, that defendants conspired to manipulate an interest-rate benchmark incorporated into trillions of dollars of financial contracts, including loans and interest-rate derivatives.
- *In re Generic Pharma. Pricing Antitrust Litig.*, MDL No. 2724 (E.D. Pa.). Represents United HealthCare Services, Inc. as a direct-action plaintiff alleging price-fixing and market allocation against dozens of manufacturers of more than 100 generic drugs, in what is looking to be one of the largest cartels in U.S. history.
- *El Pollo Loco, Inc. v. Tyson Foods, Inc., et al.*, No. 1:20-cv-01943 (N.D. Ill.). Represents El Pollo Loco, Inc. in an individual antitrust matter against the nation’s major broiler chicken suppliers, alleging conspiracy to artificially reduce capacity, manipulate the Georgia Dock price index, and increase prices.
- *German Auto. Mfr. Antitrust Litig.*, MDL No. 2796 (N.D. Cal.). Court-appointed member of Plaintiffs' Steering Committee representing direct purchasers of German luxury automobiles in this ongoing matter alleging that the German luxury car manufacturers colluded to artificially increase profits by curbing innovation and technological advances, fixing the price of raw materials, and passing on increased costs to consumers.

- *In re Lithium Ion Batteries Antitrust Litig.*, MDL No. 2420 (N.D. Cal.). Court-appointed Liaison Counsel for certified settlement class of direct purchasers alleging price-fixing of lithium-ion batteries. Case settlements totaled nearly \$140 million.
- *In re Domestic Airline Travel Antitrust Litig.*, MDL No. 2656 (D.D.C.). Counsel for putative class of direct purchasers of airline travel services alleging conspiracy by four major airlines to restrict capacity for domestic air passenger transportation services in violation of federal antitrust laws. Zelle has had a central role in pursuing discovery against United Airlines and Delta Air Lines, among other case tasks.
- *In re: Railway Industry Employee No-Poach Antitrust Litig.*, MDL No. 2850 (W.D. Pa.). Counsel for one of five named plaintiffs in a class action on behalf of railway industry employees alleging conspiracy among the world's dominant rail equipment suppliers to restrain competition and reduce compensation for railway industry employees. Case settlements totaled \$48.95 million.
- *United HealthCare Services, Inc. v. Cephalon Inc., et al.*, No. 2:17-cv-00555 (E.D. Pa.). Represented United HealthCare Services, Inc. (UHS) in an individual antitrust matter against the makers of the branded pharmaceutical drug Provigil and its generic equivalents. The suit alleged a successful pay-for-delay scheme that kept the lower-priced generics off the market for several years, allowing the brand manufacturer to continue charging inflated monopoly prices that caused UHS hundreds of millions of dollars in damages.
- *In re Urethane Antitrust Litig.*, MDL No. 1616 (D.N.J.). Represented 11 families of companies in an international price-fixing case involving three chemicals. Settlements, the last one achieved during the defense presentation at trial, exceeded \$500 million.
- *ZF Meritor LLC, et al. v. Eaton Corp.*, No. 1:06-cv-00623 (D. Del.). Served on trial team, which obtained a liability verdict for plaintiffs in a bifurcated antitrust trial involving monopolization and exclusive dealing issues. After a successful appeal in the Third Circuit, the case was remanded for a damages trial, and settled on the eve of trial for \$500 million.
- *In re Linerboard Antitrust Litig.*, MDL No. 1261 (E.D. Pa.). Represented more than four dozen Fortune 500 companies that opted out of a class action alleging that manufacturers of corrugated boxes conspired to decrease output and increase prices. In total, settlements from the case exceeded \$200 million.
- *In re Methionine Antitrust Litig.*, MDL No. 1311 (N.D. Cal.). Represented opt-out plaintiffs in a price-fixing action involving poultry-feed additive. The case involved allegations that producers engaged in an international price-fixing conspiracy for more than 10 years. Total client recoveries exceeded \$400 million (with last settlement reached shortly before jury selection).
- *In re Vitamins Antitrust Litig.*, MDL No. 1285 (D.D.C.). Represented more than 150 direct-action plaintiffs including Kraft Foods and GNC, alleging a 15-year international cartel covering more than a dozen vitamins. The case involved German defendants BASF, Degussa, and Merck. Recoveries exceeded \$2 billion. Served as Liaison Counsel for direct-action plaintiffs.
- *Novell Inc. v. Microsoft Corp.*, No. 2:04-cv-01045 (D. Utah). Represented the owners of WordPerfect in a long-running case alleging monopolization of the market for PC operating systems. At trial, the jury split 11-1 in favor of liability. The trial judge granted Microsoft's JMOL, which was upheld by the 10th Circuit (Gorsuch J.).

ANTITRUST PRACTICE GROUP



Qianwei Fu – Ms. Fu is a partner in the Oakland office and leads the firm’s international competition law practice. She has played primary roles in all critical stages of litigation in some of the nation’s largest antitrust class actions, including *Hard Disk Drive Suspension Assemblies*, *TFT-LCD*, *SRAM*, *DRAM*, *CRT*, *Lithium Ion Batteries*, *Diamonds*, and *Auto Parts*, and has advised individual clients on settlement strategies and alternative dispute resolution. Ms. Fu has expertise in assessing and pursuing antitrust claims with international components and has collaborated with co-counsel in Canada, China and Europe in recovery actions. Ms. Fu is a past Chair of the California Lawyers Association Antitrust and Unfair Competition Law Section. She also served as Editor-in-Chief of the journal *Competition* and Editor-in-Chief of the California State Antitrust & Unfair Competition Law treatise (Matthew Bender 2019). She was named a Northern California “Super Lawyer” in 2017-2024 and “Rising Star” in 2011-2016. She was also recognized by *Legal 500* as a “Next Generation Lawyer” in 2019-2023 and a “Next Generation Partner” in 2024. Ms. Fu was also recognized by *Chambers USA Guide 2024* as “an up-and-coming attorney who advises clients on sophisticated antitrust litigation”.



Chris Micheletti – Mr. Micheletti is a senior partner and former Managing Partner of the Oakland office. He has extensive experience in antitrust class actions, including indirect-purchaser end-user class actions involving allegedly price-fixed component parts, stand-alone products, and products sold with services. He has led and/or had central roles in the successful prosecution of many California state and multistate antitrust class actions in California Superior Court and federal court, including in *Hard Disk Drive Suspension Assemblies*, *SRAM*, *CRT*, *Packaged Seafood*, *Auto Parts*, *Smokeless Tobacco*, and *Auto. Refinishing Paint Cases*, among others. Among other accolades, Mr. Micheletti was named among Daily Journal’s 2020 list of “Top Antitrust Lawyers” in California and has been included among *The Best Lawyers in America*® - Antitrust Law, and Northern California *Super Lawyers* in Antitrust Litigation each year from 2014 to the present. He was also included among *Who’s Who Legal: Competition* in 2019 – 2024, and named a “California Litigation Star” in Antitrust litigation for 2019-2024 in *Benchmark Litigation*.

Additional Antitrust Attorneys – The Antitrust Group also includes the following, partners, counsel, and associates: Judith Zahid (partner), Eric Buetzow (partner), Heather Rankie (partner), Anjalee Behti, Sarah Van Culin, and Rose Burnam in Oakland; James R. Martin (partner), Jennifer Duncan Hackett (partner), John Carriel, Samantha Gupta, and Sabrina Nelson in Washington D.C., Gabrielle Siskind and Victoria Johnson in New York, Kyle Espinola in Boston; and Elizabeth Kniffen (partner), Lindsey Davis (partner), James Dugan, Alex Buri and Leona Ajavon in Minneapolis.

SELECTED PRESENTATIONS AND PUBLICATIONS

- Qianwei Fu, “Antitrust Trends and Hot Topics in the U.S.”, USC Gould School of Law Quarterly Bay Area Antitrust Discussion Lunar New Year Event, February 22, 2024, Palo Alto, CA, panelist
- Qianwei Fu, “Antitrust Ethics in Action”, 33rd Annual Golden State Institute of Antitrust (GSI), October 26, 2023, panelist
- Qianwei Fu, Antitrust Rule of Reason Handbook, American Bar Association (forthcoming), contributing author
- Qianwei Fu, Competition, The Journal of the Antitrust, UCL and Privacy Section of the California Lawyers Association, Vol. 30, Nos. 1-2 (2020), Editor-in-Chief
- Chris Micheletti, “Indirect Purchaser Antitrust Standing Heads In New Direction,” *Competition Law360*, July 2, 2020, co-author
- Qianwei Fu, CALIFORNIA STATE ANTITRUST & UNFAIR COMPETITION LAW (Matthew Bender), Editor-in-Chief (2019 ed.), Executive Editor (2018 ed.), Editor (2016 & 2017 eds.), and co-author.
- Chris Micheletti, “Indirect Purchaser Cases in 2017: Key District Court Rulings,” *Competition Law360*, January 8, 2018, co-author
- Chris Micheletti, “Indirect Purchaser Cases in 2017: Key Appeals Court Rulings,” *Competition Law360*, January 5, 2018, co-author
- Chris Micheletti, “False Advertising Class Actions: Practitioner’s Guide to Class Certification, Damages and Trial,” Bar Association of San Francisco seminar, June 14, 2017, moderator
- Qianwei Fu, “Understanding and Navigating Cross-Border Privilege Issues,” State Bar of California, May 18, 2017, presenter.
- Qianwei Fu, “Cross-Border Discovery – A Big Chess Game?”, American Bar Association, April 27, 2017, panelist.
- Chris Micheletti, “2016 Highlights From Indirect Purchaser Class Actions,” *Competition Law360*, December 23, 2016, co-author
- Chris Micheletti and Qianwei Fu, Indirect Purchaser Litigation Handbook, Second Edition (2016), ABA Section of Antitrust Law, contributing co-authors.
- Qianwei Fu, “Discovery in International Antitrust Litigation – How to Cross the Border?”, State Bar of California, March 30, 2016, panelist.
- Qianwei Fu, “Thinking Globally about Recovery Actions in International Cartel Cases,” *Journal of Antitrust Enforcement*, 3, 363-390 (Oxford University Press 2015), co-author.
- Chris Micheletti, “2 Years After *Comcast*, Little Has Changed,” *Competition Law360*, March 18, 2015, co-author
- Qianwei Fu, “International Cooperation in Private Antitrust Litigation,” paper for the 10th International Cartel Workshop, Rome, Italy, February 19-21, 2014, co-author.
- Qianwei Fu, “Unique Discovery Challenges in International Cartel Cases,” *Competition Law360*, January 31, 2014, co-author.
- Chris Micheletti, “The California Difference: Why California Really Matters – A Symposium – Indirect Purchaser Standing Under California Antitrust Law and Federal Antitrust Law – Plaintiff Perspective,” The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, Competition Vol. 22, No. 2, Fall 2013, author.
- Chris Micheletti, “Incentive Award Guidance From Recent Class Actions,” *Competition Law360*, September 6, 2013, co-author

Chris Micheletti, "Indirect-Purchaser Exceptions To Illinois Brick Continue," *Competition Law360*, January 25, 2013, co-author

Chris Micheletti, "Coordinating Direct And Indirect Purchaser Cases," *Competition Law360*, July 9, 2012, co-author

Chris Micheletti, "Emerging Trends In Indirect-Purchaser Antitrust Cases," *Competition Law360*, January 20, 2012, co-author.

ADDITIONAL FIRM RESOURCES AND INFORMATION

Zelle has in-house capability to offer cost-efficient solutions and alternatives to outside eDiscovery vendors. Its Legal Technology Group personnel have advanced training in eDiscovery rules, technology and processes designed to provide client-focused data processing and hosting, data collection, and managed review services. Zelle's eDiscovery group is designed to provide our clients with the highest quality services and state-of-the-art technology.

EXHIBIT 33

1 Thomas A. Zimmerman, Jr.
2 (admitted *pro hac vice*)
3 Zimmerman Law Offices, P.C.
4 77 W. Washington Street, Suite 1220
5 Chicago, IL 60602
6 Tel: 312-440-0020
7 Fax: 312-440-4180
8 *tom@attorneyzim.com*

9 *Counsel for the End Payer Plaintiffs*
10 *Amy Joseph, Amber Sartori, Dan Zwirlein*

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 IN RE: PACKAGED SEAFOOD) Case No.: 15-MD-2670 DMS (MSB)
14 PRODUCTS ANTITRUST)
15 LITIGATION) **DECLARATION OF**
16) **THOMAS A. ZIMMERMAN, JR.**
17) **IN SUPPORT OF END PAYER**
18) **PLAINTIFFS' MOTION FOR**
19) **ATTORNEYS' FEES, COSTS,**
20) **EXPENSES, AND SERVICE**
21) **AWARDS**

22 _____)
23 This Document Relates to:)

24 End Payer Plaintiffs Class Track)

25) DATE: November 22, 2024
26) TIME: 1:30 p.m.
27) JUDGE: Hon. Dana M. Sabraw
28) COURT: 13A (13th Floor)

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1 I, Thomas A. Zimmerman, Jr., declare:

2 1. I am the owner of Zimmerman Law Offices, P.C. (the “ZLO”). I have
3 been licensed to practice law in the state of Illinois since 1996. I am admitted to
4 practice in the U.S. Supreme Court, Circuit Courts for the Sixth, Seventh, and Ninth
5 Circuits, and U.S. District Courts for the Northern District of Illinois, Southern
6 District of Illinois, Central District of Illinois, Eastern District of Wisconsin, and
7 District of Colorado. The following facts are within my personal knowledge, and if
8 called as a witness, I could and would testify competently to them.

9 2. I submit this declaration in support of End Payer Plaintiffs’ Motion for
10 Attorneys’ Fees, Costs, Expenses, and Service Awards.

11 3. On September 10, 2015, I filed a proposed class action lawsuit on behalf
12 of my clients against Bumble Bee Foods, LLC, TriUnion Seafoods, LLC, Starkist
13 Company, and King Oscar, Inc. in the Southern District of California, and assigned
14 Case No. 3:15-cv-2017. My clients’ action was consolidated into the instant action
15 with other similar actions filed in other jurisdictions nationwide as a Multi-District
16 Litigation titled, *In Re: Packaged Seafood Products Litigation*, No. 15-MD-2670 in
17 the Southern District of California (the “Action”).

18 4. I am the principal counsel at ZLO, and I have practiced civil litigation
19 on behalf of consumers and individuals in Illinois since 1996. The firm generally
20 employs four attorneys practicing in the areas of consumer class action, unfair
21 competition law, consumer fraud, product liability, toxic tort, constitutional due
22 process, privacy violations, and other complex litigation. I head the firm’s consumer
23 protection and antitrust class action matters. Attached hereto as **Exhibit A** is the ZLO
24 Firm resume.

25 5. ZLO’s attorneys have a long history of successfully handling class
26 actions across a range of industries, including antitrust cases. I bring substantial
27 experience in complex litigation matters with a history of litigating in an efficient and
28

1 practical manner, including as Lead or Co-Lead Class Counsel in numerous class
2 actions. See **Exhibit A** at pp. 5-10.

3 6. I have an extensive background in antitrust and consumer protection
4 class action litigation. I have litigated more than 100 class action cases across the
5 country involving antitrust, unfair competition, and consumer fraud claims, including
6 the following matters in which I have a leadership position:

- 7 • *In re Wells Fargo Unauthorized Products Litigation*, No. 24 cv 1223 (N.D.
8 CA) (Co-Lead Counsel);
- 9 • *In re Advance Stores Company, Incorporated, Data Breach Litigation*, No.
10 24 cv 352 (E.D. NC) (Co-Lead Counsel);
- 11 • *In re Wells Fargo Mortgage Modification Litigation*, No. 24 cv 1358 (N.D.
12 CA) (Co-Lead Counsel);
- 13 • *Lhota, et al. v. Michigan Avenue Immediate Care, S.C.*, No. 22 CH 6616
14 (Cook Cnty, IL) (Co-Lead Counsel);
- 15 • *Schmitt v. SN Servicing Corp.*, No. 21 cv 3355 (N.D. CA) (Co-Lead
16 Counsel);
- 17 • *Joseph v. Inventure Foods, Inc.*, No. 21 cv 1340 (N.D. IL) (Lead Counsel);
- 18 • *Dugan, et al. v. Nationstar Mortgage LLC*, No. 21 cv 341 (M.D. NC) (Co-
19 Lead Counsel);
- 20 • *Boch, et al. v. Cook County, Illinois, et al.*, No. 21 CH 5485 (Cook Cnty,
21 IL) (Lead Counsel);
- 22 • *Mobile Emergency Housing Corp., et al. v. HP, Inc.*, No. 20 cv 9157 (N.D.
23 CA) (Co-Lead Counsel);
- 24 • *Forrest, et al. v. PHH Mortgage Corp.*, No. 20 cv 323 (D. RI) (Co-Lead
25 Counsel);
- 26 • *Koustis v. Select Portfolio Servicing, Inc.*, No. 20 cv 2425 (N.D. OH) (Co-
27 Lead Counsel);

28

- 1 • *Whitaker v. Dovenmuehle Mortgage, Inc.*, No. 20 CH 6210 (Cook Cnty, IL)
- 2 (Co-Lead Counsel);
- 3 • *Bruun v. Red Robin Gourmet Burgers, Inc., et al.*, No. A-20-814178-C
- 4 (Clark Cnty, NV) (Co-Lead Counsel);
- 5 • *Henderson, et al. v. Aqua Illinois, Inc.*, No. 19 CH 10191 (Will Cnty, IL)
- 6 (Lead Counsel);
- 7 • *Ramsey v. 41 E. Chestnut Crab Partners, LLC*, No. 19 CH 2759 (Cook Cnty,
- 8 IL) (Lead Counsel);
- 9 • *Black, et al. v. City of Girard, Ohio, et al.*, No. 18 cv 1256 (Trumbull Cnty,
- 10 OH) (Co-Lead Counsel);
- 11 • *Miller, et al. v. Inteleos, Inc.*, No. 17 cv 763 (N.D. OH) (Co-Lead Counsel);
- 12 • *Jones, et al. v. Village of Crestwood*, No. 17 CH 13401 (Cook Cnty, IL)
- 13 (Co-Lead Counsel);
- 14 • *Norton v. Niantic, Inc.*, No. 17 CH 10281 (Cook Cnty, IL) (Lead Counsel);
- 15 • *Edenborough v. ADT, LLC, et al.*, No. 16 cv 2233 (N.D. CA) (Co-Lead
- 16 Counsel);
- 17 • *Lieber v. Wells Fargo Bank, N.A.*, No. 16 cv 2868 (N.D. OH) (Co-Lead
- 18 Counsel);
- 19 • *iMove Chicago, Inc. v. Inland Bancorp, Inc., et al.*, No. 16 cv 10106 (N.D.
- 20 IL) (Lead Counsel).

21 7. I and my firm have been involved in the litigation of this Action under
22 the direction of Class Counsel, including, among other tasks, extensively
23 investigating the claims, both before and after filing the initial complaint (including
24 calls and correspondence with potential plaintiffs and class members contacting us
25 for advice and status updates); researching underlying issues of law and drafting the
26 initial complaint; coordinating with other plaintiffs' counsel regarding consolidation
27 and leadership issues; assisting in drafting the consolidation and leadership motions;

28

1 work regarding the JPML motions; participating in client vetting for the consolidated
 2 complaint; research and drafting relative to motions to dismiss the consolidated
 3 complaint; research and drafting relative to motions for summary judgment; research
 4 and drafting relative to the relation back doctrine; drafting subpoenas and document
 5 riders to third parties; meeting and conferring with defense counsel regarding various
 6 issues; reviewing documents produced by defendants and available to the public;
 7 drafting plaintiffs’ declarations in support of the motion for class certification;
 8 drafting plaintiffs’ discovery responses; and communications with our clients
 9 regarding their discovery responses, various stages of litigation, trial preparation and
 10 settlement.

11 8. The current hourly rates for ZLO attorneys and staff that have worked
 12 on the Action, as well as their hours spent working on the Action as of September 1,
 13 2024, and their corresponding lodestar, are as follows:

ZLO Lodestar through September 1, 2024			
Timekeeper	Current Rate	Hours	Lodestar
Tom Zimmerman, Partner	\$775.00 per hour	866.7	\$671,692.50
Amelia Newton, Associate	\$675.00 per hour	12.4	\$8,370.00
Sharon Harris, Associate	\$710.00 per hour	100.6	\$71,426.00
Matt De Re, Associate	\$495.00 per hour	86.4	\$42,768.00
Maebetty Kirby, Associate	\$325.00 per hour	0.7	\$227.50
Nick Hagman, Associate	\$415.00 per hour	3.0	\$1,245.00

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Kristina Wolter, Paralegal	\$210.00 per hour	5.0	\$1,050.00
TOTAL:			\$796,779.00

9. These records were prepared from contemporaneous, daily time records regularly prepared and maintained by ZLO in its usual course and manner. ZLO maintains detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on ZLO’s current billing rates. These records are available for review at the request of the Court.

10. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm’s representation of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the hours spent on each task.

11. I have general familiarity with the range of hourly rates typically charged by plaintiffs’ class action counsel specifically in the field of unfair competition and antitrust in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I am able to conclude that the rates charged by my firm are commensurate with those prevailing in the market for such legal services furnished in complex class action litigation such as this. My firm’s hourly rates were most recently approved by the following Courts:

- *Joseph v. Inventure Foods, Inc.*, No. 21 cv 1340 (N.D. IL);
- *Forrest, et al. v. PHH Mortgage Corp.*, No. 20 cv 323 (D. RI);
- *Phillips, et al. v. Help at Home, LLC*, No. 15 cv 8954 (N.D. IL);
- *Lhota, et al. v. Michigan Avenue Immediate Care, S.C.*, No. 22 CH 6616 (Cook Cnty, IL).

1 12. My firm has incurred costs of \$40,939.30 so far in litigating the Action,
2 consisting of the following categories of costs:

Category	Cost
Reproduction/Duplication	\$932.85
Telephone/Fax/Postage	\$6.45
Litigation Common Expense Fund	\$40,000.00
Total:	\$40,939.30

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9 13. Throughout the litigation, my firm and I worked under the direction of
10 Class Counsel, and I made every effort to operate as efficiently as possible and to
11 avoid unnecessary duplication. I coordinated with Class Counsel for all work
12 performed and costs incurred in this matter.

13 I declare under penalty of perjury under the laws of the United States that the
14 foregoing is true and correct. Executed on October 4, 2024, at Chicago, Illinois.

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16 Dated: October 4, 2024

By: /s/ Thomas A. Zimmerman, Jr.
 Thomas A. Zimmerman, Jr.

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EXHIBIT A

ZIMMERMAN LAW OFFICES, P.C.

Since 1996, Zimmerman Law Offices has represented individuals and businesses in a wide array of legal matters. Its attorneys are established and respected trial lawyers who represent clients in complex litigation and class action lawsuits nationwide. The firm has an extensive and varied litigation-based practice, with a focus on class action litigation. Zimmerman Law Offices has recovered over \$600 million on behalf of millions of individuals and businesses nationwide.

The attorneys at Zimmerman Law Offices are experienced in Multidistrict Litigation (MDL), having served as lead counsel in MDL cases throughout the country. These MDL cases included claims for fraud, improper pricing, misleading product claims, and privacy violations including data breaches.

ATTORNEYS

Thomas A. Zimmerman, Jr.

A seasoned litigator for over 27 years, Mr. Zimmerman practices extensively and has obtained multi-million dollar jury verdicts in class action, corporate, commercial, medical malpractice, consumer fraud, constitutional due process, general civil, product liability, toxic tort, and other complex litigation. He represents both plaintiffs and defendants nationwide in state and federal trial and appellate courts. He also represents individuals and corporations in transactional matters, and before state and federal administrative and regulatory agencies.

Mr. Zimmerman has been lead counsel in national and state-wide class action litigation, and has handled other multi-party litigation involving such companies as MCI/Worldcom, United Airlines, Peoples Gas, AT&T, Warner-Lambert, Pfizer, Liberty Mutual Insurance Co., DaimlerChrysler, ADT, Ford Motor Co., Mead Johnson, KCBX, Inland Bank, Commonwealth Edison, Ameritech, Wells Fargo, and Bridgestone/Firestone. He is well respected for his representation of physicians, dentists, nurses, psychologists, veterinarians, and many other licensed professionals before state and federal agencies including the Illinois Department of Financial and Professional Regulation, and the U.S. Department of Health and Human Services.

In 2017, 2018, 2019, 2020, 2021, 2022, 2023, and 2024, he was selected as a *Super Lawyer* in the area of class action and mass torts.

In 2000, he was voted one of the Top 40 Illinois Attorneys Under the Age of 40. This is especially notable, as he was chosen out of 60,000 attorneys in Illinois under the age of forty.

In 2003, the Illinois Supreme Court appointed Mr. Zimmerman to the Review Board of the Attorney Registration and Disciplinary Commission (“ARDC”). He served in that capacity until 2011, wherein he presided over appeals by attorneys who have been found to have committed misconduct, and recommended discipline for their ethical violations. In 2013, the ARDC appointed Mr. Zimmerman as Special Counsel, wherein he conducted independent investigations in matters

involving allegations of misconduct against attorneys associated with the ARDC. He served in that capacity until 2023. In 2024, he was appointed to the ARDC Oversight Committee, wherein he reviews ARDC investigative matters.

Additionally, the Illinois Governor appointed Mr. Zimmerman to the Illinois Courts Commission in 2003. A Commission member presides over proceedings wherein judges are charged with committing ethical violations, and imposes discipline on judges who are found to have engaged in misconduct. Mr. Zimmerman has served as a Commission member continuously since his appointment.

Prior to becoming an attorney, Mr. Zimmerman worked for AT&T where he negotiated partnerships with companies for domestic and international joint-venture and new product development activities. During this time, he was the featured speaker at 400 conferences, seminars, and presentations. Thereafter, he presented oral testimony at various Federal Senate and Congressional hearings. After obtaining his law license, Mr. Zimmerman has lectured at law schools and seminars, and is frequently interviewed by the news media concerning legal issues.

Mr. Zimmerman earned a B.S. in Computer Science-Mathematics from the University of Illinois, and an M.B.A. in Finance from DePaul University in the evenings while working for AT&T. After leaving AT&T, Mr. Zimmerman earned his law degree from the Chicago-Kent College of Law, where he was a Ramsey-Burke Scholarship recipient and earned the Academic Achievement Award.

He is admitted to practice law in Illinois, and other states on a case-by-case basis, and he is admitted to practice before the U.S. Supreme Court, and various federal courts of appeal and federal district courts. Based on his demonstrated experience and ability, he was appointed to the federal court trial bar.

Mr. Zimmerman is currently the chair of the Clerk of the Circuit Court of Cook County Attorney Advisory Committee, and was formerly co-chair of the Clerk of the Circuit Court Transition and Strategic Planning Public Policy Subcommittee.

Mr. Zimmerman is a member of the American, Illinois State, and Chicago Bar Associations, and the Illinois Trial Lawyers Association, where he serves on various committees. He is also a member of the American Association for Justice. In 2000, he was appointed to the Illinois Trial Lawyers Association Board of Advocates.

Involved in numerous community service activities, Mr. Zimmerman has been an Illinois State Board of Education surrogate parent of disabled children since 1988. In addition, he was a speaker on the rights of disabled people for the Illinois Planning Council on Developmental Disabilities, and a Family Shelter Service counselor to battered children for many years. He has been recognized by the federal court for his pro bono representation of indigent clients.

Sharon A. Harris

Ms. Harris has extensive experience litigating complex class action matters in state and federal trial and appellate courts nationwide since 1998. She has focused her practice on consumer protection, product liability, privacy, and antitrust matters. Ms. Harris has developed a particular expertise in state unfair and deceptive practice statutes, data breach laws, privacy laws, federal antitrust laws, the Fair Credit Reporting Act, the Racketeer Influenced and Corrupt Organizations Act (RICO), the Telephone Consumer Protection Act, and various other federal and state laws. She has been appointed class counsel in numerous cases. For example, she was appointed one of class counsel in *In re Pilot Flying J Fuel Rebate Contract Litigation*, which involved allegations that the defendants violated RICO and various state laws by withholding portions of fuel discounts and rebates to which class members were contractually entitled. A settlement was granted final approval. Ms. Harris was also appointed class counsel in a class action lawsuit, *Norton, et al. v. Niantic, Inc.*, No. 2017 CH 10281 (Cir. Ct. Cook Cty., Ill.), and helped negotiate a \$1.75 million settlement on behalf of attendees at the 2017 Pokémon GO Fest in Chicago that were unable to play the game during the fest due to technical and other issues. Additionally, Ms. Harris was appointed class counsel in a class action lawsuit, *Miller, et al. v. Inteleos, Inc.*, No. 1:17-cv-00763-DAP (N.D. Ohio), on behalf of individuals who took a Registered Vascular Technology (RVT) examination and passed the examination but received an incorrect failing score. The settlement she helped negotiate was granted final approval by the Court.

She received her Bachelor of Science degree from Michigan State University with a dual major in Political Science and Social Science. Ms. Harris received her law degree from DePaul University College of Law. She is a member of the American, Illinois State, and Chicago Bar Associations. She is admitted to practice in the State of Illinois, the United States District Court for the Northern District of Illinois, the United States District Court for the Northern District of Indiana, and the United States Courts of Appeals for the Seventh and Ninth Circuits.

Matthew C. De Re

Mr. De Re advocates for both plaintiffs and defendants nationwide in state and federal trial and appellate courts since 2014. His practice areas include class action, corporate, commercial, consumer fraud, general civil, product liability, personal injury, and other complex litigation. He also represents professionals, such as physicians, dentists, nurses, insurance producers, and real estate brokers, before state and federal agencies, including the Illinois Department of Financial and Professional Regulation and the Department of Insurance. In addition to his extensive litigation practice, Mr. De Re assists individuals and corporations in transactional matters.

He has experience in all phases of litigation, including extensive discovery and substantive motion practice. He has assisted in the defense of individuals and companies in cases involving personal injury, employment, and civil rights. Mr. De Re has also vigorously pursued recovery for plaintiffs in numerous civil matters. Prior to joining Zimmerman Law Offices, he served as a Law Clerk for the Circuit Court of Cook County.

Mr. De Re graduated from the University of Wisconsin-Madison with a B.S. in both Political Science and History. He earned his law degree from Washington University in St. Louis. While in

law school, he received academic awards and appeared on the Dean's List multiple times. He also served two years on the Executive Board of the Student Bar Association and was the Associate Managing Editor for the Washington University Journal of Law & Policy.

He is admitted to practice law in the State of Illinois and is a member of the Illinois State and Chicago Bar Associations.

Jeffrey D. Blake

Mr. Blake represents consumers in class actions involving unfair and deceptive trade practices, privacy violations, antitrust matters, and defective products since 2013. He has considerable experience prosecuting complex cases in state and federal courts throughout the nation, including appeals.

Mr. Blake received his J.D., *cum laude*, from the Chicago-Kent College of Law in 2012. While attending, Mr. Blake served as Executive Articles Editor for the *Chicago-Kent Law Review*, spent a semester as a judicial extern for the Honorable Samuel Der-Yeghiayan of the United States District Court for the Northern District of Illinois, and participated in the Intellectual Property Law Clinic and the Center for Open Government.

After graduating law school, Mr. Blake served as the judicial law clerk for the Honorable Patrick McKay, Superior Court Judge for the Third Judicial District in Anchorage, Alaska.

Mr. Blake received a Bachelor of Science from the University of Illinois at Chicago.

He is admitted to practice in the State of Illinois and the United States District Court for the Northern District of Illinois.

Jordan M. Rudnick (*of counsel*)

Mr. Rudnick represents individuals and large national and international companies in providing business advice, counsel and dispute resolution in a wide variety of contexts since 1995. In particular, Mr. Rudnick represents plaintiffs and defendants nationwide in class action, corporate, commercial, consumer fraud, general civil, and other complex litigation in state and federal courts, arbitrations, and mediations. Mr. Rudnick has been involved in all phases of litigation, including extensive discovery, substantive motion practice, trials and appeals.

His experience as an attorney also includes representing parties in nationwide securities fraud class actions. Notably, Mr. Rudnick represented Canadian Imperial Bank of Commerce in the Enron class action securities litigation and related proceedings. He also has extensive experience representing commercial policyholders in recovering insurance proceeds from their insurers.

Mr. Rudnick serves as an arbitrator for FINRA (Financial Industry Regulatory Authority, formerly known as the NASD or National Association of Securities Dealers) where he and panels of two other arbitrators decide the outcome of disputes between investors and securities brokers and dealers.

He has provided extensive pro bono representation of improperly-expelled school children in conjunction with the Legal Assistance Foundation of Metropolitan Chicago, and with the Chicago Coalition for the Homeless. In addition, in his spare time, he is a volunteer at the Lincoln Park Community Homeless Shelter.

Mr. Rudnick served as a judicial law clerk to the Honorable Justice Joseph Gordon, Illinois Appellate Court, 1st District, where he drafted opinions in appeals arising from complex civil and criminal trial court decisions.

Mr. Rudnick earned his B.A. in Political Science from the University of Chicago, and he graduated *cum laude* from the John Marshall Law School with honors and on a full scholarship. In law school, he appeared on the Dean's List, and he was a member of the school's Moot Court Team. He also was a Staff Editor on the *John Marshall Law Review* for two years.

He is admitted to practice law in Illinois, New York, and Washington, D.C., and is a member of the Chicago Bar Association, NAACP, and ACLU.

REPRESENTATIVE CLASS ACTION CASES

Completed Cases

Misleading Product Claims — \$62 million recovery for a nationwide class of customers who purchased products that were advertised to reduce cellulite in the human body, plus equitable relief to correct the misleading claims. *Joseph v. Beiersdorf North America, Inc.*, No. 11 CH 20147 (Cook Cnty, IL).

Improper Cellular Phone Fee — \$48 million recovery for a statewide class of businesses and individuals who paid an improper municipal infrastructure maintenance fee on their cellular phone bills. *PrimeCo Personal Communications, et al. v. Illinois Commerce Commission, et al.*, 98 CH 5500 (Cook Cnty, IL).

Defective Vehicles — \$35 million in monetary and injunctive relief for a nationwide class of individuals and businesses who purchased vehicles manufactured with a defective transmission. *Vargas, et al. v. Ford Motor Co.*, No. 12 cv 8388 (C.D. CA).

Fraud — \$31 million recovery for a nationwide class of businesses and individuals who placed advertisements in a newspaper based on fraudulent circulation figures. *In re Chicago Sun-Times Circulation Litigation*, No. 04 CH 9757 (Cook Cnty, IL).

Antitrust — \$20 million recovery for a nationwide class of individuals who purchased packaged seafood products from companies that conspired to fix prices in violation of the Sherman Act. *In re. Packaged Seafood Products Antitrust Litigation*, MDL No. 2670 (S.D. CA).

Defective Products — \$16 million recovery for a nationwide class of individuals who purchased defective home security systems that could be easily hacked and disabled. *Edenborough v. ADT, LLC, et al.*, No. 16 cv 2233 (N.D. CA).

Misleading Product Claims — \$14 million recovery for a nationwide class of customers who purchased defective garden hoses with misleading claims, plus equitable relief to extend the product's warranty. *Bergman, et al. v. DAP Products, Inc., et al.*, No. 14 cv 3205 (D. MD).

Fraud / Data Breach — \$11.2 million recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by an internet service provider, and who also paid money to that provider based on misrepresentations. *In re Ashley Madison Customer Data Security Breach Litigation*, MDL No. 2669 (E.D. MO).

Improper Fee — \$10.5 million recovery for a nationwide class of individuals whose money was improperly debited from their bank accounts via Automated Clearing House (ACH) transactions. *Dugan, et al. v. Nationstar Mortgage LLC*, No. 21 cv 341 (M.D. NC).

Defective Products — \$9 million recovery for a nationwide class of individuals who sustained financial and personal injuries resulting from their purchase and use of baby wipes that were tainted with a dangerous bacteria. *Jones v. First Quality Enterprises, Inc., et al.*, No. 14 cv 6305 (E.D. NY).

Power Outages — \$7.75 million recovery for a statewide class of businesses and individuals who sustained financial damages due to widespread and prolonged power outages. *In re Commonwealth Edison 1999 Summer Power Outages*, No. 99 CH 11626 (Cook Cnty, IL).

Privacy Violation — \$7.3 million recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Aliano v. Airgas USA, LLC*, No. 14 CH 20024 (Cook Cnty, IL).

Improper Court Fee — \$5.2 million recovery for a nationwide class of individuals and businesses who were charged an improper fee by the Clerk of the Court. *Midwest Medical Records Assoc., et al. v. Dorothy Brown, et al.*, No. 15 CH 16986 (Cook Cnty, IL).

Data Breach — \$4.95 million recovery for a nationwide class of individuals who had their personal and financial data exposed due to insufficient protection of that information by state governments. *Culbertson, et al. v. Deloitte Consulting LLP*, No. 20 cv 3962 (S.D. NY).

Data Breach — \$4.3 million recovery for a nationwide class of individuals who had their personal, financial, and medical data stolen due to insufficient protection of that information by a company that rents caps and gowns for graduation ceremonies. *In re Herff Jones Data Breach Litigation*, No. 21 cv 1329 (S.D. IN).

Data Breach — \$4.3 million recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a retailer. *In re Sonic Corp. Customer Data Breach Litigation*, MDL No. 2807 (N.D. OH).

Unsolicited Faxes — \$4 million recovery for a nationwide class of businesses and individuals who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Derose Corp. v. Goyke Health Center*, 06 CH 6681 (Cook Cnty, IL).

Fraud — \$3.5 million recovery for a nationwide class of Spanish speaking purchasers of baby formula, arising out of misleading product labeling. *Cardenas v. Mead Johnson & Company*, No. 01 CH 11151 (Cook Cnty, IL).

Unsolicited Faxes — \$2.5 million recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *iMove Chicago, Inc. v. Inland Bancorp, Inc., et al.*, No. 16-cv-10106 (N.D. IL)

Misleading Product Labeling — \$2.5 million recovery for a nationwide class of businesses and individuals who purchased whiskey whose labeling misstated the characteristics of the product. *Due Fratelli, Inc. v. Templeton Rye Spirits, LLC*, No. 2014 CH 15667 (Cook Cnty, IL).

Misrepresentations in Book — \$2.35 million recovery for a nationwide class of customers who purchased a fictional book while under the impression that the book was a non-fiction memoir. *In re A Million Little Pieces Litigation*, No. 06-md-1771 (S.D. NY).

Misleading Product Claims — \$1.9 million recovery for a nationwide class of individuals and businesses who purchased HDMI cables based on representations that more expensive higher speed cables were needed to operate certain audio visual equipment. *O'Brien, et al. v. Monster, Inc., et al.*, No. 2015 CH 13991 (Cook Cnty, IL).

Shareholder Derivative Suit — \$1.875 million recovery, and corporate governance reforms, for a nationwide class of shareholders against a company and its officers and directors due to breaches of fiduciary duties and excess compensation to the officers and directors due to overstated financial results. *Dorvit, et al. v. Winemaster, et al.*, No. 17 cv 1097 (N.D. IL).

Unpaid Overtime — \$1.84 million recovery for a nationwide class of individuals who were not paid all wages and premium overtime for hours worked in excess of forty hours per week. *Phillips, et al. v. Help at Home, LLC, et al.*, No. 15 cv 8954 (N.D. IL).

Data Breach — \$1.75 million recovery for a nationwide class of individuals who had their personal and financial data exposed due to insufficient protection of that information by their employer. *Migliaccio, et al. v. Parker Hannifin Corp.*, No. 22 cv 835 (N.D. OH).

Consumer Fraud — \$1.6 million recovery for a nationwide class of individuals who paid for and traveled to an event that did not occur as advertised. *Norton v. Niantic, Inc.*, No. 2017 CH 10281 (Cook Cnty, IL).

Misleading Product Labeling — \$1.5 million recovery for a nationwide class of individuals who purchased a product whose packaging misstated the characteristics of the product. *In re Honest Company Sodium Lauryl Sulfate (SLS) Marketing and Sales Practices Litigation*, MDL No. 2719 (C.D. CA).

Improper Debiting of Bank Accounts — \$1.5 million recovery for a statewide class of individuals who were members of a health club that debited its members' bank accounts without adequate notice or authority. *Wendorf, et al. v. Landers, et al.*, No. 10 cv 1658 (N.D. IL).

Environmental Contamination — \$1.4 million recovery for a statewide class of individuals and businesses who suffered from an infiltration of coal and petroleum coke dust in the air and on their property. *Martin, et al. v. KCBX Terminals Company, et al.*, No. 13 cv 08376 (N.D. IL).

School Misrepresenting Accreditation — \$1.2 million recovery, representing nearly the full value of each class member's loss, for a statewide class of individuals who enrolled in a school based on the school's misrepresentations that it was accredited. *Allen v. Illinois School of Health Careers, Inc.*, No. 10 CH 25098 (Cook Cnty, IL).

Privacy Violation — \$1 million recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Radaviciute v. Christian Audigier, Inc.*, No. 10 cv 8090 (N.D. IL).

Data Breach — \$900,000 recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a mortgage servicer. *Schmitt v. SN Servicing Corp.*, No. 21 cv 3355 (N.D. CA).

Consumer Fraud — \$900,000 recovery for a nationwide class of individuals who purchased a cheese product that did not contain the cheese as an ingredient. *Joseph v. Inventure Foods, Inc.*, No. 21 cv 1340 (N.D. IL).

Data Breach — \$850,000 recovery for a nationwide class of individuals who had their personal and health data stolen due to insufficient protection of that information by a healthcare provider. *Lhota, et al. v. Michigan Avenue Immediate Care, S.C.*, No. 22 CH 6616 (Cook Cnty, IL).

Breach of Contract — \$570,000 recovery for a nationwide class of sonographers who took and passed a certification examination but the testing agency improperly scored their results and falsely reported that they failed the examination. *Miller, et al. v. Inteleos, Inc.*, No. 17 cv 763 (N.D. OH).

Privacy Violation — \$500,000 recovery for a statewide class of consumers whose personal information was improperly disclosed. *Aliano v. Joe Caputo and Sons – Algonquin, Inc.*, et al., No. 09 cv 0910 (N.D. IL).

Contaminated Drinking Water — \$500,000 recovery for a statewide class of individuals who suffered damages as a result of a contaminated water well, plus equitable relief to close the well. *Joseph Marzano v. Village of Crestwood*, No. 09 CH 16096 (Cook Cnty, IL).

Fraud — \$450,000 recovery for a nationwide class of individuals who were charged and paid for a greater quantity of a product than they received. *Bruun v. Red Robin Gourmet Burgers, Inc., et al.*, No. A-20-814178-C (Clark Cnty, NV).

Fraud — \$425,000 recovery for a nationwide class of businesses and individuals who purchased spirits whose labeling misstated the characteristics of the product. *Due Fratelli, Inc. v. Proximo Spirits, Inc.*, No. 2014 CH 17429 (Cook Cnty, IL).

Foreclosure Fraud — \$425,000 recovery for a nationwide class of borrowers whose lender failed to properly respond to qualified written requests, requests for information, and/or notices of error because of an improper active litigation, active mediation, or active bankruptcy exception. *Lieber v. Wells Fargo Bank, N.A.*, No. 16 cv 2868 (N.D. OH).

Privacy Violation — \$295,000 recovery for a nationwide class of consumers whose personal information was improperly disclosed. *Joseph v. Marbles, LLC*, No. 13 cv 4798 (N.D. IL).

Data Breach — \$285,000 recovery for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a restaurant chain. *Ramsey v. 41 E. Chestnut Crab Partners, LLC, et al.*, No. 19 CH 2759 (Cook Cnty, IL).

Foreclosure Fraud — \$270,000 recovery for a nationwide class of borrowers whose lender failed to properly respond to qualified written requests, requests for information, and/or notices of error because of an improper active litigation, active mediation, or active bankruptcy exception. *McCoy v. Wells Fargo Bank, N.A.*, No. 20 cv 176 (D. OR).

Privacy Violation — \$250,000 recovery for a nationwide class of consumers whose personal information was improperly disclosed. *DiParvine v. A.P.S., Inc. d/b/a Car Quest Auto Parts*, No. 11 cv 6116 (N.D. IL).

Unsolicited Faxes — \$237,600 recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Phillips Randolph Enterprises, LLC v. Key Art Publishing Co.*, No. 07 CH 14018 (Cook Cnty, IL).

Constitutional Violation — \$175,000 recovery for a nationwide class of individuals who were wrongfully issued automated construction zone speed enforcement tickets on a highway that was not under construction. *Black, et al. v. City of Girard, Ohio, et al.*, No. 18 cv 1256 (Trumbull Cnty, OH).

Improper Health Club Memberships — Recovery for a statewide class of individuals whose health club membership agreements provided for improper membership terms. *Izak-Damiecki v. World Gym International, LLC*, No. 10 CH 18845 (Cook Cnty, IL).

Illegal Lending Practices — Recovery, representing the maximum amount of statutory damages, for a nationwide class of customers who obtained loans whose terms violated the Truth in Lending Act, plus equitable relief to modify the loan contract to conform with the law. *Papeck, et al. v. T.N. Donnelly & Co.*, No. 09 CH 31997 (Cook Cnty, IL).

Privacy Violation — Recovery for a nationwide class of over 36 million consumers whose personal information was improperly disclosed. *Dudzienski v. GMRI, Inc.*, No. 07 cv 3911 (N.D. IL).

Unsolicited Faxes — Recovery for a statewide class of individuals and businesses who sustained damages resulting from the receipt of unsolicited facsimile advertisements. *Phillips Randolph Enterprises, LLC v. Home Run Inn, Inc.*, No. 08 CH 43273 (Cook Cnty, IL).

Privacy Violation — Recovery for a statewide class of over 60,000 consumers whose personal information was improperly disclosed. *O'Brien v. Paninos, Inc.*, No. 10 cv 2991 (N.D. IL).

Breach of Warranty — Recovery on behalf of a nationwide class of customers who had their warranty retroactively changed from a lifetime guarantee to a 90-day guarantee, plus equitable relief to reinstate the lifetime guarantee on the products. *Brady, et al. v. Learning Curve Int'l, Inc., et al.*, No. 06 CH 03056 (Cook Cnty, IL).

Privacy Violation — Recovery for a nationwide class of tens of thousands of consumers whose personal information was improperly disclosed. *In re Kathy Aliano v. Hancock Fabrics, Inc.*, No. 07-10353 (Del. BK).

Improper Debt Collection — Recovery on behalf of a nationwide class of individuals against whom attempts were made to collect a time-barred debt, in violation of the Fair Debt Collection Practices Act. *Ocasio v. First Financial Investment Fund V, LLC, et al.*, No. 15 cv 10167 (N.D. IL).

Breach of Contract — Recovery on behalf of a nationwide class of individuals who paid improper fees when making their mortgage payments using online or telephonic payment methods. *Forrest, et al. v. PHH Mortgage Corp.*, No. 20 cv 323 (D. RI).

Data Breach — Recovery for a statewide class of individuals who had their personal, financial, and medical data stolen due to insufficient protection of that information by a hospital. *In re: Advocate Data Breach Litigation*, No. 13 CH 20390 (Cook Cnty, IL).

Pending Cases — Preliminary Approval of Settlement Granted

Antitrust — \$136 million recovery for a nationwide class of individuals who purchased packaged seafood products from companies that conspired to fix prices in violation of the Sherman Act. *In re. Packaged Seafood Products Antitrust Litigation*, MDL No. 2670 (S.D. CA).

Data Breach — \$9.5 million recovery for a nationwide class of individuals who had their personal and financial information stolen due to insufficient protection of that information by a company. *Hasbrook v. EP Global Production Solutions, LLC*, No. 23STCV19711 (Los Angeles Cnty, CA).

Data Breach — \$6 million recovery for a nationwide class of individuals who had their personal and financial information stolen due to insufficient protection of that information by a bank. *In Re: Overby-Seawell Company Customer Data Security Breach Litigation*, MDL No. 3056 (N.D. GA).

Data Breach — \$5.1 million recovery for a nationwide class of individuals who had their personal and financial information stolen due to insufficient protection of that information by a company. *Anderson, et al. v. U-Haul International Incorporated*, No. CV-22-1565 (D. AZ).

Pending Cases — Appointed Class Counsel

Consumer Fraud — Class action for a nationwide class of individuals who were defrauded when their printers were disabled from using third party toner under the guise of a firmware update. *Mobile Emergency Housing Corp., et al. v. HP, Inc.*, No. 20 cv 9157 (N.D. CA).

Environmental Contamination — Class action for a statewide class of individuals whose residential drinking water was contaminated with lead. *Henderson, et al. v. Aqua Illinois, Inc.*, No. 2019 CH 10191 (Will Cnty, IL).

Fraud — Class action for a nationwide class of individuals who were charged by a bank for products and services that they never ordered. *In re Wells Fargo Unauthorized Products Litigation*, No. 24 cv 1223 (N.D. CA).

Improper Fee — Class action for a statewide class of individuals who were charged an improper fee by the state in connection with the issuance of a driver's license. *Madyda, et al. v. Ohio Dept. of Public Safety*, No. 19-426 (OH Ct. of Claims).

Fraud — Class action for a nationwide class of individuals who were wrongfully denied mortgage loan modifications and repayment plans by a bank. *In re Wells Fargo Mortgage Modification Litigation*, No. 24 cv 1358 (N.D. CA).

Constitutional Violation — Class action for a statewide class of individuals who paid an unconstitutional firearms and ammunition tax. *Boch, et al. v. Cook County, Illinois, et al.*, No. 21 CH 5485 (Cook Cnty, IL).

Fraud — Class action for a nationwide class of individuals who were wrongfully issued automated red light tickets by red light cameras that were installed in violation of state law. *Jones, et al. v. Village of Crestwood*, No. 17 CH 13401 (Cook Cnty, IL).

Data Breach — Class action for a nationwide class of individuals who had their personal and financial data stolen due to insufficient data security protocols. *In re Advance Stores Company, Incorporated, Data Breach Litigation*, No. 24 cv 352 (E.D. NC).

Pending Cases — Appointed to Executive Committee

Data Breach — Class action for a nationwide class of individuals who had their personal and financial data stolen due to insufficient protection of that information by a password protection company. *In re LastPass Data Security Incident Litigation*, No. 22 cv 12047 (D. MA).

Invasion of Privacy — Class action for a nationwide class of individuals who had their personal and health information disclosed to social media companies for advertising purposes. *Doe v. GoodRx Holdings, Inc., et al.*, No. 23 cv 501 (N.D. CA).

Data Breach — Class action for a nationwide class of healthcare providers who were unable to submit, or obtain payment for, health insurance claims due to insufficient data security protocols. *In re: Change Healthcare, Inc. Customer Data Security Breach Litigation*, MDL No. 3108 (D. MN).

Pending Cases

Constitutional Violation — Class action for a statewide class of individuals who were improperly denied pandemic unemployment assistance benefits because the governor of their state refused to accept those federal benefits and distribute the money to the individuals.

Improper Debt Collection — Class action for a nationwide class of individuals who were sent misleading debt collection letters, in violation of the Fair Debt Collection Practices Act.

Violation of RESPA Act — Class action for a nationwide class of borrowers who were denied the requisite loan modification options, as required by the Real Estate Settlement Procedures Act.

Constitutional Violation — Class action for a nationwide class of individuals who were wrongfully issued automated traffic speed enforcement tickets by a municipality that was denied authorization to issue the tickets.

Invasion of Privacy — Class action for a nationwide class of individuals who received unauthorized telemarketing calls to their phones.

Constitutional Violation — Class action for a statewide class of individuals whose homes were wrongfully taken by the government without adequate compensation.

Fraud — Class action for a nationwide class of individuals who were deliberately targeted through marketing and sales of electronic cigarettes when they were minors.

Defective Product — Class action for a nationwide class of individuals who purchased a defective product that was contaminated with *Salmonella*.

Consumer Fraud — Class action for a statewide class of individuals who were denied loans due to discriminatory banking practices.

Breach of Contract — Class action for a nationwide class of individuals who paid for continuous printer toner and ink, but the company failed to deliver it as promised.

Consumer Fraud — Class action for a nationwide class of individuals who paid inflated prices for a product.

Bankruptcy Violation — Class action for a nationwide class of individuals against a company that took their money in violation of the bankruptcy automatic stay.

Data Breach — Class action for a nationwide class of individuals who had their personal, financial, and medical data stolen due to insufficient protection of that information by their employer.

Invasion of Privacy — Class action for a nationwide class of individuals who received unauthorized text messages to their phones.

Defective Product — Class action for a nationwide class of individuals who purchased a defective product that contained undisclosed harmful ingredients.

Breach of Contract — Class action for a nationwide class of individuals against a company that refused to engage in any arbitration proceedings in violation of its arbitration clause.

Breach of Implied Warranty — Class action for a nationwide class of healthcare providers who cannot submit insurance claims or receive insurance payments due to a systemwide outage.

Data Breach — Class action for a nationwide class of individuals who had their genetic information stolen due to insufficient protection of that information by a company.

NOTE: This list of cases is a representative sample of some of the class action lawsuits. It is not an exhaustive list.

EXHIBIT 34

Michelle L. Kranz
Zoll & Kranz, LLC
6620 W. Central Ave.
Toledo, Ohio 43617

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: PACKAGED SEAFOOD
PRODUCTS ANTITRUST LITIGATION

) Case No.: 15-MD-2670 DMS (MSB)

)

) **DECLARATION OF MICHELLE L.
KRANZ IN SUPPORT OF END PAYER
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS,
EXPENSES, AND SERVICE AWARDS**

_____)

This Document Relates to:

End Payer Plaintiffs Class Track

)

DATE: November 22, 2024
TIME: 1:30 p.m.
JUDGE: Hon. Dana M. Sabraw
COURT: 13A (13th Floor)

)

)

)

)

I, Michelle L. Kranz declare:

1. I am the Managing Partner at Zoll & Kranz, LLC (“ZK”). I have been licensed to practice law in the state of Ohio since 1993. I am admitted to practice in the U.S. Federal Courts for:

- a. Northern District of Illinois (2014),
- b. Northern District of Ohio (1994),
- c. Southern District of Ohio (2006),
- d. Sixth Circuit Court of Appeals (1994),
- e. Seventh Circuit Court of Appeals (2007),
- f. United States Supreme Court (1998).

The following facts are within my personal knowledge, and if called as a witness, I could and would testify competently to them.

2. I submit this declaration in support of End Payer Plaintiffs' Motion for Attorneys' Fees, Costs, Expenses, and Service Awards.
3. On 09/04/2015, I, along with co-counsel, filed a proposed class action lawsuit on behalf of my client[s] against BUMBLE BEE FOODS LLC, STARKIST COMPANY, TRI-UNION SEAFOODS LLC, and KING OSCAR, INC in the District Court for the Southern District of California and assigned Case No. 3:15cv1979. My client's action was consolidated into the instant action with other similar actions filed in other jurisdictions nationwide as a Multi-District Litigation titled, In Re: Packaged Seafood Products Litigation, No. 15-MDL-2670 in the Southern District of California (the "Action").
4. I am the managing partner at ZK who has practiced civil litigation on behalf of consumers and individuals in Ohio since 1993. The firm generally employs five attorneys practicing in the areas of consumer class action, unfair competition law, environmental toxic torts and drug and device mass torts. Attached hereto as Exhibit A is the ZK Firm resume.
5. ZK's attorneys have a long history of successfully handling class actions and mass torts across a range of industries, including antitrust cases. I bring substantial experience in complex litigation matters with a history of litigating in an efficient and practical manner, including as Liaison and Executive Committee Counsel in numerous class actions and mass torts. See Exhibit A.

DECLARATION OF MICHELLE L. KRANZ IN SUPPORT OF END PAYER PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES, COSTS, EXPENSES, AND SERVICE AWARDS
CASE NO. 15-MD-2670 DMS (MSB)

6. I have an extensive background in class action and mass tort litigation. I have litigated more than thirty class action and mass tort cases across the country involving antitrust and unfair competition claims, environmental toxic torts and drug and device mass torts, including the following recent matters in which I have or held leadership positions:

- In Re Text Messaging Antitrust Litigation, MDL No. 1907 (N.D. Ill), Plaintiffs' Steering Committee;
- In Re Biomet M2a Magnum Hip Implant, MDL No. 2391 (N.D. IN), Plaintiffs' Steering Committee;
- In re: DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation, MDL No. 2197 (N.D. OH), Plaintiffs' Liaison Counsel and Settlement Oversight Committee;
- In Re: Gilead Tenofovir Cases (California JCCP 5043), Plaintiffs' Executive Committee;
- In Re: Passenger Vehicle Replacement Tires Antitrust Litigation, MDL No. 3107 (N.D. OH), End Payer Liaison Counsel;
- In Re: Testosterone Replacement Therapy Products Liability Litigation, MDL No. 2545 (N.D. Ill), Plaintiffs' Executive Committee and Common Benefit Committee; and,
- In Re: East Palestine Train Derailment, Case No. 4:23-CV-00242 (N.D. OH), Plaintiffs' Executive Committee and Liaison Counsel.

7. I and my firm have been involved in the litigation of this Action under the direction of Class Counsel, including, among other tasks preparation of discovery and research on jurisdictional issues.

8. The current hourly rates for ZK attorneys and staff that have worked on the Action, as well as their hours spent working on the Action as of September 1, 2024, and their corresponding lodestar, are as follows:

ZK Lodestar through September 1, 2024

Timekeeper	Current Rate	Hours	Lodestar
David W. Zoll - Partner	\$650 per hour	30.10	\$19,565.00
Michelle L. Kranz -Partner	\$550 per hour	21.30	\$11,715.00
James G. O'Brien - Partner	\$450 per hour	0.50	\$225.00

Zachary S. Trosch - Associate	\$300 per hour	24.50	\$7,350.00
Amy M. Williams - Paralegal	\$100 per hour	0.95	\$95.00
Grant M. Hamel - Law Clerk	\$150 per hour	14.75	\$2,212.50
Corry M. Baker - Paralegal	\$100 per hour	0.10	\$10.00
TOTAL:	\$41,172.50		

9. These records were prepared from contemporaneous, daily time records regularly prepared and maintained by ZK in its usual course and manner. ZK maintains detailed records regarding the amount of time spent by its professionals, and the lodestar calculation is based on ZK’s current billing rates. These records are available for review at the request of the Court.

10. In my judgment and based on my experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by my firm, were reasonable and necessary for my firm’s representation of Plaintiffs, in coordination with Class Counsel, who approved the tasks and the hours spent on each task.

11. I have general familiarity with the range of hourly rates typically charged by plaintiffs’ class action counsel specifically in the field of unfair competition and antitrust in the geographical area where my firm practices and throughout the United States, both on a current basis and historically. From that basis, I am able to conclude that the rates charged by my firm are commensurate with those prevailing in the market for such legal services furnished in complex class action litigation such as this.

12. My firm has incurred costs and litigation fund contributions of \$25,960.35 so far in litigating the Action of which \$20,919.62 has been reimbursed. The expenses consisted of the following categories of costs:

Category	Cost
Online Research	\$370.05
Reproduction/Duplication	\$43.10
Travel:	\$547.20
Fund Contributions:	\$25,000.00

Total: \$25,960.35

Net outstanding: \$5,040.73

13. Throughout the litigation, my firm and I worked under the direction of Class Counsel, and I made every effort to operate as efficiently as possible and to avoid unnecessary duplication. I coordinated with Class Counsel for all work performed and costs incurred in this matter.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on September 24, 2024, at Toledo, Ohio.

Dated: September 24, 2024

By:

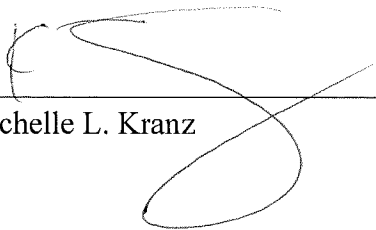

Michelle L. Kranz

EXHIBIT A

Zoll & Kranz, LLC

6620 W. Central Avenue, Suite 100

Toledo, Ohio 43617

Phone: (419) 841-9623

Fax: (419) 841-9719

The law firm of Zoll & Kranz, LLC focuses on complex civil litigation, class actions and mass torts. ZK has represented clients in the following litigations:

- *In re: Text Messaging Antitrust Litigation*, MDL No. 1997
- *In re: Polyurethane Foam Antitrust Litigation*, MDL No. 2196
- *In re: Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*, MDL No. 2542
- *In re: Lawnmower Engine Horsepower Marketing and Sales Practices Litigation*, MDL No. 1999
- *In re: DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation*, MDL No. 2197
- *In re: Biomet M2A Magnum Hip Implant Products Liability Litigation*, MDL No. 2391
- *In re: Sulzer Orthopedics Inc. Hip Prosthesis and Knee Prosthesis Liability*, MDL No. 1401
- *In re: Heparin Products Liability Litigation*, MDL No. 1953
- *In re: Testosterone Replacement Therapy Products Liability Litigation*, MDL No. 2545
- *In re: Vioxx[®] Products Liability Litigation*, MDL No. 1657
- *In re: Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2100
- *In re: Xarelto (Rivaroxaban) Products Liability Litigation*, MDL No. 2592
- *Pelvic Repair System Products Liability Litigation (Transvaginal Mesh)*, MDL Nos. 2187, 2325, 2326, 2327, 2387, 2440
- *In re: Stryker Rejuvenate and ABG II Hip Implant Products Liability Litigation*, MDL No. 2441
- *In re: Zimmer Durom Hip Cup Products Liability Litigation*, MDL No. 2158
- *In re: Pradaxa (Dabigatran Etexilate) Products Liability Litigation*, MDL No. 2385
- *In re: Actos (Pioglitazone) Products Liability Litigation*, MDL No. 2299
- *In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, MDL No. 2428
- *In re: Zolofit (Sertraline Hydrochloride) Products Liability Litigation*, MDL No. 2342
- *In re: Lipitor (Atorvastatin Calcium) Products Liability Litigation*, MDL No. 2502
- *In re: Benicar (Olmesartan) Products Liability Litigation*, MDL No. 2606
- *In re: Taxotere (Docetaxel) Products Liability Litigation*, MDL No. 2740
- *In re: 3m Combat Arms Earplug Products Liability Litigation*, MDL No. 2885
- *In re: East Palestine Train Derailment*, Case No. 4:23-CV-00242
- *In re: Exactech Polyethylene Orthopedic Products Liability Litigation*, MDL No. 3044
- *In re: Gilead Tenofovir Litigation*, JCCP 5043, JCCP No. 5043
- *In re: Camp Lejeune Water Litigation*, No. 7:23-CV-897

Michelle L. Kranz is a 1993 graduate of the University of Toledo College of Law and a 1990 cum laude graduate of Miami University. She joined the firm of Zoll & Associates upon her graduation from law school. The partnership of Zoll & Kranz, LLC was formed on January 1, 1999. She is admitted to the bar in the State of Ohio, the United States Supreme Court, the Federal District Courts for the Northern and

Southern Districts of Ohio, the Northern District of Illinois, and the United States Sixth and Seventh Circuit Court of Appeals.

She has held numerous volunteer leadership positions including having just completed her term as President of the Ohio State Bar Association. She is also a Trustee of the Ohio State Bar Foundation, and the Treasurer of the National Civil Justice Institute. She is a member of the American Bar Association, American Association for Justice, and the Ohio Association of Justice. She has extensive litigation experience before state and federal courts in complex litigation as well as appellate court experience.

Kranz holds or has held court appointed leadership position experience in the following litigations:

- Plaintiffs' Steering Committee in the *Text Messaging Antitrust Litigation*, MDL 1997
- Plaintiffs' Executive and Fee Committee in the *Testosterone Replacement Therapy Products Liability Litigation*, MDL 2545
- Plaintiffs' Liaison Counsel and a member of the ASR Settlement Oversight Committee (SOC), *DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation*, MDL 2197
- Plaintiffs' Steering Committee in the *Biomet M2A Magnum Hip Implant Products Liability Litigation*, MDL 2391
- Plaintiffs' Executive Committee in the *Gilead Tenofovir Litigation*, JCCP 5043
- Plaintiffs' Executive Committee and Liaison Counsel in the *East Palestine Train Derailment Litigation*, 4:23-CV-00242
- Plaintiffs' End Payer Liaison Counsel in the *Passenger Vehicle Replacement Tires Antitrust Litigation*, MDL 3107

David W. Zoll is a 1976 graduate of the University of Toledo College of Law, and 1974 graduate of the University of Cincinnati. He was a partner and is now Of Counsel at the law firm of Zoll & Kranz, LLC, with a practice in civil litigation. He has practiced law since his admission to the Ohio Bar on May 6, 1977.

Zoll is certified by the National Board of Trial Advocacy ("NBTA") as a Civil Trial Advocate. The National Board of Trial Advocacy is authorized by the Ohio Supreme Court to certify specialists in the field of trial advocacy. He is also on the Board of Examiners of the NBTA. He has recently written and graded questions relating to Commercial Law (2005) and Civil Ethics (2007) for the nationwide examinations.

Zoll is admitted to the bars of the United States Supreme Court, the Sixth and Seventh Federal Circuit Courts of Appeals, the Federal District Courts of Ohio, Michigan, Indiana and Arkansas, and the United States Tax Court, as well as the Ohio Supreme Court. He is a member of the American Association for Justice and the Ohio Academy of Trial Lawyers, as well as the Toledo and Ohio Bar Associations.

He has spoken before the Ohio State Bar Association, Ohio Academy of Trial Lawyers, Lucas County Bar Association, Toledo Bar Association, Construction Financial Managers Association, Ohio Society of CPA's, Association of General Contractors and at numerous continuing education seminars. A list of the 39 papers and presentations prepared and presented by Zoll is available on request.

Zoll has handled a number of cases before the Ohio Supreme Court, including the landmark case of *Anderson v. Ceccardi*, 6 Ohio St.3d 110, 451 N.E.2d 780 (Ohio 1983), in which the doctrine of assumption of the risk was merged into the statutory tort scheme of comparative fault.

Zoll has experience in the following roles:

- Lead - Liaison Counsel for Plaintiffs in *In re: Heparin Products Liability Litigation*, MDL No. 1953
- Co-chair of the AAJ Heparin Litigation Group
- Plaintiffs' Steering Committee in *In re: Yamaha Motor Corp. Rhino ATV Products Liability Litigation*, MDL No. 2016
- Plaintiffs' Steering Committee in *In re: Text Messaging Antitrust Litigation*, MDL No. 1997
- Assisted with discovery and briefing in *In re: Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*, MDL No. 2542
- Special Counsel on behalf of Plaintiffs in *In re: Sulzer Orthopedics Inc. Hip Prosthesis and Knee Prosthesis Liability*, MDL No. 1401
- Discovery Committee in *In re: Vioxx® Products Liability Litigation*, MDL No. 1657
- Science Committee in *In re: Yasmin and YAZ (Drospirenone) Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2100

Carasusana B. Wall is a partner at Zoll & Kranz, LLC. Wall joined the Firm after graduating from the University of Michigan Law School with her Juris Doctor degree in 2012.

Wall maintains a broad legal practice. Her primary focus is the representation of injured and wronged clients in mass-tort and class action litigations. She also has experience assisting and advising municipal clients on a wide variety of issues, and has prosecuted misdemeanor crimes on behalf of municipalities.

While attending Michigan Law School, Wall was a Contributing Editor of the Michigan Journal of Race and Law. During law school, she directly represented clients as a student attorney with the Michigan General Civil and Criminal Litigation Clinic and Legal Aid of Western Ohio. She was also active with cultural affinity groups, serving on the 2010-2011 and 2011-2012 Executive Boards of the Asian Pacific American Law Student Association (APALSA). As the 2010-2011 APALSA Cultural Committee Co-Chair, she co-lead a law school-wide diversity performance showcase and co-administered APALSA's Public Interest Fellowship Program.

Wall graduated with her Bachelor of Arts with Distinction in Political Science from the University of Michigan in 2007. While at the University of Michigan, she served on the 2004-2007 Executive Boards for the Filipino American Student Association (FASA) and was the 2006-2007 FASA President.

Wall is admitted to the State Bar of Michigan and the Supreme Court of Ohio. She is also admitted to practice in the United States District Courts for the Eastern District of Michigan, Western District of Michigan, Northern District of Ohio, Southern District of Ohio, and Southern District of Illinois. She is a member of the State Bar of Michigan, the Ohio State Bar Association, the Toledo Bar Association, the American Association for Justice, and the American Bar Association.

Damon C. Williams is an associate attorney with Zoll & Kranz. He is continuing his legal career with Zoll & Kranz after serving as a law clerk at ZK for three years. As an associate attorney, Damon is involved in mass torts, MDL cases, as well as other complex and personal injury litigation.

Damon graduated cum laude from the University of Toledo College of Law in 2021, earning his Juris Doctor degree. In law school, Damon served as the Editor-in-Chief of Board 52 of the University of Toledo Law Review. He also served as the President of the University of Toledo Black Law Student Association. Damon was a recipient of the Dean's Law Scholarship and received multiple Highest Ranking and Dean's List awards.

Prior to Law School, Damon received his Master of Science and Bachelor of Science in Criminal Justice from Bowling Green State University, in December 2017 and December 2016 respectively. While a student at BGSU, Damon worked alongside other classmates to complete capstone and coursework projects in conjunction with Ohio's Bureau of Criminal Investigation.

Damon was admitted to the bar of the Supreme Court of Ohio in May 2022. Damon is a member of the Ohio State Bar Association and Toledo Bar Association.

Damon graduated cum laude from the University of Toledo College of Law in 2021, earning his Juris Doctor degree. In law school, Damon served as the Editor-in-Chief of Board 52 of the University of Toledo Law Review. He also served as the President of the University of Toledo Black Law Student Association. Damon was a recipient of the Dean's Law Scholarship and received multiple Highest Ranking and Dean's List awards.

Prior to Law School, Damon received his Master of Science and Bachelor of Science in Criminal Justice from Bowling Green State University, in December 2017 and December 2016 respectively. While a student at BGSU, Damon worked alongside other classmates to complete capstone and coursework projects in conjunction with Ohio's Bureau of Criminal Investigation.

Damon was admitted to the bar of the Supreme Court of Ohio in May 2022. Damon is a member of the Ohio State Bar Association and Toledo Bar Association.

Ameena Alauddin graduated cum laude from the University of Toledo College of Law in 2022, earning her Juris Doctor degree. In law school, Ameena served as Executive Editor of Board 53 of the University of Toledo Law Review. She also served as Vice President of the University of Toledo Women's Law Student Association. Ameena was a recipient of the College of Law Merit Scholarship, Leadership & Service Scholarship, and received multiple Dean's List awards.

Prior to law school, Ameena received her Bachelor of Science in Public Policy Analysis from the Ohio State University in 2019. Ameena was admitted to the bar of the Supreme Court of Ohio in November 2022. Ameena is a member of the Ohio State Bar Association and Toledo Bar Association.

Ameena Alauddin is an associate attorney with Zoll & Kranz, LLC. She is continuing her legal career with Zoll & Kranz after serving as a law clerk at ZK. As an associate attorney, Ameena is involved in mass torts, MDL cases, as well as other complex and personal injury litigation.