

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re GOHEALTH, INC. SECURITIES	)	Case No. 1:20-cv-05593
LITIGATION	)	
_____	)	<u>CLASS ACTION</u>
	)	
This Document Relates To:	)	Judge Jeremy C. Daniel
	)	Magistrate Judge Gabriel A. Fuentes
ALL ACTIONS.	)	
_____	)	

DECLARATION OF LUCAS E. GILMORE FILED ON BEHALF OF HAGENS BERMAN  
SOBOL SHAPRIO LLP IN SUPPORT OF APPLICATION FOR AWARD OF ATTORNEYS'  
FEES AND EXPENSES

I, Lucas E. Gilmore, declare as follows:

1. I am a partner with the firm of Hagens Berman Sobol Shapiro LLP (“Hagens Berman” or the “Firm”). I am submitting this declaration in support of the application for an award of attorneys’ fees and expenses/charges (“expenses”) in connection with services rendered in the above-entitled action.

2. This Firm is counsel of record for co-lead plaintiff Jerry Nixon.

3. The information in this declaration regarding the Firm’s time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. I am the partner who oversaw and/or conducted the day-to-day activities in the litigation and I reviewed these reports (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. Based on this review, I believe that the time reflected in the Firm’s lodestar calculation and the expenses for which payment is sought herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the litigation.

4. The total number of hours spent on the litigation through March 31, 2024 by my Firm is 61.00. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney/paraprofessional time based on the Firm’s current rates is \$40,090.00. The hourly rates shown in Exhibit A are consistent with hourly rates submitted by the Firm in other securities class action litigation. The Firm’s rates are set based on periodic analysis of rates charged by firms performing comparable work both on the plaintiff and defense side. For personnel who are no longer employed by the Firm, the “current rate” used for the lodestar calculation is based upon the rate for that person in his or her final year of employment with the Firm.

5. My Firm seeks an award of \$214.94 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in Exhibit B.

6. The following is additional information regarding certain of these expenses:

(a) Filing, Witness and Other Fees: \$150.00. These expenses have been paid to the Court for filing fees. The vendors who were paid for these services are set forth in Exhibit C.

(b) Online Legal and Financial Research: \$64.94. This category includes vendors such as PACER, Westlaw and LexisNexis. These resources were used to obtain access to factual databases, legal research and for cite checking briefs. This expense represents the expense incurred by Hagens Berman for use of these services in connection with this litigation. The charges for these vendors vary depending upon the type of services requested.

7. The expenses pertaining to this case are reflected in the books and records of this Firm. These books and records are prepared from receipts, expense vouchers, check records, and other documents and are an accurate record of the expenses.

8. The identification and background of my Firm and its partners is attached hereto as Exhibit D.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 9th day of April, 2024, at San Diego, California.

*/s/ Lucas E. Gilmore*

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Lucas E. Gilmore

**INDEX OF EXHIBITS TO DECLARATION OF LUCAS E. GILMORE FILED ON  
BEHALF OF HAGENS BERMAN SOBOL SHAPIRO LLP IN SUPPORT OF  
APPLICATION FOR AWARD OF ATTORNEYS' FEES AND EXPENSES**

<b><u>Document</u></b>	<b><u>Exhibit</u></b>
Time Summary	A
Expenses/Charges Summary	B
Summary Charges for Filing, Witness, and Other Fees	C
Hagens Berman Sobol Shapiro LLP Firm Resume	D

# **EXHIBIT A**

**EXHIBIT A**

*In re GoHealth, Inc. Sec. Litig.*, No. 1:20-cv-05593  
 Hagens Berman Sobol Shapiro LLP  
 Inception through March 31, 2024

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Reed Kathrein	(P)	1.00	\$1,200.00	\$1,200.00
Lucas Gilmore	(P)	28.90	\$900.00	\$26,010.00
Wesley Wong	(A)	8.00	\$525.00	\$4,200.00
Paralegals		17.5	\$400.00	\$7,000.00
Paralegals		5.60	\$300.00	\$1,680.00
<b><i>TOTAL</i></b>		<b><i>61.00</i></b>		<b><i>\$40,090.00</i></b>

(P) Partner

(A) Associate

# **EXHIBIT B**

**EXHIBIT B**

*In re GoHealth, Inc. Sec. Litig.*, No. 1:20-cv-05593  
Hagens Berman Sobol Shapiro LLP  
Inception through March 31, 2024

<i>CATEGORY</i>	<i>AMOUNT</i>
Filing, Witness and Other Fees	\$150.00
Online Legal and Financial Research	\$64.94
<b><i>TOTAL</i></b>	<b><i>\$214.94</i></b>

# **EXHIBIT C**

**EXHIBIT C**

*In re GoHealth, Inc. Sec. Litig.*, No. 1:20-cv-05593  
Hagens Berman Sobol Shapiro LLP

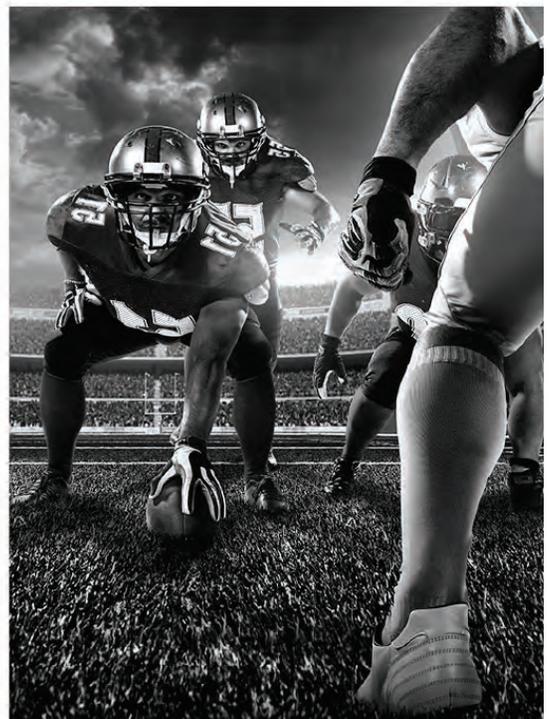
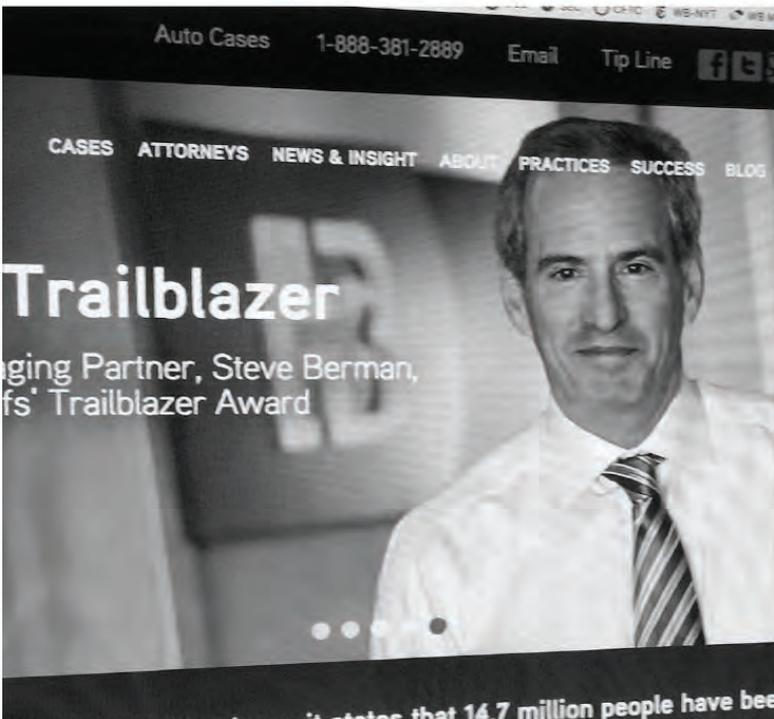
Filing, Witness and Other Fees: \$150.00

<b><i>DATE</i></b>	<b><i>VENDOR</i></b>	<b><i>PURPOSE</i></b>
02/16/2021	PACER	Lucas Gilmore Motion for Leave to Appear Pro Hac Vice

# **EXHIBIT D**



# HAGENS BERMAN



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

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## INTRODUCTION

# The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. Through the firm's focus on class-action litigation and other complex, multi-party cases, it fights for those seeking representation against wrongdoing and fraud. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest and the greater good. We represent plaintiffs including consumers, inventors, investors, workers, the environment, governments, whistleblowers and others.

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

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## OUR FOCUS

Our focus is to represent plaintiffs in [antitrust](#), [consumer fraud](#), product liability, tort, [sexual harassment](#), [securities and investment fraud](#), [employment](#), [whistleblower law](#), [intellectual property](#), [environmental](#) and employee pension protection cases. Our firm is particularly skilled at managing multistate and nationwide class actions through an organized, coordinated approach. Our skilled team implements an efficient and aggressive prosecutorial strategy to place maximum pressure on defendants.

## WE WIN

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

## WHAT MAKES US DIFFERENT

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

## AN INTERNATIONAL REACH

Our firm offers clients an international scope of practice. We have flourished through our core network of U.S. offices, and with a global expansion, Hagens Berman has grown geographically to where our eyes have always been: trends of fraud, negligence and wrongdoing taking form anywhere in the world. The firm now does business through endeavors in London and Amsterdam. Our reach is not limited to the cities where we maintain offices. We have cases pending in several countries and have a vested interest in fighting global instances of oppression and injustice.

INTRODUCTION

## Locations

### SEATTLE

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F 708-628-4950

### PHOENIX

11 West Jefferson Street, Suite 1000  
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T 602-840-5900  
F 602-840-3012

### BERKELEY

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Berkeley, CA 94710  
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F 510-725-3001

### LOS ANGELES

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### SAN DIEGO

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### BOSTON

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F 617-482-3003

### NEW YORK

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F 917-210-3980

### LONDON

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125 Old Broad Street  
London, EC2N 1AR  
T 0203 150 1445

## INTRODUCTION

# Quotes

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

— *U.S. District Court for the Northern District of California, In re Optical Disk Drive Products Antitrust Litigation (Appointing the firm lead counsel in the case which would later usher in \$180 million in settlements.)*

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

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

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

— *Associated Press*

“unprecedented success in the antitrust field”

— *California Magistrate Judge Nathanael M. Cousins  
A July 2015 order awarding attorneys’ fees in student-athlete name and likeness litigation*

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

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

“aggressive and independent advocacy”

— *Hon. Thomas M. Durkin  
Order Appointing Hagens Berman as Interim Class Counsel in In re Broiler Chicken Antitrust Litigation*

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

— *Hon. James Selna, Central District of California, In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation, (The firm was appointed co-lead counsel without submitting to lead the case, and later achieved what was then the largest settlement in history brought against an automaker – \$1.6 billion.)*

“...I have never worked with such professional, decent counsel.”

— *Hon. Dennis M. Cavanaugh, United States District Judge (Retired), Transcript Of Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation, (Hagens Berman helped secure a \$700 million settlement for class members and served as interim class counsel.)*

“...the track record of Hagens Berman[‘s] Steve Berman is...impressive, having racked... a \$1.6 billion settlement in the Toyota Unintended

Acceleration Litigation and a substantial number of really outstanding big-ticket results.”

— Hon. Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman interim class counsel in Stericycle Pricing MDL (Hagens Berman served as lead counsel and secured a \$255 million settlement for class members.)

“...when you get good lawyers this is what happens; you get these cases resolved.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired)  
Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“...Class counsel have devoted considerable time and resources to this litigation...”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired)  
Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“...This result...puts significant money into the pockets of all of the class members, is an excellent result. ...I’ve also looked at the skill and quality of counsel and the quality of the work... and find that to have been at a high level.”

— Hon. Beth Labson Freeman, United States District Judge  
Final Approval of Settlement Hearing for Dean Sheikh et al v. Tesla, Inc.

“...respective clients certainly got their money’s worth with these attorneys and the work that they did on their behalf. ...Plaintiffs did an excellent job on behalf of their clients in this case.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired)  
Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“Class Member reaction to the Mercedes Settlement is overwhelmingly positive.”

— Hon. Dennis M. Cavanaugh (Ret.) Special Master, In re Mercedes-Benz Emissions Litigation

“I will reiterate that class counsel has demonstrated over many years, superior experience and capability in handling class actions of this sort.”

— Hon. Beth Labson Freeman, United States District Judge, Final Approval of Settlement Hearing for Dean Sheikh et al v. Tesla, Inc.

“Not only did they work hard and do what was appropriate under the circumstances; their behavior was exemplary throughout. They were fair and firm. There were no pushovers involved here.”

— Hon. Dennis M. Cavanaugh, United States District Judge (Retired)  
Proceedings Fairness Hearing for In re Mercedes-Benz Emissions Litigation

“Class Counsel are extremely qualified and competent counsel who have experience and expertise prosecuting complex class actions...successfully tried class actions to jury verdicts and...also obtained billions of dollars in settlements...”

— Judge Magnuson, *Final CBL Approval Order*

“Plaintiffs have zealously litigated this case on behalf of the class over the course of eight years...the reaction of the class members has been overwhelmingly positive.”

— Hon. Jeffrey S. White  
*Order finalizing \$28 million settlement in class-action against Schneider National Carriers Inc.*

“The level of representation of all parties in terms of the sophistication of counsel, was, in my view, of the highest levels. I can’t imagine a case in which there was really a higher quality of representation across the board than this one.”

— Hon. William E. Smith, District Judge, U.S. District Court for the District of Rhode Island  
*In re Loestrin 24 Antitrust Litigation, Master File No. 1:13-md-2472 (D.R.I.)  
Final Approval Hearing on the direct purchaser settlement (\$120M)*

“...counsel provided strong representation for the class. Class counsel discovered and developed this case without the benefit of a government investigation’s coattails. In total, class counsel reviewed 578,790 documents, deposed 19 fact and opposing-expert witnesses, and consulted with and retained 10 expert witnesses of their own.”

— Hon. William Alsup, District Judge  
*U.S. District Court for the Northern District of California, In re Glumetza Antitrust Litigation*

“Class counsel also successfully defeated defendants’ motions to dismiss, certified a Rule 23 class, and defeated defendants’ summary judgment motions prior to reaching an agreement with all three defendants to settle this action mere weeks before the trial date. Class counsel accomplished all of this despite vigorous opposition from large multi-national companies with high-quality representation from six national law firms.”

— Hon. William Alsup, District Judge  
*U.S. District Court for the Northern District of California, In re Glumetza Antitrust Litigation*

“The settlement was achieved at arm’s length only after DPPs’ highly skilled and experienced counsel had received and reviewed the voluminous discovery and exchanged over 30 expert reports with defendant...”

— *Hon. Nina Gerson, District Judge*  
*U.S. District Court for the Eastern District of New York, In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation*

“I can’t imagine attorneys litigating a case more rigorously than you all did in this case. It seems like every conceivable, legitimate, substantive dispute that could have been fought over was fought over to the max.”

— *Hon. William E. Smith, District Judge, U.S. District Court for the District of Rhode Island*  
*Final Approval Hearing on the direct purchaser settlement (\$120M), In re Loestrin 24 Antitrust Litigation*

## INTRODUCTION

## Victories & Settlements

The firm has recovered more than \$320 billion on behalf of class members in large-scale complex litigation.

### \$260 BILLION

#### STATE TOBACCO LITIGATION

Hagens Berman represented 13 states prosecuting major actions against Big Tobacco. The settlement led to a multistate settlement requiring the tobacco companies to pay the states and submit to advertising and marketing restrictions. It was the largest civil settlement in history.

### \$25 BILLION

#### VISA CHECK/MASTERMONEY ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history. The class-action lawsuit alleged that Visa and MasterCard engaged in an anticompetitive scheme to monopolize the debit card services market and charge merchants artificially inflated interchange fees by tying merchant acceptance of their debit card services, Visa Check and MasterMoney, to merchant acceptance of their credit card services. Settlements secured categories of relief that court decisions valued at as much as \$25-87 billion.

### \$14.7 BILLION

#### VOLKSWAGEN EMISSIONS LITIGATION

Hagens Berman was named a member of the plaintiffs' steering committee and part of the settlement negotiating team in this monumental case that culminated in the largest automotive settlement in history. The firm was the first law firm to file against Volkswagen regarding its Dieselgate emissions-cheating scandal.

### \$1.6 BILLION

#### TOYOTA UNINTENDED ACCELERATION LITIGATION

Hagens Berman served as co-lead counsel and secured what was then the largest automotive settlement in history in this class action that recovered \$1.6 billion for vehicle owners.

### \$1.6 BILLION

#### VOLKSWAGEN FRANCHISE DEALERS LITIGATION

The firm served as lead counsel representing VW franchise dealers in this lawsuit related to VW's Dieselgate scandal. The settlement recovered nearly full damages for the class.

### \$1.45 BILLION

#### MERACORD

The firm secured a default judgment on behalf of consumers for a useless debt-settlement conspiracy, following years of plaintiff victories in the case. Hagens Berman filed its lawsuit in 2011, on behalf of consumers nationwide, claiming the company violated Washington law and the federal Racketeer Influenced and Corrupt Organizations Act.

### \$1.3 BILLION

#### HYUNDAI KIA THETA II GDI FIRE HAZARD LITIGATION I

Hagens Berman is co-lead counsel in this case accusing automakers of selling vehicles with failure-prone engines that could sometimes catch fire. The case is still pending litigation pertaining to other affected models.

### \$700 MILLION

#### MERCEDES BLUETEC EMISSIONS LITIGATION

A monumental settlement was reached on behalf of owners of Mercedes vehicles affected by Daimler's emissions cheating. The case was initially filed and researched by Hagens Berman, based on the firm's independent vehicle testing, and the firm served as co-lead counsel. The consumer settlement followed a \$1.5 billion settlement between Mercedes and the U.S. Justice Department and California Air Resources Board. The settlement includes an \$875 million civil penalty for violating the Clean Air Act.

**\$700 MILLION****WASHINGTON PUBLIC POWER SUPPLY SYSTEM (WPPSS) SECURITIES LITIGATION**

Hagens Berman represented bondholders and the trustee in a class action stemming from the failure of two nuclear projects. Plaintiffs were awarded a \$700 million settlement.

**\$616 MILLION****APPLE E-BOOKS ANTITRUST LITIGATION**

Hagens Berman served as co-lead counsel against Apple and five of the nation's largest publishing companies and secured a combined \$616 million settlement, returning class members nearly twice their losses in recovery, following the firm's victory over Apple after it appealed the case to the U.S. Supreme Court.

**\$535 MILLION****CHINA MEDIAEXPRESS HOLDINGS, INC. SECURITIES LITIGATION**

Hagens Berman, which served as lead counsel in the case, alleged on behalf of a class of investors that China MediaExpress Holdings made false and misleading statements, including misrepresentations about its revenues, the number of buses in its network and the nature of its business relationships. The lawsuit resulted in relief for investors valued at \$535 million.

**\$470 MILLION****LCD ANTITRUST LITIGATION**

Hagens Berman served as a member of the Executive Committee representing consumers in multi-district litigation. Total settlements exceeded \$470 million.

**\$453 MILLION****GLUMETZA ANTITRUST LITIGATION**

The court denied summary judgment and paved the way for trial in this litigation against brand and generic manufacturers of the diabetes drug Glumetza. Hagens Berman served as co-lead counsel for the direct purchaser class. U.S. District Judge William Alsup approved \$453.85 million in settlements resolving direct purchasers' allegations. The result was the largest antitrust recovery to receive final approval in 2022.

**\$444 MILLION****MCKESSON DRUG LITIGATION**

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

**\$383.5 MILLION****DAVITA HEALTHCARE PERSONAL INJURY LITIGATION**

A Denver jury awarded a monumental \$383.5 million verdict to families of three patients who died after receiving dialysis treatments at DaVita clinics.

**\$406 MILLION****DRAM ANTITRUST LITIGATION**

The firm was co-lead counsel in this antitrust case which settled for \$406 million in favor of purchasers of dynamic random access memory chips.

**\$340 MILLION****RANBAXY INC.**

Hagens Berman served as co-lead counsel representing Meijer Inc. and Meijer Distribution Inc. in a class-action lawsuit against drugmaker Ranbaxy. The lawsuit alleged it recklessly stuffed the generic drug approval queues with grossly inadequate applications and deceiving the FDA into granting tentative approvals to lock in statutory exclusivities to which Ranbaxy was not entitled. Ranbaxy then excluded competition at the expense of U.S. drug purchasers. The settlement was part of a \$485 million settlement for all plaintiffs. The result was the second largest antitrust recovery to receive final approval in 2022.

**\$338 MILLION****AVERAGE WHOLESALE PRICE DRUG LITIGATION**

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

**\$325 MILLION****NEURONTIN PFIZER LITIGATION**

The firm brought suit against Pfizer and its subsidiary, Parke-Davis, accusing the companies of a fraudulent scheme to market and sell the drug Neurontin for a variety of "off-label" uses for which it is not approved or medically efficacious.

**\$307 MILLION****ECODIESEL EMISSIONS CHEATING LITIGATION**

The firm achieved a settlement on behalf of owners of EcoDiesel Dodge 1500 and Jeep Grand Cherokee vehicles in response to Fiat Chrysler's emissions-cheating. Under the settlement, class members who repair their vehicles and submit a claim will receive \$3,075. The total value of the deal is estimated at \$307 million, granted all owners submit a valid claim.

## **\$300 MILLION**

### **HYUNDAI/KIA HYDRAULIC ELECTRONIC CONTROL UNIT (HECU) FIRE HAZARD**

Approximately three million Hyundai and Kia vehicles nationwide were affected by a dangerous defect in the hydraulic and electronic control units (HECU), also known as anti-lock brake (ABS) modules which posed a risk of non-collision engine fires. Conservatively, plaintiffs' experts valued the settlement achieved by Hagens Berman as co-class counsel in the range of \$326 million to \$652 million.

## **\$295 MILLION**

### **STERICYCLE, STERI-SAFE LITIGATION**

Hagens Berman served as lead counsel representing small businesses including veterinary clinics, medical clinics and labs in a class-action lawsuit alleging Stericycle's billing practices and accounting software violated consumer laws and constituted breach of contract.

## **\$255 MILLION**

### **HYUNDAI & KIA FUEL ECONOMY LITIGATION**

Hagens Berman filed a class-action lawsuit on behalf of consumers alleging Hyundai and Kia overstated fuel economy for many vehicles they sold in the United States.

## **\$250 MILLION**

### **ENRON ERISA LITIGATION**

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

## **\$250 MILLION**

### **BOFA COUNTRYWIDE APPRAISAL RICO**

Hagens Berman served as co-lead counsel in a nationwide class-action lawsuit against Bank of America, Countrywide Financial and appraisal firm LandSafe Inc. on behalf of a class of home buyers accusing the suit's defendants of carrying out a series of phony appraisals in an attempt to secure more loans.

## **\$235 MILLION**

### **CHARLES SCHWAB SECURITIES LITIGATION**

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

## **\$234 MILLION**

### **AEQUITAS CAPITAL MANAGEMENT**

The firm settled this case on behalf of 1,600 investors of the now-defunct Aequitas companies. It is believed to be the largest securities settlement in Oregon history.

## **\$218 MILLION**

### **JP MORGAN MADOFF**

Hagens Berman settled this case on behalf of Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, its parents, subsidiaries and affiliates. The settlement against JPMorgan involved three simultaneous, separately negotiated settlements totaling more than \$2.2 billion.

## **\$215 MILLION**

### **USC, DR. GEORGE TYNDALL SEXUAL ABUSE AND HARASSMENT**

The firm served as co-lead counsel and secured a \$215 million settlement on behalf of a class of thousands of survivors of sexual assault against the University of Southern California and its Dr. George Tyndall, the full-time gynecologist at USC's student health clinic.

## **\$212 MILLION**

### **TOYOTA, LEXUS DENSO FUEL PUMP DEFECT**

Hagens Berman represented consumers in a lawsuit alleging that Toyota Motor Corp. sold vehicles with faulty engines made by Denso International America Inc. The defect left vehicle owners at risk of spontaneous vehicle shutdown, engine stall and other safety risks that increased the likelihood of a crash or injury. The settlement brought relief to more than 3.3 million vehicle owners.

## **\$208 MILLION**

### **NCAA SCHOLARSHIP CAP ANTITRUST LITIGATION**

Hagens Berman was co-lead counsel in the damages portion of this historic antitrust class action claiming the NCAA unlawfully capped the value of athletic scholarships. In a historic ruling, the U.S. Supreme Court unanimously upheld a trial victory regarding the injunctive portion of the case securing monumental improvements for college athletes, and forever changing college sports. Steve Berman served as trial counsel.

## **\$205 MILLION**

### **OPTICAL DISC DRIVES (ODD) ANTITRUST LITIGATION**

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

## **\$200 MILLION**

### **NEW ENGLAND COMPOUNDING PHARMACY MENINGITIS OUTBREAK LITIGATION**

Hagens Berman attorneys served as lead counsel for the plaintiffs' steering committee on behalf of plaintiff-victims of the 2012 fungal meningitis outbreak that led to more than 64 deaths and hundreds of joint infection cases.

**\$181 MILLION****BROILER CHICKEN ANTITRUST LITIGATION**

Hagens Berman serves as interim class counsel in a case against Tyson, Purdue and 16 other chicken producers for allegedly conspiring to stabilize chicken prices by reducing production. The firm continues to litigate the case against remaining defendants.

**\$169 MILLION****ANIMATION WORKERS**

Hagens Berman was co-lead counsel for a class of approximately 10,000 animators and other artistic workers in an antitrust class action against Pixar, DreamWorks, The Walt Disney Company, Sony and others for allegedly conspiring to restrain competition and suppress industry wages. A \$169 million settlement resulted in a payment of more than \$13,000 per class member.

**\$150 MILLION****FLONASE ANTITRUST LITIGATION**

Hagens Berman was co-lead counsel representing purchasers in this case alleging GlaxoSmithKline filed petitions to prevent the emergence of generic competitors to its drug Flonase to overcharge consumers and purchasers of the drug, which would have been priced lower had a generic competitor been allowed to come to market.

**\$150 MILLION****LUPRON CONSUMER LITIGATION**

Hagens Berman served as co-lead counsel on behalf of consumers and third-party payors who purchased the drug Lupron. Under the terms of the settlement, TAP Pharmaceuticals paid \$150 million on behalf of all defendants.

**\$125 MILLION****PHARMACEUTICAL AWP LITIGATION**

Hagens Berman was lead counsel against 11 pharmaceutical companies, including Abbott Laboratories and Watson Pharmaceuticals, resulting in multiple settlements between 2006 and 2012. Defendants agreed to pay \$125 million in a nationwide settlement for intentionally inflating reports of the average wholesale prices (AWP) on certain prescription medications.

**\$123.4 MILLION****EXPEDIA LITIGATION**

Hagens Berman led this class action arising from bundled “taxes and service fees” that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the

room rates, Expedia violated both the Washington Consumer Protection Act and its contractual commitment to charge as service fees only “costs incurred in servicing” a given reservation.

**\$120 MILLION****LOESTRIN ANTITRUST LITIGATION**

Hagens Berman served as interim co-lead counsel for the certified class of direct purchasers. The parties reached a proposed settlement shortly before trial.

**\$113 MILLION****BATTERIES ANTITRUST LITIGATION**

Hagens Berman served as co-lead counsel and secured a settlement in this class-action lawsuit against some of the largest electronics manufacturers for allegedly illegally fixing the price of lithium-ion batteries, pushing costs higher for consumers.

**\$108 MILLION****FIAT CHRYSLER LOW OIL PRESSURE**

As co-lead counsel, Hagens Berman represented a class of owners of Fiat Chrysler vehicles allegedly prone to spontaneous shut off when oil pressure is low. A federal judge approved a settlement valued at \$108 million comprised of comprehensive relief including extended warranties, software upgrades, free testing and repairs and repair reimbursements.

**\$100 MILLION****APPLE IOS APP STORE LITIGATION**

In this lawsuit against Apple, the firm served as interim lead counsel in this matter and represented U.S. iOS developers against the tech giant. The suit accused Apple of monopolizing distribution services for iOS apps and in-app digital products, allegedly resulting in commission overcharges. Apple agreed to pay \$100 million and make developer-friendly changes to its App Store policy.

**\$100 MILLION****OPPENHEIMER CORE BOND AND CHAMPION INCOME FUNDS LITIGATION**

Hagens Berman obtained settlements in two cases alleging that various Oppenheimer entities and certain individual defendants made materially false or misleading statements and omissions to the investing public regarding the investment profile and objectives of the two funds.

## **\$100 MILLION**

### **TENET HEALTHCARE**

Hagens Berman achieved a settlement on behalf of uninsured patients who received care at Tenet facilities nationwide, alleging that the patients were charged excessive prices at 114 hospitals owned and operated by Tenet Healthcare. The suit claimed that Tenet took advantage of the uninsured and working poor who did not have the economic leverage to negotiate lower rates, while giving discounts to HMO's and other large payers.

## **\$100 MILLION**

### **TREMONT LITIGATION**

The firm filed a class action on behalf of investors alleging the company and others grossly neglected fiduciary duties by turning capital over to Bernard Madoff Investment Securities.

## **\$120 MILLION**

### **GENERAL MOTORS**

Hagens Berman represented owners of GM-branded vehicles as co-lead counsel in a national class-action lawsuit seeking compensation, statutory penalties and punitive damages against GM on behalf of owners of millions of vehicles affected by alleged safety defects and recalls. The court granted final approval to a \$120 million settlement on behalf of affected GM vehicle owners on Dec. 18, 2020. Under the settlement, a trust controlled by creditors in GM's 2009 bankruptcy contributed up to \$50 million.

## **\$98 MILLION**

### **PROGRAF ANTITRUST LITIGATION**

Hagens Berman served as court-appointed co-lead class counsel representing a class of direct purchasers of Prograf. The antitrust lawsuit alleges that Astellas violated antitrust laws by filing a petition with the FDA as a means of delaying entry of a generic version of Prograf, a drug used to prevent organ rejection by kidney, liver, heart and lung transplant patients.

## **\$95 MILLION**

### **APPLECARE**

This class action secured compensation for iPhone, iPad and iPod owners who bought AppleCare or AppleCare+ coverage. The suit accused Apple of using inferior, refurbished or used parts in device replacements, despite promising to provide consumers with a device "equivalent to new in performance and reliability," and Hagens Berman reached a settlement with the tech giant in April 2022, resolving these claims.

## **\$92.5 MILLION**

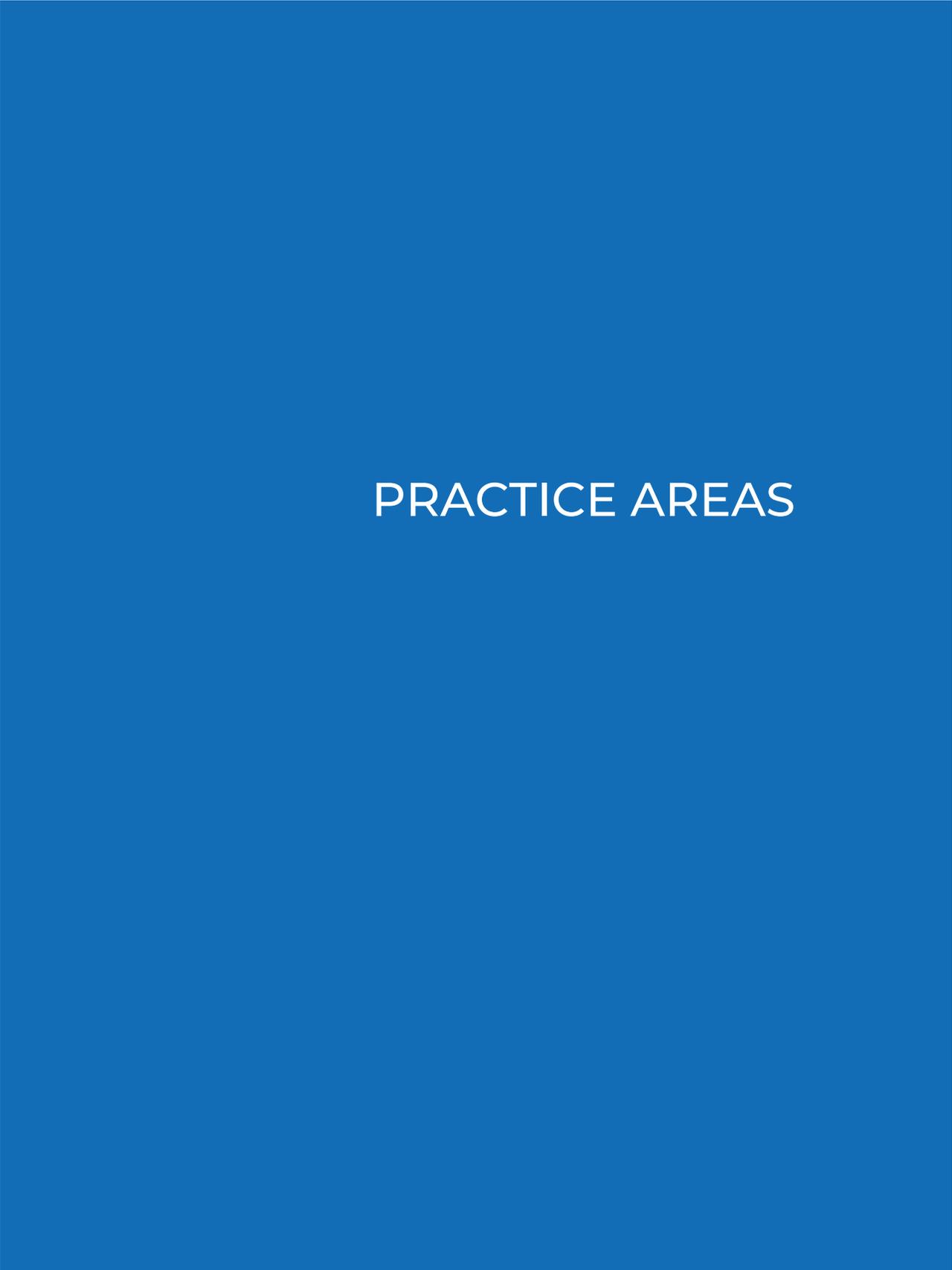
### **BOEING SECURITIES LITIGATION**

Boeing and Hagens Berman agreed to a settlement to this shareholder suit filed in November 1997 by Hagens Berman. The settlement, the then second largest awarded in the Northwest, affected tens of thousands of Boeing common stock shareholders.

## **\$90 MILLION**

### **GOOGLE PLAY STORE APP DEVELOPERS**

The firm filed a class action on behalf of Android app developers for violating antitrust laws by allegedly illegally monopolizing markets for Android app distribution and in-app payment processing. A \$90 million settlement has been preliminarily approved.



# PRACTICE AREAS

PRACTICE AREAS

## Anti-Terrorism

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

Hagens Berman has always believed in fighting for the rights of those who often go unheard – those who are victims to tragic circumstances beyond their control. With our guiding principles driving our efforts, the firm has expanded its practice areas to include anti-terrorism litigation.

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

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

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

### CHIQUITA BANANAS

Hagens Berman represented American citizens who were victims of terrorism in Colombia. The victims were harmed by Colombian terrorists that Chiquita Brands International Inc. paid so that it could grow bananas in Colombia in regions the terrorists controlled. Chiquita is one of the world's largest producers and marketers of fruits and vegetables and admitted it paid Colombian terrorist organizations as part of a guilty plea to settle criminal charges brought by the U.S. Department of Justice. Because of its conduct in Colombia, Chiquita was placed on corporate probation and paid a \$25 million fine.

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

### FARC ANTI-TERRORISM

Hagens Berman assisted the family of an American geologist who was kidnapped and murdered in Colombia by the FARC narco-terrorist organization. Hagens Berman sued the FARC and obtained a multimillion-dollar judgment on behalf of the family. Subsequently, it has successfully enforced the family's judgment against the assets of South American narco-traffickers that have been linked to the FARC's extensive drug trade.

## PRACTICE AREAS

**Antitrust**

Hagens Berman works to preserve fair trade and healthy marketplace competition by protecting consumers and businesses from price-fixing, market allocation agreements, monopolistic schemes and other trade restraints. The firm's lawyers have earned an enviable reputation as experts in this often confusing and combative area of commercial litigation in which we have recovered nearly \$30 billion in settlements for our clients. Our attorneys have a deep understanding of legal and economic issues within the marketplace, allowing us to employ groundbreaking market theories that shed light on restrictive anti-competitive practices. Our cases have returned more than \$320 billion across all practice areas.

Hagens Berman represents millions of class members in high-profile class-action lawsuits and takes on major antitrust litigation to improve market conditions for consumers, businesses and investors. We have represented plaintiffs in markets as diverse as college sports, app development, debit and credit card services, personal computer components, electric and gas power, airlines and internet services, and we have prevailed against some of the world's largest corporations. The firm has also taken on wage-fixing antitrust agreements in various industries including animation, food production and aerospace engineering.

The firm's antitrust cases span the reaches of anticompetitive behavior, impacting even the realm of college sports. In the Keller and O'Bannon cases, the firm represented college athletes against the NCAA and Electronic Arts Inc. claiming the companies illegally use college football and basketball players' names and likenesses in video games without permission or consent from the player. In those matters, the firm secured a total \$60 million in settlements, and checks went out to about 15,000 players, some up to \$7,600, with a median around \$1,100.

Hagens Berman has also brought about significant changes already to the NCAA's policies and procedures regulating payments. In NCAA Grants-in-Aid Scholarships Litigation, the firm brought an antitrust class action against the NCAA on behalf of college athletes, claiming that the NCAA had violated the law when it kept the class from being able to receive compensation provided by schools or conferences for athletic services other than cash. Following a \$208 million settlement in the damages portion of the case — an almost 100% recovery of single damages — the Supreme Court upheld the favorable opinion of the Ninth Circuit in a 9-0 ruling regarding injunctive relief. Justice Kavanaugh's opinion further underscored the massive win for plaintiffs and the ruling's ongoing effects: "The NCAA couches its arguments for not paying student athletes in innocuous labels. But the labels cannot disguise the reality: The NCAA's business model would be flatly illegal in almost any other industry in America," pushing for further scrutiny of the NCAA's regulations. After the ruling, the NCAA relaxed some of the name, image and likeness (NIL) restrictions and the market for NIL revenues exploded reaching almost \$5 billion this year. Few antitrust decisions have been so transformative.

The firm continues its work litigating against the NCAA regarding name, image and likeness (NIL) rights. Currently Hagens Berman is co-lead counsel in *House v. NCAA*, which challenges current restrictions on athletes NIL rights and seeks damages for lost NIL opportunities. In *House*, plaintiffs seek a share of the golden goose, namely, NCAA and conference

broadcast and licensing revenues. So far, the firm has cleared two monumental hurdles in the lawsuit receiving class certification status for both the injunctive and damages portions of the case, for classes representing more than 184,000 college athletes.

The firm has also generated substantial recoveries on behalf of health plans and consumers in antitrust cases involving pharmaceutical companies abusing patent rights to block generic drugs from coming to market. Hagens Berman's settlements accounted for 35% of total U.S. antitrust settlements that reached final approval in 2022, including the two largest antitrust recoveries to receive final approval, *In re Glumetza Antitrust Litigation* (\$453.85 million settlement) and *In re Ranbaxy Generic Drug Application Antitrust Litigation* (\$340 million settlement). Hagens Berman has served as lead or co-lead counsel in landmark antitrust litigation in many matters, including Paxil Direct Purchaser Litigation (\$100 million), Relafen Antitrust Litigation (\$75 million), Tricor Indirect Purchaser Antitrust Litigation (\$65.7 million), and Augmentin Antitrust Litigation (\$29 million). Representative antitrust successes on behalf of our clients include:

#### **VISA/MASTERCARD ANTITRUST LITIGATION**

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

**RESULT:** \$3.05 billion settlement and injunctive relief valued at more than \$23 billion

#### **APPLE E-BOOKS LITIGATION**

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

**RESULT:** \$616 million in total settlements

#### **LG PHILIPS AND TOSHIBA LCD LITIGATION**

Hagens Berman filed a class action against more than 20 manufacturers of TFT LCD products, including LG Philips and Toshiba, claiming the companies engaged in a conspiracy to fix, raise, maintain and stabilize the price of electronic products and devices. After years of representing consumers in multi-district litigation, the case against Toshiba went to trial. In 2012, Toshiba was found guilty of price-fixing and settled.

**RESULT:** \$470 million in total settlements

#### **DYNAMIC RANDOM ACCESS MEMORY (DRAM) ANTITRUST LITIGATION**

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

**RESULT:** \$406 million settlement

#### **OPTICAL DISK DRIVES LITIGATION**

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

**RESULT:** \$205 million in total settlements

#### **BROILER CHICKEN LITIGATION**

Hagens Berman serves as co-lead counsel in this massive antitrust class action asserting that the nation's largest broiler chicken producers – Tyson, Pilgrim's Pride, Perdue and a host of others – conspired to fix the price of chicken for

consumers by up to 50 percent since 2009. Settlements will offer compensation to millions of American consumers who have unknowingly overpaid for chicken products for years.

**RESULT:** \$181 million in total settlements. The firm continues to litigate against remaining defendants

#### **ANIMATION WORKERS LITIGATION**

Hagens Berman served as co-lead counsel for a nationwide class of approximately 10,000 animators and other artistic workers in an antitrust class-action case filed against Pixar, DreamWorks, The Walt Disney Company, Sony, Blue Sky Studios and others for allegedly conspiring to restrain competition to suppress compensation. The settlement resulted in a payment of more than \$13,000 per class member.

**RESULT:** \$169 million settlement

#### **LITHIUM-ION BATTERIES LITIGATION**

Hagens Berman filed a class-action lawsuit against some of the largest electronics manufacturers for illegally fixing the price of lithium-ion batteries, pushing costs higher for consumers.

**RESULT:** \$113 million in total settlements

#### **APPLE IOS APP DEVELOPERS**

The firm achieved a \$100 million settlement with Apple on behalf of US iOS app developers and developers of in-app products sold on Apple's App Store following the filing of an antitrust class-action lawsuit. The suit accused Apple monopolized U.S. distribution for iOS apps and in-app digital products, resulting in commission overcharges to developers. The settlement brings important changes to App Store policies and practices, and U.S. iOS developers with less than \$1 million in annual proceeds from App Store sales can receive hundreds to tens of thousands of dollars in compensation.

**RESULT:** \$100 million settlement

#### **GOOGLE PLAY STORE APP DEVELOPERS**

The firm achieved a \$90 million settlement with Google on behalf of roughly 43,000 US Android app developers and developers of in-app products sold on Google's Play Store following the filing of an antitrust class-action lawsuit. The firm filed the class action against Google for violations of antitrust laws by illegally monopolizing markets for Android app distribution and in-app payment processing.

**RESULT:** \$90 million settlement

#### **PORK ANTITRUST LITIGATION**

In this antitrust class action, the firm's investigation revealed that since 2014, pork producers such as Tyson, Hormel and others colluded to knowingly reduce pork production to artificially inflate prices. The pork producers engaged in a conspiracy that has cost American consumers millions of dollars over the years, and so far Hagens Berman's antitrust team have achieved multiple settlements with defendants and continues to litigate claims against those remaining.

**RESULT:** \$95 million in settlements

#### **GENERIC PHARMACEUTICAL PRICING ANTITRUST LITIGATION**

Hagens Berman filed multiple lawsuits against numerous generic pharmaceutical companies for conspiring to increase and set prices on inexpensive, commonly used generic drugs. In 2022, U.S. District Judge Cynthia M. Rufe preliminarily approved \$86 million in settlements with Sun Pharmaceutical Industries Inc., Taro Pharmaceuticals USA Inc. and

Breckenridge Pharmaceutical Inc. for direct purchasers and indirect resellers to settle price-fixing allegations. The U.S. Department of Justice has since opened a criminal probe into the matter following Hagens Berman's case.

**RESULT:** \$86 million settlement

#### **RELAFEN ANTITRUST LITIGATION**

In 2006, Judge William Young issued preliminary approval of a proposed settlement between GlaxoSmithKline and a class of consumers and third-party payors who purchased the drug Relafen or its generic alternatives. Under the terms of the settlement, the defendants paid damages of \$75 million to class members. Of the total settlement amount, \$25 million was allocated to consumers and \$50 million was used to pay the claims of insurers and other third-party payors.

**RESULT:** \$75 million settlement

#### **DAIRY PRICE-FIXING LITIGATION**

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

**RESULT:** \$52 million settlement

#### **PANASONIC RESISTORS ANTITRUST LITIGATION**

Hagens Berman was co-lead counsel, representing direct purchasers of linear resistors, a device in electronics used to limit electric current, against an alleged cartel of manufacturers who conspired to limit linear resistor price competition for nearly a decade.

**RESULT:** \$50.25 million settlement

#### **TOYS "R" US BABY PRODUCTS ANTITRUST LITIGATION**

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

**RESULT:** \$35.5 million settlement

#### **EA MADDEN NFL ANTITRUST LITIGATION**

The firm represented a class of consumers against Electronic Arts (EA) alleging it violated antitrust and consumer laws by inflating the price of EA-published videogames. The lawsuit alleged EA established agreements with the National Football League, The NFL Players Union, Arena Football League and the National Collegiate Athletic Association that drove competition out of the market and prevented new competitors from entering.

**RESULT:** \$27 million settlement

#### **HOTEL ROOM OVERPRICING**

The nation's largest hotel chains settled a class-action lawsuit brought by consumers of hotel room reservations booked online. Consumers represented by Hagens Berman alleged hotel chains agreed to restrain competition for paid search advertising for hotel rooms associated with defendants' brand names, depriving consumers free, competitive information, and raising the price of hotel rooms booked online.

**RESULT:** The parties reached a confidential settlement.

### REAL ESTATE COMMISSIONS ANTITRUST LITIGATION

The firm represents two classes of home sellers accusing the National Association of Realtors (NAR) and the Big Four real estate broker franchises of conspiring to artificially inflate commissions associated with home sales. As of March 2024, the firm has recovered settlements totaling \$626 million from NAR and the broker franchises RE/MAX and Anywhere Real Estate Inc. In the court's certification of a damages class and an injunctive relief class, sellers who sold their home through a Multiple Listing Service (MLS) from March 6, 2015 and Dec. 13, 2022 are included in the case, as well as current and future owners of residential real estate in affected jurisdictions who are currently listing or will list homes on an MLS. The court's class certification encompasses buyers who listed their homes on 20 MLSs around the country, and in denying defendants' motion to exclude two of plaintiffs' expert witnesses, the court said that the buyer-broker policies challenged in the lawsuit facilitate "keeping buyers in the dark and severely restricting negotiations over buyer-broker commissions."

**RESULT:** The firm has reached settlements totaling \$626 million. These include settlements with NAR, Anywhere Real Estate Inc. and RE/MAX. The court has granted preliminary approval to the settlements with RE/MAX and Anywhere Real Estate, and the settlement with NAR is pending preliminary approval. The case is pending against remaining defendants, and in 2021, U.S. District Judge Andrea R. Wood certified classes of consumers in the case. The New York Times reported that Steve Brobeck, Ph.D., who served as the executive director of Consumer Federation of America for nearly four decades, estimates that the \$100 billion spent per year on residential real estate commissions will probably decline by between \$20 billion and \$50 billion, if the settlement with NAR is approved by the court.

## PRACTICE AREAS

## Automotive – Defect, Fraud & Products Liability

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

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

Hagens Berman's work fighting corporate wrongdoing in the automotive industry has repeatedly earned it a spot in the National Law Journal's list of Elite Trial Lawyers, and the firm's auto team who worked on *Toyota* were also named finalists for Public Justice's Trial Lawyer of the Year award.

Our firm has been a leader in this area of law for nearly a decade, and our settled cases include the following matters related to public safety, defect mitigation and more.

### TOYOTA SUDDEN, UNINTENDED ACCELERATION LITIGATION

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

**RESULT:** \$1.6 billion settlement, which was the largest automotive settlement in history at the time, surpassed only by the firm's future settlements

### HYUNDAI/KIA THETA II GDI ENGINE FIRE HAZARD LITIGATION I

As co-lead counsel against Hyundai and Kia, Hagens Berman helped secure a \$1.3 billion settlement on behalf of owners of cars affected by an engine defect causing spontaneous fires. The compensation includes lifetime warranty protection, software installation aimed to detect and prevent the engine defect, reimbursements for repair-related costs and lost value due to engine failures or fires, and payment for repair delays.

**RESULT:** \$1.3 billion settlement

### HYUNDAI/KIA ENGINE FIRE HAZARD LITIGATION II

Following the firm's \$1.3 billion settlement on behalf of owners of cars affected by an engine defect causing spontaneous fires in millions of Hyundai and Kia cars, Hagens Berman, which served as co-lead counsel in this case, also secured an additional settlement concerning engines not included in the first settlement. The newest settlement brings relief to owners of about 2.1 million vehicles with Gamma GDI and Nu GDI engines as well as Theta II MPI engines. "The

settlement is comprehensive in compensating class members for the harms suffered and providing protection against future harms,” Judge Staton said, noting that the deal is substantially similar to the one finalized in May 2021 in *In re Hyundai and Kia Engine Litigation*, which was valued at up to \$1.3 billion.

**RESULT:** Settlement comparable to prior \$1.3 billion in *In re Hyundai and Kia Engine Litigation*

#### **HYUNDAI/KIA HYDRAULIC ELECTRONIC CONTROL UNIT (HECU) FIRE HAZARD LITIGATION**

Hagens Berman filed this class-action lawsuit against automakers Hyundai and Kia on behalf of owners and lessees of approximately three million U.S. vehicles regarding a defect affecting the vehicles’ hydraulic and electronic control units. The defect, which the lawsuit alleges Hyundai and Kia were aware of upon selling the affected vehicles, can cause electrical short-circuits and engine fires. Conservatively, plaintiffs’ expert values the settlement in the range of \$326 million to \$652 million, depending on relief claimed by affected owners and lessors.

**RESULT:** Settlement valued at more than \$300 million

#### **HYUNDAI KIA FUEL ECONOMY LITIGATION**

Hagens Berman sued Hyundai and Kia on behalf of owners after the car manufacturers overstated the MPG fuel economy ratings on 900,000 of their cars. The suit seeks to give owners the ability to recover a lump-sum award for the lifetime extra fuel costs, rather than applying every year for that year’s losses.

**RESULT:** \$255 million settlement. Lump-sum payment plan worth \$400 million on a cash basis, and worth even more if owners opt for store credit (150 percent of cash award) or new car discount (200 percent of cash award) options.

#### **TOYOTA, LEXUS DENSO FUEL PUMP LITIGATION**

The firm filed this class action regarding a defect in the DENSO fuel pump installed in the affected Toyota and Lexus vehicles which can leave vehicle owners at risk of spontaneous vehicle shutdown, engine stall and other safety risks that increase the likelihood of a crash or injury.

**RESULT:** Settlement valued between \$212 million and \$288 million

#### **HYUNDAI KIA CAR THEFT DEFECT LITIGATION**

Serving as co-lead counsel, the firm achieved swift relief in this class action stemming from Hyundai and Kia’s failure to equip nearly nine million 2011-2022 models with an immobilizer, a common antitheft device in modern cars which prevents most vehicles from being started unless a code is transmitted from the vehicle’s smart key. The lack of immobilizer in affected vehicles spawned viral “Kia Challenge” TikTok videos demonstrating simple measures “Kia Boys” take to steal affected Hyundai and Kia vehicles using only a common USB charging cord or similar metal object to start the engine, allowing thieves to steal them in less than 90 seconds.

**RESULT:** Settlement-in-principle valued at more than \$200 million

#### **GENERAL MOTORS IGNITION SWITCH LITIGATION**

The firm served as co-lead counsel in a high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The lawsuit alleged GM did not take appropriate remedial measures, despite having prior knowledge of the defect.

**RESULT:** \$120 million settlement

#### **FIAT CHRYSLER (FCA) LOW OIL PRESSURE SHUT OFF LITIGATION**

Hagens Berman represented owners of Chrysler, Dodge, Fiat, Jeep and Ram vehicles affected by a defect causing overconsumption of oil and spontaneous vehicle shut off during low oil pressure. In 2022 a federal judge approved a settlement for owners of vehicles with 2.4L TigerShark MultiAir II engines.

**RESULT:** \$108 million settlement

#### **HONDA INFOTAINMENT SYSTEM LITIGATION**

In 2019, owners of Honda vehicles filed a class-action lawsuit against the automaker for a defect affecting the vehicles' infotainment system which was prone to failing to boot, freezing during use and suffering general malfunctions and glitches. Owners reported the issues on vehicles with as few as 580 miles. The U.S. district judge called the settlement for vehicle owners a "significant effort" in light of the difficulties and complexities of the case.

**RESULT:** \$33 million settlement

#### **FORD MYFORD TOUCH LITIGATION**

Hagens Berman served as co-lead counsel on behalf of owners of Ford vehicles equipped with MyFord Touch, an in-car communication and entertainment package, who claim that the flawed system put drivers at risk of an accident while causing economic hardship for owners. The complaint cites internal Ford documents that show that 500 of every 1,000 vehicles have issues involving MyFord Touch due to software bugs, and failures of the software process and architecture. Owners report that Ford has been unable to fix the problem, even after repeated visits.

**RESULT:** \$17 million settlement

#### **ACURA RDX INFOTAINMENT SYSTEM LITIGATION**

In this class-action lawsuit filed against American Honda Motor Co. Inc., owners of 2019 and 2020 Acura RDX vehicles accused the automaker of knowingly selling the vehicles with defective infotainment systems, posing a serious safety risk to drivers. The alleged defect causes many of the vehicles' features associated with the infotainment system to malfunction, including the navigation system, audio system, as well as safety features like the backup camera.

**RESULT:** \$10.5 million settlement

#### **TESLA AUTOPILOT AP2 ROLLOUT DELAY LITIGATION**

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

**RESULT:** \$5.4 million settlement

#### **NISSAN QUEST ACCELERATOR LITIGATION**

Hagens Berman represented Nissan Quest minivan owners alleging their vehicles developed deposits in a part of the engine, causing drivers to apply increased pressure to push the accelerator down.

**RESULT:** Settlement providing reimbursement for cleanings or replacements and applicable warranty coverage

#### **PENDING LITIGATION AGAINST AUTOMAKERS**

The firm has filed several pending cases against major automakers, including the following class actions promoting consumers' rights:

#### **FCA CHRYSLER PACIFICA HYBRID MINIVAN ENGINE SHUTDOWN LITIGATION**

Over 67,000 Chrysler plug-in hybrid electric vehicles are at risk for spontaneous power loss while the vehicle is in motion due to a serious wiring defect in the transmission of the gasoline-driven portion of the powertrain. The automaker's

response to this potentially life-threatening issue falls short, leaving Chrysler customers with little recourse. According to a recall report filed with the National Highway Traffic Safety Administration in January 2023, 100% of 2017-2023 Chrysler Pacifica PHEVs are at risk for sudden engine shutoff due to this defect. Loss of motive power is total and comes without warning, giving drivers little or no opportunity to maneuver vehicles to safety, and can occur while moving at highway speeds.

#### **FCA CHRYSLER PACIFICA HYBRID MINIVAN FIRE HAZARD LITIGATION**

In this automotive class-action lawsuit, the firm serves as co-lead counsel representing owners of 2017 and 2018 Chrysler Pacifica plug-in hybrid electric minivans. Twelve fires have been reported in Chrysler Pacifica hybrid minivans. All of the vehicles that caught fire were parked and turned off; eight of the 12 vehicles were plugged in and charging. In the recall report filed with the National Highway Traffic Safety Administration, Chrysler said the “root cause is unknown.” Hagens Berman filed a consolidated master complaint Nov. 4, 2022. The complaint highlights Fiat Chrysler’s proposed “fix” as a “Hobson’s choice foisted on consumers” that fails to solve the issue. Even after having the recall performed, at least two Hybrid Pacifica vehicles have exploded into flames in owners’ garages and driveways.

#### **FCA DODGE RAM 1500 & 1500 CLASSIC ECODIESEL TRUCKS EGR COOLER FIRE HAZARD LITIGATION**

Hagens Berman represents owners of certain Dodge Ram 1500 trucks at risk for vehicle fire. Affected trucks have been built with defective EGR coolers that can crack due to thermal fatigue. This can allow coolant to leak into the running engine, which can result in combustion and a vehicle fire.

#### **FCA DODGE RAM 2500/3500 SCR DEFECT**

The lawsuit claims that owners of 2013-2017 Dodge RAM 2500 and 3500 trucks experienced significantly reduced miles per gallon and increased fuel costs due to a defect in the selective catalytic reduction system and subsequent changes in the vehicles’ emissions system software.

#### **FCA MONOSTABLE GEARSHIFT LITIGATION**

Over 811,000 Dodge Chargers, Chrysler 300s and Jeep Grand Cherokees were equipped with defective gear shifters that could cause the vehicles to roll away after the driver attempted to place the vehicle in park. The case went to trial, resulting in a mixed verdict in which the jury found the vehicles had a design defect under Utah law. Hagens Berman continues to pursue claims for damages on behalf of a class of owners/lessees from California and New York.

#### **FORD, GM, FCA, NISSAN CP4 HIGH-INJECTION FUEL PUMP DEFECT LITIGATION**

Hagens Berman has filed multiple class-action lawsuits against the “Big Three” — Ford, GM, and FCA — in addition to Nissan on behalf of diesel truck owners due to a defective high-pressure fuel injection pump in affected vehicles. The defective part generates metallic shavings and can lead to catastrophic failure of the engine. The complaints allege defendants routinely denied repair under warranty, even though the repair costs at least \$7,000, and in some cases exceeds \$10,000. After Hagens Berman filed suit against FCA with respect to the 3.0-liter engine cars and trucks, FCA issued a safety recall for those vehicles. In March 2023, Hon. Bernard A. Friedman allowed the majority of claims against Ford to continue, and in that same month, Hon. Terrence Berg certified seven state-specific classes on behalf of GM truck owners.

#### **FORD ESCAPE AND BRONCO SPORT FUEL INJECTOR FIRE HAZARD DEFECT LITIGATION**

At least 521,000 Ford vehicles are at risk for spontaneous fires due to a serious defect which can lead to fuel accumulating on top of the exhaust/turbo system, where it can easily ignite. The automaker has yet to establish an underlying cause for this defect, and its proposed fixes are shoddy stopgaps that may leave consumers in doubt as to the safety of their vehicles. Shortly after issuing its dubious recall remedy, Ford retracted it because it did not alleviate

the risk of fires. Ford has yet to issue a bona fide fix for these vehicles. Hagens Berman seeks damages from Ford in a class-action lawsuit filed on behalf of affected owners.

#### **FORD ESCAPE, MAVERICK AND LINCOLN CORSAIR HYBRID FIRES LITIGATION**

Ford has recalled more than 100,000 of its Escape, Maverick and Lincoln Corsair hybrid models manufactured since 2020 for a risk of spontaneously catching fire due to a safety defect. The issue has been traced to leaking fluid from the vehicles' engine block or oil pan. In response, rather than fix the faulty engine blocks and oil pans, Ford has issued "fix" instructions to its dealers that ask them to remove blinds from the grill shutter and drill holes in the floor of the engine compartment, potentially causing flammable fluids to drip into the roadway and owners' garages and driveways. The firm's class-action lawsuit against Ford was filed in August of 2022.

#### **FORD MUSTANG MACH-E SHUTDOWN DEFECT LITIGATION**

Owners of 2021-2022 Ford Mustang Mach-E vehicles filed a class-action lawsuit against the automaker in relation to a defective high voltage main battery contactor that can reportedly suddenly and unexpectedly cause the vehicle to lose power, disabling the engine and key safety features. The defect presents a high risk of crash, injury and death. Ford's remedies have so far been unsuccessful and may be increasing charging times and decreasing the engine power for owners.

#### **FORD SHELBY GT350 MUSTANG OVERHEATING DEFECT LITIGATION**

Hagens Berman represents owners of certain model 2016 Shelby GT350 Mustangs in a case alleging Ford sold the vehicles as track cars built to reach and sustain high speeds, but failed to disclose that the absence of transmission and differential coolers can greatly diminish the vehicles' reported track capabilities. Shelby owners are reporting that this defect causes the vehicle to overheat and go into limp mode while in use, even when the car is not being tracked. The Eleventh Circuit ruled on Ford's 23(f) appeal and denied Ford's attempt to decertify 6 of the 7 classes. Trial for the Florida, Missouri, New York and Washington classes is set to begin on March 11, 2024.

#### **GM PCV SYSTEM FREEZE DEFECT LITIGATION**

Hagens Berman represents those affected by a serious defect in various GM vehicles. In affected vehicles, colder temperatures can cause the PCV system to become at risk of freezing, building pressure in the vehicle's crankcase. The defect can lead to a range of consequences for vehicle owners, from a seal replacement that may cost over a thousand dollars, to complete engine failure costing several thousands of dollars. Many vehicle owners complain of no warning before the seal fails, leaving them stranded in freezing temperatures.

#### **HONDA CIVIC ELECTRONIC POWER STEERING DEFECT LITIGATION**

The firm filed a class-action lawsuit accusing American Honda Motor Company of selling 2022-2023 Civics which it knew were equipped with dangerously faulty electronic power steering (EPS) systems. The EPS system failure occurs without warning and under various driving conditions, causing the vehicles to lose steering control at high speeds. The National Highway Traffic Safety Administration opened a preliminary investigation after receiving 145 reports of "momentary increase in steering effort," described as "sticky steering," which could result in the inability to avoid a road hazard.

#### **HYUNDAI, KIA & GENESIS EV BATTERY CHARGE DEFECT**

According to the suit, owners of Hyundai Ioniq 5s, Hyundai Ioniq 6s, Genesis GV60s and Kia EV6s experience vehicle charging ports overheating in as little as 30 minutes, causing charging sessions to repeatedly fail. The plaintiffs say this can leave them with unexpectedly empty vehicle batteries, and Hyundai's proposed fix for the problem is inadequate.

The proposed class brings claims that the automakers violated the Computer Fraud and Abuse Act and various state consumer protection laws.

#### **TESLA MODEL S & MODEL X SOFTWARE BATTERY DRAIN DEFECT LITIGATION**

Hagens Berman has filed a lawsuit on behalf of owners and lessors of Tesla Model S and Model X vehicles, alleging that Tesla's automatic software updates are responsible for a drastic drop in battery performance and driving range in affected vehicles. In some cases, attorneys allege, the software update renders batteries fully inoperable, and drivers are told they must purchase a new \$15,000 battery.

#### **VW ATLAS WIRING HARNESS DEFECT LITIGATION**

Hagens Berman represents owners and lessors of more than 222,000 defective Volkswagen Atlas vehicles affected by a dangerous manufacturing defect in the door wiring harness. The defect can cause vehicles' systems to malfunction, affecting the functionality of airbags, brakes and more. This defect can place drivers, passengers and other traffic or pedestrians in immediate safety risk and danger of crashes.

## PRACTICE AREAS

## Automotive – Emissions Cheating

Having filed the first Dieselgate case in the country, Hagens Berman played a lead role in the record-breaking Volkswagen diesel emissions litigation. But Hagens Berman knew the story didn't end there. Since the Dieselgate scandal, the firm has uniquely dedicated resources to uncovering cheating devices used by other automakers. We have become a trailblazer in this highly specialized realm, outpacing federal agencies in unmasking fraud in emissions reporting.

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

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

### **VOLKSWAGEN DIESEL EMISSIONS LITIGATION**

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

**RESULT:** \$14.7 billion settlement, the largest automotive settlement in history

### **VOLKSWAGEN FRANCHISE DEALERS EMISSIONS LITIGATION**

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

**RESULT:** \$1.67 billion settlement

### **MERCEDES BLUETEC EMISSIONS LITIGATION**

Hagens Berman was appointed co-lead counsel in this class action representing thousands of vehicle owners against Mercedes concerning emissions-cheating in its BlueTEC diesel vehicles. The lawsuit states Mercedes told vehicle owners and lessees their diesel cars were “the world’s cleanest and most advanced diesel,” when in fact testing indicated a systemic failure to meet emissions standards. Low temperature testing at highway speeds for example, produced emissions that were 8.1 to 19.7 times the highway emissions standard; at variable speeds, testing produced emissions as high as 30.8 times the standard, according to the firm’s independent testing.

Since the case settled, Hagens Berman has taken an advisory role in the emissions-cheating litigation against Mercedes’ parent company, Daimler, filed in Australia. The firm looks to build upon its existing win against Mercedes for emissions cheating in its vehicles sold in the U.S. and support Australians who were similarly deceived.

**RESULT:** \$700 million settlement

### **FIAT CHRYSLER ECODIESEL EMISSIONS LITIGATION**

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

**RESULT:** Settlement valued at \$307 million, dependent upon claims rate

### **PORSCHE EMISSIONS LITIGATION**

This lawsuit claimed fuel economy inaccuracies in half a million 2005 to 2020 Volkswagen and Porsche gasoline models, and in 2022, a federal judge granted preliminary approval of an \$80 million settlement agreement regarding emissions-cheating claims. Under the settlement, consumers in the most basic bracket of the class can receive payments from \$250 to \$1,109 per vehicle, and those who purchased higher-performance vehicles can receive an additional \$250 in compensation, with other payments of \$200 per vehicle available to other eligible class members.

**RESULT:** \$80 million settlement

### **PENDING LITIGATION AGAINST AUTOMAKERS**

The firm is currently litigating many pending cases against major automakers regarding emissions, including the following:

#### **CHEVY CRUZE DIESEL EMISSIONS LITIGATION**

Hagens Berman filed a class-action lawsuit against Chevrolet (a division of General Motors) and Robert Bosch, LLC for installing emissions-cheating software in Cruze Clean Turbo Diesel cars, forcing consumers to pay high premiums for vehicles that pollute at illegal levels. While Chevy marketed these cars as a clean option, testing by an expert retained by Hagens Berman revealed the cars’ emissions are often up to 36 times the federal standard. In a recent ruling, U.S. District Judge Thomas L. Ludington upheld the bulk of the owners’ claims, and admitted the extensive emissions testing, software analysis, marketing and damages testimony offered by experts retained by Hagens Berman on behalf of Cruze owners. In 2022, Judge Ludington excluded one of GM’s experts and ruled on GM’s and Bosch’s motions for summary judgment, allowing the bulk of plaintiffs’ claims to proceed.

#### **BMW X5 & 335D EMISSIONS LITIGATION**

Based on BMW’s marketing, consumers who purchased its X5 Diesel and 335d vehicles assumed they were making a choice that was better for the environment than other options. BMW told the public that the vehicles “met emissions standards in all 50 states,” that “BMW Efficient Dynamics” meant “Less emissions,” that its engines “protect the environment every day,” were “environmentally friendly,” and turned nitric oxides (harmful pollutants in diesel exhaust)

“into environmentally compatible nitrogen and water vapor.” In reality, the 2009-2013 BMW X5 diesel and 2009-2011 335d vehicles emit harmful pollutants and emissions many times above legal emissions standards.

#### **AUDI EMISSIONS LITIGATION**

In 2016, Hagens Berman unearthed additional emissions-cheating by Audi, affecting its gasoline 3.0-liter vehicles. The firm’s investigation revealed a newly discovered defeat device installed in gasoline engines which changed how the transmission operated when testing was detected to lower CO2 emissions, but otherwise allowed excessive CO2 emissions in normal, on-road driving. The settlement the firm achieved as lead counsel benefited more than 88,000 vehicle owners and resulted in vehicle buybacks totaling more than \$30,000 for some class members.

#### **DODGE RAM 2500/3500 DIESEL EMISSIONS LITIGATION**

According to the firm’s investigation, Dodge has sold hundreds of thousands of Dodge RAM 2500 and 3500 trucks equipped with Cummins diesel engines that release illegally high levels of NOx emissions because fuel is diverted and burned to clear out the soot in the emission system. The firm is leading a national class action against Fiat Chrysler and Cummins (the engine manufacturer) for knowingly inducing consumers to pay premium prices for vehicles that exceed emissions standards, and lead to decreased fuel economy and higher costs because of the wasted fuel. Hagens Berman has also determined that there is a defeat device in these vehicles.

#### **FORD F-250 & F-350 SUPER DUTY EMISSIONS LITIGATION**

According to the firm’s lawsuit, much like VW, GM, Fiat Chrysler and Mercedes, Ford has intentionally sold its Ford F-250 and F-350 Super Duty trucks with emissions-cheating devices that mask the release of illegally high levels of NOx. NOx is highly regulated due to its danger to the environment. As a result, consumers paid an \$8,400 premium (compared to its gasoline equivalent) for a diesel truck that is, in fact, emitting illegal levels of deadly NOx emissions, rendering it illegal to drive on the road. Ford knew consumers would pay more for a powerful and efficient diesel option, and manipulated the emissions system to obtain the power and performance it wanted, while hiding illegal levels of pollution.

#### **GENERAL MOTORS DURAMAX EMISSIONS LITIGATION**

Hagens Berman recently pioneered another instance of diesel emissions fraud. The firm’s independent testing revealed that GM had installed an emissions-masking defeat device in its Duramax trucks, including [Chevy Silverado](#) and [GMC Sierra](#) models, in a cover-up akin to Volkswagen’s Dieselgate concealment. In real world conditions the trucks frequently emit 1.6 – 2.5 times the legal limit of deadly NOx pollutants and have been observed emitting almost 50 times the federal standard. Emissions cheating devices are installed in an estimated 705,000 affected vehicles.

#### **FCA DODGE RAM 2500/3500 SCR DEFECT**

According to the firm’s lawsuit stemming from consumers’ complaints, Dodge sold hundreds of thousands of Dodge RAM 2500 and 3500 trucks equipped with Cummins diesel engines that contain a defect that may lead to drastically reduced MPG and higher fuel costs, as well as need of excess vehicle repairs. Dodge RAM owners report vehicles serviced 16 times in two years for this issue, and software updates affecting engine performance and mileage, with MPG dropping as much as 25 percent. The defect also causes the vehicles to emit illegally high emissions.

## PRACTICE AREAS

## Civil and Human Rights

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

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

### **WORLD TRADE ORGANIZATION PROTESTS**

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

### **HUNGARIAN GOLD TRAIN**

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

### **DOLE BANANAS LITIGATION**

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

PRACTICE AREAS

## Consumer Protection – General Class Litigation

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

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

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

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

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

A few of our notable settlements include:

### **T-MOBILE DATA BREACH LITIGATION (2021)**

Hagens Berman served a court-appointed position on the Executive Committee in this consumer class action against T-Mobile for a data breach affecting 7.8 million subscribers, as well as 40 million people who had applied for credit with T-Mobile. T-Mobile also reported that approximately 850,000 active T-Mobile prepaid customers names, phone numbers and PIN numbers were exposed, as well as up to 52,000 names of customers related to current Metro by T-Mobile accounts.

**RESULT:** \$350 million settlement pending preliminary approval

### **BANK OF AMERICA COUNTRYWIDE APPRAISAL RICO LITIGATION**

Hagens Berman filed a nationwide class-action lawsuit against Bank of America, Countrywide Financial and appraisal firm, LandSafe Inc. on behalf of a class of home buyers alleging defendants carried out a series of phony appraisals in an attempt to secure more loans.

**RESULT:** \$250 million settlement

#### **STERICYCLE CONTRACT LITIGATION**

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

**RESULT:** \$295 million settlement

#### **NOTEWORLD/MERACORD DEBT SETTLEMENT LITIGATION**

Hagens Berman filed its lawsuit in 2011 on behalf of consumers nationwide, claiming the company violated Washington law and the federal Racketeer Influenced and Corrupt Organizations Act by conspiring with debt settlement providers to defraud consumers through trust accounts related to useless debt-settlement programs. Following years of plaintiff victories in the District Court and in the Ninth Circuit Court of Appeal, Judge Settle granted plaintiffs' motion for class certification and default final judgment against the Tacoma, WA company after Meracord ceased defending itself from plaintiffs' claims.

**RESULT:** \$1.45 billion default judgment

#### **APPLECARE WARRANTY LITIGATION**

The firm represented a class of Apple device owners claiming that Apple violated consumer laws, illegally charging customers premium prices for what they believed to be new replacement devices under its AppleCare/AppleCare+ programs. Attorneys for the class estimate the settlement will cover between 3.5 and 4 million refurbished Apple devices.

**RESULT:** \$95 million settlement has been preliminarily approved

#### **BANK OF AMERICA MILITARY CUSTOMER FRAUD LITIGATION**

Hagens Berman filed a class-action lawsuit alleging that Bank of America violated the Servicemembers Civil Relief Act, the Truth in Lending Act and North Carolina's Unfair and Deceptive Trade Practices Act. The suit also accused Bank of America of violating common law, including breach of contract, negligence and negligent misrepresentation.

**RESULT:** \$250 million settlement

#### **MIDLAND NATIONAL LIFE INSURANCE LITIGATION**

Hagens Berman filed a class-action lawsuit against Midland National Life Insurance Company claiming it engaged in a scheme to reap profits by exploiting and preying on senior citizens. The complaint states Midland National knowingly sold deferred annuity products to senior citizens that would not mature until after the annuitant's life expectancy. The 2012 settlement benefited more than 70,000 senior citizens.

**RESULT:** \$80 million settlement

#### **LUMBER LIQUIDATORS FLOORING PRODUCTS LIABILITY LITIGATION**

National laminate wood flooring company Lumber Liquidators Inc. reportedly sold flooring tainted with hazardous levels of formaldehyde to consumers across the country. Hagens Berman represented consumers who purchased composite wood flooring products from the company in a class-action lawsuit.

**RESULT:** \$36 million settlement

#### **CHASE FORCE-PLACED INSURANCE LITIGATION**

Hagens Berman filed a lawsuit on behalf of a proposed class of JPMorgan Chase borrowers nationwide whose home loans were serviced by Chase. The lawsuit alleged Chase illegally charged homeowners for inferior and often unnecessary flood insurance at premium rates nearly 10 times the market rate for similar policies.

**RESULT:** \$22 million settlement

#### **COVID-19 COLLEGE TUITION & FEES REIMBURSEMENT**

In 2020, as the COVID-19 pandemic unfolded, Hagens Berman sought to represent tuition and fee payers in class-action lawsuits seeking reimbursement for parents and guardians of college students or college students for tuition, fees and other expenses at colleges and universities across the nation. Hagens Berman believes that institutions of higher learning had no right to keep these charges given the coronavirus outbreak and lack of options to students, as college campuses closed. The firm has so far settled cases with Brown University, Quinnipiac University and Rutgers University, with several active cases pending.

**RESULT:** \$9 million in combined settlements so far

#### **TREX AND FIBER COMPOSITES LLC PORTICO DECKING**

Hagens Berman filed multiple class-action lawsuits against the makers of composite decking, including Fiber Composites LLC and Trex. The lawsuits were filed on behalf of consumers and alleged that the companies failed to uphold their promises to their customers, calling out defects in their decking including mold, fading and decking prone to fungus.

**RESULT:** More than \$8 million in combined settlement

#### **WALMART ORGANIC MILK MARKETING AND SALES PRACTICES LITIGATION**

The firm filed a lawsuit against Wal-Mart alleging the organic milk sold in stores under the Great Value label isn't organic. The lawsuit named Aurora Dairy Corp. as the milk producer and supplier for Wal-Mart.

**RESULT:** \$7.5 million settlement

#### **TENET HEALTHCARE**

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

**RESULT:** Settlement under which class members received amounts paid in excess of certain thresholds over a four-and-a-half-year period

#### **HOMEBUILDER AND REAL ESTATE DEVELOPER LITIGATION**

Hagens Berman has filed multiple class-action lawsuits against homebuilders and real estate development companies on behalf of homeowners seeking damages for alleged poor construction, depressed property values and unfair and deceptive practices often preying on elderly communities.

**RESULT:** The parties reached confidential settlements

#### **WELLS FARGO FORCE-PLACED INSURANCE**

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

**RESULT:** All class members received checks for more than double the amount of commissions that Wells Fargo wrongfully extracted from the force placement of insurance on class members' properties

#### **AMERICAN EQUITY INVESTMENT LIFE INSURANCE LITIGATION**

The firm served as co-counsel in a case against American Equity Investment Life Insurance Company that claimed the company knowingly engaged in an unethical and fraudulent scheme targeted towards senior citizens.

**RESULT:** The parties reached a confidential settlement

#### **CARRIER IQ CELL PHONE CONSUMER PRIVACY LITIGATION**

Hagens Berman served as co-lead counsel in this class-action lawsuit claiming that smartphone manufacturers HTC Corporation, HTC America Inc. and Samsung Electronics Co. Ltd. used software developed by Carrier IQ Inc. that illegally intercepted incoming text messages and captured users' keystrokes, including those used to compose email and text messages or to dial numbers, without consumers' knowledge or permission.

**RESULT:** The parties reached a confidential settlement

#### **AMAZON CONSUMER PROTECTION LITIGATION**

The firm has filed several active consumer-rights class actions against Amazon Inc. In one active matter, Hagens Berman represents a proposed class of consumers seeking to hold Amazon accountable for its alleged use of "dark patterns" to deceive users into subscribing to Amazon Prime, or complicate the process of unsubscribing. Since the firm's lawsuit, the Federal Trade Commission filed a complaint against Amazon for the same actions, bolstering the firm's existing claims.

Hagens Berman's consumer attorneys have also taken up the fight against the retail giant for its alleged price gouging that occurred during the COVID-19 pandemic, causing massive price spikes for essential goods including food, personal hygiene products and other emergency or medical supplies, allegedly violating California state consumer-protection laws.

#### **CBL & ASSOCIATES UTILITY CHARGES**

In this class-action lawsuit, the firm represents past and present small business tenants of CBL & Associates, a real estate investment trust. The lawsuit accuses CBL of illegally overcharging thousands of its mall tenants for years through a calculated "criminal enterprise" of inflated electricity charges, charging tenants up to 100 percent more than the cost of electricity actually used, in violation of its own lease agreements and state law.

#### **ONEWHEEL SHUT OFF DEFECT**

Consumers have reported sudden shutoffs and nosedives while operating Future Motion Inc.'s OneWheel electronic skateboards that launch riders from the board at potentially high speeds and steep angles. The boards have since been recalled yet Future Motion has yet to remedy the defect causing sudden loss of power. Hagens Berman filed its class action in 2022, seeking damages on behalf of consumers.

#### **EVENFLO BIG KID BOOSTER CAR SEAT**

Hagens Berman has been appointed co-lead counsel in a class-action lawsuit pertaining to a dangerous and defective line of child booster seats sold by Evenflo. Testing revealed Evenflo's Big Kid car seats place children weighing less than 40 pounds at grave risk of injury in the event of a car crash, especially side-impact collisions. Despite selling its Big Kid booster seat as safe for kids that weigh less than 40 pounds and "side impact tested," Evenflo does not tell consumers that its own tests showed a child seated in its booster could be in danger in such a crash.

#### **CONSUMER INSURANCE LITIGATION**

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

uninsured/underinsured premiums from the misleading tactics of the insurer. The firm's existing cases include pending litigation against Allstate and CNA Casualty Company.

**ADDITIONAL CONSUMER-FACING LITIGATION**

The firm's core ethos of bringing positive change to large numbers of affected individuals in need of recourse means that the vast majority of our cases benefit consumers directly. Many of these matters fall under additional complex areas of law. For additional consumer-facing litigation, settlements and victories see our work in the areas of [antitrust price-fixing](#), [automotive litigation](#) and [emissions cheating](#).

## PRACTICE AREAS

## Consumer Protection – Drug and Supplement Litigation

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

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

### RECENT ANTITRUST RESOLUTIONS

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

#### GLUMETZA ANTITRUST LITIGATION

The court denied summary judgment and paved the way for trial in this litigation against brand and generic manufacturers of the diabetes drug Glumetza. Hagens Berman served as co-lead counsel for the direct purchaser class. U.S. District Judge William Alsup approved \$453.85 million in settlements resolving direct purchasers' allegations. The result was the largest antitrust recovery to receive final approval in 2022.

**RESULT:** \$453.85 million settlement

#### RANBAXY ANTITRUST LITIGATION

Hagens Berman served as co-lead counsel representing Meijer Inc. and Meijer Distribution Inc. in a class-action lawsuit against drug maker, Ranbaxy. The lawsuit alleged it recklessly stuffed the generic drug approval queues with grossly inadequate applications, deceiving the FDA into granting tentative approvals to lock in statutory exclusivities to which Ranbaxy was not entitled and that it brandished these undeserved exclusivities to exclude others while its own applications floundered, all at the direct expense of U.S. drug purchasers. The settlement was part of a \$485 million total settlement for all plaintiffs in the case. The result was the second largest antitrust recovery to receive final approval in 2022.

**RESULT:** \$340 million settlement

#### **FLONASE ANTITRUST LITIGATION**

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

**RESULT:** \$150 million settlement

#### **PROGRAF ANTITRUST LITIGATION**

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

**RESULT:** \$98 million settlement

#### **RELAFEN ANTITRUST LITIGATION**

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

**RESULT:** \$75 million settlement, \$25 million of which was allocated to consumers and \$50 million paid the claims of insurers and other third-party payors

#### **SKELAXIN ANTITRUST LITIGATION**

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

**RESULT:** \$73 million class settlement

#### **TRICOR ANTITRUST LITIGATION**

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

**RESULT:** \$65.7 million settlement

#### **ALLERGAN RESTASIS LITIGATION**

Hagens Berman served as court-appointed interim lead counsel for a proposed class of direct purchasers of the Allergan Inc. dry-eye emulsion, Restasis. The lawsuit accused the drugmaker fraudulently obtained a series of patents for Restasis by misrepresenting that clinical trials newly showed that a lower strength Restasis formulation worked better than a stronger version.

**RESULT:** \$51.25 million settlement

#### **FRAUDULENT DRUG PRICING RESOLUTIONS**

Hagens Berman has led many complex cases that take on fraud and inflated drug prices throughout the U.S. This includes sweeping manipulation of the average wholesale price benchmark used to set prices for prescription drugs

nationwide, fraudulent marketing of prescription drugs and the rampant use of co-pay subsidy cards that drive up healthcare costs. These efforts have led to several significant settlements:

#### **MCKESSON AND FIRST DATABANK DRUG LITIGATION**

The firm discovered a far-reaching fraud by McKesson and became lead counsel in this RICO case against McKesson and First DataBank, alleging the companies fraudulently inflated prices of more than 400 prescription drugs. Following the culmination of this case, states and federal government then used Hagens Berman's work to bring additional suits. Hagens Berman represented several states and obtained settlements three to seven times more than that of the Attorneys General. Almost \$1 billion was recovered from the McKesson fraud.

**RESULT:** \$350 million settlement and a four percent rollback on the prices of 95 percent of the nation's retail branded drugs, the net impact of which could be in the billions of dollars

#### **AVERAGE WHOLESAL PRICE DRUG LITIGATION**

Hagens Berman served as co-lead counsel and lead trial counsel in this sprawling litigation against most of the nation's largest pharma companies, which alleges defendants artificially inflated Average Wholesale Price. Hagens Berman's work in this area led to many state governments filing suit and hundreds of millions in additional recovery.

**RESULT:** Approximately \$338 million in settlements

#### **FRAUDULENT MARKETING RESOLUTIONS**

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

#### **NEURONTIN THIRD-PARTY PAYOR LITIGATION**

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

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

#### **NEW ENGLAND COMPOUNDING CENTER MENINGITIS OUTBREAK**

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

**RESULT:** \$200 million settlement

#### **LUPRON LITIGATION**

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

**RESULT:** \$150 million settlement

### **CELEBREX/BEXTRA LITIGATION**

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

**RESULT:** \$89 million settlement

### **VIOXX THIRD PARTY PAYOR MARKETING AND SALES PRACTICES LITIGATION**

The firm served as lead counsel for third party payors in the Vioxx MDL, alleging that Merck & Co. misled physicians, consumers and health benefit providers when it touted Vioxx as a superior product to other non-steroidal anti-inflammatory drugs. According to the lawsuit. The drug had no benefits over less expensive medications but carried increased risk of causing cardiovascular events.

**RESULT:** \$80 million settlement

### **SERONO DRUG LITIGATION**

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

**RESULT:** \$24 million settlement

### **BAYER COMBINATION ASPIRIN/SUPPLEMENT LITIGATION**

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

**RESULT:** \$15 million settlement

## PRACTICE AREAS

## Data Breach

Hagens Berman defends privacy rights and protects consumers' sensitive personal information in an era of ever-increasing threats to cybersecurity.

In 2022 alone, over 422 million people became vulnerable to cybercriminals via data breaches, often due to the negligence or wrongdoing of corporations and other institutions that collect people's private information. Hagens Berman's data breach legal team pursues litigation on behalf of the hundreds of millions of individuals impacted by data breaches every year, and our dedicated team includes attorneys highly skilled in this area of law, including a former federal cyber-prosecutor and member of the Cyber and Intellectual Property Crimes Section in Los Angeles. Our firm is committed to holding corporations and institutions accountable for mishandling consumers' information, and to recovering compensation for those who have been harmed. While some firms pursue litigation only to protract the incident and expense their hours, our firm persistently pursues meaningful litigation to bring about swift relief and strengthen the laws and protocols protecting consumers. Some examples of our work in this area include:

### CAPITAL ONE DATA BREACH LITIGATION

The 2019 Capitol One data breach was the largest instance of data theft from a bank to date, and compromised the social security numbers and bank account numbers of 140,000 and 80,000 people, respectively. Hagens Berman pursued claims of negligence, unjust enrichment and violation of state data breach disclosure laws on behalf of Capitol One's customers.

**RESULT:** \$190 million settlement

### VALLEY ANESTHESIOLOGY DATA BREACH LITIGATION

In 2019, the firm reached a settlement with Valley Anesthesiology & Pain Consultants after a 2016 security incident in which hackers illegally accessed Valley's computer system, allegedly due to the company's failure to take appropriate security measures to protect its customers' data.

**RESULT:** The settlement provided identity theft protection to class members whose information was compromised in the breach

### PENDING DATA BREACH LITIGATION

#### T-MOBILE DATA BREACH LITIGATION – 2021

T-Mobile's 2021 data breach was the cellular company's fifth since 2018, and exposed more than 40 million customers' sensitive personal information to cybercriminals. According to an interview, the hacker carried out the data breach using "a simple tool available to the public," and Hagens Berman attorneys pursued claims of negligence and breach of contract against T-Mobile for allegedly failing to adhere to "industry-standard security measures," according to the complaint. A settlement valued at \$350 million is pending final approval from the court.

#### PROGRESS SOFTWARE MOVEIT DATA BREACH LITIGATION

Hagens Berman filed suit against Progress Software and a host of other defendants, including Bank of America, Fidelity Investments and Pension Benefit Information, following a 2023 hack that exploited a security vulnerability in MOVEit, a managed file transfer software owned by Progress and utilized by other defendants. More than 600 organizations

worldwide were impacted by this security breach, which exposed the personal information, including social security numbers, medical records and banking information of over 40 million people.

#### **T-MOBILE DATA BREACH LITIGATION – 2022**

The firm serves on the executive committee in this class-action lawsuit on behalf of the 37 million customers impacted by T-Mobile's eighth data hack since 2018, pursuing claims of negligence and unjust enrichment. The complaint alleged that the company had failed to "adhere to even its most basic obligations," putting the livelihoods of millions of people around the country at risk with its allegedly lax security measures.

#### **RECEIVABLES PERFORMANCE MANAGEMENT DATA BREACH LITIGATION**

Hagens Berman filed suit against the debt collection company following a ransomware attack that allowed an unauthorized party to gain access to RPM's systems and steal the social security numbers and names of 3.7 million people. RPM did not report the data breach until over a year after the security incident, leaving those affected unknowingly vulnerable for over a year.

## PRACTICE AREAS

## Employment Litigation

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

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

### **CB RICHARD ELLIS SEXUAL HARASSMENT LITIGATION**

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

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

### **SCHNEIDER NATIONAL CARRIERS - REGIONAL DRIVERS**

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

**RESULT:** \$28 million settlement

### **SCHNEIDER NATIONAL CARRIERS – MECHANICS**

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

**RESULT:** Settlement on terms mutually acceptable to the parties

### **COSTCO WHOLESALE CORPORATION WAGE & HOUR LITIGATION**

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

**RESULT:** \$15 million cash settlement

#### **SUNDANCE REHABILITATION CORPORATION**

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

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

#### **WASHINGTON STATE FERRY WORKERS WAGE LITIGATION**

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

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

PRACTICE AREAS

## Environmental Litigation

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

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

### SCIENCE AND THE LAW

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

### ENVIRONMENTAL EXPERTS

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

### REAL IMPACTS

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

Hagens Berman's significant environmental cases include:

#### EXXON VALDEZ OIL SPILL LITIGATION

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

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

#### SKAGIT VALLEY FLOOD LITIGATION

Hagens Berman represented farmers, homeowners and businesses who claimed damages as a result of the 1990 flooding of this community. The case was in litigation for ten years and involved a jury trial of more than five months. Ultimately, the State Supreme Court reversed this judgment. Despite this reversal, the firm is proud of this representation and believes that the Supreme Court erred.

**RESULT:** Judgments exceeding \$6.3 million entered by the trial court following the entry of 53 verdicts against Skagit County

#### **KERR-MCGEE RADIATION LITIGATION**

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

**RESULT:** Medical monitoring settlement valued in excess of \$5 million

#### **CHINOOK FERRY LITIGATION**

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

**RESULT:** \$4.4 million settlement, among the most favorable in the annals of class litigation in Washington state

#### **SYCAMORE, ILLINOIS WATER CONTAMINATION LITIGATION**

Hagens Berman represented a group of Sycamore, Illinois residents against the city accusing the municipality of creating a public health crisis through decades of negligence. The lawsuit states that the city allowed its water system to corrode and deteriorate to where hundreds of residents now lack one of life's most basic needs: clean water. Under the terms of a 2023 settlement, the city of Sycamore will dedicate an average annual allotment of \$1.2 million to water infrastructure improvement projects through 2027. Additionally, Sycamore water will be independently tested for lead and chlorine for three years at 50 different sites. The lab will provide to residents an information sheet. Test results will be publicly published on the city's website for 30 days upon completion.

**RESULT:** Settlement bringing various forms of relief to the residents of Sycamore, Illinois, including annual allotments of \$1.2 million to water infrastructure improvement projects through 2027 and independent water testing at 50 different sites.

#### **GRAND CANYON LITIGATION**

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

**RESULT:** Project enjoined by the trial court

#### **IDAHO GRASS BURNING LITIGATION**

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

**RESULT:** Settlement under confidential terms

#### **DOLE BANANAS LITIGATION**

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

**RESULT:** Culminated in 2013 when Dole and non-profit organization Water and Sanitation Health Inc. collaborated on a water filter project to assist local communities in Guatemala

### **DIESEL EMISSIONS LITIGATION**

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

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

### **SAN FRANCISCO AND OAKLAND CLIMATE CHANGE LITIGATION**

Hagens Berman represents the cities of San Francisco and Oakland, Calif. in two lawsuits filed against BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips alleging that the Big Oil giants are responsible for the cities' costs of protecting themselves from global warming-induced sea level rise, including expenses to construct seawalls to protect the two cities' more than 5 million residents. The newly filed case seek an order requiring defendants to abate the global warming-induced sea level rise by funding an abatement program to build sea walls and other infrastructure. Attorneys for the cities say this abatement fund will be in the billions.

### **KIVALINA GLOBAL WARMING LITIGATION**

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

### **CANE RUN POWER PLANT COAL ASH LITIGATION**

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

## PRACTICE AREAS

## Governmental Representation

Hagens Berman has been selected by public officials to represent government agencies and bring civil law enforcement and damage recoupment actions designed to protect citizens and the treasury. We understand the needs of elected officials and their obligation to impartially and zealously represent the interests of the public without taking excessive risks in litigation. We are often chosen after competitive bidding, and have been hired by officials from across the political spectrum.

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

### TOBACCO LITIGATION

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

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

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

### MCKESSON AVERAGE WHOLESAL PRICE LITIGATION

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

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

### MCKESSON GOVERNMENT LITIGATION

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

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

### **ZYPREXA MARKETING & SALES PRACTICES LITIGATION – CONNECTICUT**

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

**RESULT:** \$25 million settlement

### **GENERAL MOTORS IGNITION SWITCH LITIGATION**

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

### **STATE OPIOID LITIGATION**

Hagens Berman was hired to assist multiple state and local governments in lawsuits brought against large pharmaceutical manufacturers including Purdue Pharma, Cephalon, Janssen Pharmaceuticals, Endo Health Solutions and Actavis charging that these companies and others deceived physicians and consumers about the dangers of prescription painkillers. Hagens Berman was also hired to represent several municipalities in lawsuits challenging the reckless distribution of prescription opioids by wholesale distributors and pharmacy chains.

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

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

In a fourth filing, Hagens Berman was retained by the state of Arkansas to challenge opioid manufacturers' deceptive marketing of prescription opioids. Announcing the lawsuit on April 2, 2018, Arkansas Attorney General Leslie Rutledge stated that "the reckless actions of these opioid manufacturers have wreaked havoc upon Arkansas and her citizens for far too long."

Hagens Berman has also represented the city of Seattle and Salt Lake County in separate lawsuits against the opioid manufacturers. These lawsuits also name the nation's largest wholesale distributors and pharmacy chains as defendants, alleging that they failed to implement adequate controls to prevent the diversion of opioids into the black market and other unlawful distribution channels.

### **MUNICIPAL LENDING LITIGATION**

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

PRACTICE AREAS

## High Tech Litigation

Hagens Berman routinely takes on the world's largest tech companies and has pending litigation against Facebook, Apple, Amazon and other Big Tech players for issues related to intellectual property, antitrust infringement, consumer rights and product defects affecting millions of individuals' daily lives.

### HIGH TECH LITIGATION ATTORNEYS

Hagens Berman brings cutting edge cases against major tech companies. We leverage our resources, breadth of knowledge and expert litigation strategies against harmful anticompetitive practices, defective products and other instances of malfeasance perpetrated by Big Tech. While some of these companies believe they are too big to fail, our firm is well-practiced in uncovering wrongdoing and holding responsible parties accountable for widespread fraud, even when governing bodies are constrained by red tape and bureaucracy.

Hagens Berman also litigates claims against tech companies in the areas of trade secrets, IP and patent law, and we represent individual business owners as well as large groups of consumers.

### HIGH TECH CLASS-ACTION CASES

Throughout Hagen's Berman's decades-long track record, some of our largest cases have been brought against Big Tech companies, resulting in monumental recoveries for our clients:

#### APPLE E-BOOKS LITIGATION

Hagens Berman served as co-lead counsel representing a class of Apple e-book purchasers claiming that Apple and five of the nation's top publishers, including HarperCollins Publishers, Hachette Book Group, Macmillan Publishers, Penguin Group Inc. and Simon & Schuster Inc. illegally fixed prices of electronic books. Working with the State Attorneys General in 33 jurisdictions, Hagens Berman reached \$166 million settlements with the publishers, and after the Second Circuit confirmed its liability, Apple paid \$450 million to the consumer class, a combined settlement that provided more than twice the estimated losses suffered by consumers.

**RESULT:** \$616 million settlement

#### APPLE IOS APP STORE FEES LITIGATION

In this lawsuit against Apple, the firm served as interim lead counsel and represented U.S. iOS developers. The lawsuit accused Apple of monopolizing distribution services for iOS apps and in-app digital products, resulting in commission overcharges.

**RESULT:** \$100 million and developer-friendly changes to the App Store's policies

#### GOOGLE PLAY STORE FEES LITIGATION

The firm filed a class action on behalf of Android app developers against Google accusing it of violating antitrust laws by illegally monopolizing markets for Android app distribution and in-app payment processing. Hagens Berman was the

first to file a class case, led settlement negotiations and patterned the settlement with Google after its 2021 legal win against Apple regarding damages to iOS developers through Apple's App Store policies.

**RESULT:** \$90 million settlement

#### **GOOGLE ADSENSE LITIGATION**

Hagens Berman represented a class of Google AdSense users who suffered unjust account suspensions.

**RESULT:** \$11 million settlement

#### **PENDING LITIGATION AGAINST BIG TECH COMPANIES**

The firm also has several pending litigations against Big Tech giants like Amazon, Apple and Facebook. Some of our most notable pending claims include:

##### **AMAZON ANTITRUST VIOLATIONS**

Independent investigations by Hagens Berman's legal team and expert antitrust attorneys have revealed that Amazon.com has violated federal antitrust price-fixing and monopoly laws, causing Amazon customers to pay artificially increased prices for products purchased online. In each of the pending cases, Hagens Berman was the first to file, and it serves as interim lead counsel, where leadership was contested. In two cases, representing consumers who purchased on and off Amazon Marketplace, Hagens Berman alleges a broad-reaching agreement between Amazon and the 2 million merchants that sell on its platform as third-party sellers. This agreement prevents third-party sellers from selling at lower prices anywhere else online, even if it costs them less to sell on other platforms and it would be more profitable to do so. This agreement substantially increases the price of virtually every product sold online and consolidates Amazon's iron hold on the online retail market. In a third suit, Hagens Berman alleges that Amazon's agreements with its suppliers likewise increase online consumer prices by restraining price competition from other online retailers. These agreements impose financial penalties on the suppliers, whenever Amazon reduces its own retail price to match a lower online price of the supplier's products. These penalties pressure suppliers to impose minimum retail prices and enforce them against Amazon's retail competitors that would otherwise sell at a lower price than Amazon. In other litigation, the firm also represents booksellers and is interim lead counsel, representing e-book purchasers in antitrust matters regarding those markets and Amazon's monopolistic practices that have harmed businesses and consumers alike.

##### **APPLE PAY ANTITRUST**

The firm filed a class-action lawsuit accusing Apple of intentionally monopolizing the billion-dollar mobile wallet market on iOS platforms, forcing payment card issuers to pay supracompetitive fees and stifling mobile wallet innovation. The lawsuit claims that Apple's antitrust behavior has led to upwards of \$1 billion in illicit annual revenue through Apple Pay fees paid by payment card issuers including credit unions and other small businesses.

##### **FACEBOOK ANTITRUST**

Hagens Berman filed a class-action lawsuit alleging that Facebook gained an illegal monopoly by exploiting and selling user data. We believe Facebook utilized its own user data to identify emerging threats to its social-media monopoly without properly compensating consumers and without notifying them the extent to which their personal information was being used. A key attorney on the case at Hagens Berman was named co-lead counsel for the class of consumers.

##### **FACEBOOK USER PRIVACY LITIGATION**

The firm represented a proposed class of Facebook users against the social media giant and parent company, Meta, in a class-action lawsuit seeking to hold it accountable for compromised data leaks via Facebook's third-party data sharing. According to news outlets, the data of roughly 70 million U.S. Facebook users was collected in or about 2014 for the

purpose of psychographic profiling. Rather than asking Facebook members for permission to access their data, an enterprise paid by Cambridge Analytica accessed all this data through the targets' Facebook friends.

#### **SAMSUNG GALAXY PROCESSOR SLOWDOWN LITIGATION**

Hagens Berman's consumer rights attorneys filed a lawsuit against Samsung for intentionally installing an app on Galaxy phones that limits everyday device performance while falsely appearing to perform well to benchmark testing apps. Attorneys believe Samsung did this to cheat device speed tests and gain a competitive edge while lying to consumers about the performance they actually get from their devices.

#### **NONPUBLIC INVESTIGATIONS**

Hagens Berman is also involved in a number of nonpublic investigations of tech companies for various forms of deception and harm to consumers and employees.

PRACTICE AREAS

## Intellectual Property

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

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

Our current and recent engagements include the following:

### **DISNEY, FOX, MARVEL, PARAMOUNT COPYRIGHT LITIGATION**

Hagens Berman currently represents Rearden LLC in three cases against Hollywood film studios. The complaint alleges that the studios are liable for thousands of unauthorized copies of Rearden's groundbreaking MOVA facial performance capture software, used by the studios for CG characters that appeared in seven major motion pictures. The complaint also alleges infringement of the MOVA trademark.

### **ANGRY BIRDS TRADEMARK LITIGATION**

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

**RESULT:** Settled under confidential terms

### **BOMBARDIER INC. PATENT LITIGATION**

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

**RESULT:** \$46.7 million final judgment against defendants, trebling initial damages of \$15.5 million awarded in a unanimous jury verdict

### **NINTENDO PATENT LITIGATION**

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

**RESULT:** Settled under confidential terms

### **SAMSUNG, LG, APPLE PATENT LITIGATION**

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

**RESULT:** Settled under confidential terms

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

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

## PRACTICE AREAS

## Investor Fraud – Individual and Class Action Litigation

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

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

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

### **CHARLES SCHWAB YIELD PLUS SECURITIES LITIGATION**

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

**RESULT:** \$235 million settlement

### **AEQUITAS CAPITAL MANAGEMENT SECURITIES LITIGATION**

Prosecuted class action against the bankers, lawyers and accountants who assisted Aequitas in carrying out a massive Ponzi scheme that defrauded investors of millions of dollars before the firm was shut down in 2016.

**RESULT:** \$234 million in total settlements, representing the largest settlement of a securities lawsuit in Oregon history.

### **JPMORGAN – MADOFF PONZI SCHEME LITIGATION**

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

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

### **MCKESSON**

Hagens Berman filed this class action investor-rights derivative action based on the McKesson board's failure to monitor and oversee the company's opioid distribution operations resulting in hundreds of millions of dollars of potential damages from scores of lawsuits filed against McKesson.

**RESULT:** \$175 million record-breaking derivative settlement and strong corporate governance changes

#### **OPPENHEIMER SECURITIES LITIGATION**

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

**RESULT:** \$100 million settlement

#### **TREMONT**

Co-lead counsel in a case alleging Tremont Group Holdings (and its five Madoff feeder funds: Rye Select Broad Market Fund, L.P., Rye Select Broad Market Prime Fund, L.P., Rye Select Broad Market XL Fund, L.P., Rye Select Broad Market XL Portfolio Limited, and Rye Select Broad Market Portfolio Limited) breached its fiduciary duties by turning over \$3.1 billion to Bernard Madoff. On Sept. 14, 2015, after nearly two years of negotiations and mediation, the court granted final approval of the plan of allocation and distribution of the funds which markets estimate could yield investors as much as \$1.45 billion.

**RESULT:** \$100 million plus negotiated bankruptcy proceed resulting in distributions of over \$1 billion to investors

#### **BOEING**

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

**RESULT:** \$92.5 million record-breaking settlement

#### **ZUORA, INC. SECURITIES LITIGATION**

The firm filed a securities fraud class action alleging misrepresentations and concealment of delays in implementing and integrating RevPro, the company's revenue recognition management software application. A \$75.5 million settlement provided significant relief to investors.

**RESULT:** \$75.5 million settlement

#### **MORRISON KNUDSEN**

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

**RESULT:** \$63 million settlement

#### **RAYTHEON/WASHINGTON GROUP**

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

**RESULT:** \$39 million settlement

#### **THERANOS INVESTOR LITIGATION**

Hagens Berman represented Theranos investors in a lawsuit that states that Theranos and its officers set in motion a publicity campaign to raise billions of dollars for Theranos and themselves, and to induce investors to invest in Theranos, all the while knowing that its "revolutionary" blood test technology was essentially a hoax. In a case of first impression, the court upheld the investor claims where plaintiffs did not directly purchase their securities from Theranos, Elizabeth Holmes and Sunny Balwani, but through funds whose purpose included investing in Theranos.

**RESULT:** The firm secured a confidential settlement with Theranos, Holmes and Balwani ending the suit. The settlement also allowed for continued public access to depositions, video and exhibits which were featured prominently in various podcasts and streaming services, including "Bad Blood the Final Chapter," Netflix's "The Inventor: Out for Blood in Silicon Valley" and Hulu's "The Dropout."

## U.S. WEST

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

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

Our current casework includes:

## SPAC LITIGATION

Hagens Berman represents investors in a number of private securities class action lawsuits arising out of fraud and other misconduct in connection with private companies that went public through special purpose acquisition vehicle ("SPAC") business combinations.

SPACs are shell entities that raise money and list on an exchange, usually with the goal of merging with a private firm and taking it public. SPACs burst onto the scene in 2020, as a hot alternative to traditional initial public offerings, raising more than \$80 billion raised in 2020 and more than \$160 billion raised in 2021, alone.

The SEC has recently raised serious concerns regarding the information asymmetries, the potential for misleading information and fraud, and conflicts of interest inherent SPAC business combinations. Several high-profile SPAC debacles have resulted in serious allegations of green washing, false projections and other securities fraud, collectively costing investors billions of dollars in investment losses.

The Firm's attorneys, together with its investigators, accountants and economic consultants, are prosecuting a number of securities class actions brought on behalf of damaged SPAC investors. For example, Hagens Berman serves as the court-appointed counsel in Berkeley Lights, Danimer, Desktop Metal, Hyzon, and Redwire.

## COVID-19-RELATED CLASS ACTIONS

As COVID-19 has continued to spread across the United States, Hagens Berman has remained keenly focused on protecting investors from frauds, illicit schemes and other misconduct relating to COVID-19. For example, Hagens Berman investigated, filed a proprietary action and serves as court-appointed lead counsel in one of the first securities class actions arising from a fraudulent scheme for corporate insiders to profit from disseminating false and misleading information concerning a company's COVID-19 vaccine candidate, *In re Vaxart, Inc. Sec. Litig.*, No. 3:20-cv-05949-VA (N.D. Cal.). The Firm and its co-counsel recently defeated in large part defendants' motions to dismiss in *Vaxart*.

## CANNABIS SECURITIES FRAUD

The expanding legalization and sale of cannabis in not only the U.S. but globally, spurred a wave of cannabis-related initial public offerings and mergers and acquisitions. But as investors would later learn, the nascent industry was rife with accounting fraud, false projections and egregious insider trading. Hagens Berman currently serves as co-lead counsel in *In re Aurora Cannabis Inc. Securities Litigation*, 2:19-cv-20588-JMV-JBC (D. N.J.). The Firm and its-counsel also recently obtained a \$13 million settlement on behalf of investors in *Ortiz v. Canopy Growth Corp. et al.*, 2:19-cv-20543 (D. N.J.).

## U.S.-LISTED FOREIGN COMPANIES

Investing in U.S.-listed foreign companies is a convenient way for U.S. investors to gain exposure to vast and fast-growing foreign economies. But the inability to inspect the audits of certain foreign firms, together with the spectacular collapses of several large issuers, have shined the light on rampant financial fraud at foreign issuers trading on American

exchanges. The firm is currently leading the prosecution in a number of private securities class actions against U.S.-listed foreign companies, including against JOYY, Sasol, SOS and Wirecard.

#### **TECHNOLOGY SECTOR**

Claims of lucrative contracts, investments and acquisitions, or of new product lines are common ways in which issuers in the technology space are about to get investors excited about the company so that they will purchase shares. But in recent history, several high-profile technology firms have been accused of attempting to pump their share price through fictitious statements about their products, prospects and economic activity. The firm was appointed lead counsel in an action against a recent IPO cloud application company, *Roberts v. Zuora Inc. et al*, 3:19-cv-03422 (N.D. Cal.), where the firm and its client have defeated defendants' motion to dismiss, certified a class of investors, and are preparing for trial. The firm was also appointed lead counsel against tech real-estate marketplace company Zillow over its failed house-flipping business, *Barua v. Zillow Group, Inc., et al.*, 2:21-cv-01551-TSZ (W. Wash.).

#### **WHISTLEBLOWERS**

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

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

PRACTICE AREAS

## Personal Injury and Abuse

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

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

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

### VEHICLE COLLISION/TRAUMATIC INJURIES

Hagens Berman is an established leader in traumatic injury litigation. Our attorneys fight for the rights of injured athletes, slip-and-fall victims, victims of life-changing collisions and car crashes, those injured in the workplace and other victims of negligence who have suffered severe injuries. Our firm has successfully litigated personal injury claims involving traumatic brain injuries, spinal cord damage and other catastrophic injuries that require immediate care and leave victims physically, emotionally and financially vulnerable.

### MEDICAL MALPRACTICE

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

### NURSING HOME NEGLIGENCE

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

### SEXUAL ABUSE LITIGATION

Hagens Berman has represented a wide spectrum of individuals who have been victims of sexual abuse, including children and developmentally disabled adults. We treat each case individually, with compassion and attention to detail and have the expertise, resources and track record to stand up to the toughest opponents. In the area of sexual abuse, our attorneys have obtained record-breaking verdicts, including the largest personal injury verdict ever upheld by an

appellate court in the state of Washington. More about Hagens Berman's sexual abuse practice can be found on the Sexual Abuse and Harassment practice area page.

#### **SOCIAL WORK NEGLIGENCE**

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

#### **WORKPLACE INJURY**

While many workplace injury claims are precluded by workers' compensation laws, many instances of workplace injury are caused by the negligence and dangerous oversight of third parties. In these instances, victims may have valid claims. Hagens Berman's personal injury legal team has successfully brought many workplace injury claims, holding third parties liable for our clients' serious bodily injuries. This includes successfully litigating claims under the Washington Law Against Discrimination, which protects all people in the state from unfair and discriminatory practices in employment and public accommodations access.

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PRACTICE AREAS

## Sexual Abuse and Harassment

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

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

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

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

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

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

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

The firm achieved a nationwide sexual harassment settlement on behalf of 16,000 women and has represented survivors of sexual harassment and abuse by Harvey Weinstein, as well as USC alumnae abused by the university's former gynecologist, Dr. George Tyndall.

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

### **USC, DR. TYNDALL SEXUAL HARASSMENT LITIGATION**

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

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

The settlement's three-tier structure allowed class members to choose how much they wanted to engage with the claims process. Those who did not want to revisit a private, traumatic event could simply keep the guaranteed Tier 1 payment of \$2,500. Those who chose to provide additional information in a claim form about their experience with Tyndall and how it affected them were eligible for up to \$20,000 and those who chose to provide an interview were eligible for up to \$250,000. The special master and her team of experts evaluated claims and allocated awards to Tier 2 and Tier 3 claimants. This focus on choice ensured that all class members received compensation while giving each class member the autonomy to decide for herself how involved she wanted to be in the settlement process.

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

**RESULT:** \$215 million settlement

### HARVEY WEINSTEIN SEXUAL HARASSMENT

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

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

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

**RESULT:** \$17.1 million Sexual Misconduct Claims Fund

### FAIRFAX BEHAVIORAL HEALTH

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

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

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

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

**RESULT:** Settlement under confidential terms

### CB RICHARD ELLIS SEXUAL HARASSMENT LITIGATION

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

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supervisor accountability, address sexually inappropriate conduct in the workplace, enhance record-keeping practices and conduct annual reviews of settlement compliance by a court appointed monitor.

**RESULT:** Innovative and unprecedented settlement requiring changes to human resources policies and procedures, as well as the potential for individual awards of up to \$150,000 per class member

### **KING COUNTY CHILD SEX ABUSE**

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

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

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

**RESULT:** \$4,031,000 judgment

### **STATE OF WASHINGTON SEXUAL ASSAULT, DSHS**

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

**RESULT:** \$2.5 million settlement

### **WORKPLACE SEXUAL HARASSMENT & OTHER INVESTIGATIONS**

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

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

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

Hagens Berman is also investigating sexual harassment and abuse in various specific areas of study, including STEM programs. The firm also serves as a watchdog for industries where misconduct is particularly prevalent. These include hospitality, college campuses and research labs, boarding schools and the entertainment industry, especially within the area of professional music.

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

HAGENS BERMAN SOBOL SHAPIRO LLP

PRACTICE AREAS

## Sports Litigation

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

### NCAA SCHOLARSHIPS/GRANT-IN-AID LITIGATION

In a first-of-its-kind antitrust action and far-reaching case affecting approximately 40,000 Division I college athletes, Hagens Berman filed a class-action against the NCAA and its most powerful member conferences, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming these entities violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bear.

The damages portion of the case resulted in an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

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

**RESULT:** \$208 million settlement regarding the damages portion of the case, 100% of estimated single damages, followed by a unanimous 9-0 decision in favor of plaintiffs from the U.S. Supreme Court regarding the injunctive portion. The media called the firm's victory in the scholarships case against the NCAA a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), "...the highest court left the NCAA unhoused and naked, with nothing left but its pretensions," (The Washington Post), it "delivered a heavy blow," (AP), and leaves the NCAA "more vulnerable than ever."

### NCAA CONCUSSIONS LITIGATION

Cases of particular nationwide interest for fans, athletes and the general public involve numerous cases filed by Hagens Berman against the NCAA. Recently, the firm took on the NCAA for its failure to prevent concussions and protect student-athletes who suffered concussions. Steve Berman served as lead counsel in multi-district litigation and led the firm to finalize a settlement bringing sweeping changes to the NCAA's approach to concussion treatment and prevention.

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The settlement's medical monitoring program is overseen by a medical science committee appointed by the court that screens and tracks concussions. Examinations include neurological and neurocognitive assessments to evaluate potential injuries. Each player now receives a seasonal baseline test to better assess concussions sustained during the season. All athletes who have sustained a concussion will now need to be cleared before returning to play. A medical professional trained in the diagnosis of concussions will be present at all games involving contact sports. The settlement also creates reporting mandates for concussions and their treatment.

**RESULT:** 50-year medical monitoring settlement funded by a \$70 million medical monitoring fund, paid by the NCAA and its insurers, as well as significant changes to and enforcement of the NCAA's concussion management policies and return-to-play guidelines

### NCAA & EA PLAYER NAME, IMAGE & LIKENESS (NIL) RIGHTS IN VIDEOGAMES

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

The firm began this case with the knowledge that the NCAA and member schools were resolute in keeping as much control over student-athletes as possible and fought hard to ensure that plaintiffs would not be exploited for profit, especially by the organization that vowed to prevent the college athletes from exploitation. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600.

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

**RESULT:** Combined \$60 million settlement, marking the first time the NCAA agreed to a settlement that pays student-athletes for acts related to their participation in athletics

### CONTINUED NIL LITIGATION

Hagens Berman has continued efforts against the NCAA in an additional pending antitrust case regarding NIL rights. In June 2020, the firm filed its case against the NCAA and the five most powerful conferences — the Pac-12, Big Ten, Big 12, SEC and ACC — claiming the defendants had knowingly violated federal antitrust laws in abiding by a particular subset of NCAA amateurism rules that prohibit college athletes from receiving anything of value in exchange for the commercial use of their name and likeness. The firm holds that the NCAA's regulations illegally limit the compensation that Division I college athletes may receive for the use of their NIL and athletic reputations.

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

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

### FIFA & U.S. SOCCER CONCUSSIONS

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

The settlement against six of the largest youth soccer organizations greatly diminished risks of concussions and traumatic head injuries. Prior to the settlement, no rule limited headers in children's soccer. The settlement also highlights the importance of on-staff medical personnel at youth tournaments. Under the settlement, youth players who have sustained a concussion during practice or a game will need to follow certain return-to-play protocols before they are allowed to play again. Steve Berman, a youth soccer coach, has seen first-hand the settlement's impacts and life-changing effects every time young athletes take to the field.

## HAGENS BERMAN SOBOL SHAPIRO LLP

**RESULT:** New return-to-play guidelines, benchmarks for concussion measurement and safety protocols, as well as new safety guidelines throughout U.S. Soccer, including completely eliminating heading for youth soccer's youngest players

### NCAA TRANSFER ANTITRUST

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

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

### POP WARNER

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

Hagens Berman sought to hold Pop Warner, its affiliates, Hill's coaches and members of the Lakewood Pop Warner board of directors accountable for the coaches' repeated and incorrect instruction that Hill and his teammates tackle opposing players by leading with the head. Sadly, months after the firm's settlement was reached in January 2016, 17-year-old Donovan passed away. The firm believes that his case will continue to have a lasting impact on young athletes for generations and will help ensure safety in youth sports.

**RESULT:** Confidential settlement on behalf of Donovan and his mother

### MLB FOUL BALL INJURIES

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

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

**RESULT:** MLB's commissioner Rob Manfred issued a recommendation to all 30 MLB teams to implement extended safety measures, including additional safety netting at ballparks

### OTHER SPORTS CASES

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

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

## PRACTICE AREAS

## Whistleblower Litigation

Hagens Berman successfully represents whistleblowers under several whistleblower programs which financially reward private citizens who blow the whistle on fraud.

In cases brought under federal and state False Claims Act statutes, whistleblowers report fraud committed against the government and may sue those individuals or companies responsible, helping the government recover losses in return for a share of the damages.

In cases brought under the Dodd-Frank Whistleblower Programs of the Securities and Exchange Commission and the Commodity Futures Trading Commission, whistleblowers are awarded for original information that supports successful enforcement actions by those agencies. This is also true of the whistleblower programs of the Internal Revenue Service and the Department of Treasury.

Our depth and reach as a leading international plaintiffs' firm with significant success in cases against industry leaders in finance, health care, pharmaceuticals, the defense industry, consumer products, and many others leads whistleblowers to seek us to represent them in claims alleging fraud against the many of the largest and most successful corporations in the world.

Our firm has challenged these industries with great, unparalleled success, and has achieved several milestone victories for our whistleblower clients. With several former prosecutors and other government attorneys in its ranks and nearly 30-years of history of working with governments across the country, including close working relationships with senior attorneys at the U.S. Department of Justice, SEC, CFTC and state Attorneys General offices, the firm is second-to-none in its ability to advocate for whistleblowers.

The whistleblower programs under which Hagens Berman pursues cases include:

### FALSE CLAIMS ACT

Under the federal False Claims Act, and more than 30 similar state laws, a whistleblower reports fraud committed against the government, and under the law's *qui tam* provision, may file suit on behalf of the government to recover falsely and fraudulently obtained funds. These False Claims Acts statutes are the more effective tools in fighting Medicare and Medicaid fraud, defense contractor fraud, financial fraud, procurement and other contracting fraud, education fraud, and other types of fraud perpetrated against governments.

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

Since 1986, federal and state false claims act recoveries have totaled more than \$72 billion. Some examples of our cases brought under the False Claims Act include:

**U.S. EX REL. LAGOW V. BANK OF AMERICA**

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

**RESULT:** \$1 billion settlement and substantial client reward

**U.S. EX REL. MACKLER V. BANK OF AMERICA**

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

**RESULT:** Settled as part of the 2012 global mortgage settlement, resulting in a substantial award to our client

**U.S. EX REL. HORWITZ V. AMGEN**

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

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

**U.S. EX REL. DOE V. US WORLD MEDS LLC**

Represented a Senior Medical Director challenging off-label promotion and unlawful kickbacks to medical providers for use of its injectable products.

**RESULT:** Settled with a substantial award to our client.

**U.S. EX REL. KITE V. BROOKHAVEN MEMORIAL, ET AL.**

Represented a health care finance expert in this complex, declined False Claims Act case against several large hospitals who committed Medicare fraud through false claims for "outlier" payments.

**RESULT:** Settlements with every hospital defendant and a substantial award for our client

**U.S. EX REL. THOMAS V. SOUND INPATIENT PHYSICIANS INC.**

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

**RESULT:** \$14.5 million in payments to the U.S. government by Tacoma-based Sound Physicians and a substantial award to our client

**U.S. EX REL. PLAINTIFFS V. CENTER FOR DIAGNOSTIC IMAGING INC.**

Hagens Berman joined as lead trial counsel a qui tam lawsuit on behalf of two whistleblowers against Center for Diagnostic Imaging, Inc. (CDI), alleging that CDI violated anti-kickback laws and defrauded federally funded health programs.

**RESULT:** Through litigation we increased the settlement and secured a substantial award for our client.

**MEDTRONIC**

Represented a top sales representative in this action challenging fraudulent medical device applications to the FDA and off-label promotion of its biliary devices.

**RESULT:** Secured a confidential settlement for our client.

## **SECURITIES AND EXCHANGE COMMISSION / COMMODITY FUTURES TRADING COMMISSION**

Since implementation of the SEC/CFTC Dodd Frank whistleblower programs in 2011, Hagens Berman has become a leading firm representing whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act.

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

Our firm has represented high-profile financial fraud whistleblowers, including in cases with front-page coverage in the Wall Street Journal and other respected publications. We were the first firm to represent a whistleblower whose complaint led to the criminal extradition of a market manipulator and the firm who represented a client whose complaint resulted in the largest fines ever levied against financial exchanges, including BATS and NYSE.

The firm represents several high-level Wall Street veterans in several areas of finance and trading as well as several directors and management level personnel at large corporations around the world.

Hagens Berman has worked closely in support of top government officials and enforcement personnel at both the SEC and CFTC across their several regional offices, establishing the credibility necessary to bring a case that is closely examined and acted upon.

Though many cases remain confidential in perpetuity at client request, a few of the firm's most recent whistleblower cases in this area include:

### **EDGA EXCHANGE INC. AND EDGX EXCHANGE INC.**

Represented HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case against two exchanges formerly owned by Direct Edge Holdings and since acquired by Bats Global Markets challenging undisclosed and improper practices undermining fair and orderly markets.

**RESULT:** Record-breaking \$14 million fine secured by the U.S. Securities and Exchange Commission against defendants, the largest ever brought against a financial exchange at the time. This resulted in a substantial award to our client.

### **NAV SARAO FUTURES LIMITED PLC**

Represented an anonymous market expert whistleblower who brought his concerns and original analysis to the CFTC after hundreds of hours spent analyzing data and other information regarding manipulation of the S&P 500 eMini.

**RESULT:** The market manipulator Mr. Sarao was criminally extradicted and pled guilty to market manipulation and was forced to disgorge his ill-gotten gains. Our client received a substantial award.

### **NEW YORK STOCK EXCHANGE (NYSE)**

Represented Mr. Bodek in another successful SEC whistleblower complaint against a financial exchange for violations of SEC rules.

**RESULT:** The SEC secured a record fine against NYSE and our client received a substantial award.

### **CARGILL**

Represented the whistleblower responsible for the CFTC's action against the largest privately held company in the U.S., challenging Cargill's misconduct in providing inaccurate information on swaps and failures to supervise.

**RESULT:** Our client received a substantial award from the CFTC's successful enforcement action.

### **GRANT THORNTON**

Represented a whistleblower who brought allegations that a leading accounting and audit firm ignored red flags and conducted materially deficient audits of a public traded company about which our client reported.

**RESULT:** Grant Thornton was ordered to pay a fine to the SEC and our client received a substantial award.

### **MODDHA INTERACTIVE INC. ET AL.**

Represented the whistleblower who sparked the successful investigation and prosecution of a “hi-tech scam” investment fraud that resulted in freezing of assets.

**RESULT:** Defendants were ordered to pay a fine and penalties and our client shall receive an award from monies collected.

### **INTERNAL REVENUE SERVICE**

Hagens Berman also confidentially represents whistleblowers under the IRS whistleblower program enacted with the Tax Relief and Health Care Act of 2006. These cases enforced by the IRS are generally not made public.

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

Hagens Berman helps IRS whistleblowers present specific, credible tax fraud information to the IRS. Unlike some traditional False Claims Act firms, Hagens Berman has forensic accounting and tax fraud experience representing governments facing lost tax revenue due to fraud, making us well-positioned to represent IRS whistleblowers, as we currently do in cases with clients from around the world challenging evasion of U.S. tax laws.

### **ANTI-MONEY LAUNDERING**

The most recent whistleblower bounty program is the Anti-Money-Laundering (AML) program operated by the Department of Treasury’s Financial Crimes Enforcement Unit (FinCEN), strengthened in 2023 and offering whistleblower retaliation and confidentiality protections in reporting potential violations of AML laws by companies subject to the Bank Secrecy Act. The program also patterns itself on the Dodd-Frank whistleblower programs of the SEC and CFTC and offers similar awards to potential whistleblowers.

Hagens Berman has expanded its efforts to represent these AML whistleblowers.

# APPELLATE VICTORIES

## APPELLATE VICTORIES

Strengthening Consumer Law

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

- *Tershakovec v. Ford Motor Co., Inc.*, 79 F.4th 1299 (11th Cir. 2023) (affirming class certification under laws of several states and remanding for trial)
- *Hernandez v. Illinois Inst. of Tech.*, 63 F.4th 661 (7th Cir. 2023) (claims for breach of contract and unjust enrichment upheld for failure to provide in-person education during COVID-19 pandemic)
- *In re Evenflo Co., Inc., Mktg., Sales Pracs. & Prod. Liab. Litig.*, 54 F.4th 28, 32 (1st Cir. 2022) (consumers had standing to challenge overpayment for defective car booster seats)
- *In re Lumber Liquidators Chinese-Manufactured Flooring Prod. Mktg., Sales Pracs. & Prod. Liab. Litig.*, 27 F.4th 291 (4th Cir. 2022) (affirming fee award as authorized by Class Action Fairness Act)
- *NCAA v. Alston*, 141 S. Ct. 2141 (2021) (landmark decision invalidating NCAA antitrust restrictions on compensating student athletes)
- *Shaffer v. George Washington Univ.*, 27 F.4th 754 (D.C. Cir. 2022) (students adequately alleged universities breached contract to provide in-person education during COVID-19 pandemic)
- *United Food & Com. Workers Loc. 1776 & Participating Emps. Health & Welfare Fund v. Takeda Pharm. Co. Ltd.*, 11 F.4th 118 (2d Cir. 2021) (monopolization sufficiently alleged and brand drug manufacturer's combination patents did not claim brand drug under Hatch-Waxman Act)
- *Cherry v. Dometic Corp.*, 986 F.3d 1296 (11th Cir. 2021) (administrative feasibility identifying absent class members not required for class certification)
- *In re Suboxone (Buprenorphine Hydrochloride & Naloxone) Antitrust Litig.*, 967 F.3d 264 (3d Cir. 2020) (upholding certified class of direct purchasers alleging anticompetitive conduct impeding market entry of generic versions of Suboxone)
- *In re NCAA Grant-in-Aid Cap Antitrust Litig.*, 958 F.3d 1239 (9th Cir. 2020) (affirming injunction in favor of student athletes against NCAA, later sustained by Supreme Court in *NCAA v. Alston*, 141 S. Ct. 1231 (2020))
- *In re Lumber Liquidators Chinese-Manufactured Flooring Prod. Mktg., Sales Pracs. & Prod. Liab. Litig.*, 952 F.3d 471 (4th Cir. 2020) (approving class action settlement concerning defective laminate flooring)
- *In re Lantus Direct Purchaser Antitrust Litig.*, 950 F.3d 1 (1st Cir. 2020) (drug manufacturer improperly listed insulin patent in FDA's Orange Book to extend monopoly)
- *In re Avandia Mktg., Sales & Prod. Liab. Litig.*, 945 F.3d 749 (3d Cir. 2019) (state law claims against manufacturer of type-2 diabetes drug not preempted by federal law)

- *In re Hyundai & Kia Fuel Econ. Litig.*, 926 F.3d 539 (9th Cir. 2019) (*en banc*) (upholding nationwide settlement class and providing guidance for district courts on choice-of-law inquiry in settlement context)
- *City of Miami v. Wells Fargo & Co.*, 923 F.3d 1260 (11th Cir. 2019) (municipality adequately alleged causation for discrimination violating Fair Housing Act)
- *In re Avandia Mktg., Sales Pracs. & Prod. Liab. Litig.*, 924 F.3d 662 (3d Cir. 2019) (vacating protective order for impeding common law right of public access to court filings)
- *In re Volkswagen "Clean Diesel" Mktg., Sales Pracs., & Prod. Liab. Litig.*, 895 F.3d 597 (9th Cir. 2018) (affirming \$10 billion nationwide settlement providing relief to one-half million consumers for Volkswagen's emissions cheating and misleading "clean diesel" advertising)
- *In re Lipitor Antitrust Litig.*, 868 F.3d 231 (3d Cir. 2017) (direct purchasers of Lipitor and Effexor plausibly alleged unlawful reverse payment settlement agreements in violation of antitrust laws)
- *In Matter of Motors Liquidation Co.*, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
- *George v. Urban Settlement Servs.*, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage modification program violated RICO)
- *In re Loestrin 24 Fe Antitrust Litig.*, 814 F.3d 538 (1st Cir. 2016) ("reverse payments" for antitrust purposes under Actavis are not limited to cash payments)
- *Osborn v. Visa Inc.*, 797 F.3d 1057 (D.C. Cir. 2015) (complaint adequately alleged Visa and MasterCard unlawfully agreed to restrain trade in setting ATM access fees)
- *Little v. Louisville Gas & Elec. Co.*, 805 F.3d 695 (6th Cir. 2015) (Clean Air Act did not preempt state nuisance claims against coal plant for polluting surrounding community)
- *City of Miami v. Citigroup Inc.*, 801 F.3d 1268 (11th Cir. 2015) (reversing dismissal of complaint alleging Citigroup violated Fair Housing Act by pattern of discriminatory lending)
- *Rajagopalan v. NoteWorld, LLC*, 718 F.3d 844 (9th Cir. 2013) (non-party could not invoke arbitration clause against plaintiff suing debt services provider)
- *In re Neurontin Mktg. & Sales Practices Litig.*, 712 F.3d 21 (1st Cir. 2013) (affirming \$142 million verdict for injury suffered from RICO scheme by Neurontin manufacturer Pfizer)
- *In re NCAA Student-Athlete Name & Likeness Licensing Litig.*, 724 F.3d 1268 (9th Cir. 2013) (First Amendment did not shield video game developer's use of college athletes' likenesses)
- *Garcia v. Wachovia Corp.*, 699 F.3d 1273 (11th Cir. 2012) (Wells Fargo could not rely on Concepcion to evade waiver of any right to compel arbitration)
- *Agnew v. Nat'l Collegiate Athletic Ass'n*, 683 F.3d 328 (7th Cir. 2012) (NCAA bylaws limiting scholarships per team and prohibiting multi-year scholarships are subject to antitrust scrutiny and do not receive pro-competitive justification at pleading stage)
- *In re Lupron Mktg. & Sales Practices Litig.*, 677 F.3d 21, 24 (1st Cir. 2012) (approving cy pres provision in \$150 million settlement)
- *In re Pharm. Indus. Average Wholesale Price Litig.*, 582 F.3d 156 (1st Cir. 2009) (AstraZeneca illegally published inflated average wholesale drug prices, thereby giving windfall to physicians and injuring patients who paid inflated prices)

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

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

- *Franklin v. CSAA Gen. Ins. Co.*, 532 P.3d 1145, 1146 (Ariz. 2023) (injured drivers may “stack” or combine UIM coverages where multiple vehicles are insured under a single insurance policy)
- *In re Funko, Inc. Sec. Litig.*, 19 Wash. App. 2d 1045 (2021) (complaint adequately alleged violations of the Securities Act of 1933)
- *Hernandez v. Restoration Hardware, Inc.*, 409 P.3d 281 (Cal. 2018) (successfully arguing on behalf of amicus curiae that class action objectors must intervene to appeal)
- *Purdue Pharma L.P. v. State*, 256 So. 3d 1 (Miss. 2018) (refusing to transfer venue in litigation against leading opioid manufacturers)
- *Garza v. Gama*, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reinstating certified class in wage-and-hour action prosecuted by Hagens Berman since 2005)
- *In re Farm Raised Salmon Cases*, 42 Cal. 4th 1077 (Cal. 2008) (Federal Food, Drug and Cosmetic Act did not preempt state claims for deceptive marketing of food products)
- *Pickett v. Holland Am. Line-Westours, Inc.*, 35 P.3d 351 (Wash. 2001) (reversing state court of appeals and upholding class action settlement with cruise line)

U.S. LEGAL TEAM



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#### YEARS OF EXPERIENCE

41

#### PRACTICE AREAS

[Anti-Terrorism](#)  
[Automotive Litigation](#)  
[Civil & Human Rights](#)  
[Class Action](#)  
[Consumer Rights](#)  
[Emissions Litigation](#)  
[Environmental Litigation](#)  
[Governmental Representation](#)  
[High Tech Litigation](#)  
[Intellectual Property](#)  
[Investor Fraud](#)  
[Patent Litigation](#)  
[Qui Tam](#)  
[Securities](#)  
[Sexual Abuse & Harassment](#)  
[Sports Litigation](#)  
[Whistleblower](#)

#### BAR ADMISSIONS

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

#### COURT ADMISSIONS

- Supreme Court of the United States
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Second Circuit

#### MANAGING PARTNER

## Steve W. Berman

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

#### INTRODUCTION

Steve Berman represents consumers, investors and employees in large, complex litigation held in state and federal courts. Steve's trial experience has earned him significant recognition and led The National Law Journal to name him one of the **100 most powerful lawyers in the nation**, and to repeatedly name Hagens Berman one of the top 10 plaintiffs' firms in the country. He was named an MVP of the Year by Law360 in class-action litigation and received the 2017, 2021 and 2022 Trailblazer award. Law360 also named him a Titan of the Plaintiffs Bar every eligible year, and his cases have received the American Antitrust Institute's Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice recognition three times just since 2018. Steve was also recognized for the sixth year as an Elite Trial Lawyer by The National Law Journal, and BestLawyers named him to its 2023 list of Best Lawyers in America in plaintiffs litigation.

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

[Print & Online Feature Interviews »](#)

#### CURRENT ROLE

- Managing Partner of Hagens Berman Sobol Shapiro LLP and Co-Managing Director of Hagens Berman EMEA LLP (UK)

#### CAREER HIGHLIGHTS

- **State Tobacco Litigation** — \$260 billion, Special assistant attorney general for the states of Washington, Arizona, Illinois, Indiana, New York, Alaska, Idaho, Ohio, Oregon, Nevada, Montana, Vermont and Rhode Island in prosecuting major actions against the tobacco industry. In November 1998, the initial proposed settlement led to a multi-state settlement requiring the tobacco companies to pay the states \$260 billion and to submit to broad advertising and marketing restrictions — the largest civil settlement in history.
- **Visa MasterCard ATM Antitrust Litigation** — \$27 billion, Co-lead counsel in what was then the largest antitrust settlement in history: a class-action lawsuit alleging that

- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the D.C. Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of Federal Claims
- U.S. District Court for the District of Colorado
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Eastern District of Washington
- U.S. District Court for the Western District of Washington
- Supreme Court of Illinois
- Supreme Court of Washington

#### EDUCATION



University of Chicago Law School,  
J.D., 1980



University of Michigan, B.A., 1976

Visa and MasterCard, together with Bank of America, JP Morgan Chase and Wells Fargo, violated federal antitrust laws by establishing uniform agreements with U.S. banks, preventing ATM operators from setting ATM access fees below the level of the fees charged on Visa's and MasterCard's networks.

- [Toyota Sudden, Unintended Acceleration](#) — \$1.6 billion, Hagens Berman was co-lead counsel in this massive MDL alleging that Toyota vehicles contained a defect causing sudden, unintended acceleration (SUA). It was the largest automotive settlement in history at the time, valued at up to \$1.6 billion. The firm did not initially seek to lead the litigation, but was sought out by the judge for its wealth of experience in managing very complex class-action MDLs. Hagens Berman and managing partner Steve Berman agreed to take on the role of co-lead counsel for the economic loss class and head the plaintiffs' steering committee.
- [NCAA Grants-in-Aid Scholarships Litigation \(aka "Alston case," in the press\)](#) — \$208 million settlement, and permanent injunction upheld by the Supreme Court, led the firm's antitrust class action against the NCAA on behalf of college athletes, claiming that the NCAA had violated the law when it kept the class from being able to receive compensation provided by schools or conferences for athletic services other than cash compensation untethered to education-related expenses. The Supreme Court upheld the favorable opinion of the Ninth Circuit in a 9-0 ruling. Justice Kavanaugh's opinion further underscored the massive win for plaintiffs and the ruling's ongoing effects: "The NCAA couches its arguments for not paying student athletes in innocuous labels. But the labels cannot disguise the reality: The NCAA's business model would be flatly illegal in almost any other industry in America," pushing for further scrutiny of the NCAA's regulations. Steve's antitrust case against the NCAA involving rights of college athletes to receive grant-in-aid scholarships saw a unanimous Supreme Court victory, in what media called a "major ruling" (ABC World News Tonight), that "will change the game" (ABC Good Morning America), and leaves the NCAA "more vulnerable than ever" (AP).

Steve also leads the firm's [NCAA Name, Image and Likeness \(NIL\) Litigation](#), in which current or former NCAA college athletes, using the *Alston* precedent, have filed a class-action lawsuit accusing the NCAA, Pacific-12 Conference, the Big Ten Conference, the Big Twelve Conference, Southeastern Conference and Atlantic Coast Conference of illegally limiting the compensation that Division I college athletes may receive for the use of their names, images and likenesses. Thousands of college athletes have taken advantage of the NIL opportunities opened by the *Alston* case to the tune of multimillion-dollar deals now available to them since the NCAA loosened its restrictions on July 1, 2021. So far the firm has achieved class certification regarding the injunctive and damages portions of the case, achieving representation of more than 184,000 college athletes in what the media has called a "worst-case scenario" for the NCAA.

- [Washington Public Power Supply System \(WPPSS\)](#) — \$700 million settlement, Represented bondholders and the bondholder trustee in a class-action lawsuit stemming from the failure of two WPPSS nuclear projects. The case was one of the most complex and lengthy securities fraud cases ever filed. The default was one of the largest municipal bond defaults in history. After years of litigation, plaintiffs were awarded a \$700 million settlement agreement brought against more than 200 defendants.
- [Apple E-Books Antitrust Litigation](#) — \$616 million settlement, Fought against Apple and five of the nation's top publishers for colluding to raise the price of e-books, resulting in recovery equal to twice consumers' actual damages. The firm recovered

## AWARDS

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an initial settlement of more than \$160 million with defendant publishing companies in conjunction with several states attorneys general. Steve then led the firm to pursue Apple for its involvement in the e-book price hike. Apple took the case to the Supreme Court, where it was ruled that Apple had conspired to raise prices, and the firm achieved an additional \$450 million settlement for consumers.

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

## RECENT CASES

- [Antitrust Litigation](#)

Corporate fraud has many faces, and Steve has taken on some of the largest perpetrators through antitrust law. Steve has helped lead the firm's efforts taking on price-fixing in the agricultural industry, holding food conglomerates accountable for fixing the prices of [beef](#), [pork](#), [chicken](#) and [turkey](#). Across those matters, the firm has so far achieved multiple icebreaker settlements and looks forward to returning additional funds to millions of consumers who unknowingly overpaid for basic kitchen staples. In its [wage-fixing antitrust against poultry processors](#), Steve has helped the firm to secure a combined total of \$180.1 million in settlements, bringing relief to non-supervisory production and maintenance employees at chicken

processing plants. In that case, the Department of Justice has taken note, announcing a restitution clause that orders these companies to provide payment – either through an approved settlement in the class-action litigation brought by Hagens Berman or, only in the alternative, directly to the DOJ. The firm has brought [similar claims against major red meat processing companies](#).

In 2014 Steve was quoted in Vanity Fair in an article about his e-books case vs. Apple and the big five publishing companies, which had just gone to the Supreme Court where he won against Apple in a combined \$616 million settlement with all defendants. Steve said then, as he looked from his Seattle office to Amazon's HQ, "I'd love to sue Amazon. It's the only big company I haven't sued." Steve stuck to his word, and now his firm has several active cases against Amazon, most of which are antitrust cases alleging billions of dollars in price-fixing damages. The cases range from price-fixing affecting the [cost of iPhones, iPads and e-books](#) to wider claims involving Amazon's [third-party Marketplace, multi-seller listings](#) and [more](#). Amazon itself has stated the current Amazon price-fixing cases are the largest in U.S. history.

In another antitrust win in a technology-focused issue, Steve led the firm to two back-to-back settlements against Apple and Google involving anticompetitive policies and practices in the Apple App Store and Google Play Store. In those lawsuits, the firm accused the tech giants of monopolizing against U.S. developers of iOS and Android apps, cheating them out of profits through antitrust violations. In both [Apple's \\$100 million settlement](#) and [Google's \\$90 million settlement](#), the companies were forced to make sweeping changes to their practices, allowing small app developers in the U.S. to finally receive their just rewards for their work. Plaintiffs in those cases went on to receive settlement checks for upwards of tens of thousands of dollars, some higher.

- **Emissions Litigation**

After filing the first legal action in the notorious [Volkswagen Dieselgate](#) litigation, Steve took a leadership role in combatting VW's deceit. This led him to pioneer legal action against many other automakers for violations of emissions regulations. Hagens Berman is the only firm that has purchased an emission testing machine to determine if other diesel car manufacturers install similar cheating devices. Hagens Berman's independent research has led to monumental settlements and induced governmental agencies to launch investigations and levy fines.

Steve's emissions litigation successes include: a \$700 million settlement regarding [Mercedes BlueTEC](#) vehicles, a settlement valued at \$307 million pertaining to [Fiat Chrysler \(FCA\) EcoDiesel](#) vehicles, an \$80 million settlement against [Porsche](#) in a continuation of groundbreaking work in the Volkswagen emissions litigation which culminated in a \$14.7 billion settlement, the largest ever brought against any automaker. Hagens Berman also championed the rights of [Volkswagen franchise dealers](#) who were blindsided by VW's actions and suffered losses. That case recovered \$1.67 billion for the class.

Currently, Steve pursues ongoing emissions litigation against [BMW](#), as well as multiple cases against General Motors regarding the [Chevy Cruze, Chevy Silverado](#) and [GMC Sierra](#), and multiple cases against FCA's Dodge RAM 2500/3500 trucks (2007-2012 and 2019-2021). He also maintains an advisory role in emissions litigation filed in Australia against Mercedes's parent company, [Daimler](#), and is one of the solicitors pursuing emissions litigation against Mercedes in the UK. Steve also serves on the supervisory board of the Emission Claim Schticking pursuing litigation regarding emissions cheating in the Netherlands against Mercedes, Stellantis and Renault.

- Opioids - [Orange County and Santa Clara County, Seattle, and the States of Ohio, Mississippi and Arkansas](#)

Steve has been retained by various municipalities, including the states of Ohio, Mississippi and Arkansas, Orange County, as well as the city of Seattle to serve as trial counsel in a recently filed state suit against five manufacturers of opioids seeking to recover public costs resulting from the opioid manufacturer's deceptive marketing.

- [Consumer Protection](#)

Steve is a leader in protecting millions of consumers in large-scale cases that challenge unfair, deceptive and fraudulent practices, and the firm's automotive litigation practice area bolsters that mission. The firm is currently pursuing multiple automotive defect cases against Hyundai and Kia in which millions of vehicles are affected and prone to spontaneous fires. Those class actions accuse the automakers of knowingly selling vehicles with a series of defects affecting engines and the hydraulic and electronic control unit. The firm has settled two of these cases resulting in over ten million cars eligible for repair and consumers entitled to additional benefits. Judge Josephine Staton called the [most recent settlement](#) comprehensive and able to protect against future harms, noting that the deal is substantially similar to the settlement Hagens Berman finalized in May 2021 in *In re Hyundai and Kia Engine Litigation*, which was valued at \$1.3 billion.

In another active defect case against Hyundai and Kia, the firm represents consumers who own certain model vehicles manufactured and sold by the automakers without an immobilizer, [leaving them vulnerable to theft](#), and often leaving owners with repair bills in excess of \$10,000. The firm in 2023 secured a settlement valued at more than \$200 million to bring swift remedy to those facing this issue affecting more than 8 million vehicles.

Hundreds of thousands of consumers are also affected by the firm's multiple cases pertaining to defective CP4 fuel pumps manufactured by Bosch. The affected vehicles' fuel pumps wear down quickly due to the lack of lubrication in U.S. diesel fuel. Having only been manufactured to handle other grades of diesel, the CP4 pumps erode, causing metal shavings to leak into the fuel system, leading to sudden engine failure. The defect manifests as early as mile one, and because no fix for the defect exists, owners of affected vehicles are left paying high prices for costly replacement CP4 pumps and engine failures, only to repeat the problem. Hagens Berman is currently pursuing litigation against the Big Three automakers, [Ford, GM and Stellantis/Fiat Chrysler](#), as well as a more recently filed [CP4 defect case against Nissan](#).

#### RECENT SUCCESS

- [Volkswagen Franchise Dealerships](#) — \$1.6 billion settlement  
Lead counsel for VW franchise dealers' suit, in which a settlement of \$1.6 billion has received final approval, and represents a substantial recovery for the class.
- [Stericycle Sterisafe Contract Litigation](#) — \$295 million settlement  
Hagens Berman's team, led by Steve Berman, filed a class-action lawsuit against Stericycle, a massive medical waste disposal company and achieved a sizable settlement for hundreds of thousands of its small business customers.
- [NCAA Grant in Aid Scholarships](#) — \$208 million settlement  
Served as co-lead counsel in the Alston case that successfully challenged the NCAA's limitations on the benefits college athletes can receive as part of a scholarship, culminating in a \$208 million settlement and injunction upheld by the Supreme

Court. The recovery amounts to 100 percent of single damages in an exceptional result in an antitrust case. Steve also co-lead the 2018 trial on the injunctive aspect of the case which resulted in a change of NCAA rules limiting the financial treatment of athletes. The injunction, which was upheld in a unanimous Supreme Court decision in June 2021, prohibits the NCAA from enforcing any rules that fix or limit compensation provided to college athletes by schools or conferences in consideration for their athletic services other than cash compensation untethered to education-related expenses. According to the Ninth Circuit, the NCAA is “permanently restrained and enjoined from agreeing to fix or limit compensation or benefits related to education” that conferences may make available. In the Supreme Court’s 9-0, Justice Kavanaugh stated, “The NCAA is not above the law.”

- **Hyundai/Kia Engine Fire Defect** — Settlements yet to be totaled, with one estimated relief valued at up to \$1.3 billion  
In 2023, the court preliminarily approved a settlement that will benefit more than 2.1 million Hyundai and Kia owners suffering from a serious defect that can cause spontaneous fires and engine failure. The defect affected multiple engines, and spurred two settling cases. In May 2021, Hagens Berman achieved a settlement offering relief valued at up to \$1.3 billion for the owners of Hyundai and Kia vehicles equipped with Theta II GDI engines, and this newest settlement brings relief to owners of vehicles with Gamma GDI and Nu GDI engines as well as Theta II MPI engines.
- **Hyundai/Kia Theft Defect** — \$200 million settlement  
The firm achieved swift relief in this class action stemming from Hyundai and Kia’s failure to equip nearly nine million 2011-2022 models with an immobilizer, a common antitheft device in modern cars which prevents most vehicles from being started unless a code is transmitted from the vehicle’s smart key. The lack of immobilizer in affected vehicles spawned viral “Kia Challenge” TikTok videos demonstrating simple measures “Kia Boys” take to steal affected Hyundai and Kia vehicles using only a common USB charging cord or similar metal object to start the engine, allowing thieves to steal them in less than 90 seconds.

## ACTIVITIES

- In April of 2021, the University of Michigan School for Environment and Sustainability (SEAS) launched the Kathy and Steve Berman Western Forest and Fire Initiative with a philanthropic gift from Steve (BS ’76) and his wife, Kathy. The program will improve society’s ability to manage western forests to mitigate the risks of large wildfires, revitalize human communities and adapt to climate change. Steve studied at the School of Natural Resources (now SEAS) and volunteered as a firefighter due to his focus on environmental stewardship. [Read more »](#)
- In 2003, the University of Washington announced the establishment of the Kathy and Steve Berman Environmental Law Clinic. The Berman Environmental Law Clinic draws on UW’s environmental law faculty and extensive cross-campus expertise in fields such as Zoology, Aquatic and Fishery Sciences, Forest Resources, Environmental Health and more. In addition to representing clients in court, the clinic has become a definitive information resource on contemporary environmental law and policy, with special focus on the Pacific Northwest.

## RECOGNITION

- 500 Global Plaintiff Lawyers, Lawdragon, 2024
- Lawyer of the Year, Litigation, Securities Litigation, Best Lawyers, 2024

- The Best Lawyers in America, Antitrust Litigation, Best Lawyers, 2024
- The Best Lawyers in America, Securities Litigation, Best Lawyers, 2024
- The Best Lawyers in America, Plaintiffs Mass Tort Litigation/Class Actions, Best Lawyers, 2024
- The Best Lawyers in America, Plaintiffs Product Liability Litigation, Best Lawyers, 2024
- Legal Lion of the Week as part of the litigation team that achieved class certification in [NCAA Student-Athlete Name, Image and Likeness](#), Law360, 2023
- Best Lawyers in America in Litigation, Securities and Product Liability Litigation, Plaintiffs and Other Areas of Note, 2023
- Washington Super Lawyers, 1999-2023
- Titan of the Plaintiffs Bar, Law360, 2018, 2020, 2022
- Leading Commercial Litigators, The Daily Journal, 2022
- Hall of Fame, Lawdragon, 2022
- Plaintiffs' Attorneys Trailblazer, The National Law Journal, 2017, 2022
- Sports & Entertainment Law Trailblazer, The National Law Journal, 2021
- Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2021, 2019, 2018
- Class Action MVP of the Year, Law360, 2016-2020
- Elite Trial Lawyers, The National Law Journal, 2014-2016, 2018-2019
- Lawdragon 500 Leading Lawyers in America, Plaintiff Financial Lawyers, 2019-2023
- Lawdragon 500 Leading Lawyers in America, 2014-2019
- State Executive Committee member, The National Trial Lawyers, 2018
- Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts, 2017
- Finalist for Trial Lawyer of the Year, Public Justice, 2014
- One of the 100 most influential attorneys in America, The National Law Journal, 2013
- Most powerful lawyer in the state of Washington, The National Law Journal, 2000
- One of the top 10 plaintiffs' firms in the country, The National Law Journal

#### OTHER NOTABLE CASES

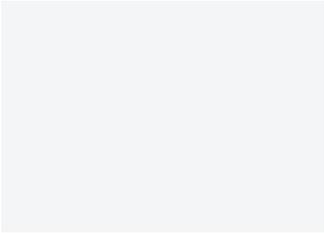
- [VW Emissions Litigation](#) — \$14.7 billion settlement  
Steve served as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.
- [Exxon Mobile Oil Spill](#) — \$700 million settlement  
Steve represented clients against Exxon Mobil affected by the 10 million gallons of oil spilled off the coast of Alaska by the Exxon Valdez (multimillion dollar award).
- [McKesson Drug Class Litigation](#) — \$350 million settlement  
Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and relief for third-party payers and insurers. His discovery of the

McKesson scheme led to follow up lawsuits by governmental entities and recovery in total of over \$600 million.

- [Average Wholesale Price Litigation](#) — \$338 million settlement  
Steve served as lead trial counsel, securing trial verdicts against three drug companies that paved the way for settlement.
- [Dynamic Random Access Memory \(DRAM\) Antitrust Litigation](#) — \$406 million settlement  
Forged a class-action suit against leading DRAM (Dynamic Random Access Memory) manufacturers, claiming the companies secretly agreed to reduce the supply of DRAM in order to artificially raise prices.
- [Stericycle Sterisafe Contract Litigation](#) — \$295 million settlement  
Hagens Berman's team, led by Steve Berman, filed a class-action lawsuit against Stericycle, a massive medical waste disposal company, and achieved a sizable settlement for hundreds of thousands of its small business customers.
- [Hyundai / Kia Fuel Efficiency](#) — \$255 million settlement  
Led the firm's aggressive fight against Hyundai and Kia on behalf of defrauded consumers who alleged the automakers had misrepresented fuel economies in vehicles, securing what was believed to then be the second-largest automotive settlement in history.
- [Bextra/Celebrex Marketing and Products Liability Litigation](#) — \$89 million settlement  
Served as court-appointed member of the Plaintiffs Steering Committee and represented nationwide consumers and third-party payers who paid for Celebrex and Bextra. The firm was praised by the court for its "unstinting" efforts on behalf of the class.
- [McKesson Governmental Entity Class Litigation](#) — \$82 million settlement  
Steve was lead counsel for a nationwide class of local governments that resulted in a settlement for drug price-fixing claims.
- [NCAA/Electronic Arts Name and Likeness](#) — \$60 million settlement  
Represented current and former student-athletes against the NCAA and Electronic Arts concerning illegal use of college football and basketball players' names and likenesses in video games without permission or consent from the players.
- [Dairy Price-Fixing](#) — \$52 million settlement  
This antitrust suit's filing unearthed a massive collusion between the biggest dairy producers in the country, responsible for almost 70 percent of the nation's milk. Not only was the price of milk artificially inflated, but this scheme ultimately also cost 500,000 young cows their lives.
- [State and Governmental Drug Litigation](#)  
Steve served as outside counsel for the state of New York for its Vioxx claims, several states for AWP claims and several states for claims against McKesson. In each representation, Steve recovered far more than the states in the NAAG multi-state settlements.

## PRESENTATIONS

- Steve is a frequent public speaker and has been a [guest lecturer at Stanford University](#), University of Washington, University of Michigan and Seattle University Law School.



### PERSONAL INSIGHT

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



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#### YEARS OF EXPERIENCE

39

#### PRACTICE AREAS

Antitrust Litigation  
Class Action  
Consumer Rights  
Pharmaceutical Fraud

#### BAR ADMISSIONS

- Supreme Judicial Court of the Commonwealth of Massachusetts
- Numerous admissions *pro hac vice*

#### COURT ADMISSIONS

- Supreme Court of the United States
- First Circuit Court of Appeals
- Second Circuit Court of Appeals
- Third Circuit Court of Appeals
- Eleventh Circuit Court of Appeals

#### EDUCATION



Boston University School of Law,  
J.D., cum laude, 1983

#### PARTNER, EXECUTIVE COMMITTEE MEMBER

## Thomas M. Sobol

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

#### CURRENT ROLE

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

#### CAREER HIGHLIGHTS

- \$453.85 million: largest U.S. antitrust settlement in 2022, *In re Glumetza Antitrust Litigation*, No. 1:19-md-05822-WHA (N.D.C.) (Hon. William Alsup)
- \$340 million: second largest antitrust settlement in 2022, *In re Ranbaxy Generic Drug Application Antitrust Litigation*, No. 1:19-md-02878, (D. Mass.) (Gorton, J., Kelley, J.)
- \$325 million: third party payer class settlement, *In re Neurontin Marketing, Sales Practices, and Products Liability Litigation*, No. 04-md-1629 (D. Mass.) (Hon. Patti B. Saris)
- Approximately \$200 million: tort victim recoveries via bankruptcy plan, *In re New England Compounding Pharmacy, Inc. Products Liability Litigation*, MDL No. 2419 (D. Mass.) (Hon. Rya W. Zobel)
- \$150 million: direct purchaser class settlement, *In re Flonase Antitrust Litigation*, No. 08-cv-03149 (E.D. Pa.) (Hon. Anita B. Brody)
- 4% price reduction of most retail drugs: *New England Carpenters Health Benefits Fund v. First DataBank, Inc.*, No. 05-cv-11148 (D. Mass.) (Hon. Patti B. Saris)
- \$350 million: consumers and third party payers, *San Francisco Health Plan v. McKesson Corp.*, No. 08-cv-10843 (D. Mass.) (Hon. Patti B. Saris)
- \$25 million: State of Connecticut, *In re Zyprexa Products Liability Litigation*, MDL No. 1596 (E.D.N.Y.) (Hon. Jack B. Weinstein)



Clark University, B.A., summa cum laude, Phi Beta Kappa, 1980

#### AWARDS



#### RECENT SUCCESS

- \$120 million: direct purchaser class settlement, *In re Loestrin 24 Fe Antitrust Litigation*, No. 13-md-02472 (D.R.I.) (Hon. William E. Smith)
- \$51.25 million: direct purchaser class settlement, *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation*, No. 18-md-02819 (E.D.N.Y.) (Hon. Nina Gershon)
- \$166 million: direct purchaser class settlement, *In re Lidoderm Antitrust Litigation*, MDL No. 2521 (N.D. Cal.) (Hon. William Orrick)
- \$72.5 million: direct purchaser class settlement, *In re Solodyn (Minocycline Hydrochloride) Antitrust Litigation*, No. 14-md-02503 (D. Mass.) (Hon. Denise J. Casper)
- \$94 million: direct purchaser class settlement, *In re Celebrex (Celecoxib) Antitrust Litigation*, No. 14-cv-00361 (E.D. Va.) (Hon. Arenda L. Wright Allen, Hon. Douglas E. Miller)
- \$146 million: direct purchaser class settlement, *In re Aggrenox Antitrust Litigation*, MDL No. 2516 (D. Conn.) (Hon. Stefan Underhill)

#### EXPERIENCE

- Has led almost 20 generic delay cases, involving various theories, on behalf of both direct and end payers to settlement and distributions to classes (or aggregated groups)
- Helped develop the econometric model used to show the relationship between marketing and the opioid epidemic in the opioids MDL. *In re National Prescription Opiate Litigation*, No. 17-md-02804 (N.D. Ohio) (Hon. Dan Aaron Polster)
- Originated the Ranbaxy fraudulent ANDA litigation, alleging novel theory that a generic company's fraudulent statements to FDA in order to obtain exclusivities violated federal RICO and antitrust laws, *Meijer, Inc. v. Ranbaxy Inc.*, No. 15-cv-11828 (D. Mass.) (Hon. Nathaniel M. Gorton)
- Served as Lead counsel in the New England Compounding MDL and a member of the creditors' committee in the related bankruptcy, representing more than 700 victims who contracted fungal meningitis or other serious health problems as a result of receiving contaminated products produced, resulting in about a \$200 million settlement, *In re New England Compounding Pharmacy, Inc. Products Liability Litigation*, MDL No. 2419 (D. Mass.) (Hon. F. Dennis Saylor, IV; Hon. Rya W. Zobel)
- *In the Vioxx MDL*, developed a win-win lien resolution program for consumers and health plans that dispensed with the inefficiencies of resolving insurance liens piecemeal that is now a routine part of mass tort MDLs, *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.) (Hon. Eldon E. Fallon)
- Obtained a \$142 million RICO jury verdict against Pfizer for fraudulently marketing its drug Neurontin; negotiated a separate \$325 million settlement on behalf of a class of health plans, *In re Neurontin Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 1629 (D. Mass.) (Hon. Patti B. Saris)
- Brought ground-breaking suit alleging widespread fraudulent marketing and sales practices for the prostate cancer drug Lupron, *In re Lupron Marketing and Sales Practices Litigation*, No. 01-md-1430 (D. Mass.) (Hon. Richard Stearns), which uncovered pricing theories later litigated in the *Average Wholesale Price Litigation*

(*In re Pharmaceutical Industries Average Wholesale Price Litigation*, No. 02-md-1456 (D. Mass) (Hon. Patti B. Saris), over \$250 million in settlements) and related litigation against First Databank, (*New England Carpenters Health Benefits Fund v. First DataBank, Inc.*, No. 05-cv-11148 (D. Mass.) (Hon. Patti B. Saris), major price rollback on hundreds of drugs)

- Worked closely with consumer groups trying to bring down the prices of prescription drugs, including serving as lead counsel to the former *Prescription Access Litigation* (PAL) project, a large coalition of health care advocacy groups that fought illegal, loophole-based overpricing by pharmaceutical companies.
- Since 2002, has represented consumers, consumer groups, health plans, governments and institutions in complex class actions involving waste, fraud, and abuse in the pharmaceutical industry.
- Special Assistant Attorney General for the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island, including in ground-breaking litigation against tobacco industry (injunctive relief and recovery of more than \$10 billion).
- Spent seventeen years at a large Boston firm handling large complex civil and criminal litigation.

#### PRO BONO

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

#### LEGAL ACTIVITIES

- Board President, Public Justice, 2022-present

#### RECOGNITION

- 500 Leading Lawyers in America, Plaintiff Financial Lawyers, Lawdragon, 2023
- Massachusetts Super Lawyer, 2008-2023
- Trial Lawyer of the Year Nominee for verdict in *In re Neurontin Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 1629 (D. Mass.), Public Justice, 2011
- Massachusetts Ten Leading Litigators, *The National Law Journal*, 2000



**PARTNER, EXECUTIVE COMMITTEE MEMBER**

## Robert B. Carey

Rob added to HB's office a **built-in mock courtroom**, complete with jury box, audio-visual equipment to record witnesses and lawyers, and separate deliberation rooms for two juries.

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### YEARS OF EXPERIENCE

34

### PRACTICE AREAS

Breach of Contract Claims

[Class Action](#)

[High Tech Litigation](#)

Insurance Bad Faith

[Personal Injury](#)

### BAR ADMISSIONS

- Arizona
- California

### COURT ADMISSIONS

- Supreme Court of the United States
- Federal Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- Tenth Circuit Court of Appeals
- Various Federal District Courts

### EDUCATION

 **HARVARD Kennedy School**  
JOHN F. KENNEDY SCHOOL OF GOVERNMENT  
Harvard University, John F.  
Kennedy School of Government,  
State & Local Government  
Program, 1992

### INTRODUCTION

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

### CURRENT ROLE

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

### RECENT SUCCESS

- In June 2018, a Denver jury awarded a monumental **\$383.5 million jury verdict** against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.
- Over the summer of 2012, Rob was lead counsel in Robin Antonick's case against Electronic Arts, where a jury heard evidence that Electronic Arts failed to pay Antonick for over 20 years for his work in coding and developing the legendary Madden NFL Football video game. This trial, held in the Northern District of California, resulted in two verdicts for Antonick and was dubbed a "Top Trial Verdict of 2013" by *The Daily Journal*, a leading legal publication.
- Prevailed at the Arizona Court of Appeals for the second time, keeping intact class certification for tens of thousands of truck drivers suing to recover underpayments caused by misuse of Rand McNally's HHG software by [Swift Transportation](#).
- Helped originate the [Toyota Sudden Unintended Acceleration case](#), filing the initial Hagens Berman complaints for a case that eventually settled for \$1.6 billion.
- Led Hagens Berman's efforts on the \$97 million settlement with [Hyundai and Kia](#) corporations over misrepresentations about MPG ratings.



University of Denver, M.B.A.,  
J.D., 1986



Arizona State University, B.S.,  
1983

#### AWARDS

THE NATIONAL  
LAW JOURNAL

2018 TOP VERDICTS

MEDICAL MALPRACTICE

**\$383,500,000**

- Helped secure a first-ever (\$60 million) settlement for collegiate student-athletes (Keller, consolidated with O'Bannon) from Electronic Arts (EA) and the NCAA for the misappropriation of the student-athletes' likenesses and images for the EA college football video game series. This groundbreaking suit went up to the U.S. Supreme Court before a settlement was reached, providing student-athletes—even current ones—with cash recoveries for the use of their likenesses without permission.
- Represented [Donnovan Hill](#) against Pop Warner after he was paralyzed at 13. With Rachel Freeman, Rob secured a settlement that “forever changed youth football” (*OC Weekly*) and was “unprecedented” and owed a debt of gratitude by those who care about the safety of kids playing football (*Washington Post*). Donovan died tragically during a 2016 surgery.
- Rob secured a record verdict for a mother suing her deceased son's estate for negligence in starting a home fire. He then took an assignment of the estate's claim and pursued a bad faith claim against the insurer, resulting in lifetime financial security for the badly burned mother.
- After successfully reforming an insurance policy to cover a client – a student-athlete injured in a roll-over accident that caused incomplete tetraplegia and traumatic brain injury – Rob went to the jury, which awarded damages for all harms and losses requested and for insurance bad faith, with a verdict exceeding over 15 times policy limits.
- Rob sued the leading auto carrier for refusal to fully cover a pedestrian struck by the carrier's driver. The verdict was valued over seven figures, and included a finding of willful and wanton conduct, trebling the damages.
- After Rob cross-examined the CEO and CFO of a pharmacy benefits company, the jury entered a verdict for his client in the liability phase of a \$75 million dispute.
- During his representation of a driver paralyzed by a car's roof collapse, the insurance company ignored that the agent did not understand or offer required high-end coverages. The jury returned a verdict with a value over seven figures, including a finding for treble damages.
- Rob represented passengers of drunk driver, and persuaded the jury to award future earning capacity, essential services, medical bills and to find willful and wanton conduct against the insurer (treble damages). After a successful trip to the state supreme court, the verdict was maintained and had a value in excess of 15 times the policy limits.

#### EXPERIENCE

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

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

#### LEGAL ACTIVITIES

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

#### RECOGNITION

- 500 Leading Plaintiff Financial Lawyers, Lawdragon 2023
- Top 100 Trial Lawyer, Arizona's Finest Lawyers and National Trial Lawyers, 2008-present
- 500 Leading Lawyers in America, the only Arizona attorney to make the list, Lawdragon, 2021
- Member of Hagens Berman's Toyota team selected as a Finalist for Trial Lawyer of the Year, Public Justice, 2014
- Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system
- Selected as a Leading Plaintiff Financial Lawyer in America and a Leading Plaintiff Consumers Lawyer in America
- Recognized for victims' rights efforts, U.S. Department of Justice

#### NOTABLE CASES

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

- *Rexall Sundown Cellasene Litigation*

#### **PUBLICATIONS**

- Co-author, "7 Punitive Damages Strategies," *Trial Magazine*, April 2019
- Co-author, Arizona chapter of the ABA's "*A Practitioner's Guide to Class Actions*"
- Co-author, Arizona and Colorado chapters of the ABA's "*A Practitioner's Guide to Class Actions*," 2nd edition



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#### YEARS OF EXPERIENCE

20

#### PRACTICE AREAS

Appellate Advocacy  
[Class Action](#)  
Commercial Litigation  
[High Tech Litigation](#)  
Mass Torts  
[Personal Injury](#)

#### INDUSTRY EXPERIENCE

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

#### COURT ADMISSIONS

- U.S. District Court for the District of Arizona
- U.S. District Court for the District of Colorado

#### EDUCATION

**Stanford**  
**Law School**  
Stanford Law School, J.D., 2001

#### PARTNER

## Leonard W. Aragon

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

#### CURRENT ROLE

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

#### RECENT SUCCESS

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

#### LEGAL ACTIVITIES

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

#### RECOGNITION

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

#### NOTABLE CASES

- *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*
- *Keller v. Electronic Arts Inc.*
- *Antonick v. Electronic Arts Inc.*
- *In re Swift Transportation Co., Inc.*
- *Hunter v. Hyundai Motor America*
- *Jim Brown v. NCAA*



Arizona State University, B.A.,  
History and Political Science,  
summa cum laude, 1998

AWARDS



- *Liebich v. Maricopa County Community Colleges District*

#### PERSONAL INSIGHT

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

**PARTNER****Gregory T. Arnold**

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

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**YEARS OF EXPERIENCE**

25

**PRACTICE AREAS**

Antitrust Litigation  
Personal Injury

**BAR ADMISSIONS**

- Supreme Judicial Court of the Commonwealth of Massachusetts

**COURT ADMISSIONS**

- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the District of Massachusetts

**EDUCATION**

**VILLANOVA**  
UNIVERSITY

Villanova University School of Law, J.D., 1996, served on Law Review



Fairfield University, B.S.,  
Marketing, 1991

**CURRENT ROLE**

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

**RECENT CASES**

- Represented a certified class of direct purchasers in obtaining a settlement from a generic pharmaceutical company whose actions are alleged to have caused significant delay in the market entry of multiple generic drugs
- Representing a proposed class of direct purchasers in an action against a Japanese drug manufacturer, seeking to recover damages flowing from alleged misrepresentations made to the Food & Drug Administration

**RECENT SUCCESS**

- Arnold helped direct the firm's work on *In re Ranbaxy Generic Drug Application Antitrust Litigation*, which resulted in the second largest U.S. antitrust settlement in 2022 (\$340 million).
- Mr. Arnold was part of a team that secured substantial recoveries on behalf of a class of direct purchasers in connection with wrongfully-delayed entry of generic versions of various pharmaceutical drugs.
- He defeated summary judgment in case alleging misconduct on the part of a large Indian generic pharmaceutical manufacturer which caused delays in generic competition on multiple drugs with billions of dollars of annual sales.
- Mr. Arnold obtained a substantial settlement for three classes of direct purchasers of drugs as to which generic competition was delayed due to alleged misconduct on behalf of a generic manufacturer.
- He successfully opposed a 1292(b) petition to the Second Circuit Court of Appeals, which affirmed the vitality of the allegations brought by a proposed class of direct purchasers against a branded pharmaceutical manufacturer.

## EXPERIENCE

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

## NOTABLE CASES

### Bankruptcy-related litigation

- Lead efforts on behalf of three law firms protecting the interests of more than 25,000 claimants suffering from asbestos-related diseases, to block a proposed plan of reorganization. During more than 5 years of litigation, succeeded in forcing numerous changes to the proposed plan, including the voting methodology, amount of contribution and distributions. Pursued several interlocutory appeals throughout the case. Oversaw and managed all aspects of this complex litigation, culminating in a successful 20-day bench trial conducted in the Bankruptcy Court for the Southern District of New York, after which the Court rejected the proposed bankruptcy plan, thereby securing a substantial benefit for the clients.
- One of a team of lawyers representing the interests of The Ad Hoc Committee of Trade Creditors in the *In re WorldCom* matter, resulting in increasing our clients' recoveries by nearly 50%.

### Mass Torts/Class Actions

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

### Complex Financial Litigation

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

### General Commercial Litigation

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

- Served as “first chair” in a complex, multi-week bench trial in federal court over breach of multi-million dollar commercial contract concerning sale of radiology equipment, including prevailing on counter-claim seeking to impose multi-million dollar liability.

#### **Patent Litigation**

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

#### **Labor and Employment Litigation**

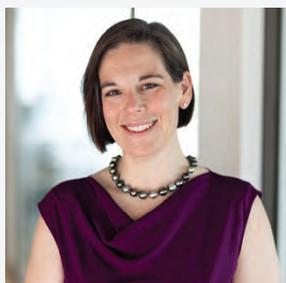
- Defended client interests in a variety of matters, including those involving non-competition agreements, wrongful terminations, and harassment claims.
- Successfully represented companies enforcing non-compete agreements against former employees, as well as new employers/former employees in avoiding the terms of non-compete agreements.
- Handled trials before administrative bodies, including the U.S. Department of Labor, including defending a client against claims made under the Surface Transportation Assistance Act (“STAA”) following the termination of an employee/truck driver.

#### **Other Litigation**

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

#### **PERSONAL INSIGHT**

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



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#### YEARS OF EXPERIENCE

17

#### PRACTICE AREAS

Antitrust Litigation

Class Action

Consumer Rights

Health Care Fraud

Mass Torts

Medical Devices

Pharmaceutical Fraud

RICO

#### INDUSTRY EXPERIENCE

- Pharmaceuticals/Health Care
- Medical Devices

#### BAR ADMISSIONS

- Supreme Judicial Court of the Commonwealth of Massachusetts

#### COURT ADMISSIONS

- Supreme Court of the United States
- Second Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- U.S. District Court for the District of Massachusetts

#### PARTNER

## Lauren Guth Barnes

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

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP
- Practice focuses on antitrust, consumer protection and RICO litigation against drug and medical device manufacturers in complex class actions and personal injury cases for consumers, large and small health plans, direct purchasers and state governments
- Co-lead interim class counsel for end payors in *In re Vascepa Antitrust Litigation* (D.N.J.)
- Co-lead class counsel for direct purchasers in *In re Intuniv Antitrust Litigation* (D. Mass.)

#### EXPERIENCE

- As co-lead class counsel, helped secure \$453.85 million class settlement for direct purchaser class members shortly before trial in *In re Glumetza Antitrust Litigation, the largest U.S. antitrust settlement in 2022*
- Serves as counsel to Blue Cross Blue Shield Association in its roles as members of the Unsecured Creditors Committee in the Purdue bankruptcy and the Opioid Creditors Committee in the Mallinckrodt and Endo bankruptcies
- As co-lead class counsel, helped secure \$72.5 million class settlement for direct purchaser class members three days before trial in MDL 2503: *In re Solodyn Antitrust Litigation*
- Helped reach a \$73 million class settlement for direct purchasers in MDL No. 2343: *In re Skelaxin Antitrust Litigation*
- Represented the state of Connecticut and helped secure a \$25M settlement in its' action against Eli Lilly over unlawful promotion of and misrepresentations about Zyprexa
- Represented health benefit providers in the firm's Ketek and copay subsidies class litigation, and individuals harmed by pharmaceuticals such as Yaz, Actos and Granuflo and medical devices including pelvic mesh
- Served as pro bono counsel in a successful constitutional challenge to the Commonwealth of Massachusetts' exclusion of legal immigrants from the state's universal healthcare program
- Served as liaison counsel for *In re Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*

## EDUCATION



Boston College Law School, J.D.,  
cum laude, 2005, Articles Editor,  
Boston College Law Review

**Williams**

Williams College, B.A.,  
International Relations,  
cum laude, 1998

- Active in the fights against forced arbitration and federal preemption of consumer rights, working to ensure the public maintains access to the civil justice system and the ability to seek remedies when companies violate the law
- Authored "How Mandatory Arbitration Agreements and Class Action Waivers Undermine Consumer Rights and Why We Need Congress to Act," Harvard Law and Policy Review, August 2015
- Co-authored an amicus brief to the Supreme Court in *Pliva v. Mensing* on behalf of practitioners and professors who teach and write on various aspects of pharmaceutical regulation and the delivery of healthcare
- Worked at Conflict Management Group where she worked with members of the United Nations High Commissioner for Refugees on a pilot project in Bosnia-Herzegovina designed to ease tensions and encourage reconciliation in post-conflict societies, and contributed to *Imagine Coexistence*, a book developed out of the collaboration
- Serves on the Board of On The Rise, a Cambridge, MA daytime shelter for homeless individuals and those in crisis

## LEGAL ACTIVITIES

- Co-Chair, American Association for Justice (AAJ), Law Schools Committee, 2010-present
- Member, Massachusetts Academy of Trial Attorneys, Board of Governors, 2011-present
- Member, American Association for Justice (AAJ), Board of Governors, 2012-present
- Member, American Association for Justice (AAJ), AAJ Trial Lawyers Care Task Force, 2012-present
- Chair, American Association for Justice (AAJ), Committee on the Judiciary, 2018-present
- Member, Public Justice, Board of Directors, 2018-present
- Member, Massachusetts Academy of Trial Attorneys, Executive Committee, 2012-2014; 2017-present
- Member, American Association for Justice (AAJ), Executive Committee, 2014-2015, 2019-present
- Fellow, American Bar Foundation, 2022-present
- Member, Massachusetts IOLTA Committee, appointed by Massachusetts Supreme Judicial Court, 2022
- Chair, Public Justice, Class Action Preservation Project, 2020-2021
- Vice Chair, Public Justice, Class Action Preservation Project, 2019-2020
- Former Chair, American Association for Justice (AAJ), Antitrust Litigation Group, 2016-2018
- Co-Chair, Boston Bar Association, Class Action Committee, 2014-2018
- Emerging Leaders Board of Advisors, Institute for Complex Litigation and Mass Claims at Emory Law, 2015-2017

- Board of Governors, American Association for Justice (AAJ), New Lawyers Division, 2009-2014
- Former Chair, American Association for Justice (AAJ), Women Trial Lawyers Caucus, 2012-2013
- Former Co-Chair, American Association for Justice (AAJ), Class Action Litigation Group, 2011-2012
- Member, American Association for Justice (AAJ), Various committees

#### RECOGNITION

- 500 Leading Lawyers in America, Plaintiff Financial Lawyers, Lawdragon, 2020, 2021, 2023
- Massachusetts Super Lawyer, 2018-2023
- Distinguished Service Award, American Association for Justice, 2015, 2017, 2018, 2021
- Women's Caucus Excellence in Leadership Award, American Association for Justice, 2017, 2019
- Marie Lambert Award, American Association for Justice, 2018
- Emerging Leaders Board of Advisors, inaugural class, Institute for Complex Litigation and Mass Claims at Emory Law, 2015-2017
- Above and Beyond Award, American Association for Justice, 2016
- Massachusetts Rising Star, Super Lawyers, 2014-2015
- Boston Rising Star Award, The National Law Journal, 2014
- President's Award, Massachusetts Academy of Trial Attorneys, 2014
- New Lawyers Division Excellence Award, American Association for Justice, 2010, 2011, 2013, 2014
- Up & Coming Lawyer Award, Massachusetts Bar Association, 2013
- Wiedemann & Wysocki Award, American Association for Justice, 2012, 2013
- New Lawyers Division Above and Beyond Award, American Association for Justice, 2012

#### NOTABLE CASES

- **\$453.85 Million Recovery in Glumetza Antitrust Action, the Largest U.S. Antitrust Settlement of 2022**

In February 2022, the Honorable William Alsup of the Northern District of California granted final approval to a \$453.85 million class settlement for direct purchasers of brand and generic Glumetza. HBSS was co-lead class counsel in this case alleging Bausch, through its predecessors, and Assertio entered into a reverse payment agreement with Lupin to delay entry of generic Glumetza and, in the intervening period of delay, hiked the price of this diabetes drug grotesquely, all resulting in substantial overcharges by direct purchasers. The case settled shortly before trial. *In re Glumetza Antitrust Litigation*, N.D. CA., No. 19-cv-05822-WHA

- **\$72.5 Million Recovery in Solodyn Antitrust Action**

In July 2018, the Honorable Denise J. Casper of the District of Massachusetts granted final approval to a \$72.5 million class settlement for direct purchasers of brand and generic Solodyn. HBSS was co-lead class counsel in this case alleging Medicis entered into a series of reverse payment deals to delay entry of generic Solodyn and used the period of delay to effectuate a product hop, all resulting in overcharges by direct purchasers. The case settled three days before trial. *In re Solodyn Antitrust Litigation*, D. Mass., MDL No. 2503

- **\$73 Million Recovery for Direct Purchasers of Skelaxin**

On Sept. 24, 2014, Judge Curtis Collier of the Eastern District of Tennessee approved a \$73 million settlement for direct purchasers of Skelaxin in litigation alleging Skelaxin's manufacturer colluded with would-be generic competitors, fraudulently delaying generic competition and leading to higher prices. Metaxalone was sold under the brand name Skelaxin since 1962, but the original patent expired in 1979. Manufacturers applied to market generic metaxalone in 2002, and generic competitors remained foreclosed from marketing generic metaxalone until 2010. Hagens Berman served as lead counsel for direct purchasers. *In re Skelaxin (Metaxalone) Antitrust Litigation*, E.D.TN., Civil Action No. 1:12-md-2343.

- **Health care coverage for 40,000 legal immigrants in Massachusetts**

On Jan. 5, 2012, the Massachusetts Supreme Judicial Court ruled unanimously that a state law barring 40,000 low-income legal immigrants from the state's universal health care program unconstitutionally violates those immigrants' rights to equal protection under the law and must be struck down. Hagens Berman served as pro bono counsel. *Finch v. Commonwealth Health Insurance Connector Authority*, Mass., Civil Action No. SJC-11025.

- **\$25 million for the state of Connecticut for Zyprexa fraud**

On Oct. 5, 2009, U.S. District Court Judge Jack B. Weinstein approved a \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation that alleged Lilly engaged in unlawful off-label promotion and misrepresented Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs. Hagens Berman served as outside counsel to Attorney General Richard Blumenthal. *State of Connecticut v. Eli Lilly & Co.*, E.D.N.Y., Civil Action No. 08-cv-955-JBW.

## PUBLICATIONS

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

## PERSONAL INSIGHT

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

**PARTNER****Hannah Brennan**

Hannah is committed to improving access to medicines – both domestically and abroad – and has experience in drug pricing, patent and international right to health litigation.

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**YEARS OF EXPERIENCE**

10

**PRACTICE AREAS**

Antitrust Litigation

Civil & Human Rights

Class Action

Consumer Rights

Medical Devices

Pharmaceutical Fraud

RICO

**INDUSTRY EXPERIENCE**

- Drug Pricing
- Patent
- International Right to Health Litigation
- International Trade Agreements

**BAR ADMISSIONS**

- Supreme Judicial Court of the Commonwealth of Massachusetts

**COURT ADMISSIONS**

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

**CLERKSHIPS**

- Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit

**CURRENT ROLE**

- Partner, Hagens Berman Sobol Shapiro LLP
- Practice focuses on drug pricing, consumer access to medications, healthcare fraud, antitrust and patent fraud
- Member of HBSS team representing a proposed class of direct purchasers of Copaxone, a medication that treats multiple sclerosis; the proposed class alleges Teva entities suppressed generic competition for Copaxone by entering into exclusionary contracts with pharmacy benefits managers (PBMs) and specialty pharmacies that barred generic Copaxone
- Member of the HBSS team representing a proposed class of insulin consumers in their claims against Eli Lilly, Novo Nordisk and Sanofi for unfairly and unconscionably increasing the cost of life-saving insulin medications. HBSS has been named lead counsel in this case and the plaintiffs have moved for class certification
- Member of the HBSS team litigating claims against GSK for its fraudulent marketing of the diabetes medication, Avandia, a case in which HBSS has been named lead counsel
- Member of the firm's legal team representing the Center for American Progress (CAP), the NAACP and a group of over four dozen law scholars on their various amicus submissions in the Inflation Reduction Act Medicare Drug Pricing Negotiation cases. These amicus briefs explain the constitutionality of government price negotiations and price regulations and argue that Congress should be permitted to regulate drug prices not just for the Medicare program but across the industry. They additionally show that the federal government has long used patents and such use does not violate the Fifth Amendment. CAP and NAACP's briefs demonstrate that affordable access to prescription medications is a key health equity issue for communities of color, the LGBTQ+ community, women and people living with disabilities. The IRA's Medicare drug price negotiation will help to alleviate that unfairness, bringing the United States closer to the goal of achieving health equity.

**RECENT SUCCESS**

- In the Endangered Species Act (ESA) lawsuit against the Massachusetts, the team procured a 60-page Indicative Ruling as to Liability and Remedies finding that the state's continued licensing of vertical buoy lines to catch lobsters violates the ESA. The opinion relies heavily on the expert testimony of plaintiff's two key witnesses and explains that lobster fishing poses an untenable threat to the survival of the North Atlantic right whale.
- Successful Third Circuit appeal of sealing orders in *In re Avandia Marketing, Sales Practices and Products Liability Litigation*. Hannah briefed and argued the class plaintiffs' appeal of two district court orders sealing the entire summary judgment record. The Third Circuit issued a precedential opinion adopting the standard the

- Honorable Theodore McKee,  
Former Chief Judge of United  
States Court of Appeals for the  
Third Circuit

#### EDUCATION

**Yale Law School**  
Yale Law School, J.D., 2013

 **BROWN  
UNIVERSITY**  
Brown University, B.A., 2009

plaintiffs urged for the public's common law right of access and vacated the district courts' orders. The Third Circuit also instructed the district court to consider the First Amendment argument the plaintiffs' advanced. *In re Avandia Mktg., Sales Practices & Prod. Liab. Litig.*, 924 F.3d 662 (3d Cir. 2019). Hannah also successfully briefed the issue on remand to the United States District Court for the Eastern District of Pennsylvania: the Court unsealed all of the summary judgment records at issue. *In re Avandia Mktg., Sales Practices & Prod. Liab. Litig.*, No. 07-MD-01871, 2020 WL 5358287 (E.D. Pa. Sept. 3, 2020).

- Successful Third Circuit appeal of summary judgment ruling in *In re Avandia Marketing, Sales Practices and Products Liability Litigation*. Hannah lead the team that briefed the class plaintiffs' appeal of the district court's grant of summary judgment in favor of the defendant. The Third Circuit issued a precedential opinion siding with the plaintiffs on all three issues presented in the appeal. The Third Circuit remanded the case to the district court and ordered further discovery for the plaintiffs.
- \$51.25 million class recovery in *In re Restasis Antitrust Litigation*. Assisted in the litigation of claims against Allergan for engaging in an anticompetitive scheme to keep generic versions of the eye medication, Restasis, off the market. The alleged scheme included fraud on the U.S. Patent and Trademark Office, sham litigation against generic manufacturers, meritless citizen petitions to the Food and Drug Administration and sham transfer of patents to a Native American Tribe in an attempt to avoid invalidation. *In re Restasis Antitrust Litigation*, 18-md-2819, E.D.N.Y., ECF No. 50.
- \$94 million class recovery in *In re Celebrex Antitrust Litigation*. Hannah was member of the HBSS team that litigated claims against Pfizer for fraudulently obtaining patents from the U.S. Patent and Trademark Office and then asserted those patents to delay generics competition in violation of federal antitrust law. The case settled mere weeks before trial. *In re Celebrex (Celecoxib) Antitrust Litigation*, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455.

#### EXPERIENCE

- Prior to joining Hagens Berman, Ms. Brennan clerked for the Honorable Timothy B. Dyk of the United States Court of Appeals for the Federal Circuit and the Honorable Theodore McKee, Chief Judge of United States Court of Appeals for the Third Circuit.
- She was awarded a Yale Gruber Fellowship in Global Justice and Women's Rights to work for Public Citizen's Global Access to Medicines Program. At Public Citizen, she worked on a broad range of healthcare issues, including: negotiation of the intellectual property provisions of the Trans-Pacific Partnership Agreement, compulsory licensing of HIV medications in Peru, and policies for improving access to Hepatitis C medications for veterans, Native Americans and prisoners.
- In law school, Ms. Brennan worked in the Global Health and Justice Clinic, where she helped develop a human rights approach to intellectual property law. She also served in the Workers and Immigrants' Rights Advocacy Clinic, where she obtained a substantial settlement for a group of Latino construction workers with unpaid wage claims. She further represented Connecticut DREAMers in their legislative and regulatory campaigns to secure financial aid for undocumented students at Connecticut state universities.

- Prior to law school, Ms. Brennan served as Fulbright Scholar in Lima, Peru, where she researched labor rights abuses in the domestic housework industry and advocated for greater government regulation of this area.

#### LEGAL ACTIVITIES

- Member, Federal Bar Association
- Member, Boston Bar Association
- Member, American Association for Justice

#### RECOGNITION

- 500 Leading Plaintiff Financial Lawyers, Lawdragon, 2023
- Charles G. Albom Prize for Excellency in Appellate Advocacy

#### PUBLICATIONS

- Hannah Brennan, *Unsealing Court Records: Key Learnings from the Third Circuit's Avandia Jurisprudence*, American Association for Justice Trial Magazine (July 2021)
- Hannah Brennan, Christine Monahan, Zain Rizvi, and Amy Kapczynski, "Government Patent Use: How a Little Known Statute Can Bring Down Drug Prices and Transform Health," 18 *Yale Journal of Law & Technology* 275 (2016)
- Hannah Brennan, *The Cost of Confusion: The Paradox of Trademarked Pharmaceuticals*, 22 *Michigan Telecommunications & Technology Law Review* 1, 2016
- Hannah Brennan & Burcu Kilic, *Freeing Trade at the Expense of Local Crop Markets?: A Look at the Trans-Pacific Partnership's New Plant Related Intellectual Property Rights From Human Rights Perspective*, Harvard Human Rights Journal Online (2015)
- Burcu Kilic, Hannah Brennan, & Peter Maybarduk, "What Is Patentable Under the Trans-Pacific Trade Partnership?," 40 *Yale Journal of International Law Online* 1 (2015)
- "Inside Views: The TPP's New Plant-Related Intellectual Property Provisions," *Intellectual Property Watch*, Oct. 17, 2014
- "A Human Rights Approach to Intellectual Property and Access to Medicines," *Yale Global Health and Justice Partnership*
- "Trabajo en servicio doméstico: capacitación laboral y agencias de empleo [Domestic House Work: Labor Training and Employment Agencies]," Asociación Grupo de Trabajo Redes eds., 2010

#### LANGUAGES

- Spanish

#### PERSONAL INSIGHT

Hannah's favorite city is Lima, her favorite state is Vermont, and her favorite 90s action movie is *The Fugitive*.



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#### YEARS OF EXPERIENCE

20

#### PRACTICE AREAS

Antitrust Litigation  
Class Action

#### INDUSTRY EXPERIENCE

- Pharmaceuticals
- Insurance
- Automotive

#### BAR ADMISSIONS

- Pennsylvania

#### COURT ADMISSIONS

- D.C. Circuit Court of Appeals
- Third Circuit Court of Appeals
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Eastern District of Pennsylvania

#### CLERKSHIPS

- Lancaster County Court of Common Pleas, Pennsylvania (Hon. Louis J. Farina)

#### EDUCATION

**VILLANOVA**  
UNIVERSITY  
Villanova University School of  
Law, J.D., 2002

#### PARTNER

## Erin C. Burns

Ms. Burns devotes her practice to serving those who have been injured by antitrust violations in a variety of industries.

#### CURRENT ROLE

- Of Counsel, Hagens Berman Sobol Shapiro LLP

#### RECENT SUCCESS

- *In re Zetia (Ezetimibe) Antitrust Litigation*, MDL No. 2836 (E.D. Va.)
- *In re Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL No. 1871 (E.D. Pa.)
- *In re Ranbaxy Generic Drug Application Antitrust Litigation*, MDL No. 2878 (D. Mass.)
- *Government Employees Health Association v. Actelion Pharmaceuticals Ltd., et al.*, Case No. 18-cv-3560 (D. Md.) (Tracleer)

#### EXPERIENCE

- Prior to joining Hagens Berman, Ms. Burns founded ECB Law LLC, and previously worked as an associate attorney at NastLaw LLC and RodaNast P.C.
- She currently serves in a lead role in *In re Zetia Antitrust Litigation*, *In re Avandia Marketing, Sales Practices and Products Liability Litigation*, and the *Tracleer* case. She was heavily involved in defending the Magistrate Judge's Report and Recommendation as to the relevant market in *In re Zetia Antitrust Litigation*, which the District Court upheld in all respects on February 24, 2022.
- Erin was a member of the Law & Briefing Committee for *In re Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, MDL No. 2342 (E.D. Pa.) and also served as a member of the deposition team for *Shane Group, Inc., et al. v. Blue Cross/Blue Shield of Michigan*, Case No. 2:10-cv-14360-DPH-MKM (E.D. Mich.). She was also mediation counsel for *In re Skelaxin (Metaxalone) Antitrust Litigation*, MDL No. 2343 (E.D. Tenn.).

#### LEGAL ACTIVITIES

- Member of the American Bar Association, the Pennsylvania Bar Association
- Featured panelist for the Legal Intelligencer's first annual Litigation Summit, speaking about taxation of costs under 28 U.S.C. § 1920 for e-discovery expenses, 2012
- Chairperson of the Young Lawyers' Division and member of the Board of Directors of the Lancaster Bar Association, 2005
- Vice-Chairperson of the Young Lawyers' Division, 2004
- Leader for the Law Explorers Post, 2004 – 2006; Erin taught monthly class for high school-aged children interested in careers in law. Her work included mock trial activities, sample law school and bar exam questions and guest speakers



University of Delaware, B.A.  
Psychology, 1999

#### RECOGNITION

- Lancaster Bar Association President's Award for organizing the Young Lawyers' Division's annual community service day through Habitat for Humanity (2005).

#### PERSONAL INSIGHT

When not practicing law, Erin spends as much time as possible with her husband and four children. She has spent nearly as much time patching up scraped knees and elbows as she has writing briefs. Erin also has a soft spot for orange cats.

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

Part of the team that was recognized for Outstanding Antitrust Litigation Achievement by American Antitrust Institute in 2018

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**YEARS OF EXPERIENCE**

21

**PRACTICE AREAS**

[Antitrust Litigation](#)

[Appellate Litigation](#)

[Class Action](#)

[Consumer Rights](#)

[Qui Tam](#)

**BAR ADMISSIONS**

- California

**COURT ADMISSIONS**

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

**EDUCATION**

**HARVARD  
LAW SCHOOL**

Harvard Law School, J.D.,  
cum laude, 2002

**CURRENT ROLE**

- Partner and Management Committee Member, Hagens Berman Sobol Shapiro LLP
- Ms. Byszewski has represented direct and indirect purchasers in complex antitrust and consumer class actions resulting in billions of dollars of settlements, including cases against major protein producers, car manufacturers and drug manufacturers, among others
- Currently, Ms. Byszewski focuses her practice on brief writing for a wide variety of firm cases, including:
  - Antitrust cases involving collusion by major meat processors and other antitrust cases on behalf of indirect and direct purchasers
  - Auto defect cases and other product defect cases on behalf of consumers
  - College refund cases seeking return of tuition paid for promised in-person and on-campus education not received during the pandemic

**RECENT SUCCESS**

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

**EXPERIENCE**

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

**RECOGNITION**

- 500 Global Plaintiff Lawyers, Lawdragon, 2024
- 500 Leading Plaintiff Financial Lawyers, Lawdragon, 2020, 2022-2023

**NOTABLE CASES**

- [Broiler Chicken Antitrust](#)
- [Pork Antitrust](#)
- [Poultry Processing Wage Fixing Antitrust](#)



#### AWARDS

- Lawdragon 500 Leading Plaintiff Financial Lawyers, 2020, 2022

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

#### PUBLICATIONS

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

#### PERSONAL INSIGHT

Ms. Byszewski enjoys spending time with her husband and their two sons.

**PARTNER****John DeStefano**

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

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**PRACTICE AREAS**

Appellate Advocacy

[Class Action](#)

Commercial Litigation

[Consumer Rights](#)

Privacy Rights

**COURT ADMISSIONS**

- Supreme Court of the United States
- Ninth Circuit Court of Appeals
- Tenth Circuit Court of Appeals
- U.S. District Court for the District of Arizona
- U.S. District Court for the District of Colorado
- Supreme Court of Arizona

**EDUCATION**

THE UNIVERSITY OF ARIZONA  
**James E. Rogers  
College of Law**

University of Arizona Law School,  
J.D.



**HARVARD  
UNIVERSITY**

Harvard University, B.A., Classics

**CURRENT ROLE**

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

**RECENT SUCCESS**

- In 2023, Mr. DeStefano argued and the Hagens Berman Arizona team prevailed before the Arizona Supreme Court in *Franklin v. CSAA Insurance*, obtaining a unanimous decision in Plaintiffs' favor confirming that people injured by underinsured motorists in Arizona have the right to add together (or "stack") insurance coverages for multiple vehicles under a single insurance policy. Mr. DeStefano and the Hagens Berman team are now working to recover additional insurance benefits for Arizona residents — many of them seriously injured — who were underpaid by thousands of dollars due to their insurers' erroneous view of the law before *Franklin*.
- Obtained court approval of \$400 million settlement to compensate Hyundai and Kia owners for misstatement of EPA fuel economy ratings. Settlement payments averaged \$353 for Hyundai owners and \$667 for Kia owners.
- In nationwide class action by truck drivers underpaid by hundreds of millions of dollars, prevailed in interlocutory appeal before the Arizona Court of Appeals to reinstate class status and successfully opposed further review by the Arizona Supreme Court, allowing the case to proceed to trial.
- Authored appellate brief for NFL legend Jim Brown in right-of-publicity suit against Electronic Arts for the unauthorized use of his likeness in *Madden NFL* video games. Shortly after briefing, Electronic Arts agreed to a \$600,000 judgment in favor of Brown.
- In class action against Liberty Mutual insurance for deceptively reducing payments to accident victims for the value of their totaled vehicles, defeated motion to dismiss so that all claims can proceed.

**EXPERIENCE**

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

### LEGAL ACTIVITIES

- Adjunct Professor, Sandra Day O'Connor College of Law, Arizona State University
- Program Chair, Lorna Lockwood American Inn of Court
- Former Treasurer and Member of the Board of Trustees, American Inns of Court
- American Association for Justice

### RECOGNITION

- 500 Leading Plaintiff Consumer Lawyers, Lawdragon, 2024
- Rising Star, Class Action/Mass Tort, Super Lawyers, 2015-2017
- Top Pro Bono Attorneys in Arizona Award, Arizona Foundation for Legal Services & Education, 2013

### NOTABLE CASES

- *In re Pre-Filled Propane Tank Antitrust Litigation*
- *In re Hyundai & Kia Fuel Economy Litigation*
- *Jim Brown v. Electronic Arts, Inc.*
- *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*
- *Antonick v. Electronic Arts Inc.*
- *In re Swift Transportation Co., Inc.*
- Represented an international human rights organization as amicus curiae in the U.S. Supreme Court case *Moloney v. United States*, opposing the enforcement of a foreign law enforcement subpoena for confidential academic research in the U.S. (pro bono)
- *Olberg v. Allstate Insurance Co.*
- *Lundquist v. First National Insurance Company of America*
- *Gunn v. Continental Casualty Co.*

### PUBLICATIONS

- Co-author of the Arizona and Colorado chapters of the ABA's "A Practitioner's Guide to Class Actions," 2nd edition

### PERSONAL INSIGHT

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



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#### YEARS OF EXPERIENCE

25

#### PRACTICE AREAS

[Antitrust Litigation](#)  
[Class Action](#)  
[Investor Fraud](#)  
Securities

#### BAR ADMISSIONS

- Illinois
- California

#### COURT ADMISSIONS

- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern District of California

#### EDUCATION

**HARVARD  
LAW SCHOOL**  
Harvard Law School, J.D.  
cum laude, 1997

Executive Editor, Harvard Journal  
of Law and Public Policy;  
Federalist Society;  
Asia Law Society

#### PARTNER

## Jeannie Y. Evans

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

#### CURRENT ROLE

- Of Counsel, Hagens Berman Sobol Shapiro LLP
- Represents plaintiffs in complex litigation, focusing on antitrust and financial fraud claims

#### EXPERIENCE

- Jeannie has successfully represented both plaintiffs and defendants in multi-million and multi-billion dollar disputes in state and federal courts across the country
- Co-Founder and Managing Partner of Agrawal Evans LLP, a trial and appellate boutique firm based in Chicago

#### CLERKSHIPS

- Honorable Susan Illston, U.S. District Court for the Northern District of California, 2003
- Honorable Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit, 1997

#### RECOGNITION

- President, Board Member, Harvard Law Society of Illinois, 2016-present
- Chicago Chapter Chair, Board Member, J. Reuben Clark Law Society, 2016-present
- BYU Law School Board of Advisors, 2017-2020
- Illinois Super Lawyer, 2016-2018
- Women of Influence Nominee, Best Lawyers, 2017

#### PRESENTATIONS

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

#### LANGUAGES

- Cantonese
- Mandarin
- Spanish

#### PERSONAL INSIGHT

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

**BYU**

Brigham Young University, B.A.,  
Political Science, summa cum  
laude, Ezra Taft Benson Scholar;  
University Honors, 1994

Editor-in-Chief, Journal of  
International and Area Studies

AWARDS

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#### YEARS OF EXPERIENCE

10

#### PRACTICE AREAS

##### Class Action

Complex Civil Litigation

##### Consumer Rights

Mass Torts

#### BAR ADMISSIONS

- Arizona

#### COURT ADMISSIONS

- Ninth Circuit Court of Appeals
- U.S. District Court for the District of Arizona
- U.S. District Court for the District of Colorado

#### EDUCATION



Arizona State University  
Sandra Day O'Connor College of Law, J.D.



University of Arizona, B.A.,  
Journalism & English Literature

#### PARTNER

## Rachel E. Fitzpatrick

Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son.

#### CURRENT ROLE

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

#### RECENT CASES

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

#### NOTABLE CASES

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

#### PERSONAL INSIGHT

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



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#### YEARS OF EXPERIENCE

13

#### PRACTICE AREAS

Antitrust Litigation

Class Action

Consumer Rights

Securities

#### BAR ADMISSIONS

- Washington
- New York
- Ontario (Canada)

#### COURT ADMISSIONS

- Eleventh Circuit Court of Appeals
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of Washington
- Law Society of Upper Canada (Ontario)

#### EDUCATION



York University, Osgoode Hall Law School, J.D., 2008, Senior Editor, *Osgoode Hall Law Journal*

#### PARTNER

## Catherine Y.N. Gannon

Ms. Gannon has applied her expertise in antitrust, securities and consumer protection law to recover tens of millions of dollars on behalf of consumers across the country.

#### CURRENT ROLE

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

#### EXPERIENCE

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

#### LEGAL ACTIVITIES

- Former President, Board of Directors, Eastside Legal Assistance Program (ELAP)
- Supervising attorney in Hagens Berman partnership with Seattle’s Sexual Violence Law Center
- Member, Mother Attorneys Mentoring Association of Seattle (“MAMAs”)
- Graduate, Ladder Down, a year-long business development and leadership training program for female leaders in law

#### RECOGNITION

- The Best Lawyers in America, Consumer Protection Law, Best Lawyers, 2024
- The Best Lawyers in America, Plaintiffs Mass Tort Litigation/Class Actions, Best Lawyers, 2024
- Rising Star, Washington Super Lawyers, 2016-2023
- National Trial Lawyers Top 40 Under 40 in Washington State, Civil Plaintiff, 2022

#### NOTABLE CASES

- *Zillow Group, Inc. (NASDAQ: Z, SG)*
- *C3.ai, Inc. (NYSE: AI)*
- *Volkswagen/Audi/Porsche Diesel Emissions Scandal*
- *Aequitas Capital Management Securities Litigation*
- *Insulin Overpricing*
- *In re MyFord Touch Consumer Litigation*



AWARDS



- [NCAA Grant-In-Aid Cap Antitrust Litigation](#)
- [Ford Shelby GT350 Mustang Overheating](#)

**PUBLICATIONS**

- Co-author, the American Bar Association’s “A Practitioner’s Guide to Class Action — Vermont Chapter”, 2021
- Co-author, the American Bar Association’s “A Practitioner’s Guide to Class Actions — Vermont Chapter,” 2017
- “Designing a New Playbook for the New Paradigm: Global Securities Litigation and Regulation,” Harvard Law School Forum on Corporate Governance and Financial Regulation, 2011
- “Legal Vulnerability of Bioethicists in Canada: Is a New Era Upon Us?” *30 Health Law in Canada* 132, 2010
- Co-author, “The Threat of the Oppression Remedy to Reorganizing Insolvent Corporations,” *Annual Review of Insolvency Law* 429 2009

**PERSONAL INSIGHT**

Ms. Gannon is fluent in French and active within the pro bono community, having recently served as Board President of the Eastside Legal Assistance Program. Outside of work, Ms. Gannon enjoys hiking with her family and honing her nascent hockey skills on the ice.



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#### YEARS OF EXPERIENCE

14

#### PRACTICE AREAS

Class Action  
Investor Fraud  
Securities

#### BAR ADMISSIONS

- California

#### COURT ADMISSIONS

- First Circuit Court of Appeals
- Second Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- U.S. District Court for the Northern District of California
- U.S. District Court for the Northern District of California (Bankruptcy Court)
- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of California

#### EDUCATION

**UC HASTINGS**  
COLLEGE OF THE LAW

University of California Hastings  
College of the Law, JD, 2007



**VANDERBILT**  
UNIVERSITY

Vanderbilt University, BA,  
cum laude, 2002

#### PARTNER

## Lucas E. Gilmore

Investigates, analyzes and prosecutes complex securities matters.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP
- Advises institutional, government and individual investors on issues related to corporate governance, shareholder rights and securities litigation
- Key member of the firm's investor fraud team in which he, along with a group of attorneys, financial analysts, and investigators, counsels the firm's investor clients on their legal claims and prosecutes financial fraud cases

#### EXPERIENCE

- Litigated dozens of securities class actions against the largest companies and banks, including BNY Mellon, BP, Citibank, Deutsche Bank, HSBC, Quality Systems, Symantec, U.S. Bank and Wells Fargo
- Prosecuted a number of cases related to the financial crisis, including several actions arising out of the issuance of residential mortgage-backed securities and other complex financial products
- Represented litigants in all phases of litigation, at both the trial court and appellate levels

#### LEGAL ACTIVITIES

- Member, National Association of Public Pension Attorneys (NAPPA)
- Member, State Association of County Retirement Systems (SACRS)

#### RECOGNITION

- Rising Star: Securities, Super Lawyers, 2014-2017

#### PUBLICATIONS

- "The Fraud-on-the-Market Presumption Is Alive and Well," Association of Business Trial Lawyers, San Diego, ABTL Report, Fall 2014

#### PRESENTATIONS

- Moderator, "Corporate Heroism — The Whistleblower," Bernstein Litowitz Berger & Grossmann LLP, Real-Time Speaker Series, November 17, 2016
- Moderator, "Corporate Disclosure of Climate Change and Sustainability Risks and Practices," Bernstein Litowitz Berger & Grossmann LLP, Real-Time Speaker Series, March 17, 2016

#### PERSONAL INSIGHT

Outside of the office, Mr. Gilmore enjoys boxing and serving as Defensive Coordinator of his sons' flag football teams.



**PARTNER**

# Ben Harrington

Ben focuses on challenging fraudulent business practices and enforcing antitrust laws, drawing from his extensive experience representing both plaintiffs and defendants at all stages of litigation.

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**YEARS OF EXPERIENCE**

14

**PRACTICE AREAS**

- Antitrust Litigation
- Class Action
- Consumer Rights
- Pharmaceutical Fraud

**BAR ADMISSIONS**

- California
- New York

**COURT ADMISSIONS**

- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York

**EDUCATION**



University of California, Hastings  
College of the Law, J.D.,  
summa cum laude, 2008



The Evergreen State College, B.A.,  
2001

**AWARDS**



**CURRENT ROLE**

- Partner, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- Prior to joining Hagens Berman, Ben worked as a litigation associate in the New York office of Quinn Emanuel Urquhart & Sullivan LLP.

**CLERKSHIPS**

- Honorable Nina Gershon, U.S. District Court for the Eastern District of New York, 2014-2016
- Honorable Harris Hartz, U.S. Court of Appeals, Tenth Circuit, 2008-2009

**RECOGNITION**

- California Rising Star, Super Lawyers, 2020

**PERSONAL INSIGHT**

If Ben is not working you will probably find him chasing after his young daughter, noodling on a guitar or tending to his ever-growing stable of bicycles.



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#### YEARS OF EXPERIENCE

20

#### PRACTICE AREAS

Antitrust Litigation

Pharmaceutical

Consumer Rights

Personal Injury

#### INDUSTRY EXPERIENCE

- Pharmaceuticals
- Automotive
- E-Commerce

#### BAR ADMISSIONS

- New York
- Texas

#### COURT ADMISSIONS

- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

#### EDUCATION



**JAMES MADISON**  
UNIVERSITY®

James Madison University, B.A. in  
Sociology, magna cum laude,  
1996

#### PARTNER

## Anne F. Johnson

Ms. Johnson specializes in high-stakes, complex litigation challenging Big Pharma's schemes to block consumer access to less expensive generic drugs, as well as mass actions fighting corporate indifference and greed.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP

#### RECENT CASES

- Represents thousands of plaintiffs in *Holley et al. v. Gilead Sciences, Inc.*, No. 4:18-cv-6872-JST (N.D. Cal.), in which plaintiffs allege that Gilead repeatedly designed its HIV medications to contain toxic TDF and delayed its safer TAF-based design until the expiration of TDF patent exclusivity so that Gilead could make millions more in product sales.
- Represents proposed classes of consumers in antitrust class actions against Amazon, including:
  - *Frame-Wilson et al. v. Amazon.com, Inc.*, No. 2:20-cv-00424-RAJ (W.D. Wash.), which was the first antitrust lawsuit filed against Amazon based on its policy of prohibiting third-party sellers from lowering the price of their goods on platforms that compete with Amazon; and
  - *De Coster v. Amazon.com, Inc.*, No. 2:21-cv-00693-RSM (W.D. Wash.), where Hagens Berman was appointed interim co-lead counsel, representing a class of Amazon customers, who allege that Amazon's agreements with its third-party sellers caused them to overpay for their purchases on Amazon Marketplace.

#### EXPERIENCE

- Represented the States of Ohio and Arkansas in their suits against opioid manufacturers for creating and profiting off the opioid epidemic.
- Led the discovery, briefing and trial preparation teams on behalf of court-appointed co-lead counsel for the wrongful death and personal injury plaintiffs in General Motors LLC Ignition Switch Litigation, one of the largest product liability litigations in U.S. history. Ms. Johnson was instrumental in achieving a \$200+ million aggregate settlement for her clients in General Motors LLC Ignition Switch Litigation.
- Member of the trial team in the first pay-for-delay pharmaceutical antitrust case to go to trial after the U.S. Supreme Court's watershed decision in *FTC v. Actavis*.
- Developed and filed multiple pharmaceutical antitrust cases challenging drug companies' schemes to prevent less expensive generic versions of brand name drugs from entering the market, including by using sham litigation, sham citizen petitions, pay-for-delay settlements and "product hopping."
- Prior to joining Hagens Berman, Ms. Johnson was a partner at a Texas litigation firm and an associate at two New York City plaintiffs' class-action firms.

### ACTIVITIES

- Former fundraising volunteer for Annie’s List, which helps to elect progressive women to office in Texas
- Organized the American Constitution Society’s Constitution in the Classroom program for New York City schools

### RECOGNITION

- Brooklyn Law Review

### NOTABLE CASES

- *Gilead HIV TDF Tenofovir Injuries*
- *Amazon.com Antitrust (De Coster)*
- *Amazon.com Online Retailer Consumer Antitrust (Frame-Wilson)*
- *General Motors LLC Ignition Switch Litigation*
- *Solodyn Antitrust Litigation*
- *Suboxone Antitrust Litigation*
- Provigil Antitrust Litigation
- *Tricor Antitrust Litigation*

### PERSONAL INSIGHT

Ms. Johnson recently moved back to Brooklyn after 10 years in Austin, TX. An avid record collector, Ms. Johnson is happy to be back in New York even though her apartment is too small to fit the jukebox.

**PARTNER****Kristen A. Johnson**

Ms. Johnson was integral to Hagens Berman achieving the two largest U.S. antitrust recoveries in 2022, totaling nearly \$800 million.

**CURRENT ROLE**

- Partner & management committee member, Hagens Berman Sobol Shapiro LLP
- Ms. Johnson excels in leading multidistrict and complex civil litigation involving multiple defendants, complex regulatory regimes, cross-discipline expert work and highly technical fact patterns.
- Her work at the firm focuses on rigorously combating waste, fraud and pricing abuse in the pharmaceutical industry.

**CAREER HIGHLIGHTS**

- In *In re New England Compounding Pharmacy Litigation Multidistrict Litigation*, 12-md-2419, D. Mass. (Saylor, J., Zobel, J.), In this sprawling 100 plus defendant litigation, the Honorable Judge Rya W. Zobel initially appointed Ms. Johnson as liaison counsel to speak for the hundreds of victims who contracted fungal meningitis or suffered other serious health problems as a result of receiving contaminated products made and sold by NECC. Ms. Johnson was later appointed lead counsel (alternate) alongside her partner Thomas M. Sobol. The case resulted in settlement of about \$200 million settlement on behalf of tort victims.
- In *In re Neurontin Marketing, Sales Practices, and Products Liability Litigation*, 04-md-1629, D. Mass. (Saris, J.), Ms. Johnson was a member of the trial team that achieved a \$142 million civil RICO jury verdict against Pfizer for suppressing and manipulating results of scientific studies concerning the drug Neurontin. Post-trial, the third-party payer class settled with Pfizer for an additional \$325 million.
- Has served as court-appointed lead or co-lead counsel in seven MDLs and similarly complex litigations, including:
  - *In re Celebrex (Celecoxib) Antitrust Litigation*
  - *In re New England Compounding Pharmacy Litigation Multidistrict Litigation*
  - *In re Loestrin 24 Fe Antitrust Litigation*
  - *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation*
  - *In re Ranbaxy Generic Drug Application Antitrust Litigation*
  - *In re Zetia (Ezetimibe) Antitrust Litigation*
  - *In re Lipitor Antitrust Litigation*

**CURRENT CASES**

- In *In re Lantus Direct Purchaser Antitrust Litigation*, 18-cv-2086, D. Mass. (Dein, J., Sorokin, J.), Ms. Johnson is involved in the firm's work combating criminally high insulin prices. The First Circuit Court of Appeals reversed a district court's dismissal of antitrust litigation premised on wrongfully listing patents covering insulin injector

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**YEARS OF EXPERIENCE**

15

**PRACTICE AREAS**

[Antitrust Litigation](#)

[Class Action](#)

[Consumer Rights](#)

[Pharmaceutical Fraud](#)

[RICO](#)

**INDUSTRY EXPERIENCE**

[Pharmaceuticals](#)

[Medical devices](#)

[Health care fraud](#)

**BAR ADMISSIONS**

- Supreme Judicial Court of the Commonwealth of Massachusetts

**COURT ADMISSIONS**

- First Circuit Court of Appeals
- Second Circuit Court of Appeals
- Third Circuit Court of Appeals
- U.S. District Court for the District of Massachusetts

**EDUCATION**

Boston College School of Law, J.D.



pens in the FDA's Orange Book. Ms. Johnson directs day-to-day litigation efforts among plaintiffs on all pretrial and litigation strategy matters.

- In *In re Revlimid & Thalomid Purchaser Antitrust Litigation*, 2:19-cv-07532, D.N.J. (Salas, J.), Ms. Johnson — as counsel for a large health plan — directs discovery and pretrial matters among health plans, retailer plaintiffs and a proposed class of end payers. She recently argued pay-for-delay aspects of the pending motion to dismiss.
- Ms. Johnson is part of the litigation team pursuing claims of negligence and unjust enrichment against Progress software and numerous other defendants for the 2023 MOVEit data breach, which compromised the sensitive personal information of more than 65 million people.

#### RECENT SUCCESS

- In *In re Suboxone (Buprenorphine Hydrochloride & Naloxone) Antitrust Litig.*, 23-md-2445, E.D. Pa. (Goldberg, J.), Ms. Johnson's role as a key part of the trial team helped secure a settlement valued at \$385 million on behalf of direct purchasers in this decade-long product switch antitrust litigation. The settlement is pending final approval from the court.
- In *In re Zetia Antitrust Litigation*, 2:18-md-2836, E.D. Va. (Smith, J., Miller, J.), Ms. Johnson served as court-appointed co-lead counsel for direct purchasers. She conducted the examination of a key expert during a pre-trial evidentiary hearing. The court ruled in the plaintiffs' favor, and the defendants settled on the courthouse steps minutes before jury empanelment was to begin.
- In *In re Ranbaxy Generic Drug Application Antitrust Litigation*, 1:19-md-02878, D. Mass. (Gorton, J., Kelley, J.), Ms. Johnson served as court-appointed co-lead counsel in RICO and antitrust litigation against generic manufacturers Ranbaxy and Sun. She successfully argued against summary judgment and helped negotiate a proposed global \$485 million settlement on the eve of trial (\$340 million for the direct purchaser classes), the second largest U.S. antitrust settlement of 2022, per a [2022 Antitrust Annual Report](#). The litigation alleged Ranbaxy fraudulently obtained a series of 180-day exclusivities that blocked generic versions of Diovan, Nexium and Valcyte from coming to market for years.
- In *In re Glumetza Antitrust Litigation*, 3:19-cv-05822, N.D. Cal. (Alsup, J.), Ms. Johnson was an important part of the Hagens Berman team that litigated antitrust claims on behalf of a proposed class of direct purchasers of brand and generic Glumetza. The litigation resulted in settlements totaling \$453.85 million for the direct purchaser class, the largest U.S. antitrust settlement of 2022, per a [2022 Antitrust Annual Report](#). The litigation alleged that generic company Lupin agreed to delay its launch of a generic form of Valeant's extended-release metformin product in exchange for Valeant's promise not to launch a competing generic product.
- In *In re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation*, 18-md-2819, E.D.N.Y. (Gershon J.), Ms. Johnson served as court-appointed interim co-lead/liaison class counsel for the proposed direct purchaser class and helped negotiate a \$51.25 million settlement with defendant Allergan. This multidistrict litigation alleged Allergan engaged in an anticompetitive scheme including abuse of the FDA's petitioning process to delay generic versions of Restasis from coming to market.
- In *In re Loestrin 24 Fe Antitrust Litigation*, 1:13-md-02472, D.R.I. (Smith, J., Sullivan, J.), Ms. Johnson served as co-lead counsel for the certified class of direct purchasers. She directed Hagens Berman's litigation efforts and ran the patent team up to trial. The parties reached a proposed \$120 million settlement shortly before trial.

## LEGAL ACTIVITIES

- Public Justice, Class Action Preservation Committee

## RECOGNITION

- 500 Leading Plaintiff Consumer Lawyers, Lawdragon, 2023-2024
- Boston's Rising Stars 40 outstanding lawyers under 40, The National Law Journal, 2014-2015
- Trial Lawyer of the Year, nominated with the *Neurontin* trial team for securing a \$142 million verdict against Pfizer for suppressing and manipulating the results of scientific studies that showed Neurontin did not work to treat the off-label indications Pfizer was heavily promoting, Public Justice, 2011

## NOTABLE CASES

- In *In re Flonase Antitrust Litigation*, \*08-cv-3149, E.D. Pa. (Brody, J.), Ms. Johnson's contributions helped achieve \$150 million settlement for the direct purchaser class in an antitrust case alleging GSK submitted a baseless petition to the FDA to delay the FDA's approvals of generic versions of Flonase.
- In *In re Prograf Antitrust Litigation*, MDL No. 2242, D. Mass. (Zobel, J.), Ms. Johnson helped reach a \$98 million settlement for the class of direct purchasers in an antitrust case alleging Astellas delayed generic entry of transplant antirejection drug Prograf by abusing the FDA's petitioning process.
- In *In re Celebrex (Celecoxib) Antitrust Litigation*, 2:13-cv-361, E.D. Va (Wright, J., Miller, J.), Ms. Johnson served as court-appointed co-lead counsel and helped achieve a \$94 million settlement for the certified class of direct purchasers in this antitrust case alleging Pfizer obtained reissuance of a follow-on patent by defrauding the Patent and Trademark Office.

## PERSONAL INSIGHT

Ms. Johnson grew up in a family law practice in Canfield, Ohio. Her grandfather, uncles and father practiced together, and her mother ran the office. Her brother and sister later joined the family firm. Ms. Johnson's career choice was perhaps inevitable, though she hopes her daughters will at least consider another profession.

**PARTNER****Michella A. Kras**

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

**CURRENT ROLE**

- Of Counsel, Hagens Berman Sobol Shapiro LLP
- Practice focuses on class-action lawsuits and complex litigation, including consumer rights. Ms. Kras' practice also focuses on personal injury, medical malpractice, wrongful death and bad-faith insurance claims.
- Ms. Kras has extensive expertise in complex litigation in a variety of commercial contexts, including actions involving various contractual breaches, RICO violations, securities fraud, negligent and intentional torts and federal and state employment law.

**RECENT SUCCESS**

- Michella was part of a litigation team that secured a \$95 million class action settlement with Apple for Apple's failure to honor its AppleCare warranties. Apple promised consumers who purchased AppleCare warranties that they would receive "equivalent to new" replacement iPhones and iPads. But consumers had no way of knowing that the replacement devices they received were not equivalent to new devices. The litigation team uncovered evidence that these replacement devices were inferior, which was concealed from consumers. The litigation team hired world-class experts to show that these replacement devices had a shorter lifespan and were more likely to fail than a new iPhone or iPad. The \$95 million settlement provides direct payments to all class members who received these inferior devices. In 2022, Judge Orrick granted final approval, noting that a \$95 million settlement "on an untested theory" was an "excellent settlement" for the class.
- In 2014, Michella was part of a litigation team that settled a data breach case against Maricopa County Community Colleges. In 2013, a data hack exposed the PII of about 2.4 million students, graduates, employees, and vendors. The litigation team secured credit monitoring for all 2.4 million class members.

**EXPERIENCE**

- Michella worked as an associate at another firm, where she was a member of the commercial and securities litigation group. Ms. Kras worked on complex litigation matters involving private securities offerings, private lending, asset purchase agreements, shareholder and member disputes, and federal and state wage and hour disputes.
- As an associate at a different law firm, her work included civil litigation, employment law, election law, health care law, and estate planning.
- Michella served as a judicial law clerk for the Arizona Supreme Court, where her work consisted of a variety of appeals, including civil cases, criminal actions, and attorney discipline.

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**YEARS OF EXPERIENCE**

19

**PRACTICE AREAS**

[Class Action](#)

[Commercial Litigation](#)

[Complex Civil Litigation](#)

[High Tech Litigation](#)

**BAR ADMISSIONS**

- Arizona

**COURT ADMISSIONS**

- U.S. District Court for the District of Arizona

**EDUCATION**

**ASU** Sandra Day O'Connor  
College of Law  
Arizona State University

Arizona State University College  
of Law, J.D., magna cum laude,  
2003

**ASU** Arizona State  
University

Arizona State University, B.A.,  
1997

#### LEGAL ACTIVITIES

- Consistent commitment to pro bono work; Michella has worked on several pro bono matters, including obtaining Special Juvenile Immigrant Status for a teenager that was brought to the United States as a toddler and later abandoned by her parent.
- Former volunteer and member of the steering committee for Wills for Heroes, an organization that provides free estate planning for Arizona's first responders.

#### RECOGNITION

- State Bar of Arizona President's Volunteer Service Award, 2010
- Rising Star, Southwest Super Lawyers, 2014-2015

#### NOTABLE CASES

- *Maldonado v. Apple, Inc.*
- *In re Swift Transportation Co., Inc.*
- *Liebich v. Maricopa County Community Colleges District*

#### PUBLICATIONS

- Co-author, "A Practitioner's Guide to Class Actions," West Virginia chapter of the American Bar Association, 2nd edition
- Co-author, "A Practitioner's Guide to Class Actions" West Virginia chapter of the American Bar Association, 3rd edition

**PARTNER****Reed R. Kathrein**

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

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**YEARS OF EXPERIENCE**

45

**PRACTICE AREAS**

Class Action

Investor Fraud

Securities

**BAR ADMISSIONS**

- California
- Illinois
- Florida

**COURT ADMISSIONS**

- Ninth Circuit Court of Appeals
- U.S. District Court for the District of Colorado
- U.S. District Court for the Northern District of California
- U.S. District Court for the Northern District of Illinois
- Supreme Court of California
- Supreme Court of Florida
- Supreme Court of Illinois

**EDUCATION**

**UNIVERSITY OF MIAMI**  
**SCHOOL of LAW**

University of Miami School of  
Law, J.D., 1977

**UNIVERSITY OF MIAMI**

University of Miami, B.A., 1974

**CURRENT ROLE**

- Partner, Hagens Berman Sobol Shapiro LLP
- Regular public speaker on securities, class action and consumer law issues

**EXPERIENCE**

- Litigated over 100 securities fraud class actions
- Worked behind the scenes in shaping the Private Securities Litigation Reform Act, the Securities Litigation Uniform Standards Act and the Sarbanes-Oxley Act
- Lawyer Representative, Ninth Circuit Court of Appeals
- Lawyer Representative, U.S. District Court for the Northern District of California, 2008-2011
- Chaired the Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008
- Co-chaired the Securities Rules Advisory Committee, U.S. District Court, Northern District of California, 2004-2006

**LEGAL ACTIVITIES**

- Member, National Association of Public Pension Attorneys (NAPPA)
- Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)
- Member, Council of Institutional Investors (CII)
- Member, State Association of County Retirement Systems (SACRS)
- Member, National Council on Teacher Retirement (NCTR)
- Member, California Association of Public Retirement Systems (CALAPRS)
- Member, Michigan Association of Public Employee Retirement Systems (MAPERS)
- Member, Illinois Public Pension Fund (IPPFA)
- Member, Standing Committee on Professional Conduct, U.S. District Court, Northern District of California (Term expires 2017)
- Expedited Trial Rules Committee, U.S. District Court, Northern District of California, 2010-2012
- Lawyer Representative to the Ninth Circuit Court of Appeals, U.S. District Court, Northern District of California, 2008-2011

- Chair/ Member, Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008

#### RECOGNITION

- Super Lawyer, Super Lawyers Magazine, 2007-2019

#### NOTABLE CASES

- Litigated over 100 securities fraud class actions including cases against 3Com, Adaptive Broadband, Abbott Laboratories, Bank of America, Capital Consultants, CBT, Ceridian, Commtouch, Covad, CVXT, ESS, Harmonics, Intel, Leasing Solutions, Nash Finch, Northpoint, Oppenheimer, Oracle, Pemstar, Retek, Schwab Yield Plus Fund, Secure Computing, Sun Microsystems, Tremont (Bernard Madoff), Titan, Verifone, Whitehall, and Xoma
- Litigated many consumer, employment and privacy law cases including AT&T Wiretapping Litigation, Costco Employment, Solvay Consumer, Google/Yahoo Internet Gambling, Vonage Spam, Apple Nano Consumer, Ebay Consumer, LA Cellular Consumer, AOL Consumer, Tenet Consumer and Napster Consumer

#### MEDIA INTERVIEWS & COMMENTARY

- [“Billionaire Tom Siebel faces tumult at C3.ai as investor lawsuit, short sellers question metrics,”](#) CNBC, June 2, 2023
- [“Grilling Musk: use CEO’s tweets, thin skin against him, trial experts say,”](#) Reuters, Jan. 18, 2023

#### PRESENTATIONS

- “Incoming! How the New Administration’s Approach to Securities Laws and Regulations Affect Investors and Markets,” MAPERS, Spring Conference, May 2017
- “Occupy Wall Street through Reform of the Securities Law,” NCPERS, Legislative Conference, February 2012
- “Legal Issues Facing Public Pensions,” Opal, Public Funds Summit, January 2012
- “Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors,” NCPERS, Annual Conference, May 2011” The Immediate Need for Congress to Act on Investor Friendly Legislation,” NCPERS, Annual Conference, May 2010
- “Investor Friendly Legislation in Congress,” NCPERS, Legislative Conference, February 2010

#### PERSONAL INSIGHT

Reed is a recovering rock-and-roll drummer and banjo ukulele player. His rock band, the Stowaways, was voted 4th best in the State of Illinois out of 300 bands in the Jaycees Battle of the Bands. Reed’s mother made his band costume of blue jean bell bottoms, sailor shirts and hats. The next year everyone wore blue jean bell bottoms to Woodstock. His prized possession is a 30lb Jeff Ocheltree snare drum made by Led Zeppelin John Bonham’s drum technician. The rest of his kit is patterned after Dave Matthews Band’s drummer, Carter Beauford. In his spare time, Reed works on playing Stairway to Heaven (drums) in his garage or Somewhere Over the Rainbow (banjo ukulele) in the High Sierra mountains.

**PARTNER****Daniel J. Kurowski**

## 2020 “Rising Star” in Illinois, Super Lawyers

**CURRENT ROLE**

Daniel J. Kurowski is a partner at Hagens Berman Sobol Shapiro LLP. Since 2006, Mr. Kurowski has focused his practice on protecting the interests of individuals and small companies prejudiced by large corporations and organizations. Based in Chicago, with cases located throughout the country, his current work with the firm covers a diverse variety of complex cases including:

- Representing individuals economically affected by COVID-19, including passengers denied refunds on flights cancelled by [airlines](#) as well as students/payors of tuition and fees in [litigation](#) against U.S. colleges and universities that closed and only offered online only courses due to the outbreak of COVID-19 but continued to charge full tuition and fees.
- Representing athletes in individual personal injury and class-action litigation arising out of concussions/traumatic brain injuries suffered during sporting activities, including in [In re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation \(N.D. Ill.\)](#) and [In re NFL Players’ Concussion Injury Litig.](#) (E.D. Pa.).
- Representing consumers of electricity in certified class action alleging claims against nearly two dozen defendants for perpetuating an extensive fuel oil fraud, resulting in users of electricity in Puerto Rico being overcharged by more than \$1 billion dollars for electricity since 2002.
- Representing purchasers with antitrust, consumer fraud and/or unjust enrichment claims against sellers and manufacturers of retail products.

**RECENT SUCCESS**

- [In re Pre-Filled Propane Sales & Marketing Practices Litigation](#) (W.D. Mo.) (\$35 million in settlements involving multiple defendants)
- [In re Bayer Combination Aspirin Sales & Marketing Practices Litigation](#) (E.D.N.Y.) (\$15 million settlement)
- [In re Aurora Dairy Organic Milk Marketing & Sales Practices Litigation](#) (E.D. Mo.) (\$7.5 million settlement)
- [Silk v. Bowling Green State University](#) (Ohio Court of Claims) (\$712,500 individual settlement for student-athlete injured as a result of alleged failures to properly manage athlete’s concussions)
- [In re NFL Players’ Concussion Injury Litigation](#) (E.D. Pa.) (over \$6.1 million in approved claims for former NFL players)
- [In re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation](#) (N.D. Ill.) (creating a \$70 million 50-year medical monitoring program for former student-athletes to screen for and track head injuries, a \$5 million fund for concussion research, and implementing changes to NCAA concussion rules to protect current student-athletes)

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**YEARS OF EXPERIENCE**

17

**PRACTICE AREAS**

Antitrust Litigation  
Class Action  
Consumer Rights  
Pharmaceutical Fraud  
Sports Litigation

**BAR ADMISSIONS**

- Illinois

**COURT ADMISSIONS**

- Second Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Southern District of Illinois

**CLERKSHIPS**

- Hon. Paul E. Plunkett, Northern District of Illinois
- Hon. Maria Valdez, Northern District of Illinois

EDUCATION



AWARDS



EXPERIENCE

- Federal judicial law clerk, Hon. Paul E. Plunkett and Hon. Maria Valdez
- Intern, U.S. Department of Housing and Urban Development’s Office of Fair Housing and Equal Opportunity, the U.S. Attorney’s Office for the Northern District of Illinois and with Hon. Ronald A. Guzman and his staff
- During law school, Mr. Kurowski received multiple academic scholarships, served as a staff member and Lead Articles Editor for The John Marshall Law Review, and received an award for an appellate brief submitted in a national moot court competition

LEGAL ACTIVITIES

- Seventh Circuit Council on eDiscovery and Digital Information
- Member of American Association for Justice, Illinois State Bar Association, Chicago Bar Association
- Investigator, Chicago Bar Association, Judicial Evaluation Committee

RECOGNITION

- Illinois Class Action/Mass Torts Rising Star, Super Lawyers Magazine, 2020
- Illinois Rising Star, Super Lawyers Magazine, 2015-2020

NOTABLE CASES

- Aurora Dairy Corporation Organic Milk Marketing & Sales Practices Litigation (E.D. Mo.)
- Bayer Corp. Combination Aspirin Product Marketing & Sales Practices Litigation (E.D.N.Y.)
- Pre-Filled Propane Tank Marketing & Sales Practices Litigation (W.D. Mo.)
- RC2 Corp. Toy Lead Paint Products Liability Litigation (N.D. Ill.)
- *In re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation* (N.D. Ill.)

PERSONAL INSIGHT

An avid cyclist, Dan enjoys staying active by competing in cyclocross races. Dan is also a board member for the DuPage Cycling Foundation, a 501(c)(3) non-profit corporation that raises fund for community non-profits through the hosting and promotion of cycling events.



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#### PRACTICE AREAS

[Antitrust Litigation](#)  
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[Intellectual Property](#)  
[Pharmaceutical Fraud](#)  
Privacy Rights  
Qui Tam  
Securities  
[Whistleblower](#)

#### BAR ADMISSIONS

- Washington

#### COURT ADMISSIONS

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

#### EDUCATION

##### SCHOOL OF LAW

UNIVERSITY of WASHINGTON  
University of Washington School  
of Law, J.D.

**GONZAGA**  
UNIVERSITY

Gonzaga University, B.A., English  
Literature, Arnold Scholar

#### PARTNER

## Robert F. Lopez

Mr. Lopez continues practice on qui tam matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP
- Offers a broad range of legal experience in the fields of:
  - Complex commercial litigation
  - Health care and pharmaceuticals litigation
  - Product defect litigation
  - False Claims Act litigation
  - Intellectual property litigation
  - Privacy litigation
  - Securities litigation
  - Antitrust litigation
  - Creditor-debtor litigation
- Member of the firm's *In re Carrier IQ, Inc. Consumer Privacy Litigation* team
- Member of the firm's team representing the plaintiffs and proposed class in *Free Range Content Inc. v. Google Inc.*, a class-action case based on allegations that Google unlawfully denies payments to thousands of website owners and operators who place ads on their sites sold through Google AdWords
- Continues practice on qui tam matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments

#### EXPERIENCE

- Experienced in prosecuting and defending appeals in the federal and state courts of appeal; representing institutions and consumers in nationwide class-action lawsuits, including in the federal multidistrict litigation setting; advising clients in non-litigation settings with respect to trademark, trade-name, copyright and Internet-communications law
- Member of firm's team representing one of the relators in the 2012 settlement with Amgen Inc., in which the company agreed to pay \$612 million to the U.S. and various state governments in order to resolve claims that it caused false claims to be submitted to Medicare, Medicaid and other government insurance programs
- Member of the firm's team that prosecuted *In re Charles Schwab Corp. Securities Litigation*

- Experienced in class-action litigation against DaimlerChrysler Corporation relating to product defects in its Neon automobiles, nationwide class-action cases against Trex Company, Inc. and Fiber Composites, Inc.
- Founding Member and Partner, Socius Law Group PLLC
- Partner, Betts, Patterson & Mines, P.S.

#### **NOTABLE CASES**

- *In re Pharmaceutical Industry Average Wholesale Price Litigation*
- *Amgen Inc. Qui Tam Litigation*
- *In re Metropolitan Securities Litigation*
- *In re Charles Schwab Corp. Securities Litigation*
- *In re Carrier IQ, Inc. Consumer Privacy Litigation*

**PARTNER****Jessica R. MacAuley**

Ms. MacAuley was a fundamental part of the *In re Glumetza Antitrust Litigation* trial team, which resulted in a \$453.85 million settlement, the largest U.S. antitrust settlement in 2022.

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**YEARS OF EXPERIENCE**

9

**PRACTICE AREAS**

Antitrust Litigation  
Consumer Rights  
Pharmaceutical Fraud

**BAR ADMISSIONS**

- Supreme Judicial Court of the Commonwealth of Massachusetts

**COURT ADMISSIONS**

- First Circuit Court of Appeals
- Second Circuit Court of Appeals
- U.S. District Court for the District of Massachusetts

**EDUCATION**

**PennState Law**

The Pennsylvania State University, Dickinson School of Law, J.D., 2012

**Northeastern University**

Northeastern University, B.A., cum laude, 2005

**AWARDS**

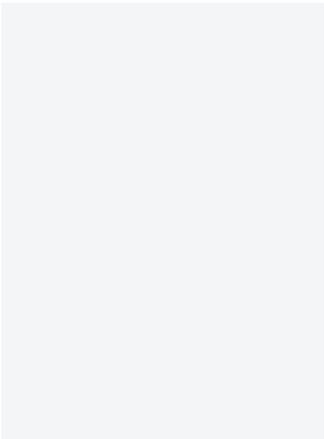
**Super Lawyers**  
RISING STARS

**CURRENT ROLE**

- Partner, Hagens Berman Sobol Shapiro LLP
- Ms. MacAuley's practice focuses on nationwide antitrust class actions and consumer fraud
- Appointed to the Plaintiffs' Steering Committee in *In re Xyrem (Sodium Oxybate) Antitrust Litigation* pending in the Northern District of California.
- Member of the HBSS team of attorneys litigating on behalf of direct purchasers in *In re Restasis Antitrust Litigation*. Ms. MacAuley directed day-to-day efforts for HBSS and was the leader of a team of attorneys investigating allegations related to the defendant's (Allergan) filing of sham citizen petition. Ms. MacAuley successfully argued the motion for final approval of the proposed \$51.25 million settlement class settlement, which the Court approved.
- Led a team of attorneys investigating privilege claims made by defendants in the *In re Glumetza Antitrust Litigation* which led to thousands of documents being disclosed. Ms. MacAuley was also a member of the trial team that secured a \$453.85 million settlement on behalf of direct purchasers, the largest U.S. antitrust settlement of 2022.
- Integral part of a trial team for class of direct purchasers in the *In re Celebrex Antitrust Litigation*, which settled before trial for \$94 million.
- Counsel in the *In re Suboxone Antitrust Litigation* and the *In re Niaspan Antitrust Litigation*. Tasked with overseeing the litigation for the HBSS office.
- Instrumental in reaching a \$98 million settlement for direct purchasers of the immunosuppressant, Prograf.
- Oversaw discovery efforts, including managing meet and confers with defendants and directing factual issues for depositions, on behalf of direct purchasers *In re Solodyn Antitrust Litigation*, a multi-district litigation challenging anticompetitive conduct by pharmaceutical drug makers that settled pre-trial with four defendants totaling over \$76 million.
- During law school Ms. MacAuley was a certified legal intern for the Rural Economic Development Clinic, advising clients on Marcellus shale exploration land rights, FDA regulations for artisanal cheese makers and formation of corporate entities for dairy farmers.

**EXPERIENCE****RECOGNITION**

- Rising Star, Massachusetts Super Lawyers Magazine, 2015-2019



### NOTABLE CASES

- *In re Prograf Antitrust Litigation*
- *In re Solodyn Antitrust Litigation*
- *In re Celebrex Antitrust Litigation*
- *In re Restasis Antitrust Litigation*
- *In re Glumetza Antitrust Litigation*

### PERSONAL INSIGHT

Jessica has long been active in social justice movements, starting in kindergarten when she led an unsuccessful boycott of Columbus Day.

**PARTNER****Sean R. Matt**

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

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**YEARS OF EXPERIENCE**

31

**PRACTICE AREAS**

Antitrust Litigation

Class Action

Consumer Rights

Emissions Litigation

Insurance

Investor Fraud

Products Liability

Securities

**INDUSTRY EXPERIENCE**

- Complex Financial Instruments
- Investments
- Pharmaceuticals
- Automotive

**COURT ADMISSIONS**

- Ninth Circuit Court of Appeals
- U.S. District Court for the District of Colorado
- U.S. District Court for the Western District of Washington
- Supreme Court of Washington

**EDUCATION**

University of Oregon School of Law, J.D., Order of the Coif (top 10%), 1992, Associate Editor of the Law Review

**CURRENT ROLE**

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

**RECOGNITION**

- 500 Leading Lawyers in America, Plaintiff Consumer Lawyers, Lawdragon, 2024
- The Best Lawyers in America, Plaintiffs Product Liability Litigation, Best Lawyers, 2024
- 500 Leading Lawyers in America, Plaintiff Financial Lawyers, Lawdragon, 2020, 2023
- Nominated as part of the team in *In re Toyota Motor Corp. Sudden, Unintended Acceleration* for Trial Lawyer of the Year Award, Public Justice, 2014

**NOTABLE CASES**

- *Mercedes Emissions*, \$763 settlement
- *In re Charles Schwab Corp. Securities Litigation*, \$235 million settlement
- *In re Oppenheimer Champion Income Fund Securities Fraud Class Actions*, \$52.5 million proposed settlement
- *Oppenheimer Core Bond Fund Class Action Litigation*, \$47.5 million settlement
- *Morrison Knudsen and Costco Wholesale Corp. Securities Litigation*
- *In re Pharmaceutical Industry Average Wholesale Price Litigation*, \$338 million settlement



Indiana University, B.S., Finance,  
Highest Distinction, 1988



Boston University, Term at  
Imperial College London

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

#### PUBLICATIONS

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

#### PERSONAL INSIGHT

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



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#### YEARS OF EXPERIENCE

18

#### PRACTICE AREAS

Civil & Human Rights  
Insurance Bad Faith  
Personal Injury  
Public Records Act

#### BAR ADMISSIONS

- Washington

#### COURT ADMISSIONS

- Ninth Circuit Court of Appeals
- U.S. District Court for the Eastern District of Washington
- U.S. District Court for the Western District of Washington
- Supreme Court of Washington

#### EDUCATION



**SEATTLE  
UNIVERSITY  
SCHOOL OF LAW**

Seattle University School of Law,  
J.D., cum laude, 2002

#### PARTNER

## Martin D. McLean

Mr. McLean is a true trial attorney having tried 30 cases to verdict in various state and federal courts.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP
- Represents individuals who have suffered catastrophic personal injury or loss.
- Clientele includes a wide range of individuals, including children who have suffered harm while in state care, elderly adults who have experienced abuse or neglect in nursing homes and individuals harmed by medical negligence.
- Mr. McLean has been at the forefront of litigation involving the Washington Public Records Act.

#### RECENT SUCCESS

- During his tenure with Hagens Berman's personal injury team, Mr. McLean has contributed to numerous lawsuits resulting in multi-million dollar recoveries on behalf of the firm's clients.

#### EXPERIENCE

- Mr. McLean is a seasoned trial attorney, with extensive experience in all phases of litigation.

#### NOTABLE CASES

- *Marx v. DSHS*, \$3 million judgment on behalf of developmentally-disabled patient sexually abused at state-run hospital
- *Tamas v. State of Washington*, \$525,000 judgment on behalf of three children seeking public records from state agency
- *Wright v. DSHS*, \$2,850,000 judgment against the state of Washington for negligent child abuse investigation
- *Rudolph v. DSHS*, \$900,000 judgment on behalf of family of a vulnerable adult severely neglected in state-licensed adult family home

#### PERSONAL INSIGHT

Mr. McLean spent a year living in Italy studying art, history, Italian and wine-drinking. When not practicing law, Mr. McLean enjoys his new favorite hobby: raising his young son with his wife.



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#### YEARS OF EXPERIENCE

7

#### PRACTICE AREAS

Antitrust Litigation

Class Action

Consumer Rights

#### BAR ADMISSIONS

- California
- Massachusetts
- New York

#### COURT ADMISSIONS

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

#### EDUCATION

 **MICHIGAN LAW**  
UNIVERSITY OF MICHIGAN  
University of Michigan, J.D.,  
cum laude, 2016

 **University of Missouri**  
University of Missouri Columbia,  
B.J., cum laude, 2011

#### PARTNER

## Abbye Klamann Ognibene

Ms. Ognibene believes in taking on corporations in the fight for plaintiffs' rights, including the right to online privacy and to fair pricing in medical care and consumer goods.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP
- Practice focuses on fair pricing for pharmaceuticals, catastrophic personal injury and product recalls, high tech privacy issues, healthcare fraud, and antitrust enforcement
- Second chair in six-week federal antitrust trial, *In re HIV Antitrust Litigation*, concerning anticompetitive pricing for HIV medication
- Helped launch Boston office Pro Bono Program
- Member of HBSS team representing purchasers in *In re Actos Antitrust Litigation*, *In re Vascepa Antitrust Litigation*, and *In re Intuniv Antitrust Litigation*
- Represents parents in personal injury and wrongful death cases concerning Fisher-Price's recalled Rock 'n Play sleepers
- Secured a successful Second Circuit order upholding the trial court's denial of defendants' motion to dismiss in *In re Actos*

#### EXPERIENCE

- Prior to joining Hagens Berman, Ms. Ognibene was an associate at a start-up litigation boutique, where she helped launch a plaintiffs' class-action practice group focused on privacy and human rights litigation.
- She also worked on cutting-edge class-action litigation at Lieff Cabraser Heimann & Bernstein, focusing on digital privacy and antitrust cases.
- While in law school, Abbye worked for more than two years as a law clerk to the legal team of *DeBoer v. Snyder*, consolidated sub nom. *Obergefell v. Hodges*, which guaranteed the nationwide right to marry for same-sex couples.

#### RECOGNITION

- Ones to Watch, Plaintiffs Mass Tort Litigation/Class Actions, Best Lawyers, 2024
- Massachusetts Chapter Member, National Lawyers Guild

#### PERSONAL INSIGHT

Before attending law school, Abbye worked in radio journalism in her home state of Missouri. She spends her time outside of the office with her family and two large rescue dogs, preferably in Vermont with a glass of whiskey in one hand and a good book in the other.



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#### YEARS OF EXPERIENCE

34

#### PRACTICE AREAS

Antitrust Litigation  
Class Action  
Consumer Rights  
Investor Fraud  
Pharmaceutical Fraud  
Securities  
Tax Law

#### INDUSTRY EXPERIENCE

- Tobacco
- Online Travel Companies

#### BAR ADMISSIONS

- Arizona
- Washington

#### COURT ADMISSIONS

- Ninth Circuit Court of Appeals

#### EDUCATION



Seattle University School of Law,  
J.D., cum laude, 1993

UNIVERSITY of  
WASHINGTON

University of Washington, B.A.,  
Political Science, French Language  
and Literature, 1987

#### PARTNER

## Christopher A. O'Hara

Mr. O'Hara plays a key role in working with notice and claims administrators on all the firm's class settlements and class notice programs.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP
- Practice focuses on antitrust, consumer, tax and securities class actions
- Serves as plaintiffs' counsel in Hotel Occupancy Tax litigation against major online travel companies in various jurisdictions across the country
- Key role in working with claims administrators on all class settlements and class notice programs

#### NOTABLE CASES

- *Tobacco Litigation* (\$260 billion multi-state settlement)
- *Microsoft Antitrust Litigation* (20 individual state settlements totaling over \$2.7 billion)
- *Toyota Unintended Acceleration Litigation* (\$1.6 billion settlement)
- *In re Electronic Books Antitrust Litigation* (\$616 million in settlements)
- *In re Stericycle, Inc., Steri-Safe Contract Litigation* (\$295 million settlement)
- *Charles Schwab Yieldplus Funds Securities Litigation* (\$235 million settlement)
- *In re NCAA Athletic Grant-in-Aid Cap Antitrust Litigation* (\$208 million settlement)
- *In re Optical Disk Drive Antitrust Litigation* (\$180 million in settlements)
- *In re Animation Workers Antitrust Litigation* (\$168.95 million in settlements)
- *Expedia Hotel Taxes and Fees Litigation* (\$134 million settlement)
- *In re NCAA Student-Athlete Concussion Litigation* (\$75 million settlement and 50-year medical monitoring program)
- *In re Lithium Ion Batteries Antitrust Litigation* (\$65 million in settlements)
- *NCAA/Electronic Arts Name and Likeness Litigation* (\$60 million in settlements)

#### EXPERIENCE

- Cozen & O'Connor, Associate, 1993-1997
- Crowell & Moring, Paralegal, 1988-1990

#### RECOGNITION

- Rising Star, Washington Law and Politics, 2003

AWARDS



LANGUAGES

- French



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#### YEARS OF EXPERIENCE

20

#### PRACTICE AREAS

Civil & Human Rights  
Antitrust Litigation  
Automotive Litigation  
Class Action  
Racketeering

#### BAR ADMISSIONS

- District of Columbia
- New York
- Washington

#### CLERKSHIPS

- The Honorable Louis F. Oberdorfer, U.S. District Court for D.C.
- U.S. Senate Judiciary Committee, Senator Leahy, Washington, D.C.

#### EDUCATION

**Berkeley Law**

University of California, Berkeley  
School of Law, J.D., top 15% of  
graduating class, 2002

#### PARTNER

## Jerrod C. Patterson

Mr. Patterson served as a federal prosecutor for more than nine years, prosecuting tax cases, fraud and other financial crimes. He has extensive experience trying complex cases to verdict.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP
- Practice focuses on antitrust and other fraud and RICO cases, including *Generic Pharmaceuticals Pricing Antitrust*, *Dodge RAM 2500 and 3500 Emissions*, and *Ford/GM/FCA CP4 Injection Pump Defect*
- Extensive experience in handling complex multidistrict cases
- Mr. Patterson brings to the firm extensive trial experience and a history of prosecuting complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering and prescription fraud

#### EXPERIENCE

- Prior to joining Hagens Berman, Mr. Patterson served as an Assistant United States Attorney at the U.S. Attorney's Office in Seattle, WA.
  - Prosecuted complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering, and prescription fraud
  - Served as Project Safe Childhood Coordinator; led efforts to investigate and prosecute child pornography and child exploitation cases
  - Led prosecution of large-scale drug trafficking organizations, including cartels and street gangs, to interdict drug smuggling and investigate money laundering
- Trial Attorney, U.S. Department of Justice Washington, D.C., Tax Division, Northern Criminal Enforcement Section
  - Co-chaired prosecution of two defendants, in separate trials, for scheme to defraud the Cleveland Catholic Diocese
- Special Assistant U.S. Attorney, U.S. Attorney's Office for D.C. Nov. 2006 – May 2007
  - Prosecuted 22 bench trials in Sex Offense/Domestic Violence Section
- Associate, Wilmer Cutler Pickering (WilmerHale)

#### RECOGNITION

- Outstanding Performance as a Special Assistant U.S. Attorney, U.S. Attorney General, 2010
- Outstanding Tax Division Attorney, Assistant Attorney General, 2009
- Outstanding Tax Division Attorney, Assistant Attorney General, 2008
- Best Financial Investigation in the Nation, Organized Crime and Drug Enforcement Task Force, 2012

**JOHNS HOPKINS**  
SCHOOL of ADVANCED  
INTERNATIONAL STUDIES

Johns Hopkins University, School of Advanced International Studies, M.A., International Economics and International Relations, Graduated *with distinction* (top 10%), 1997

 **BROWN UNIVERSITY**

Brown University A.B., International Relations, magna cum laude, 1995

#### NOTABLE CASES

- CP4 High-Pressure Fuel Pump Litigation, A series of class action cases against GM, Ford, FCA and Nissan for their use of a defective high pressure fuel pump that generates metallic shavings and can lead to catastrophic failure of the engine
- *In re Animation Workers Antitrust Litig.*, 14-cv-4062 LHK (N.D. Cal.): Class-action antitrust case against major animation studios for conspiring to fix wages of their animators. The parties settled the case for \$169 million
- *In re Generic Pharmaceuticals Pricing Antitrust Litig.* (E.D. Pa.): Class-action antitrust case against over two dozen generic pharmaceutical manufacturers for conspiring to fix the price of generic drugs
- *In re Lithium Ion Batteries Antitrust Litig.*, 12-cv-5129 YGR (N.D. Cal.): Class-action antitrust case against large battery producers for conspiring to fix prices. The parties settled the case for a total of \$113 million
- As a federal prosecutor, led or co-chaired 11 federal jury trials, and 22 bench trials

#### PERSONAL INSIGHT

Although not a Washington state native, Mr. Patterson has quickly adopted Seattle as his hometown. In his spare time, he and his family enjoy the local wineries, lakes and hiking trails.



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#### YEARS OF EXPERIENCE

8

#### PRACTICE AREAS

Antitrust Litigation  
Class Action  
Consumer Rights  
High Tech Litigation

#### INDUSTRY EXPERIENCE

- Film Development

#### BAR ADMISSIONS

- California

#### COURT ADMISSIONS

- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Southern District of California

#### CLERKSHIPS

- Honorable Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit, 2013-2014

#### EDUCATION

**HARVARD  
LAW SCHOOL**

Harvard Law School, magna cum laude, 2013

#### PARTNER

## Rio S. Pierce

Rio focuses his practice on enforcing antitrust laws and ensuring fair and free markets for the benefit of consumers.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP

#### RECENT SUCCESS

- *In re Broiler Chicken Antitrust Litig.*, No. 16-CV-08637 (N.D. Ill.), part of team at Hagens Berman for indirect purchaser class; recovery to date of \$106 million
- *In re Pork Antitrust Litig.*, No. 18-CV-01776 (D. Minn.), part of team at Hagens Berman serving as co-lead counsel for indirect purchaser class; recovery to date of \$20 million
- *Qualcomm Antitrust Litigation*, No. 5:17-md-02773 (N.D. Cal.), part of team at Hagens Berman acting as counsel for indirect purchaser class that resulted in certified class of hundreds of millions of consumers
- *In re Optical Disk Drive Antitrust Litig.*, No. 10-md-02143 (N.D. Cal.), team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million

#### EXPERIENCE

- Prior to joining Hagens Berman, Mr. Pierce worked as an associate for two years at Munger, Tolles & Olson, where he gained significant experience in class action and complex commercial litigation. Mr. Pierce also did extensive pro bono work on immigration matters.
- Law Clerk, U.S. Court of Appeals for the Ninth Circuit, Judge Jerome Farris, 2013-2014
- Associate, Munger Tolles & Olson, 2014-2016

#### ACTIVITIES

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

#### LEGAL ACTIVITIES

- American Association for Justice

#### RECOGNITION

- Top 40 Under 40 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers, 2021
- Chayes Fellow, National Prosecuting Authority in Cape Town, South Africa
- Teaching Fellow, Copyright EdX

#### PUBLICATIONS

- "A Heavy Hand or A Light Touch: What Force Will California's Anti-SLAPP Statute Have After Baral v. Schnitt?" *California Litigation Review*, 2015



#### PERSONAL INSIGHT

A proud California native, Rio loves exploring the whole state, especially Big Sur. Prior to law school, Rio worked at Miramax for several years and still loves a good indie film. In his free time, Rio enjoys making pies.



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#### YEARS OF EXPERIENCE

11

#### PRACTICE AREAS

Automotive Litigation  
Civil & Human Rights  
Class Action  
Consumer Rights  
Intellectual Property

#### BAR ADMISSIONS

- California

#### COURT ADMISSIONS

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

#### EDUCATION



Loyola Law School, Los Angeles,  
J.D., 2011, Note and Comment  
Editor, Loyola of Los Angeles  
Entertainment Law Review

#### PARTNER

## Christopher R. Pitoun

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

#### CURRENT ROLE

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

#### RECENT SUCCESS

- Fiat Chrysler (FCA) Low Oil Pressure Shut Off*, No. 2:20-cv-11054-JEL-APP (E.D. Mich.), part of team that secured settlement valued at \$108,000,000 in cash and warranty benefits on behalf of nationwide class of car owners against manufacturer
- BofA Countrywide Appraisal RICO*, No. 2:16-cv-04166 (C.D. Cal.), part of team that secured \$250,000,000 settlement on behalf of nationwide class of borrowers against appraiser
- Sake House Restaurants Racial Discrimination Litigation*, Case No. BC7087544 (Cal.Super.), certified for settlement purposes first of its kind hostile work environment class of Hispanic/Latino restaurant workers against employer
- USC, Dr. Tyndall Sexual Harassment*, No. 2:18-cv-04258-SVW-GJS (C.D. Cal.), part of team that secured \$215,000,000 settlement on behalf of class of sexual assault survivors against university and OB-GYN

#### EXPERIENCE

- Prior to joining Hagens Berman, Chris worked as an associate at a large plaintiff's firm gaining extensive experience representing plaintiffs in business litigation involving copyright and trademark disputes, breach of contract claims and breach of fiduciary duty claims. He also worked on a number of nationwide class actions involving products liability matters in the pharmaceutical and construction industries.
- While in law school, Mr. Pitoun externed for the Office of the Attorney General of California's Business and Tax Division where he worked on tax appeals on behalf of the Franchise Tax Board. Mr. Pitoun also served as an editor on the Loyola of Los Angeles Entertainment Law Review.

#### LEGAL ACTIVITIES

- Federal Bar Association
- American Association for Justice (AAJ)
- Consumer Attorneys of California (CAOC)



University of Chicago, M.A., 2005



University of Michigan, B.A., with High Honors, 2004



London School of Economics, General Course, 2003

#### AWARDS



#### RECOGNITION

- 500 Leading Plaintiff Consumer Lawyers, Lawdragon, 2024
- Rising Star, Super Lawyers, 2021-2023

#### NOTABLE CASES

- *CVS Generic Drug RICO Litigation*
- *Fiat Chrysler Low Oil Pressure Shut Off*
- *Fiat Chrysler Gear Shifter Rollaway*
- *Gilead HIV TDF Tenofovir Mass Tort*
- *Mattel/Fisher Price Rock 'N Play Wrongful Death Cases*

#### LANGUAGES

- French

#### PERSONAL INSIGHT

Prior to attending law school, Chris taught English and French to high school students in China. Chris later decided to become a lawyer while marketing the film “Michael Clayton.” In his spare time, Chris works as a volunteer for the American Friends of the Israel Museum, a non-profit which helps raise funds for the Israel Museum in Jerusalem.



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#### YEARS OF EXPERIENCE

21

#### PRACTICE AREAS

Antitrust Litigation  
Class Action  
Consumer Rights  
High Tech Litigation

#### INDUSTRY EXPERIENCE

- Technology Companies
- Internet Companies
- Agricultural Companies

#### BAR ADMISSIONS

- California

#### COURT ADMISSIONS

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

#### PARTNER

## Shana E. Scarlett

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

#### CURRENT ROLE

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

#### RECENT SUCCESS

Ms. Scarlett has played a leading role in obtaining sizable settlements for antitrust plaintiffs in the following cases:

- *In re Broiler Chicken Antitrust Litig.*, No. 16-CV-08637 (N.D. Ill.), co-lead counsel for indirect purchaser class; recovery to date of \$181 million
- *In re Animation Workers Antitrust Litig.*, No. 14-cv-4062 (N.D. Cal.), team at Hagens Berman acting as co-lead counsel for class of workers; recovery of nearly \$169 million
- *In re Lithium Ion Batteries Antitrust Litig.*, No. 13-md-02420 (N.D. Cal.), team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$113.45 million
- *In re Electronic Books Antitrust Litig.*, No. 11-md-02293 (S.D.N.Y.), team at Hagens Berman acting as co-lead counsel for indirect purchaser class; recovery of \$616 million
- *In re Optical Disk Drive Antitrust Litig.*, No. 10-md-02143 (N.D. Cal.), team at Hagens Berman acting as lead counsel for indirect purchaser class; recovery of \$205 million
- *In re Railway Industry Employee No-Poach Antitrust Litigation*, MDL No. 2850 (W.D. Pa.), team at Hagens Berman on executive committee; recovery of \$48.95 million

#### EXPERIENCE

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

#### LEGAL ACTIVITIES

- Panelist, Class Actions: What You Need to Know Now Recent Developments in Class Action Litigation, Federal Bar Association, Northern District of California Chapter, November 2023

## EDUCATION

**Stanford**  
Law School  
Stanford Law School, J.D.



THE UNIVERSITY  
OF BRITISH COLUMBIA

University of British Columbia,  
B.A.

## AWARDS

THE NATIONAL  
LAW JOURNAL  
**2018 TOP VERDICTS**  
MEDICAL MALPRACTICE  
**\$383,500,000**

- Panelist, Complex Litigation Ethics Conference: UC Law San Francisco, The Ethics of Court-Appointed Neutrals, October 2023
- Panelist, Antitrust and Unfair Competition Law, California Lawyers Association, Views from the Top, November 2021
- Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Panelist, American Antitrust Institute, Taken and Defending Depositions of Economists in Private Class Actions, November 2019
- Panelist, American Bar Association, Key Considerations for Working with Expert Witnesses in Class Actions, September 2019
- Panelist, American Antitrust Institute, The Consumer and Food Sovereignty: Concentration and its Effects on Food Prices, Choice, and Quality, December 2018
- Panelist, Complex Litigation E-Discovery Forum: Tar and Validation Protocols, September 2018
- Panelist, spoke at the request of Judge Gonzalez Rogers on distribution of settlements and best practices of notice, Civil Law Symposium: Class Actions for the Northern District Practice Program, September 2018
- Panelist, The Impact Fund, Advanced Class Notice Issues, August 2018
- Panelist, American Bar Association Meeting: Procedural Steps and Pitfalls in Antitrust Class Actions, May 2018
- Panelist, Northern District Judicial Conference: Class Actions, April 2018
- Panelist, Class Certification — Making Sense of Class Certification Doctrine, Economics and Econometrics, American Antitrust Institute, Nov. 2017

## RECOGNITION

- Thought Leaders, Competition, Who's Who Legal, 2024
- The Best Lawyers in America, Plaintiffs Mass Tort Litigation/Class Actions, Best Lawyers, 2024
- Top 100, National Trial Lawyers, 2023-2024
- Thought Leaders, Global Elite, Who's Who Legal, 2022, 2024
- Northern California Super Lawyer, 2013-2023
- 500 Leading Plaintiff Financial Lawyers, Lawdragon, 2020-2023
- Chambers and Partners, Band 1 Ranking, Antitrust, 2022-2023
- 500 Leading Plaintiff Consumer Lawyers, Lawdragon, 2022-2023
- Top Women Attorneys In Northern California, *San Francisco Magazine*, 2022
- Top Plaintiff Lawyers, *The Daily Journal of California*, 2022
- Top Antitrust Attorney, *The Daily Journal of California*, 2021-2022
- Top 100 Civil Plaintiff Trial Lawyers in California, The National Trial Lawyers, 2021-2022
- Top 50 Women, Northern California Super Lawyers, 2020-2021
- Rising Star, Super Lawyers, 2009-2011

### NOTABLE CASES

Ms. Scarlett is also serving as lead or co-lead class counsel in the following cases currently being litigated:

- *Klein v. Meta Platforms*, No. 20-cv-08570 (N.D. Cal.), co-lead counsel for a consumer class against Facebook for gaining a monopoly through deceptive data use and collection practices
- *In re Pork Antitrust Litig.*, No. 18-CV-01776 (D. Minn.), co-lead counsel for indirect purchaser class
- *In re Beef Purchasers Antitrust Litig. (Peterson v. JBS USA Food Co. Holdings et al.)*, No. 0:19-cv-01129 (D. Minn.), co-lead counsel for indirect purchaser class
- *In re Turkey Antitrust Litig.*, No. 1:19-cv-08318 (N.D. Ill.), co-lead counsel for direct purchaser class
- *Jien v. Perdue Farms, Inc.*, No. 19-cv-2521 (D. Md.), co-lead counsel for class of hourly and salaried workers

### PERSONAL INSIGHT

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



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**YEARS OF EXPERIENCE**

42

**PRACTICE AREAS**

Consumer Rights  
High Tech Litigation

**INDUSTRY EXPERIENCE**

- Pharmaceuticals

**BAR ADMISSIONS**

- California
- Illinois
- Washington

**EDUCATION**

**HARVARD  
LAW SCHOOL**

Harvard Law School, J.D.,  
cum laude, 1979

**ST. OLAF COLLEGE**

St. Olaf College, B.A., summa cum  
laude, 1975

**PARTNER**

## Craig R. Spiegel

After helping obtain recent substantial settlements in cases against drug companies for deceptive marketing, Mr. Spiegel now helps in the firm’s litigation efforts against auto manufacturers and others for illegal emissions of pollutants.

**CURRENT ROLE**

- Partner, Hagens Berman Sobol Shapiro LLP
- Practice primarily focuses on class actions concerning unfair pricing of pharmaceutical drugs and deceptive marketing of automobiles and other vehicles. Recent cases include actions against Eli Lilly, Novo Norisk, and Sanofi-Aventis for alleged unfair pricing of prescription insulin and against the National Association of Realtors and others for allegedly conspiring to keep realtor commissions artificially high

**RECOGNITION**

- Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2019, 2021

**NOTABLE CASES**

- Involved in the firm’s antitrust class-action lawsuit against the NCAA accusing the sports-governing body of engaging in anti-competitive practices in regards to its scholarships or Grants in Aid (GIAs) program. In March of 2017, U.S. District Judge Claudia Wilken approved a sweeping \$209 million settlement for student-athletes, and in March of 2019, a trial on the injunctive aspect of the case resulted in a change of NCAA rules limiting the financial treatment of athletes.
- Helped obtain a substantial settlement for the state of New York and New York City in their litigation against Merck for losses suffered from deceptive marketing of the prescription drug Vioxx.
- Instrumental in obtaining a settlement for a class of Massachusetts consumers and third-party payors in their litigation against AstraZeneca, in which the class claimed that AstraZeneca deceptively marketed the prescription drug Nexium as superior to Prilosec.
- Deeply involved in the firm’s lawsuits on behalf of thalidomide victims, who suffered severe personal injuries when their mothers ingested thalidomide during their pregnancies in the late 1950s and early 1960s, without knowing that thalidomide had not been approved by the FDA.



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#### YEARS OF EXPERIENCE

21

#### PRACTICE AREAS

Appellate Litigation  
Civil & Human Rights  
Class Action  
Securities  
Whistleblower (Head of Practice)  
Anti-Money Laundering Act  
CFTC  
False Claims Act  
IRS  
SEC

#### BAR ADMISSIONS

- Washington

#### CLERKSHIPS

- Honorable Betty B. Fletcher,  
Ninth Circuit Court of Appeals,  
2001-2002
- Honorable Charles S. Haight,  
Jr., Southern District of New  
York, 2000-2001

#### EDUCATION

**Yale Law School**  
Yale Law School, J.D. (2000)

#### PARTNER

## Shayne C. Stevenson

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

#### OVERVIEW

- Partner, Hagens Berman Sobol Shapiro LLP
- Leads the firm's whistleblower practice and litigates select class-action cases
- Litigates and argues both False Claims Act and a variety of class action cases in federal district courts and on appeal at the courts of appeal nationwide on behalf of whistleblowers, veterans, consumers, workers and investors
- Experienced in successfully handling False Claims Act, SEC, CFTC, and IRS whistleblower cases for whistleblowers worldwide against the world's largest financial companies, securities exchanges, accounting firms, medical device and pharmaceutical companies, medical providers, mortgage companies and other Fortune 500 corporations
- One of the nation's leading Dodd-Frank Whistleblower attorneys since the programs were adopted in 2010, representing several successful, record-breaking whistleblowers under the whistleblower programs of the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC) — including the two most notable whistleblowers under these programs
- Litigates select human rights and other public interest matters, including previous litigation against the Rio Tinto mining conglomerate for war crimes against the indigenous population of Bougainville in Papua New Guinea, a case that reached the U.S. Supreme Court
- Previously a felony prosecutor who successfully tried several multi-week jury trials and argued several cases in trial and appellate courts

#### EXPERIENCE

- King County Prosecuting Attorney's Office, Felony Prosecutor
- Law Clerk, Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-2002
- Law Clerk, Honorable Charles S. Haight, Jr., Southern District of New York, 2000-2001
- U.S. Attorney's Office, District of Connecticut, Intern

#### NOTABLE CASES

- CFTC v. Nav Sarao Futures Ltd. and U.S. v. Sarao* (Northern District of Illinois) (CFTC whistleblower) Successfully represented the highly-publicized anonymous Dodd-Frank CFTC whistleblower who single-handedly identified an international market

## GONZAGA UNIVERSITY

Gonzaga University, B.A.,  
Philosophy and Political Science  
(double major), graduated  
summa cum laude (first-in-class);  
Truman Scholar; Jesuit Honor  
Society (1996)

manipulator, who was extradited and convicted. The case is the subject of the best-selling book "Flash Crash" by Bloomberg reporter Liam Vaughn.

- *In the Matter of EDGA Exchange, Inc., et al.* (SEC whistleblower) Successfully represented another high-profile Dodd-Frank SEC whistleblower, the algorithmic trader and market structure expert Haim Bodek, who single-handedly identified securities law violations by a major U.S. securities exchange. Mr. Bodek was twice featured on the front page of the Wall Street Journal for his efforts, which led to the largest SEC fine in history against a financial exchange.
- *U.S. ex rel. Lagow v. Countrywide Financial Corp., et al. and U.S. ex rel. Mackler v. Bank of America, et al.* (Eastern District of New York) Successfully handled both False Claims Act whistleblower cases representing relators in two separate lawsuits against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage origination and servicing fraud.
- *In the Matter of New York Stock Exchange LLC, et al.* (SEC whistleblower) Successfully represented Mr. Bodek in a second record-tying SEC whistleblower action against the NYSE, and affiliated national securities exchanges, for unlawful and undisclosed use of order types.
- *In the Matter of Grant Thornton, LLP* (SEC whistleblower) Successfully represented the Dodd-Frank SEC Whistleblower who brought the allegations of auditing fraud by this top-10 U.S. accounting and audit firm.
- *Childress v. Bank of America Corp., et al.* (Eastern District of North Carolina.) Successfully represented and settled this class action case on behalf of over 126,000 military servicemembers challenging Bank of America's violations of the Servicemember Civil Relief Act, resulting in tens of millions of dollars paid to veterans and their families.
- *In the Matter of Cargill, Inc.* (CFTC whistleblower) Successfully represented CFTC whistleblower in action against the largest private company in the United States.
- *U.S. ex rel. Doe v. US WorldMeds LLC* (Western District of Washington) Successfully represented False Claims Act relator who challenged off-label marketing and Anti-Kickback Statute violations.
- *Securities and Exchange Commission v. Moddha Interactive, et al.* (District of Hawaii) (SEC whistleblower) Successfully represented SEC whistleblower who investigated and reported on fraudulent investment scheme shut down by the SEC.
- *U.S. ex rel. Nowak v. Medtronic, Inc.,* (District of Massachusetts) Successfully represented False Claims Act relator in declined and settled FCA litigation challenging off-label promotion of medical devices.
- *U.S. ex rel. Kite v. Besler Consulting, et al.* (District of New Jersey) Successfully represented False Claims Act relator in several declined and settled FCA cases against area hospitals for Medicare fraud.
- *Sarei v. Rio Tinto Plc* (Central District of California) Litigated international human rights class action case under Alien Tort Statute to the Supreme Court.
- *Hutchinson v. British Airways PLC,* (Eastern District of New York) Successfully represented a class of consumers under Montreal Convention.

## MEDIA INTERVIEWS AND COMMENTARY

- [“CFTC Makes History With \\$200M Whistleblower Award,”](#) Law360, Oct. 21, 2021
- [“FCA Overhaul Bill May Miss Mark on Reining in Fraudsters,”](#) Law360, July 28, 2021
- [“Escobar Five Years Later: How FCA Earthquake is Reverberating,”](#) Law360, June 17, 2021
- [“Latest CFTC Bounty Stirs Calls for More Whistleblower Funds,”](#) Law360, Apr. 23, 2021
- [“SEC Redefines Blockbuster with \\$114M Whistleblower Award,”](#) Law360, Oct. 22, 2020
- [“CFTC Takes Extra Care to Cover Whistleblower Tracks,”](#) Law360, Sept. 10, 2020
- [“Robbins Geller, Hagens Berman to Lead Pot Investors’ Row,”](#) Law360, July 24, 2020
- [“CFTC Awards Whistleblower \\$6m, Slams ‘Baseless’ Objection,”](#) Law360, June 9, 2020
- [“SEC Ramps Up Whistleblower Awards,”](#) Wall St. Journal, May 4, 2020
- [“CFTC Calls for Whistleblower Tips as Enforcement Evolves,”](#) Law360, Sept. 19, 2019
- [“Pharma Co. Inks \\$17.5m Deal to End FCA Kickback Suit,”](#) Law360, April 30, 2019
- [“Attorneys Reflect on Escobar’s FCA Impact 2 Years Later,”](#) Law360, June 15, 2018
- [“SeaWorld Visitors Ask 9th Cir. to Flip Whale Abuse Suit,”](#) Law360, Mar. 12, 2018
- [“Dodd-Frank Whistleblowers Help Clean Up Our Markets,”](#) (Guest Column) ValueWalk, Feb. 6, 2018
- [“Attorneys React to DOJ’s New Memo on FCA Dismissals,”](#) Law360, Jan. 26, 2018
- [“Limiting Whistleblower Rewards Weakens Program,”](#) Bloomberg Law, Nov. 2, 2017
- [“BoFA’s \\$42m Military Member Fee Settlement Wins Initial OK,”](#) Law360, Sept. 13, 2017
- [“Sarao Flash Crash Manipulation Case Benchmarks Point in History,”](#) ValueWalk, Nov. 15, 2016
- [“What SEC Whistleblowers Should Know About Insider Trading,”](#) (Guest Column) ValueWalk, Oct. 20, 2016
- [“SeaWorld Patrons Ask 9th Cir. to Restore Orca Abuse Suit,”](#) Law360, Sept. 20, 2016
- [“SEC cracks down on severance agreements that deter whistleblowing,”](#) Reuters, Aug. 16, 2016
- [“Tax Court Interprets ‘Collected Proceeds’ Expansively for Whistleblowers,”](#) Standard Fed. Tax Reports, Aug. 11, 2016
- [“Whistleblower Persuades Tax Court to Grant Discovery Motion,”](#) Standard Fed. Tax Reports, Aug. 4, 2016
- [“Health Fraud Defense Attys Riding High As Wins Pile Up,”](#) Law360, Apr. 8, 2016
- [“CFTC Whistleblower Office Comes of Age with Record Bounty,”](#) Law360, Apr. 4, 2016
- [“Why Wash.’s Medicaid False Claims Act Must be Renewed,”](#) Law360, Mar. 24, 2016

- [“Renew Tool That Fights Fraud,”](#) (Guest Column), The Daily Herald, Feb. 21, 2016
- [“CFTC Can’t Give Whistleblower Money Away,”](#) Wall St. Journal, Feb. 8, 2016
- [“9th Circuit’s FCA Ruling to Spark More Whistleblower Fights,”](#) Law360, July 9, 2015
- [“Flash Crash’ Case Gets Scrutinized,”](#) Automated Trader, May 4, 2015
- [“Flash Crash Whistleblower May Get Millions of Dollars,”](#) Reuters, Apr. 23, 2015
- [“Flash Crash’ Arrest Shakes Investors’ Confidence,”](#) USA Today, Apr. 23, 2015
- [“Alleged ‘Flash Crash’ Trader Told UK Watchdog to Ban HFT,”](#) Law360, Apr. 23, 2015
- [“UK Trader Arrested Over 2010 Flash Crash,”](#) Financial Times, Apr. 22, 2015
- [“Flash Crash Whistleblower May See Multi-Million Dollar Pay Day,”](#) Reuters, Apr. 22, 2015
- [“Flash Crash’ Charges Filed,”](#) The Wall Street Journal (front-page), Apr. 21, 2015
- [“UK Speed Trader Arrested,”](#) Reuters, Apr. 21, 2015
- [“How a Mystery Trader May Have Caused the Flash Crash,”](#) Bloomberg, Apr. 21, 2015
- [“CFTC, Feds Accuse UK HFT Trader of Role in Flash Crash,”](#) Law360, Apr. 21, 2015
- [“BATS to Pay \\$14 Million to Settle Direct Edge Order-Type Case: A Record Amount,”](#) The Wall Street Journal, Jan. 12, 2015
- [“BATS Exchange to Pay Record \\$14 Million SEC Fine,”](#) Reuters, Jan. 12, 2015
- [“BATS to Pay \\$14m SEC Fine in Wake of Order-Type Scandal,”](#) Automated Trader, Jan. 12, 2015
- [“SEC Issues Largest Fine Ever to Exchange Over High-Frequency Trading Infractions,”](#) ValueWalk, Jan. 12, 2015
- [“IRS Releases Comprehensive Whistleblower Final Regs.,”](#) Standard Fed. Tax Reports, Aug. 14, 2014
- [“Bank of America Whistleblower’s Payday Lead to Calls for Reform,”](#) Law360, Aug. 6, 2014
- [“UBS Whistleblower Ruling Reignites Arbitration Debate,”](#) Law360, Jan. 30, 2014
- [“With \\$2B J&J Deal, FCA Proves It’s Still The Anti-Fraud King,”](#) Law360, Nov. 4, 2013
- [“Bank of America Fraud Trial Spotlights Whistleblower Awards,”](#) Reuters, Sept. 27, 2013
- [“FCPA Whistleblower Bounty May Turn Tide For SEC Program,”](#) Law360, Aug. 20, 2013
- [“Whistleblower Attorneys Eye DOJ Fraud Theory for New Bounties,”](#) Law360, Aug. 7, 2013
- [“SEC’s Second Whistleblower Award is Tip of the Iceberg,”](#) Law360, June 14, 2013
- [“UBS Ruling Allays Fear Factor for SEC Whistleblowers,”](#) Law360, May 22, 2013
- [“Five Tips for Building Bridges with Whistleblowers,”](#) Law360, Mar. 20, 2013
- [“Analysis: Complaints Rise Over Complex U.S. Stock Orders,”](#) Reuters, Oct. 19, 2012

- [“For Superfast Stock Traders, a Way to Jump Ahead in Line,”](#) Wall St. Journal (front-page) Sept. 19, 2012
- [“UBS Whistleblower Nets \\$104 Million Award,”](#) CNN Money, Sept. 12, 2012”
- [“Bank of America/Countrywide Whistleblower Kept 3-Year Secret,”](#) ABCNews, July 14, 2012
- [“Whistleblowers Win \\$46.5m in Foreclosure Settlement,”](#) CNN, July 2, 2012
- [“Whistleblowers Beware: Most Claims End in Disappointment,”](#) Huffington Post, June 4, 2012
- [“Whistleblower Takes Home \\$14.5M in BofA Mortgage Deal,”](#) Law360, May 29, 2012
- [“Bank of Amer. Whistleblower Receives \\$14.5m in Mortgage Case,”](#) Reuters, May 29, 2012
- [“BofA Denied Homeowners Access to HAMP: Whistleblower,”](#) Law360, Mar. 7, 2012
- [“Countrywide Inflated Home Values: Whistleblower Suit,”](#) Law360, Feb. 24, 2012
- [“Killers of Somali Cabbie Get Longest Sentences Allowed,”](#) Seattle P-I, Mar. 24, 2006

#### PRESENTATIONS

- *Speaker:* “Whistleblowers & Financial Fraud,” National Whistleblower Conference, San Francisco, CA, Jan. 22-23, 2018
- *Speaker:* “Financial Fraud,” National Qui Tam Conference. Los Angeles, CA, Nov. 3-4, 2016
- *Speaker:* “Representing Dodd-Frank Whistleblowers,” Taxpayers Against Fraud Education Fund, Annual Conference. Washington, D.C., Nov. 16, 2015
- *Speaker:* “Secrets from the Plaintiff’s Bar,” Hospital and Health Care Law Conference: University of Washington, Seattle, WA, Apr. 24, 2015
- *Speaker:* “False Claims in the Financial Sector,” False Claims and Qui Tam Enforcement Conference, New York, New York, Jan. 21-22, 2015
- *Lecture:* “Access to Civil Remedy,” Business, Social Responsibility, & Human Rights, University of Washington School of Law, Seattle, Washington. Nov. 4, 2014
- *Speaker:* “Enforcement of Financial Fraud,” False Claims Act: National Qui Tam Conference, San Francisco, California, Oct. 27-28, 2014
- *Lecture:* “Human Rights Law After *Kiobel*,” University of Washington School of Law, Seattle, Washington, Nov. 12, 2013
- *Speaker:* “Financial Fraud Enforcement,” False Claims Act: All Points of View, National Conference, San Francisco, California, Apr. 18-19, 2013
- *Lecture:* “Strategy after *Kiobel* and *Bauman*,” International Human Rights Seminar, University of Washington School of Law, Seattle, Washington, Apr. 17, 2013
- *Lecture:* “Alien Tort Statute and Human Rights Litigation,” University of Washington School of Law, Seattle, Washington, Nov. 13, 2012
- *Speaker:* “Protecting Whistleblowers, Protecting the Public,” Whistleblowing: Law, Compliance, and the Public Interest, Government Accountability Project, Seattle University School of Law, Seattle, Washington, Mar. 23, 2012



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#### YEARS OF EXPERIENCE

19

#### PRACTICE AREAS

Antitrust Litigation  
Pharmaceutical Fraud

#### BAR ADMISSIONS

- California
- Massachusetts
- New York
- Texas

#### COURT ADMISSIONS

- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York

#### EDUCATION



University of Virginia School of Law, J.D., 2002

#### PARTNER

## Whitney Street

Ms. Street has been appointed to leadership positions in large antitrust class actions across the country, most recently recovering \$34 million as co-lead counsel on behalf of a proposed class of cancer patients and other end payors.

#### CURRENT ROLE

- Of Counsel, Hagens Berman Sobol Shapiro LLP

#### EXPERIENCE

- Whitney served as co-lead counsel and represented the city of Providence, Rhode Island and a putative class of indirect purchasers in an antitrust class action against Celgene Corp. for unlawfully excluding generic competition for vital cancer treatment drugs. The matter was *In re Thalomid & Revlimid Antitrust Litig.*, 14-cv-6997 (D.N.J.), and resulted in a \$34 million settlement on behalf of the class.
- Ms. Street was appointed co-lead counsel on behalf of a class of indirect purchasers in *In re Domestic Drywall Antitrust Litig.*, 13-md-02437 (E.D. Pa.), which involved allegations of price-fixing and other forms of concerted conduct in violation of antitrust laws, resulting in a \$17 million settlement on behalf of the class.
- She was also appointed to the plaintiffs' steering committee in *In re Liquid Aluminum Sulfate Antitrust Litig.*, 16-md-02687 (D.N.J.) alleging bid-rigging, market allocation and price-fixing in the aluminum sulfate market. Settlements totaled at least \$111 million in that matter.
- She also served on the steering committee in *In re Packaged Seafood Antitrust Litig.*, 15-md-02670 (S.D. Cal.), an ongoing case alleging price-fixing in the market for shelf-stable seafood products.
- Whitney served as a member of the litigation team representing direct purchasers in *In re Broiler Chicken Antitrust Litig.*, 16-cv-08637 (N.D. Ill.), a class action alleging broiler chicken producers engaged in a price-fixing conspiracy, and in *In re Pork Antitrust Litig.*, 18-cv-01776 (D. Minn.), a class action alleging that pork producers engaged in a price-fixing conspiracy. To date, approximately \$200 million has been obtained on behalf of direct purchasers in the *Broilers* matter, and \$107.5 million has been obtained on behalf of direct purchasers in the *Pork* matter. Both cases are ongoing against remaining defendants.
- Whitney served as a member of the litigation teams in the following antitrust class actions: *Air Cargo Shipping Services Antitrust Litigation*, 06-md- 1775 (E.D.N.Y.) (settlements totaling more than \$270 million); *In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation*, 3:03-md-1542 (D. Conn.) (partial settlements totaling \$87 million); *In re Methyl Methacrylate (MMA) Antitrust Litigation*, 06-md-01768 (E.D. Pa.) (settled for \$15.0 million); and *In re Hydrogen Peroxide Antitrust Litigation*, 05-civ-666 (E.D. Pa.) (partial settlements of more than \$4.0 million).
- Whitney received her training at prominent litigation firms in New York and Boston where she represented clients in antitrust and securities class actions. She began her career at Pillsbury Winthrop Shaw Pittman, one of the largest law firms in California.



## LEGAL ACTIVITIES

- Contributor, Complex Litigation E-Discovery Forum, 2016-2021
- Member, American Bar Association, 2016-2019
- Editorial Advisory Board Member, Law360 Competition Law, 2014-2018
- Co-Founder and former co-chair, American Association for Justice Antitrust Litigation Group, 2014 – 2016

## PUBLICATIONS

- Co-Author, "What Lies Ahead in High Stakes Pay-For-Delay Antitrust Litigation," *American Association of Justice Business Torts Newsletter*, May 2015
- "Technology Assisted Review: The Disclosure of Training Sets and Related Transparency Issues," *Georgetown Law Advanced eDiscovery Institute*, November 2014
- Co-Author, "Decision Re-Affirms Critical Role of Shareholders," *Benefits and Pensions Monitor*, October 2014

## PRESENTATIONS

- Speaker, "The New Normal: Producing and Obtaining Phone Record Data," Complex Litigation e-Discovery Forum, November 2020
- Panelist, "Big Data & Storylines," Complex Litigation E-Discovery Forum, September 2016
- Moderator, "Introduction to the Use of Regression Analysis in Antitrust Class Action Litigation," American Association for Justice Webinar, August 2016
- Panelist, Georgetown Law Advanced eDiscovery Institute, November 2014
- Panelist, American Association for Justice Class Certification Seminar, 2013

## PERSONAL INSIGHT

Whitney — a novice marathoner, ambivalent Tottenham fan and avid seeker of book recommendations — joined Hagens Berman in November 2021. Originally from the Lowcountry, she now calls California home and can often be found on the trails of Mount Diablo.



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#### YEARS OF EXPERIENCE

12

#### PRACTICE AREAS

Class Action

Consumer Rights

Emissions Litigation

Employment Litigation

#### BAR ADMISSIONS

- District of Columbia
- Maryland
- Washington

#### EDUCATION



University of Baltimore School of Law, J.D., magna cum laude, with Honors, 2010

Highest Grade in the Class Award, Evidence; University of Baltimore Law Review, Staff Editor



University of Baltimore, Baltimore, Maryland, B.A., Community Studies and Civic Engagement, cum laude, 2005

#### PARTNER

## Jessica Thompson

Jessica began her legal career at an AMLaw 100 firm representing Fortune-ranked corporations in antitrust, intellectual property and financial services industries. Though grateful for the intense training that those matters provided, Jessica is proud to now be working for the good guys.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP
- Practice focuses on complex consumer protection cases, primarily within the realms of automotive and emissions litigation.
- Ms. Thompson is currently involved in many of the firm's high-profile auto cases, including litigation against General Motors for faulty ignition switches that are linked to more than 120 fatalities, and emissions-cheating cases brought against Mercedes, Fiat Chrysler and GM. She worked on the Volkswagen CleanDiesel emissions lawsuits brought on behalf of consumers and of franchise dealers.

#### RECENT SUCCESS

- Litigating and reaching favorable settlements in diesel emissions lawsuits against vehicle manufacturers and suppliers
- Defeating multiple motions to dismiss in diesel emissions lawsuits on RICO and Clean Air Act preemption grounds
- Litigating and reaching favorable settlements in discrimination matter against an insurance company

#### EXPERIENCE

- Crowell & Moring LLP, Washington, D.C., Associate, 2011-2014
- Cadwalader, Wickersham & Taft LLP, Washington, D.C., Associate, 2011
- Howrey LLP, Washington, D.C., Litigation Associate, 2010-2011
- Howrey LLP, Washington, D.C., Summer Associate, 2009
- Montgomery County State's Attorney's Office, Rockville, MD, Student Attorney, 2010

#### ACTIVITIES

- Webinar: "Garden Leaves and Other Strategies to Protect Trade Secrets When Losing Employees," Crowell & Moring, March 28, 2013 – Present
- Workshop: "Don't Sign that Yet!," Crowell & Moring, Washington, D.C., March 5, 2013-Present

#### PUBLICATIONS

- "The ITC Can Play a Critical Role in Combating International Trade Secret Theft," *Intellectual Property Today*, Jan. 20, 2012

**Client Alerts & Newsletters:**

- “Consensus Grows as Congress Continues to Refine Its Efforts to Create a Federal Civil Cause of Action For Certain Trade Secret Theft,” Regulatory Alert, May 12, 2014
- “Federal Trade Secret Reform Continues With Two New Attempts to Improve Protection,” Regulatory Alert, July 22, 2013
- “Supreme Court Rejects Attempt by Class Action Plaintiff to Plead Around Federal Court Jurisdiction,” Mar. 22, 2013

**PERSONAL INSIGHT**

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



**PARTNER**

# Breanna Van Engelen

Breanna advocates on behalf of consumers in complex litigation, including in antitrust cases and cases involving unfair competition.

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**YEARS OF EXPERIENCE**

7

**PRACTICE AREAS**

Antitrust Litigation  
Class Action  
Consumer Rights

**BAR ADMISSIONS**

- Washington

**EDUCATION**



**CURRENT ROLE**

- Partner, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

Prior to joining Hagens Berman, Breanna was an associate at K&L Gates LLP in Seattle, where she focused on Internet and technology law. Breanna took one of the first electronic impersonation cases in Washington state to trial. At trial, she secured an \$8.9 million dollar verdict for her clients – the largest verdict ever awarded to a non-celebrity in an electronic impersonation/invasion of privacy case.

**RECOGNITION**

- 2018-2019 Public Service & Leadership Award recipient

**MEDIA INTERVIEWS AND COMMENTARY**

- Brooke Jarvis, “How One Woman’s Digital Life Was Weaponized Against Her,” WIRED, Nov. 11, 2017

**PRESENTATIONS**

- “Taking the Distribution of Intimate Images to Trial,” Presentation at 9th Annual Domestic Violence Symposium (Seattle, WA September 2017)

**PERSONAL INSIGHT**

Breanna grew up in Idaho, where she learned to ski in the winter and race horses on mountain trails in the summer. Before becoming an attorney, Breanna taught at a pre-school in eastern Washington. When she’s not working, you can find Breanna on her parents’ ranch in Texas, taking care of the land and snuggling animals.



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#### YEARS OF EXPERIENCE

9

#### PRACTICE AREAS

Class Action

#### BAR ADMISSIONS

- Illinois

#### COURT ADMISSIONS

- U.S. District Court for the Northern District of Illinois
- Supreme Court of Illinois

#### CLERKSHIPS

- Honorable John Z. Lee, Northern District of Illinois
- Honorable Jesse G. Reyes, Illinois Appellate Court, First District

#### EDUCATION



DePaul University College of Law,  
J.D., summa cum laude, Editor,  
DePaul Law Review



University of Chicago, B.A., 2006

#### PARTNER

## Mark Vazquez

During law school, Mark served as an editor for the DePaul Law Review, graduated at the top of his class and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP

#### EXPERIENCE

- Mark comes to Hagens Berman with a variety of clerkship experience, having clerked for both Judge John Z. Lee at the federal trial level and Justice Jesse G. Reyes at the state appellate level.
- During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

#### PUBLICATIONS

- *People v. Kladis and the Illinois Courts' Treatment of Evidence Spoliation by Law Enforcement*, Illinois State Bar Association Criminal Justice Newsletter, Vol. 56, No. 1, August 2012

#### PERSONAL INSIGHT

An avid musician, Mark has been playing bass and guitar for various rock, blues, jazz, and country acts since he was in grade school. You can frequently hear him alongside his father at bar association events throughout Chicago—that is, should you be able to hear anything in a crowded room full of lawyers.



**PARTNER**  
**Ted Wojcik**

Ted is devoted to working on behalf of those harmed by corporate misconduct, and has experience advocating for individuals in several contexts.

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**YEARS OF EXPERIENCE**  
6

**PRACTICE AREAS**  
Class Action  
Environmental Litigation

**BAR ADMISSIONS**  
▪ Georgia  
▪ Washington

**CLERKSHIPS**  
▪ Judge Mark H. Cohen, U.S. District Court for the Northern District of Georgia, Atlanta, GA, 2016-2018  
▪ Judge Marjorie Allard, Alaska Court of Appeals, Anchorage, AK, 2015-2016

**EDUCATION**  
**Yale Law School**  
Yale Law School, J.D., 2015

**DARTMOUTH**  
Dartmouth College, A.B., magna cum laude, 2011

**CURRENT ROLE**

- Partner, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- Before joining Hagens Berman, Ted served as a clerk to U.S. District Judge Mark H. Cohen, and prior to that, to Judge Marjorie Allard of the Alaska Court of Appeals.
- During law school, Ted interned for the Alaska Public Defender Agency in Palmer, Alaska, and the New Orleans City Attorney’s Office. He also worked as a student attorney in the landlord/tenant and immigration legal services clinics, and was an editor for the Yale Law Journal.
- Before law school, Ted worked for a year as a high school teacher in the Marshall Islands.

**PERSONAL INSIGHT**

A Maine native and recent Seattle transplant, Ted is working hard to master the intricacies of composting and to remember that the ocean lies to the west now, not the east.



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#### YEARS OF EXPERIENCE

21

#### PRACTICE AREAS

[Class Action](#)

[Consumer Rights](#)

[Investor Fraud](#)

[Securities](#)

[Unfair Competition](#)

#### BAR ADMISSIONS

- Washington
- California

#### EDUCATION

### SCHOOL OF LAW

UNIVERSITY of WASHINGTON

University of Washington School  
of Law, J.D., 2000

### UNIVERSITY of WASHINGTON

University of Washington, B.A.,  
English, 1997

#### AWARDS

**Super Lawyers**  
RISING STARS

#### PARTNER

## Garth Wojtanowicz

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

#### CURRENT ROLE

- Partner, Hagens Berman Sobol Shapiro LLP
- Practice focuses on consumer protection cases
- Currently working on the Hagens Berman team pursuing a nationwide class action against medical waste disposal company [Stericycle, Inc.](#), challenging that company’s hundreds of millions of dollars in over-charges to doctors’ offices, dentist offices, hospitals and similar businesses
- Also working on cases against Fresenius Medical Care, N.A. and DaVita, Inc., the first and second largest dialysis companies in the United States, relating to those companies’ use of GranuFlo

#### EXPERIENCE

- Member, Cornerstone Law Group, PLLC
- Associate, Danielson Harrigan Leyh & Tollefson, LLP
- Assistant City Attorney, Seattle City Attorney’s Office, Civil Division

#### RECOGNITION

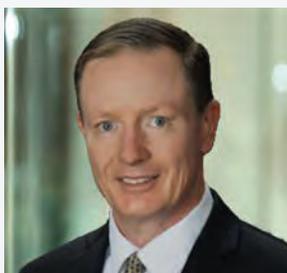
- Rising Star, Super Lawyers Magazine, 2006, 2007, 2010

#### NOTABLE CASES

- *In re Stericycle, Inc., Steri-Safe Contract Litigation*: ongoing litigation resulting in a February 2017 order certifying a nationwide class for breach of contract and consumer fraud with damages estimated between \$600 million and \$1 billion
- *Toyota Sudden, Unintended Acceleration (SUA)* class-action lawsuit on behalf of Toyota owners and lessees, which resulted in an historic settlement recovery valued at \$1.6 billion

#### PERSONAL INSIGHT

Mr. Wojtanowicz volunteers his time as a non-profit director for Girls Giving Back and Blossoming Hill Montessori School, and volunteers with the American Immigration Representation Project. In the past, he volunteered with Northwest Immigrant Rights Project.



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#### YEARS OF EXPERIENCE

26

#### PRACTICE AREAS

Appellate  
[Consumer Rights](#)  
[Employment Litigation](#)  
[Investor Fraud](#)  
Securities

#### BAR ADMISSIONS

- California

#### COURT ADMISSIONS

- Supreme Court of the United States
- First Circuit Court of Appeals
- Second Circuit Court of Appeals
- Third Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- Eighth Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- Tenth Circuit Court of Appeals
- D.C. Circuit Court of Appeals
- Federal Circuit Court of Appeals
- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Southern District of California

#### SENIOR COUNSEL

## Kevin K. Green

Mr. Green is a career appellate lawyer. He has argued in multiple federal circuits, 10 different states and seven state supreme courts.

#### CURRENT ROLE

- Senior Counsel, Hagens Berman Sobol Shapiro LLP
- Concentrates on appeals involving consumer rights, investor fraud and antitrust litigation
- Certified Appellate Specialist, State Bar of California Board of Legal Specialization, 2006-Present

#### LEGAL ACTIVITIES

- Committee on Appellate Courts, California Lawyers Association, 2019-present
- Co-Chair, Amicus Curiae Committee, Consumer Attorneys of California, 2011-present
- Appellate Advisory Committee, Judicial Council of California, 2013-2023
- Magistrate Judge Merit Selection Panel, Southern District of California, 2013-2017
- Working group, Access to Appellate Justice Program, San Diego County Bar Association, launched 2019
- Working group, San Diego Appellate Inn of Court, launched 2016
- Regular presenter, Civil Appellate Self-Help Workshop, launched 2014
- Chair, Appellate Court Committee, San Diego County Bar Association, 2010

#### RECOGNITION

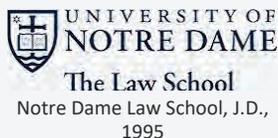
- Super Lawyer, 2008-2024
- Legal Aid Society of San Diego, Outstanding Service Award, 2015

#### NOTABLE DECISIONS

- *In re Lithium Ion Batteries Antitrust Litigation*, rejecting objections to fee award
- *Colbert v. Rio Tinto PLC*, vacating dismissal of securities fraud complaint
- *Hernandez v. Restoration Hardware*, unnamed class members must intervene for standing to appeal
- *Friedman v. AARP, Inc.*, UCL claim alleged where AARP unlawfully transacted insurance without license
- *George v. Urban Settlement Serv.*, reinstating RICO complaint against Bank of America
- *Wong v. Accretive Health*, upholding \$14 million securities settlement
- *Lynch v. Rawls*, first Ninth Circuit reversal on presuit demand requirement

**CLERKSHIPS**

- Honorable Theodore R. Boehm, Associate Justice, Supreme Court of Indiana
- Honorable Barry T. Moskowitz, U.S. District Court for the Southern District of California

**EDUCATION****AWARDS**

- *Kwikset Corp. v. Superior Court*, elaborating UCL standing prerequisites
- *Luther v. Countrywide Fin. Corp.*, allowing Securities Act class action to proceed in state court, later approved in *Cyan, Inc. v. Beaver County Employees Retirement Fund*
- *In re F5 Networks, Inc. Derivative Litigation*, Washington follows demand futility standard, not universal demand rule
- *Alaska Elec. Pension Fund v. Brown*, intervening shareholders who show corporate benefit may seek attorney fees
- *Lavie v. Procter & Gamble Co.*, seminal precedent on California's reasonable consumer standard

**PUBLICATIONS**

- "The Commission on Judicial Performance Speaks on the 3rd District Court of Appeal," *Los Angeles Daily Journal*, June 14, 2022
- "Appellate Pro Bono? It's Come to San Diego," *San Diego Lawyer*, 2021
- Co-author, "The Need to Correct the 9th Circuit's 'Nuttty' Rule barring Expert Testimony in Software Copyright Cases," 2017
- "Forfeiture at the Pleading Stage," *California Litigation*, 2015
- "Closing the Appellate Justice Gap," *Los Angeles Daily Journal*, Feb. 10, 2015
- "Appellate Self-Help Workshops Begin," *San Diego Lawyer*, 2014
- "Appellate Review in California Class Actions," *California Litigation*, 2011
- Co-author "A Tool for Mischief: Preemptive Defense Motions Under *BCBG Overtime Cases* to Reject Class Certification," *Forum*, 2009
- "The Unfair Competition Law After Proposition 64: The California Supreme Court Speaks," *Competition*, 2006

**PRESENTATIONS**

- "Behind the Scenes Look at the Appellate Process," San Diego Appellate Inn of Court, 2023
- "A Conversation with California Supreme Court and Court of Appeal Justices," California Lawyers Association Annual Meeting, 2022
- "Expanding Access to Justice in Appellate Courts," Judicial Council CJER Webinar, 2020
- "Appellate Review of Issues in Class Actions," Bridgeport Class Action Conference, 2020
- "Evidence at Class Certification: The Evolving Appellate Landscape," CAOC Webinar, 2019
- "New Mandatory Disclosures Before Mediation," California Lawyers Association Webinar, 2018
- "Consumer Protection Cases Predicated on Omissions," Bridgeport Class Action Conference, 2018
- "Ninth Circuit Practice: Everything but the Brief," CAOC Webinar, 2016

- “Objectors,” Bridgeport Class Action Litigation Conference, 2016
- “Class Action Update”, CAOC Annual Convention, 2014
- “Pleasing the Court: Making Your Oral Argument Count,” San Diego County Bar Association, 2014
- “Forfeiture: A Four-Letter Word in the Court of Appeal,” State Bar of California Annual Meeting, 2014
- “California Supreme Court Panel,” State Bar of California Golden State Institute, 2012

#### **PERSONAL INSIGHT**

Kevin ran with the bulls at Pamplona before easing into a monastic life of appellate practice. Concerned about excessive distraction, he has never had a social media account.



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#### YEARS OF EXPERIENCE

20

#### PRACTICE AREAS

Civil RICO  
Class Action  
Consumer Rights  
Environmental Litigation  
Intellectual Property  
State False Claims

#### INDUSTRY EXPERIENCE

- Pharmaceutical Industry
- Class Action Litigation

#### BAR ADMISSIONS

- Washington

#### COURT ADMISSIONS

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

#### EDUCATION

##### SCHOOL OF LAW

UNIVERSITY of WASHINGTON  
University of Washington, J.D.,  
2001

#### SENIOR COUNSEL

## Barbara Mahoney

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

#### CURRENT ROLE

- Senior Counsel, Hagens Berman Sobol Shapiro LLP
- Focuses primarily on national and state class actions and environmental litigation
- Currently part of the firm's legal team representing 2014-16 BMW i3 REx owners in a class action regarding a defect in the range extender that causes the cars to suddenly reduce speed and power without warning when transitioning from pure battery mode to the range extender.
- Represents consumers in a nationwide class action against Dometic Corporation seeking compensation for RV and boat owners who experienced extensive loss of property due to fires and explosions caused by defective refrigerators sold by Dometic.
- Extensively involved in several lawsuits against McKesson Corporation relating to allegations that the company engaged in a scheme that raised the prices of more than 400 brand-name prescription drugs. That litigation has resulted in two separate national class-action settlements for \$350 million and \$82 million. In related litigation, Ms. Mahoney represented the commonwealth of Virginia, and the states of Connecticut, Arizona, Oregon, Utah and Montana in their individual cases against McKesson.
- Extensively involved in *In re Generic Pharmaceuticals Pricing Antitrust Litigation* on behalf of putative class of direct purchasers in multidistrict litigation alleging that generic drug manufacturers engaged in price fixing.
- Represents Kentucky homeowners in a putative class action against Louisville Gas & Electricity to recover the cost of removing coal ash and dust from their homes.
- Previously, she was involved in pioneering litigation against oil and energy companies on behalf of the village and tribe of Kivalina (Alaska) to recover the cost of extensive damage to the village caused by global warming.

#### EXPERIENCE

- Worked in several areas of commercial litigation, including unlawful competition, antitrust, securities, trademark, CERCLA, RICO, FLSA as well as federal aviation and maritime law
- Associate, Calfo Harrigan Leyh & Eakes LLP (formerly Danielson Harrigan Leyh & Tollefson)
- Law Clerk, Justice Sanders, Washington Supreme Court
- Law Clerk, Judge Sandra Brown Armstrong, U.S. District Court, N.D. California



Universität Freiburg, Ph.D.,  
Philosophy, magna cum laude,  
1993

#### LEGAL ACTIVITIES

- Downtown Neighborhood Legal Clinic
- Q Law
- Cooperating Attorney with American Civil Liberties Union of Washington

#### RECOGNITION

- Rising Star, Washington Law & Politics, 2005

#### NOTABLE CASES

- *New England Carpenters v. First DataBank* (\$350 million class-action settlement)
- *Douglas County v. McKesson* (\$82 million class-action settlement)

#### LANGUAGES

- Fluent in German
- Reads Swedish and French

#### PERSONAL INSIGHT

Ms. Mahoney, a former Seattleite, now lives in Sweden. She enjoys reading, running, soccer and studying foreign languages.



davidm@hbsslaw.com

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#### YEARS OF EXPERIENCE

28

#### PRACTICE AREAS

Civil & Human Rights  
Personal Injury

#### INDUSTRY EXPERIENCE

- Children, Elderly and Incapacitated Citizens Who are Victims of Neglect or Abuse

#### BAR ADMISSIONS

- Washington

#### COURT ADMISSIONS

- Supreme Court of the United States
- Ninth Circuit Court of Appeals
- Various Federal District Courts

#### EDUCATION



George Washington University  
School of Law, J.D., 1993

UNIVERSITY of  
WASHINGTON

University of Washington, B.A.,  
1990

#### SENIOR COUNSEL

## David P. Moody

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

#### CURRENT ROLE

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

#### RECOGNITION

- Top 25 Personal Injury Settlement Awards Nationwide, *Vernon Gray v. State of Washington*, \$9 million, 2019
- Top 25 Personal Injury Settlement Awards Nationwide, *Vernon Gray v. State of Washington*, \$9 million, 2019
- Top 100 Personal Injury Settlement Awards Nationwide, *Portia Plaskon v. State of Washington*, \$3 million, 2019
- Top 50 Personal Injury Settlement Awards Nationwide, *Jacob Gilligan v. State of Washington*, \$5.5 million, 2018
- Top 100 Personal Injury Settlement Awards Nationwide, *Toby Plaskon v. State of Washington*, \$4 million, 2018
- Top 50 Personal Injury Settlement Awards Nationwide, *Heather Curtis v. State of Washington*, Crosby, \$5.52 million, 2017

#### NOTABLE CASES

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

- Largest jury verdict ever upheld against the State of Washington, DSHS, \$17.8 million
- Largest single-plaintiff settlement against the State of Washington, DSHS, \$8.8 million
- Largest recovery on behalf of three foster children, \$7.3 million
- Largest single-plaintiff settlement on behalf of a child in Snohomish County, Washington, \$5 million
- Largest judgment on behalf of an incapacitated child in Spokane County, Washington, \$4 million
- Judgment for a disabled woman in Santa Clara County, California, \$4 million
- Largest judgment ever obtained against Eastern State Hospital, \$3 million
- Largest judgment ever obtained against the State of Washington, Child Study and Treatment Center, \$3 million

AWARDS



- Judgment for a boy neglected and abused in Snohomish County, Washington, \$2.85 million
- Judgment for a girl neglected and abused in Pierce County, Washington, \$2.85 million
- Settlement on behalf of brain-injured infant abused in day care setting, \$2.84 million
- Largest single-plaintiff jury verdict on behalf of an incapacitated adult in Kitsap County, Washington, \$2.6 million
- Judgment in the amount of \$2.5 million for a client abused at Eastern State Hospital
- Largest single-plaintiff settlement on behalf of a developmentally disabled male in eastern Washington, \$2.25 million
- Several additional settlements in excess of \$1 million

**PERSONAL INSIGHT**

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



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**YEARS OF EXPERIENCE**

26

**PRACTICE AREAS**

Class Action  
Investor Fraud  
Securities

**INDUSTRY EXPERIENCE**

- Accounting (CPA)

**EDUCATION**

 **GEORGETOWN  
LAW**  
Georgetown University Law  
Center, J.D.

 **UNIVERSITY of VIRGINIA**  
University of Virginia, B.S.,  
Accounting

**OF COUNSEL**

## Karl Barth

Key member on firm’s securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data

**CURRENT ROLE**

- Of Counsel, Hagens Berman Sobol Shapiro LLP
- Previously with the firm from 1994 through 2004 before he rejoined in 2010
- Key member on firm’s securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Identix, Midcom Communications, MidiSoft, Oppenheimer Delta Partners, Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data
- Represents investors seeking to protect assets and recover investment losses from companies engaged in securities and accounting wrongdoing

**EXPERIENCE**

- Certified Public Accountant
- Certified Fraud Examiner
- Certified in Financial Forensics
- Consultant at a national financial consulting firm specializing in expert witness testimony on accounting and financial issues
- Graduated from Georgetown University Law Center, and from the University of Virginia with a B.S. in Accounting



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#### YEARS OF EXPERIENCE

34

#### PRACTICE AREAS

Complex Litigation  
High Tech Litigation  
Intellectual Property  
Misappropriation  
Patent Litigation  
Trademark and Trade Dress  
Infringement  
Trade Secret

#### INDUSTRY EXPERIENCE

- Wireless Handsets and Networks
- Telematics and Wireless Services
- Electronics
- Network Switches
- Software Databases, Data Mining and Middleware
- Internet Search Engines
- Games Cellular Biology
- Medical Devices
- Mechanical Exercise Equipment

#### BAR ADMISSIONS

- Washington

#### COURT ADMISSIONS

- Federal Circuit Court of Appeals
- U.S. District Court for the Western District of Washington

#### OF COUNSEL

## Mark S. Carlson

Mr. Carlson is an active member of the legal community frequently making presentations to legal forums and industry groups on intellectual property law.

#### CURRENT ROLE

- Of Counsel, Hagens Berman Sobol Shapiro LLP
- Working in intellectual property since 1987, handling a full range of intellectual property litigation focused primarily on patent infringement disputes
- Currently representing FlatWorld Interactives in patent infringement litigation against Apple, Samsung and LG involving touch screen gesture recognition technology in the iOS and Android operating systems, and Thought Inc. against Oracle involving software application data persistence technology
- Active member of the legal community making presentations in legal forums and industry groups on intellectual property law
- Active participant in the Seattle Intellectual Property Inn of Court and Washington State Patent Law Association

#### RECENT CASES

- Twice litigated against AT&T on wireless handset, network and telematics patents
- Twice litigated on behalf of The Nautilus Group in patent, trademark, false advertising and unfair competition cases involving the BowFlex exercise machine and other exercise equipment
- Represented the owner of traddress rights to the Stanley Classic vacuum bottle in trade dress litigation against Thermos
- Represented a software patent licensor in litigation against Microsoft over the scope of a license for relational database technology

#### EXPERIENCE

- Dorsey & Whitney, Patent Litigation Group
- Bogle & Gates, Intellectual Property Litigation Group

#### LEGAL ACTIVITIES

- Seattle Intellectual Property Inn of Court
- Washington State Patent Law Association
- American Intellectual Property Law Association

#### NOTABLE CASES

- *Thought v. Oracle*
- *FlatWorld v. Apple; v. Samsung; v. LG*

- Numerous other jurisdictions  
*pro hac vice*

#### EDUCATION

UNIVERSITY of  
**PUGET SOUND**  
University of Puget Sound School  
of Law, J.D., cum laude

UNIVERSITY of  
**WASHINGTON**  
University of Washington, B.A.,  
History

- *Airbiquity v. AT&T, et al.*
- *Timeline v. Microsoft; v. Oracle; v. Sagent*
- *The Nautilus Group v. Icon Health and Fitness*

#### PUBLICATIONS

- “The European Privacy Directive for Personal Data,” American Electronics Association Newline for the Washington State Council
- “Recovery of Pure Economic Loss in Product Liability Actions: An Economic Comparison of Three Legal Rules,” University of Puget Sound Law Review
- “Patent Litigation and the Non-Practicing Entity,” ITRI IP Executives Conference, University of Washington Foster School of Business, 2012
- “Vernor v. Autodesk, the Future, or Demise, of the First Sale and Essential Step Defenses in Copyright,” Seattle Intellectual Property Inn of Court, 2011
- “What Are My Odds? A Disciplined Approach to Assessing Case Value and Litigation Risk,” Seattle Intellectual Property Inn of Court, 2010
- “Medimmune v. Genentech: Consequences for Patent Licenses, Litigation and Settlements,” 2009
- “E-Discovery and the New Federal Rules,” 2008
- “Recent Developments in Pharmaceutical Patents,” 2008

PICTURE  
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#### YEARS OF EXPERIENCE

15

#### PRACTICE AREAS

Antitrust Litigation  
Pharmaceutical Fraud

#### BAR ADMISSIONS

- Supreme Judicial Court of the Commonwealth of Massachusetts

#### COURT ADMISSIONS

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

#### EDUCATION

 **School of Law**  
Boston University School of Law,  
J.D., 2007

 **Middlebury College**  
Middlebury College  
School of Arabic

 **BOSTON UNIVERSITY**  
Boston University, B.S.,  
magna cum laude

#### OF COUNSEL

## Laura Hayes

Ms. Hayes is involved in class-action lawsuits against pharmaceutical companies and is committed to the vigorous prosecution of antitrust cases.

#### CURRENT ROLE

- Of Counsel, Hagens Berman Sobol Shapiro LLP
- Current and recent cases:
  - *In re Xyrem Antitrust*
  - *Gilead Antitrust*
  - *In re Intuniv Antitrust Litigation*
  - *In re Effexor XR Antitrust Litigation*
  - *In re Loestrin 24 Fe Antitrust Litigation*
  - *In re Celebrex (Celecoxib) Antitrust Litigation*

#### EXPERIENCE

- Member of the team responsible for \$94 million settlement on behalf of direct purchaser class in *In re Celebrex (Celecoxib) Antitrust Litigation*, 2:13-cv-361, E.D. Va., ECF Nos. 64, 455, and the \$120 million settlement (motion for preliminary approval pending) in *In re Loestrin 24 Fe Antitrust Litigation*, 1:13-md-02472, D.R.I., ECF Nos. 10, 1050.
- Prior to joining Hagens Berman, Laura was an associate at Gargiulo Rudnick LLP, where she litigated Medicaid and Medicare fraud cases. She also has years of work experience doing contract work on a variety of complex litigations.
- Following law school, Laura was a clerk for the Connecticut Judicial Branch. In that role, she addressed novel pre-emption and spoliation of evidence questions.
- She is a graduate of Boston University School of Law, where she acted as articles editor for the *Journal of Science and Technology Law*.
- She received her Bachelor of Science degree from Boston University with a concentration in journalism.

#### CLERKSHIPS

- Connecticut Judicial Branch
- Appellate Division of the Rhode Island Office of the Public Defender

#### PERSONAL INSIGHT

Laura spends her free time in a variety of quixotic endeavors including dog sledding, trying to learn languages (currently Icelandic), proselytizing on the virtues of a certain sci-fi show, and trying to explain to non-lawyers why antitrust law is so important.



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**PRACTICE AREAS**

Securities

**EDUCATION**

**USC Gould**  
School of Law  
University of Southern California,  
J.D.

 **USC University of  
Southern California**  
University of Southern California,  
B.A.

**OF COUNSEL**

## John D. Jenkins

John has extensive experience in the government and private sector as a trial attorney and manager of complex investigations and prosecutions.

**CURRENT ROLE**

- Of Counsel, Hagens Berman Sobol Shapiro LLP
- John Jenkins has considerable experience as a trial lawyer, corporate advisor, president of an internationally recognized investigative and security firm and expert in complex investigations and prosecutions.

**EXPERIENCE**

- Former Deputy District Attorney in Orange County, California
- Prior to joining Hagens Berman, Mr. Jenkins was a lawyer at Hill, Wynne, Troop & Meisinger. He also has more than 20 years of experience managing domestic and international investigations. He was previously the president of CoreFacts, before and after the sale of CoreFacts as the investigative consulting platform to what became CoreLogic, Inc. (NYSE: CLGX), a leading global risk mitigation and business solutions provider. Prior to CoreFacts, he was an executive at two leading global investigative consulting firms.

**ACTIVITIES**

- Member, Board of Governors at the University of Southern California
- Member, Board of Directors of Lear Capital

**PERSONAL INSIGHT**

In his spare time, John enjoys fishing with his son and watching his twin daughters compete as saber fencers.



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Berkeley, CA 94710

#### YEARS OF EXPERIENCE

28

#### PRACTICE AREAS

Class Action  
Investor Fraud  
Securities

#### BAR ADMISSIONS

- California

#### COURT ADMISSIONS

- Second Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- All California District and State Courts

#### EDUCATION

  
GOLDEN GATE UNIVERSITY  
SCHOOL OF LAW  
Golden Gate University, JD, 1993

  
Tulane University, MBA, 1985

  
Hamilton College, AB, 1981

#### OF COUNSEL

## Robert A. Jigarjian

Rob brings a combination of securities industry and complex litigation experience to the firm and its clients.

#### CURRENT ROLE

- Of counsel, Hagens Berman Sobol Shapiro LLP
- Practice primarily focuses on identifying and developing securities and derivative actions

#### EXPERIENCE

- Prior to joining Hagens Berman, he worked as a partner at law firms practicing primarily in securities and derivative litigation. Rob also owned his own firm within the same practice areas.
- While in law school, Rob interned with the United States Securities and Exchange Commission and worked for two prominent securities class action firms.
- Before attending law school, Rob worked for several years as an institutional sales trader for a boutique Wall Street investment bank where he specialized in analyzing and trading bank-issued securities with the firm's institutional investor clients.

#### LEGAL ACTIVITIES

- Rob served as a voluntary discovery referee for the California Superior Court for the county of Marin to help minimize judicial resources during discovery disputes.

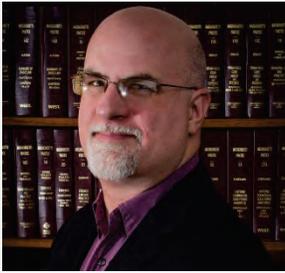
#### NOTABLE CASES

Matters on which Rob has worked and helped investors, corporations and a bankruptcy trustee to obtain significant recoveries include the following:

- In re Equitec Rollup Litigation*, No. C-90-2064 (N.D. Cal.)
- In re Prison Realty Securities Litigation*, No. 3:99-0452 (M.D. Tenn.)
- In re Digex, Inc. Shareholders Litigation*, C.A. No. 18336 (Del. Ch.)
- Isco v. Kraemer*, No. CV 95-08941 (Super. Ct., Maricopa Co., Ariz.)
- Saito v. McKesson HBOC, Inc.*, No. 376, 2001 (Del.)
- Saito v. McCall (Del. Ch.) Scheonfeld, et al. v. XO Communications, Inc.*, No. 01-018358 (N.Y. Sup. Ct., Nassau County)
- In re Salomon Analyst Litigation (S.D.N.Y.) Hermerding v. Tripathi, et al.*, Adv. No. 09-5004 (Bankr. N.D. Cal.)

#### PERSONAL INSIGHT

Rob's interests include motorcycling, hiking, his wife-imposed sous chef duties (she wasn't wild about Rob's fried avocados) and frequent visits to family in northern Germany.



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#### BAR ADMISSIONS

- Massachusetts

#### COURT ADMISSIONS

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

#### EDUCATION

## HARVARD LAW SCHOOL

Harvard Law School, J.D.,  
magna cum laude, 1993

Harvard Legal Aid Bureau,  
Student Representative on  
Committee on Clinical Education



**HARVARD**  
UNIVERSITY

Harvard College, B.A., East Asian  
Languages and Civilizations,  
cum laude, Phi Beta Kappa, 1990

#### OF COUNSEL

## James J. Nicklaus

During his legal career, Mr. Nicklaus has represented clients in antitrust, securities fraud, product liability and patent litigation.

#### CURRENT ROLE

- Of Counsel, Hagens Berman Sobol Shapiro LLP

#### EXPERIENCE

Prior to joining Hagens Berman, Mr. Nicklaus worked for other firms in the Boston area, including representing clients in insurance coverage, product liability and lender liability litigation at Michienzie & Sawin LLC and representing clients in insurance coverage, patent, product liability, antitrust and securities fraud litigation at Willcox, Pirozzolo & McCarthy, P.C. Mr. Nicklaus began his legal career as an associate and junior partner at Hale and Dorr LLP (now WilmerHale).



**OF COUNSEL**

## Hannah Schwarzschild

Hannah has litigated cases involving employee and consumer rights, and now focuses on antitrust claims in the pharmaceutical industry.

**CURRENT ROLE**

- Of Counsel, Hagens Berman Sobol Shapiro LLP
- Practice focuses on consumer and antitrust cases
- Involved in multi-district antitrust litigation involving brand pharmaceutical products, including Zetia, Niaspan and Suboxone, among others

**EXPERIENCE**

Prior to joining Hagens Berman, Ms. Schwarzschild coordinated large-scale litigation projects in Boston and Philadelphia. Over the past 25 years, she has litigated employment and consumer rights cases in federal and state courts and administrative agencies, including jury and bench trials and appeals.

**PUBLICATIONS**

- Same-Sex Marriage and Constitutional Privacy, Berkeley Women’s Law Journal, 1989

**PERSONAL INSIGHT**

Hannah grew up in and around New York City. Before law school, she helped build a community arts facility in San Francisco’s Mission District in the 1980s and worked on nuclear arms control at the Ploughshares Fund. Hannah has been working for LGBT rights and Middle East peace and justice for more than 20 years. She loves noodling around cities and beach towns in search of interesting food, art, wildlife and humans.

[hannas@hbsslaw.com](mailto:hannas@hbsslaw.com)

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**YEARS OF EXPERIENCE**

33

**PRACTICE AREAS**

Antitrust Litigation  
Consumer Rights

**BAR ADMISSIONS**

- California (inactive)
- Pennsylvania

**COURT ADMISSIONS**

- Third Circuit Court of Appeals
- Ninth Circuit Court of Appeals
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of Pennsylvania

**EDUCATION**



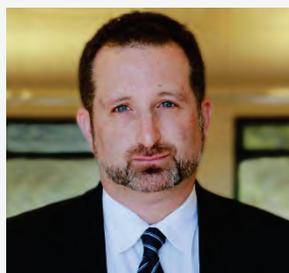
UNIVERSITY OF CALIFORNIA

University of California, Berkeley,  
Boalt Hall School of Law, J.D.,  
1989

AmJur Award, 1988; Best Brief  
Award, Moot Court Competition,  
1987



University of California, Berkeley,  
A.B., History, Phi Beta Kappa,  
1986



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#### YEARS OF EXPERIENCE

14

#### PRACTICE AREAS

Antitrust Litigation  
Class Action  
High Tech Litigation  
Sports Litigation

#### BAR ADMISSIONS

- California

#### COURT ADMISSIONS

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

#### CLERKSHIPS

- Honorable Thomas M. Reavley, Fifth Circuit Court of Appeals

#### EDUCATION

**TEXASLAW**

The University of Texas School of Law, The University of Texas LBJ School of Public Affairs, J.D., M.P.A., Order of the Coif, High Honors, 2007 Articles Editor, Texas Law Review; Texas Law Review Best Litigation Note, Volume 85; Texas Law Public Interest Fellowship; LBJ Foundation Award, First in Class

#### OF COUNSEL

## Benjamin J. Siegel

Mr. Siegel is an experienced litigator with a focus on antitrust law who has represented clients in state and federal courts, on appeals, as well as before arbitrators and governmental agencies, and has achieved significant settlements for clients.

#### CURRENT ROLE

- Of Counsel, Hagens Berman Sobol Shapiro LLP

#### RECENT CASES

- In re College Athlete NIL Litigation*, No. 4:20-cv-03919 (N.D. Cal.)
- Carter v. NCAA et al.*, No. 3:23-cv-06325 (N.D. Cal.)
- In re Optical Disk Drive Prods. Antitrust Litigation*, No. 3:10-md-2143-RS (N.D. Cal.)
- Bartron et al. v. Visa Inc. et al.*, 1:11-cv-01831 (D.D.C.)
- In re NCAA Grant-In-Aid Antitrust Litigation*, 4:14-md-02541-CW (N.D. Cal.)
- In re Resistors Antitrust Litigation*, 5:15-cv-03820-JD (N.D. Cal.)

#### EXPERIENCE

- Following his work at Boies, Schiller & Flexner LLP in 2008-2009, Mr. Siegel has litigated cases on behalf of plaintiffs for the past 14 years.

#### LEGAL ACTIVITIES

- Alameda County Bar Association

#### RECOGNITION

- Northern California Super Lawyers, 2024
- Legal Lion of the Week as part of the litigation team that achieved class certification in *NCAA Student-Athlete Name, Image and Likeness*, Law360, 2023
- Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2021
- Rising Stars, Super Lawyers, 2018

#### PUBLICATIONS

- Constitutional Rights and the Counter-Majoritarian Dilemma, May 15, 2007 (unpublished Master's thesis, University of Texas at Austin)
- Benjamin Siegel, Note, "Applying a 'Maturity Factor' Without Compromising the Goals of the Class Action," 85 Texas Law Review 74, 2007
- Benjamin Siegel et al., "Beyond the Numbers: Improving Postsecondary Success through a Central Texas High School Data Center," LBJ School of Public Affairs, Policy Research Report No. 148, 2005

## Yale University

Yale University, B.A. Political  
Science, cum laude, Phi Beta  
Kappa, 2000

### AWARDS

**Super Lawyers**  
RISING STARS

- Benjamin Siegel, “California Must Protect Health Care for Medi-Cal Children,” 15 Youth Law News 1, 2004
- Jenny Brodsky, Jack Habib and Benjamin Siegel, “Lessons for Long-Term Care Policy, World Health Organization,” Publication No. WHO/NMH7CCL/02.1, 2002
- Jenny Brodsky, Jack Habib, Miriam Hirschfeld and Benjamin Siegel, “Care of the Frail Elderly in Developed and Developing Countries: the Experience and the Challenges,” 14 Aging Clinical & Experimental Research 279, 2002

### PERSONAL INSIGHT

When not working to enforce the nation’s antitrust laws, Mr. Siegel enjoys spending time with his wife and three young children in his hometown of Oakland, California. He also likes playing softball and pick-up basketball with his friends.



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#### YEARS OF EXPERIENCE

20

#### PRACTICE AREAS

[Civil & Human Rights](#)

[Class Action](#)

[Consumer Rights](#)

[Daycare/School Negligence](#)

[Nursing Home/Adult Family](#)

[Home Negligence](#)

[Personal Injury](#)

[Privacy Rights](#)

[Social Work Negligence](#)

[Sports Litigation](#)

#### BAR ADMISSIONS

- Washington

#### COURT ADMISSIONS

- U.S. District Court for the Western District of Washington
- U.S. District Court for the Eastern District of Michigan
- Supreme Court of Washington

#### EDUCATION



**SEATTLE  
UNIVERSITY  
SCHOOL OF LAW**

Seattle University, J.D., 2000,  
Member, Public Interest Law  
Society

#### OF COUNSEL

## Shelby R. Smith

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

#### CURRENT ROLE

- Of Counsel, Hagens Berman Sobol Shapiro LLP
- Prosecutes personal injury cases and class-action cases on behalf of consumers
- Currently represents victims against The Weinstein Company, Harvey Weinstein and related companies for racketeering and sexual assault
- Currently represents current and former students of the University of Southern California in a class-action lawsuit against the university and Dr. George Tyndall for his alleged decades-long sexual abuse of patients
- Continues to represent victims of domestic violence and sexual assault to obtain protection orders so that their abusers cannot have any contact with them
- Also represents crime victims who wish to keep their counseling records private during criminal proceedings

#### EXPERIENCE

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

#### LEGAL ACTIVITIES

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

#### NOTABLE CASES

- [Volkswagen Emissions Defect Litigation](#)
- [Mercedes BlueTEC Emissions Litigation](#)
- [GM Ignition Switch Recall](#)
- [Corvette Overheating](#)
- [Harvey Weinstein Sexual Harassment RICO](#)
- [USC and Dr. George Tyndall Sexual Abuse](#)

UNIVERSITY *of*  
**WASHINGTON**  
University of Washington, B.A.,  
Sociology, cum laude, 1996

#### PERSONAL INSIGHT

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



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#### YEARS OF EXPERIENCE

18

#### PRACTICE AREAS

[Anti-Terrorism](#)

[Antitrust Litigation](#)

[Civil & Human Rights](#)

[Consumer Rights](#)

[Investor Fraud](#)

[Whistleblower](#)

#### BAR ADMISSIONS

- State of Illinois
- State of New York
- District of Columbia

#### COURT ADMISSIONS

- Supreme Court of the United States
- Second Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- Eleventh Circuit Court of Appeals
- D.C. Circuit Court of Appeals
- U.S. District Court for the District of Columbia
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Central District of Illinois
- U.S. District Court for the Northern District of New York

#### OF COUNSEL

## Nathaniel A. Tarnor

Mr. Tarnor has litigated a wide variety of international legal matters and recovered millions of dollars on behalf of his clients.

#### CURRENT ROLE

- Of Counsel, Hagens Berman Sobol Shapiro LLP
- Concentrates on complex federal litigation including anti-terrorism, antitrust, civil & human rights, class actions, consumer protection, securities and whistleblower representation in conjunction with the U.S. Department of Justice and the U.S. Securities & Exchange Commission

#### EXPERIENCE

- Milberg LLP, New York, NY, 2009-2016
- Previously provided legal assistance to human rights victims from around the world in conjunction with other prominent law firms
- Represented families of American terrorism and torture victims before the U.S. Supreme Court and other federal courts
- Significant international litigation experience involving national security and foreign intelligence matters
- Successfully settled a case on behalf of American terrorism victims against a large multinational corporation for violations of U.S. anti-terrorism laws in Colombia

#### RECOGNITION

- Chicago-Kent International Law Moot Court Honor Society, 2002-2004
- Captain, Chicago-Kent International Law Moot Court Team, 2002-2004
- Highest Oralist Score 2003 Philip C. Jessup International Law Moot Court Regional Competition Chicago-Kent Moot Court Team
- CALI Award Commercial Payment Systems Law

#### PERSONAL INSIGHT

Mr. Tarnor enjoys competing in endurance sports and hiking with his family.

- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York

**EDUCATION**

Chicago-Kent  
College of Law 

ILLINOIS INSTITUTE OF TECHNOLOGY  
Chicago-Kent College of Law, J.D.,  
CALI Award, 2004

 **ILLINOIS**

University of Illinois, B.A., summa  
cum laude, Phi Beta Kappa,  
Milton Ravoche Award, 2000



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#### YEARS OF EXPERIENCE

10

#### PRACTICE AREAS

Consumer Rights  
High Tech Litigation

#### INDUSTRY EXPERIENCE

- Consumer Fraud
- Medical Negligence

#### BAR ADMISSIONS

- Arizona

#### COURT ADMISSIONS

- U.S. District Court for the District of Arizona
- U.S. District Court for the District of Colorado

#### EDUCATION



Arizona State University  
Arizona State University Sandra Day O'Connor College of Law, J.D.



University of Arizona, B.A.,  
Journalism & English Literature

## ASSOCIATE

# Tory Beardsley

Ms. Beardsley has experience in prosecuting a variety of cases, including wrongful death, medical malpractice, negligence, fraud, consumer protection, data breach and bad faith insurance cases.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP
- Ms. Beardsley has experience prosecuting wrongful death, medical malpractice, negligence, negligence per se, intentional and negligent infliction of emotional distress, unjust enrichment, fraud, consumer protection, data breach and bad faith insurance cases.

#### RECENT CASES

- Member of the trial team representing the families of three patients who died after receiving dialysis at DaVita clinics. The case culminated with a \$383.5 million jury verdict.
- Ms. Beardsley has also aided in prosecuting data breach cases litigated by the firm in Arizona.
- Ms. Beardsley has been active in litigation challenging insurers' deliberate underpayments of total loss auto claims — unfair practices that short consumers after serious car accidents when they are often injured and at their most vulnerable. In early 2022, the U.S. District Court for the District of New Jersey granted plaintiffs' motion to certify a class of New Jersey consumers challenging GEICO's use of improper adjustments to lower payments and its failure to pay substantial taxes and fees owed.
- Ms. Beardsley is also a part of the Hagens Berman litigation team challenging several auto insurers' failure to pay stacked coverages for accidents involving uninsured or underinsured motorists. In 2023, Hagens Berman obtained a unanimous decision from the Arizona Supreme Court that people injured by underinsured motorists in Arizona have the right to add together (or "stack") insurance coverages for multiple vehicles under a single insurance policy.

#### RECENT SUCCESS

- In June 2018, Ms. Beardsley was on the trial team where a Denver jury awarded a monumental \$383.5 million jury verdict against GranuFlo dialysis provider, DaVita Inc. culminating lawsuits brought by families of three patients who suffered cardiac arrests and died after receiving dialysis treatments at DaVita clinics. Each of the three parties was awarded \$125 million in punitive damages from the jury, with compensatory damages ranging from \$1.5 million to \$5 million.

#### EXPERIENCE

- Prior to beginning her litigation career at Hagens Berman, Ms. Beardsley specialized in land use and development with other firms in the Phoenix area, working closely with the local municipalities and politicians to gain approval on proposed

developments and ensure developments compliance with city code and zoning ordinance.

#### **ACTIVITIES**

- Chair and member, Herberger Young Leadership Board

#### **RECOGNITION**

- Rising Star, Super Lawyers, 2024

#### **PERSONAL INSIGHT**

In her free time, Tory is usually outside and on the move. A native Phoenician, Tory enjoys exploring all that Arizona has to offer with her dog, Bruce, whether it be via off-roading, hiking, swimming or trail running.

**ASSOCIATE****Jacob Berman**

Whether in his legal practice or volunteer work, Jake dedicates his time to helping those who need it most.

**CURRENT ROLE**

- Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- Prior to joining Hagens Berman, Jake worked on personal injury matters at Robinson Calcagnie Inc. where he represented plaintiffs in numerous catastrophic injury cases and managed all aspects of the case from client onboarding to settlement. Jake conducted and defended depositions in personal injury cases and mass torts and planned and implemented a strategy to retain stronger personal injury cases for the firm. He also drafted complaints, discovery motions, pre-trial motions and assisted in trial preparation.
- Previously, he worked as a law clerk for the Los Angeles District Attorney, Victim Impact and Juvenile Unit where he conducted juvenile adjudication hearings, including direct and cross examination, presenting evidence, and arguing motions to dismiss and suppress. He also conducted felony preliminary hearings, including direct and cross examination, and presenting evidence.
- Jake was also a summer associate at prominent plaintiffs firms where he drafted arguments for opposition to motion for summary judgment in a consumer auto-defect class-action case, reviewed exhibits and organized deposition questions to depose opposing counsel's defense experts and composed jury instructions in an auto-defect class-action case and product defect class-action case. Jake also has experience writing research memoranda on topics such as appeals bonds, class certification and summary judgment.

**RECOGNITION**

- Published OCTLA Magazine, Volunteer Outreach in Communities Everywhere, Most Valuable Worker Award, 2008

**PERSONAL INSIGHT**

Jake Berman was born and raised in the Seattle area. He has a passion for coaching sports and being active in the outdoors. As a former collegiate cyclist, Jake is constantly competing in new sports or exploring a new trail run.

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**YEARS OF EXPERIENCE**

4

**PRACTICE AREAS**

[Class Action](#)

[Personal Injury](#)

**BAR ADMISSIONS**

- California
- Washington

**COURT ADMISSIONS**

- U.S. District Court for the Northern District of California
- U.S. District Court for the Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Eastern District of Washington

**EDUCATION**

**LOYOLA**  
LAW SCHOOL | LOS ANGELES

Loyola Law School, J.D.,  
May 2018, Hobbs/Poehls  
District Attorney Practicum,  
Consumer Law Society, Member,  
Fall 2014–2018



University of Denver, Denver, CO,  
B.A., Political Science, June 2013



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#### YEARS OF EXPERIENCE

6

#### PRACTICE AREAS

Personal Injury

#### BAR ADMISSIONS

- Arizona
- Washington

#### COURT ADMISSIONS

- Ninth Circuit Court of Appeals
- U.S. District Court for the District of Arizona
- U.S. District Court for the Eastern District of Washington
- U.S. District Court for the Western District of Washington

#### EDUCATION



Sandra Day O'Connor College of Law, Arizona State University, J.D., 2016



University of California, Los Angeles, B.A., 2008

#### ASSOCIATE

## James M. Chong

Mr. Chong has experience in litigating a variety of cases including wrongful death, medical malpractice, negligence, fraud, consumer protection, intellectual property and bad faith insurance cases.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP

#### EXPERIENCE

- After law school, Mr. Chong worked at prominent defense firms in Arizona and Washington where he litigated cases related to wrongful death, intellectual property, commercial disputes, legal-malpractice, medical-malpractice, premises liability and automobile accidents.
- Prior to law school, Mr. Chong worked at an intellectual property law firm in Seoul, South Korea, where he edited patent specifications in the areas of mechanical, electrical and chemical engineering. Mr. Chong returned to the same firm as a summer associate after his first year of law school.

#### LANGUAGES

- Korean (conversational)

#### PERSONAL INSIGHT

Mr. Chong enjoys spending time with his wife and twin boys, traveling abroad and cooking.



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#### PRACTICE AREAS

[Antitrust Litigation](#)  
[Class Action](#)  
[Consumer Rights](#)  
[Pharmaceutical Fraud](#)

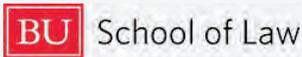
#### BAR ADMISSIONS

- Massachusetts

#### COURT ADMISSIONS

- First Circuit Court of Appeals
- U.S. District Court for the District of Massachusetts

#### EDUCATION



Boston University School of Law,  
J.D.



Boston University, B.A.

#### ASSOCIATE

## Rachel Downey

Ms. Downey is committed to preventing fraud and abuse in the pharmaceutical industry to ensure access to affordable prescription drugs.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP
- Rachel's practice focuses on pharmaceutical antitrust class-action litigation.
- She is a core member of the team litigating *In re Zetia (Ezetimibe) Antitrust Litigation*, MDL No. 2836 (E.D. Va.), a federal antitrust lawsuit against Merck and Glenmark alleging the two unlawfully agreed to delay access to generic ezetimibe for years, resulting in billions in overcharges to purchasers.
- Ms. Downey has also been instrumental in preparing settlement-related filings for and administering large class-action settlements. Most recently, she was part of the team securing a \$483.85M settlement on behalf of the direct purchaser class in *In re Glumetza Antitrust Litigation*, the largest U.S. antitrust settlement in 2022.

#### RECENT CASES

- *In re Zetia (Ezetimibe) Antitrust Litigation*
- *Staley v. Gilead Sciences, Inc. (Gilead)*
- *Government Employees Health Association v. Actelion Pharmaceuticals, Ltd.* (Tracleer)
- *In re Glumetza Antitrust Litigation*

#### PRO BONO

- Volunteer Lawyers Project of the Boston Bar Association (VLP)

#### PRO BONO

- Member, American Association for Justice

#### PERSONAL INSIGHT

For a month during her college years, Rachel lived in the Amazon.



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#### PRACTICE AREAS

Antitrust Litigation  
Class Action

#### BAR ADMISSIONS

- California

#### EDUCATION

**Berkeley Law**

University of California, Berkeley,  
School of Law, J.D., Order of the  
Coif, Order of the Barristers, 2023

**SCRIPPS**  
THE WOMEN'S COLLEGE • CLAREMONT

Scripps College, B.A. in Public  
Policy — Politics with honors,  
magna cum laude, 2018

#### ASSOCIATE

## Sarah Dupree

Sarah works to promote fair markets through antitrust and class action litigation on behalf of consumers.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP

#### EXPERIENCE

- Sarah previously worked as a summer associate at another leading plaintiff-side firm and as a judicial extern to the Honorable Jed S. Rakoff in the U.S. District Court for the Southern District of New York.
- Sarah attended U.C. Berkeley School of Law, where she was a member of the Trial Competition Team and served as the submissions editor of the Berkeley Journal of Gender, Law & Justice.

#### PRO BONO

- During law school, Sarah secured a victory for her client in a prisoner civil rights case before the Ninth Circuit Court of Appeals.

#### PERSONAL INSIGHT

Sarah is an avid mountain biker, skier and podcast listener. She grew up in Seattle and enjoys visiting her family and friends in the Pacific Northwest, especially in the summer.



**ASSOCIATE**  
**Nathan Emmons**

Nathan is dedicated to advocating for his clients in class actions and other complex litigation against powerful corporations.

**CURRENT ROLE**

- Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- Prior to Hagens Berman, Nathan worked as an associate at another plaintiff-side firm focusing on prosecuting class actions and other complex litigation in district and appellate courts, including ERISA and other fiduciary breaches, biometric privacy and False Claims Act violations.
- As a law clerk to the Honorable Sarah E. Pitlyk in the U.S. District Court for the Eastern District of Missouri, Nathan drafted memoranda and orders in various actions related to business contract disputes, anti-trust, intellectual property, insurance, employment, civil rights and class actions.

**PRO BONO**

- Nathan has secured criminal expungements on behalf of clients seeking new employment, professional certifications, and the removal of the stigma associated with a criminal conviction.

**ACTIVITIES**

- From 2019 to 2021, Nathan was the Board President of The SoulFisher Ministries, a non-profit organization that responds to the needs of youth with incarcerated parents and promotes restorative justice for currently and formerly incarcerated women.

**LANGUAGES**

- Spanish
- German

**PERSONAL INSIGHT**

Outside of his law practice, Nathan enjoys traveling, exercise, board games and rooting for the St. Louis Cardinals.

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**BAR ADMISSIONS**

- Illinois
- Missouri

**COURT ADMISSIONS**

- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Eastern District of Missouri
- U.S. District Court for the Western District of Missouri

**CLERKSHIPS**

- Judge Sarah E. Pitlyk, U.S. District Court for the Eastern District of Missouri, 2020

**EDUCATION**



University of Pennsylvania Law School, J.D., 2017



University of Pennsylvania, B.A., 2013, summa cum laude



**ASSOCIATE**  
**Kelly Fan**

Kelly is dedicated to promoting fair and free markets and advocating for consumers in diverse commercial litigation contexts.

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**BAR ADMISSIONS**

- California
- Washington

**CLERKSHIPS**

- Honorable Anna M. Joyce, Oregon Court of Appeals, 2022-2023
- Honorable Bronson D. James, Oregon Court of Appeals, 2021-2022

**EDUCATION**

**SCHOOL OF LAW**  
**UNIVERSITY of WASHINGTON**  
University of Washington  
School of Law, J.D., 2020,  
Order of the Coif

**CURRENT ROLE**

- Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- Before joining Hagens Berman, Kelly clerked for the Oregon Court of Appeals, and prior to that, she worked as an associate at a litigation boutique in Seattle, where she gained experience in complex commercial litigation and international arbitration.
- During law school, Kelly served as a law student ambassador for the ABA antitrust law section. She also worked as a summer clerk at the Arizona Attorney General’s Office civil rights division and as a student attorney in the entrepreneurial law clinic.
- Before law school, Kelly interned with the marketing department at Sony Pictures Entertainment in Beijing and worked as a marketing associate at a nonprofit organization in Maryland.

**LANGUAGES**

- Mandarin Chinese

**PERSONAL INSIGHT**

Outside of her law practice, Kelly enjoys downhill skiing, kayaking and hiking with her dog, Friday.



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#### PRACTICE AREAS

Class Action

Pharmaceutical Fraud

#### BAR ADMISSIONS

- Massachusetts
- District of Columbia

#### CLERKSHIPS

- Associate Justice David A. Lowy, Massachusetts Appeals Court, 2018-2019
- Associate Justice Vickie L. Henry, Massachusetts Appeals Court, 2018-2019

#### EDUCATION

 Northeastern University  
School of Law  
Northeastern University School of Law, J.D., 2017

 Tufts University | School of Medicine

Tufts University School of Medicine, M.A., Public Health, 2018



Boston University College of Arts and Sciences, B.A., cum laude, International Relations, 2013

#### ASSOCIATE

## Rebekah Glickman-Simon

Rebekah believes that the legal system should protect and champion the rights of the most vulnerable. She has experience in all stages of litigation.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP
- Counsel for a group of over four dozen law scholars on their amicus submission in the Inflation Reduction Act Medicare Drug Pricing Negotiation cases. This amicus brief explains the constitutionality of government price negotiations and price regulations and argues that Congress should be permitted to regulate drug prices not just for the Medicare program but across the industry. The brief shows that the federal government has long used patents and such use does not violate the Fifth Amendment.

#### EXPERIENCE

- Prior to beginning her litigation career at Hagens Berman, Ms. Glickman-Simon worked on land use, tort, business, trust and family law cases at another firm in Boston
- Before that, she served as a law clerk for Associate Justice David A. Lowy of the Massachusetts Supreme Court and Associate Justice Vickie L. Henry of the Massachusetts Appeals Court
- While completing her law studies at Northeastern University, Ms. Glickman-Simon worked at a Boston domestic violence clinic consulting with clients and preparing direct examinations for restraining order hearings in Dorchester District Court
- She also completed a legal research project at Boston Center for Refugee Health & Human Rights. Ms. Glickman-Simon has been admitted to the Massachusetts state bar and the Washington, D.C. bar

#### PUBLICATIONS

- Co-author, "Women in Islamic Armed Groups," *Journal on Terrorism and Security Analysis*, 2016

#### PERSONAL INSIGHT

Rebekah grew up west of Boston. When not at work, Rebekah enjoys being outside, including mountain biking (at least attempting it) and running while listening to British mystery audiobooks.



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#### PRACTICE AREAS

Antitrust Litigation

#### BAR ADMISSIONS

- Washington

#### EDUCATION

**Berkeley Law**

University of California, Berkeley  
School of Law, J.D., 2022, Order of  
the Barristers

**CLEMSON**

Clemson University, B.S., Political  
Science, magna cum laude, 2012

#### ASSOCIATE

## Joseph M. Kingerski

Joey is committed to challenging corporate wrongdoing and ensuring that plaintiffs have greater economic security.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP

#### EXPERIENCE

- Prior to joining Hagens Berman, Joey attended U.C. Berkeley where he earned a certificate in Law and Technology and served as a technical editor for the Berkeley Technology Law Journal.
- Mr. Kingerski also worked as a summer associate at a firm where he supported its antitrust, intellectual property, and privacy litigation practices.
- During law school, he worked as a veteran law clerk in the Washington State Attorney General's office where he researched and wrote policy memoranda on behalf of veterans throughout the state.
- Prior to law school, Joey served as a nuclear electronics technician on a submarine in the U.S. Navy. He also worked as a mechanic on the Tacoma Link light rail system.

#### LANGUAGES

- Russian (intermediate)

#### CLERKSHIPS

- Judge Deborah L. Boardman, U.S. District Court for the District of Maryland, 2020-2022

#### PERSONAL INSIGHT

Joey is from Sugar Land, Texas but is now happy to call Seattle home. Outside of work, he enjoys trying new restaurants, live music, and skiing at Snoqualmie Pass.



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**PRACTICE AREAS**  
Antitrust Litigation

**BAR ADMISSIONS**  
▪ California

**COURT ADMISSIONS**  
▪ Fourth Circuit Court of Appeals  
▪ U.S. District Court for the Northern District of California  
▪ U.S. District Court for the District of Maryland

**CLERKSHIPS**  
▪ Judge Deborah L. Boardman, U.S. District Court for the District of Maryland, 2020-2022

**EDUCATION**  
**Berkeley Law**  
University of California, Berkeley, School of Law, J.D., pro bono honors with highest distinction, 2020

**DARTMOUTH**  
Dartmouth College, B.A. in Anthropology with minor in English, cum laude, 2017

## ASSOCIATE

# Gayne Kalustian-Carrier

Ms. Kalustian-Carrier is passionate about protecting society's most vulnerable members through her legal practice.

## CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP

## EXPERIENCE

- Worked as a litigation associate at another Bay Area firm, drafting motions, preparing partners for depositions and motions hearings and negotiating settlements
- Served as a law clerk to Judge Deborah L. Boardman in the U.S. District Court for the District of Maryland
- Extern at the Alaska State Public Defender Agency
- Founding coordinator of the Hub for Equity and Administrative Representation at U.C. Berkeley
- Intern at the Disability Law Center of Alaska
- Intern at the American Civil Liberties (ACLU) Disability Rights Program

## PRO BONO

- Worked at the East Bay Community Law Center after her clinical

## PUBLIC SERVICE

- Co-directed the Workers' Rights Disability Law Clinic at Berkeley
- Co-directed the Foster Education Project at Berkeley and served as an education rights holder for a youth with serious mental illness
- Attended Berkeley's Alternative Spring Break program to Fresno, CA, and worked with Kids in Need of Defense and Root and Rebound; co-drafted a public comment to a proposed rulemaking

## CLERKSHIPS

- Judge Deborah L. Boardman, U.S. District Court for the District of Maryland, 2020-2022

## PERSONAL INSIGHT

Gayne enjoys hiking, attending live music events, playing with her dogs and spending time with her partner and family.



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#### YEARS OF EXPERIENCE

8

#### PRACTICE AREAS

[Antitrust Litigation](#)

[Investor Fraud](#)

[Securities](#)

#### BAR ADMISSIONS

- Massachusetts
- New York
- District of Columbia

#### COURT ADMISSIONS

- Fourth Circuit Court of Appeals
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the Western District of New York

#### EDUCATION



**GEORGETOWN  
LAW**

Georgetown University Law  
Center, J.D., 2013



Boston University, B.A.,  
cum laude, International  
Relations, Economics, &  
Mathematics, 2010

#### ASSOCIATE

## Raffi Melanson

As a former government trial attorney, Raffi focuses his legal practice on litigating strategic class-action cases against corporate entities and other bad actors engaged in fraud and deceptive business practices.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP

#### EXPERIENCE

- Prior to joining Hagens Berman, Raffi worked as a law clerk in the District of New Hampshire, drafting judicial orders for judges in complex cases and assisting them with the resolution of novel litigation and trial issues. In this role, he became intimately familiar with how judges work and how courts operate.
- Before clerking, Raffi worked on large price-fixing, market domination and deceptive advertising litigation at a top 100 law firm while maintaining an active criminal defense and immigration pro bono docket.
- After graduating from law school, Raffi served as an assistant attorney general for the District of Columbia, where he investigated and civilly prosecuted corporations engaged in sophisticated financial fraud perpetrated against DC residents.

#### EXPERIENCE

- Magistrate Judge Andrea K. Johnstone, U.S. District Court for the District of New Hampshire, 2021
- Honorable Joseph N. Laplante, U.S. District Court for the District of New Hampshire, 2019-2020

#### INDUSTRY EXPERIENCE

- Pharmaceuticals
- Telecommunications and Media
- Aviation
- Energy

#### PUBLIC SERVICE

- Volunteer, Northern New England Chapter of the Cystic Fibrosis Foundation

#### PERSONAL INSIGHT

Raffi grew up near Cape Cod and has since preferred to live near the coast of a large body of water. Outside of work, he enjoys biking around the city, hiking, listening to comedy and political podcasts, and competing in amateur boxing. During the winter, Raffi shifts to activities best done indoors, such as board games and cooking, but will occasionally venture outside to go snowboarding, if it's not too cold.

**ASSOCIATE****Lauren S. Miller**

Lauren is devoted to her clients through her work advocating for individuals harmed by dangerous pharmaceutical drugs and defective medical devices.

laurenm@hbsslaw.com

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**YEARS OF EXPERIENCE**

8

**PRACTICE AREAS**

Consumer Rights  
Mass Torts  
Personal Injury  
Pharmaceutical Fraud  
Product Liability

**INDUSTRY EXPERIENCE**

- Pharmaceuticals
- Medical Devices

**BAR ADMISSIONS**

- Alabama

**COURT ADMISSIONS**

- U.S. District Court for the Northern District of Alabama
- U.S. District Court for the Middle District of Alabama
- U.S. District Court for the Southern District of Alabama

**EDUCATION**

 **CUMBERLAND**  
SCHOOL OF LAW  
Cumberland School of Law, J.D.,  
2012

**CURRENT ROLE**

- Associate, Hagens Berman Sobol Shapiro LLP
- Court-appointed member of Plaintiffs' Steering Committee in *In re Philips Recalled CPAP, Bi-Level Pap, and Mechanical Ventilator Products Litigation* among 75 applicants; co-chair of science and experts committee.

**EXPERIENCE**

- Court-appointed member of Plaintiffs' Steering Committee in *In re Zantac (Ranitidine) Products Liability Litigation* among 100 applicants; member of bellwether, deposition, discovery, and science and experts committees.
- Prior to joining Hagens Berman, Lauren was an associate at a well-respected plaintiffs' firm in Birmingham, Alabama where she focused on representing individuals harmed by defective pharmaceutical drugs and medical devices. In addition to this work, Lauren also represented clients in consumer fraud and personal injury litigation and advocated on behalf of survivors of sexual assault.
- Lauren was part of a national team that favorably resolved over 500 cases against a well-known medical device manufacturer for individuals injured by the company's defective device.
- She served on the discovery, expert, and Daubert committees for personal injury plaintiffs in *In re Viagra (Sildenafil Citrate) and Cialis (Tadalafil) Products Liability Litigation*.

**LEGAL ACTIVITIES**

- Birmingham Bar Association
- Alabama Association of Justice
- American Association of Justice

**RECOGNITION**

- Ones to Watch, The Best Lawyers in America, 2021-2023
- Women to Watch, Birmingham Business Journal, 2020
- Top Women Attorneys, B-Metro Magazine, 2019, 2020
- Mid-South Rising Star, Super Lawyers, 2019, 2020
- Top 40 Under 40, The National Trial Lawyers, 2017-2019
- Birmingham Top Attorney Rising Star, Birmingham Magazine, 2017



Middle Tennessee State  
University, B.S in Public Relations,  
2009

#### NOTABLE CASES

- *In re Zantac (Ranitidine) Products Liability Litigation*, U.S. District Court, S.D. Fla., Case No. 9:20-md-02924

#### PERSONAL INSIGHT

Lauren was born in California, spent most of her childhood in Arkansas, and took a slight detour to Tennessee before coming to Alabama for law school. When she is not practicing law or spending time with her two daughters, Lauren enjoys hiking, boxing and painting.

**ASSOCIATE****Claudia Morera**

Ms. Morera is passionate about defending vulnerable populations, such as workers in low-wage jobs, from abuse and exploitation.

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**BAR ADMISSIONS**

- Massachusetts

**COURT ADMISSIONS**

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

**EDUCATION**

 **Northeastern University  
School of Law**  
Northeastern University School of  
Law, J.D., 2021



Boston University, B.A., 2015

**CURRENT ROLE**

- Associate, Hagens Berman Sobol Shapiro LLP
- Member of HBSS team representing a group of over four dozen law scholars on their amicus submission in the Inflation Reduction Act Medicare Drug Pricing Negotiation cases. This amicus brief explains the constitutionality of government price negotiations and price regulations and argues that Congress should be permitted to regulate drug prices not just for the Medicare program but across the industry. The brief shows that the federal government has long used patents and such use does not violate the Fifth Amendment.

**EXPERIENCE**

- Prior to joining Hagens Berman, Lauren was an associate at a well-respected plaintiffs' firm in Birmingham, Alabama where she focused on representing individuals harmed by defective pharmaceutical drugs and medical devices. In addition to this work, Lauren also represented clients in consumer fraud and personal injury litigation and advocated on behalf of survivors of sexual assault.
- Lauren was part of a national team that favorably resolved over 500 cases against a well-known medical device manufacturer for individuals injured by the company's defective device.
- She served on the discovery, expert, and Daubert committees for personal injury plaintiffs in *In re Viagra (Sildenafil Citrate) and Cialis (Tadalafil) Products Liability Litigation*.

**LEGAL ACTIVITIES**

- Hispanic National Bar Association

**LANGUAGES**

- Spanish (Native)
- French (Fluent)

**PERSONAL INSIGHT**

Claudia was born and raised in Caracas, Venezuela and moved to Brookline, Massachusetts at the age of twelve. Claudia is a podcast aficionado, red wine drinker and lover of languages. She spends her time outside of the office sharing meals with her family, cooking with her partner and complaining about New England weather.

**ASSOCIATE****Chris O'Brien**

Chris became an attorney to fight injustice for those who have been harmed. He has experience in both trial and appellate litigation.

**CURRENT ROLE**

- Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- Prior to joining Hagens Berman Chris was an associate at multiple Boston law firms where he managed discovery, document review, and drafted and filed motions in state and federal court. Most recently, he served as a judicial law clerk to the Honorable Mark V. Green, Chief Justice of the Massachusetts Appeals Court and the Honorable Andrew M. D'Angelo, Associate Justice of the Massachusetts Appeals Court, where he gained experience in both civil and criminal appeals.

**PRO BONO**

- Chris has extensive pro bono experience representing employees in matters related to unemployment compensation. He served as vice president of the Employment Advocacy Project while in law school.
- As a first-year associate, Chris was awarded the recognition of Pro Bono Star for his work with the Innocence Project of California and with undocumented immigrants in ICE custody.

**ACTIVITIES**

- Mr. O'Brien is passionate about access to legal services and is a board member of Nurses for Social Justice, a non-profit organization dedicated to providing medical expert document review and analysis to public defenders and their clients.

**PERSONAL INSIGHT**

Chris grew up in Amherst, MA where he developed an early love for baseball and acoustic music. After graduating from high school Chris became a professional singer and songwriter, and in 2007 he performed live on Garrison Keillor's radio show, A Prairie Home Companion, which caused his album to jump to the fifth spot on iTunes in the singer/songwriter category. His music has been streamed on Spotify nearly 25 million times in more than 120 countries.

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**YEARS OF EXPERIENCE**

4

**PRACTICE AREAS**

Class Action

**BAR ADMISSIONS**

- Massachusetts

**COURT ADMISSIONS**

- Massachusetts Supreme Judicial Court

**CLERKSHIPS**

- Honorable Mark V. Green, Chief Justice of the Massachusetts Appeals Court, 2021-2022
- Honorable Andrew M. D'Angelo, Associate Justice of the Massachusetts Appeals Court, 2022

**EDUCATION**

The University of Pennsylvania  
Carey Law School, J.D., 2018



Harvard University, A.L.B. in  
Extension Studies, 2015



**ASSOCIATE**

## Laura K. Pedersen

Laura is a team player with expertise in legal research and discovery management.

### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP
- Laura supports the firm’s antitrust practice by conducting legal research, supporting discovery projects and assisting with brief writing.

### EXPERIENCE

- Prior to joining Hagens Berman, Laura worked on intellectual property and business matters as an associate attorney, conducting legal research and drafting discovery responses and research memoranda in patent litigation.
- They also have experience in probate litigation, securities and has worked extensively in drafting and filing dispositive motions and appellate briefs; leading discovery strategy; managing document production and supervising paralegal teams in patent, real estate, contract and other cases.

### PRO BONO

- Laura led a team in an extensive six-month Constitutional law research project for the Transgender Law Center.

### PUBLICATIONS

- “Biting the Hand That Feeds You: Interpreting Tesla’s Good Faith Patent Pledge,” UC Davis Business Law Journal, 2016

### LANGUAGES

- Spanish

### PERSONAL INSIGHT

When she’s not handling the firm’s cutting-edge antitrust matters, Laura runs Solarium Art Studio, which specializes in hand-painted nail art. Laura also enjoys welding, comedy improv and traveling.

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#### PRACTICE AREAS

[Antitrust Litigation](#)  
[Consumer Rights](#)

#### BAR ADMISSIONS

- California

#### COURT ADMISSIONS

- Ninth Circuit Court of Appeals
- Tenth Circuit Court of Appeals
- U.S. District Court for the Northern District of California
- U.S. District Court for the Eastern District of California

#### CLERKSHIPS

- Judge Mary Beck Briscoe, Tenth Circuit Court of Appeals, 2016-2017

#### EDUCATION



University of California, Davis  
School of Law, J.D., 2016

**PRINCETON  
UNIVERSITY**

Princeton University, A.B.,  
Intellectual History summa cum  
laude, 2012



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#### PRACTICE AREAS

Civil & Human Rights  
Environmental Litigation

#### BAR ADMISSIONS

- Connecticut
- California (pending)

#### CLERKSHIPS

- Judge Darian Pavli, European Court of Human Rights, 2020-2021
- Judge Hellen Keller, European Court of Human Rights, 2020

#### EDUCATION

**Yale Law School**  
Yale Law School, J.D., 2020



The University of Chicago, B.A.,  
Sociology and Public Policy, 2014

#### LANGUAGES

- French
- Pulaar
- Spanish (intermediate)
- Wolof (beginner)
- Mandarin Chinese (beginner)

#### ASSOCIATE

## Abigail D. Pershing

Abigail is committed to advancing human and civil rights, both in the U.S. and abroad.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP

#### EXPERIENCE

- Prior to joining Hagens Berman, Abigail clerked at the European Court of Human Rights in Strasbourg, France and served as a fellow in the court's Research Division.
- During law school, Abigail worked as a summer associate with Accountability Counsel, Blue Ocean Law, Médecins Sans Frontières and the Mississippi Center for Justice. She was a student director for the Lowenstein International Human Rights Clinic and for the HAVEN Medical-Legal Partnership. She was also an editor for the Yale Law Journal.
- Before law school, Abigail served with the Peace Corps in Kolda, Senegal, as a health volunteer. Her primary focus was reducing malaria mortality rates.

#### PUBLICATIONS

- Zachary D. Liscow & Abigail D. Pershing, "Why Is So Much Redistribution In-Kind and Not in Cash? Evidence from a Survey Experiment," *Nat'l Tax J.*, forthcoming
- Hellen Keller & Abigail D. Pershing, "Climate Change in Court: Overcoming Procedural Hurdles in Transboundary Environmental Cases," *Eur. Convention on Human Rights L. Rev.*, forthcoming
- Zachary Liscow & Abigail Pershing, "A New Way to Increase Economic Opportunity for More Americans", *The Hill*, Jan. 21, 2021
- Abigail D. Pershing, "Interpreting the Outer Space Treaty's Non-Appropriation Principle: Customary International Law from 1967 to Today," *44 Yale J. Int'l L.* 149, 2019
- Abigail D. Pershing, "Empty Schoolyards: The Impact of Elementary School Closures on Chicago Communities," *1 Chi. J. Soc.* 99, 2014

#### PRESENTATIONS

- Abigail D. Pershing, "Increasing Malaria Detection with Community Health Workers: A Case Study from Southern Senegal," Global Health and Innovation Conference at Yale University, Apr. 15, 2018.

#### PERSONAL INSIGHT

Abigail enjoys traveling, bike trips, playing the piano and meeting new people. Once or twice a year, she attempts to bake fancy cakes that are way beyond her pastry-making skill level.



**ASSOCIATE**

# Daniel Polonsky

Daniel is determined to deter corporate abuses of power and effect systemic change through litigation.

**CURRENT ROLE**

- Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- Prior to joining Hagens Berman, Mr. Polonsky served as a law clerk for Justice Dalila Argaez Wendlandt of the Massachusetts Supreme Judicial Court and Judge Patti B. Saris of the U.S. District Court for the District of Massachusetts.
- While completing his legal studies, Mr. Polonsky represented clients at various stages of disability benefits appeals as a clinical student in the Safety Net Project of the Legal Services Center of Harvard Law School. One of his clients received a fully favorable decision on the record.
- Mr. Polonsky worked as a summer law intern for the American Civil Liberties Union of Massachusetts, conducting legal research for ongoing litigation regarding mass incarceration and immigration.
- As a clinical intern for the Civil Rights Division of the Office of the Attorney General for the Commonwealth of Massachusetts, Mr. Polonsky worked on housing discrimination litigation and researched case law on administrative exhaustion.
- At the Constitutional Accountability Center, Mr. Polonsky worked as a summer law intern, researching and writing on litigation topics including statutory interpretation and legislative intent in civil rights suits, along with standing and jurisdiction issues.
- Prior to law school, Mr. Polonsky worked at a non-profit college-prep program, helping high school students from underserved communities using a law-based curriculum.

**PUBLICATIONS**

- "Equal Protection Through State Constitutional Amendment," 56 Harvard Civil Rights-Civil Liberties Law Review 413, 2021

**PERSONAL INSIGHT**

Outside of work, he goes to the theater whenever he can, and spends the rest of his time reading science fiction, cooking new gluten-free recipes with his wife and rewarding their cat's requests for playtime.

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**BAR ADMISSIONS**

- Massachusetts

**CLERKSHIPS**

- Justice Dalila Argaez Wendlandt, Massachusetts Supreme Judicial Court, 2022-2023
- Judge Patti B. Saris, U.S. District Court for the District of Massachusetts, 2021-2022

**EDUCATION**

**HARVARD  
LAW SCHOOL**  
Harvard Law School, J.D., 2021

**VASSAR**  
Vassar College, B.A., 2015



**ASSOCIATE**

## Peter A. Schaeffer

Mr. Schaeffer has represented clients in class action and complex commercial litigation in areas of securities fraud, consumer protection, product liability and contractual disputes.

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**YEARS OF EXPERIENCE**

8

**BAR ADMISSIONS**

- Illinois

**COURT ADMISSIONS**

- U.S. District Court for the Northern District of Illinois

**EDUCATION**



**VANDERBILT  
UNIVERSITY**

Vanderbilt University Law School,  
J.D., 2013



Tufts University, B.A.,  
magna cum laude, 2008

**CURRENT ROLE**

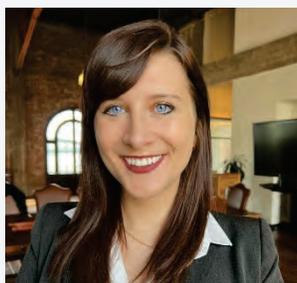
- Associate, Hagens Berman Sobol Shapiro LLP

**EXPERIENCE**

- Prior to joining Hagens Berman, Peter was an associate at Latham & Watkins LLP, where he represented clients in class action and complex commercial litigation in areas of securities fraud, consumer protection, product liability and contractual disputes.
- Previously, Mr. Schaeffer was a judicial intern for the Hon. Jeffrey Cole of the United States District Court for the Northern District of Illinois, and also served as a paralegal specialist for the U.S. Department of Justice's antitrust division.

**PERSONAL INSIGHT**

Originally from the Chicagoland area, Mr. Schaeffer enjoys jogging along the 606 trail, partaking in the city's brewery scene, and spending time with his wife and young dog, Wolfie.



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#### YEARS OF EXPERIENCE

5

#### PRACTICE AREAS

Class Action

#### BAR ADMISSIONS

- Arizona
- New York
- Texas

#### COURT ADMISSIONS

- U.S. District Court for the District of Arizona
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Eastern District of Texas

#### EDUCATION

**M MICHIGAN LAW**  
UNIVERSITY OF MICHIGAN  
University of Michigan Law  
School, J.D., 2018

**A THE UNIVERSITY OF ARIZONA**  
University of Arizona, B.S.B.A.,  
Finance, summa cum laude  
with honors, 2013

#### ASSOCIATE

## Alisa V. Sherbow

Ms. Sherbow brings her deep knowledge of commercial, employment, insurance subrogation and tax law to the fight for consumer rights via fraud, consumer protection and mass tort litigation.

#### CURRENT ROLE

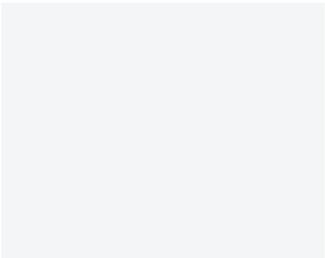
- Associate, Hagens Berman Sobol Shapiro LLP

#### EXPERIENCE

- Ms. Sherbow worked in the field of insurance subrogation as part of a national multi-firm team handling large high-profile catastrophic loss mass tort cases in California, Washington, Oregon, Colorado and Maui. Many of these high-profile cases were recognizable wildfires litigated against power companies.
- Prior to subrogation, Ms. Sherbow worked as a labor and employment attorney in Scottsdale, Arizona, where she gained experience as a generalist as well, handling transactional cases as well as trusts and estates, breach of contract, and Indian law.
- Ms. Sherbow worked as a Labor and Employment associate at a firm in New York City, where she represented large, high-profile corporate clients in all types of labor and employment matters.
- Ms. Sherbow's deep experience in labor and employment and consumer rights began at a firm in Dallas, Texas, where she worked with the leading attorneys in labor and employment law and learned from the best expert attorneys in the industry on subjects like arbitration, non-competes and trade secrets, discrimination, data privacy, and more.
- Ms. Sherbow started her post-law school legal career in the International Tax group at Deloitte Tax, LLP in Dallas, Texas. At Deloitte, she learned valuable lessons about the impact of taxation on all aspects of business operations – knowledge which she still uses today.
- During law school, Ms. Sherbow spent a summer as a student attorney at the U.S. Securities and Exchange Commission in Washington D.C. Her post was in the Office of Capital Market Trends within the Division of Corporation Finance, where her role was analyzing and assessing new and novel products on the market for purposes of evaluating whether such products fall under the SEC's regulatory oversight.

#### ACTIVITIES

- American Bar
- Association Arizona State Bar
- Ballet Arizona Young Professionals
- Dallas Bar Association Mentorship



**LANGUAGES**

- Russian (written and verbal fluency)
- Russian sign language

**PERSONAL INSIGHT**

Alisa loves University of Michigan football.



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#### YEARS OF EXPERIENCE

9

#### PRACTICE AREAS

Civil & Human Rights  
Class Action  
Employment Litigation  
Personal Injury  
Sexual Abuse & Harassment

#### BAR ADMISSIONS

- Illinois

#### COURT ADMISSIONS

- Supreme Court of the United States
- Seventh Circuit Court of Appeals
- U.S. District Court for the Northern District of Illinois

#### CLERKSHIPS

- Extern for Judge George C. Smith on the Southern District of Ohio

#### EDUCATION



THE OHIO STATE UNIVERSITY  
MORITZ COLLEGE OF LAW  
The Ohio State University  
Moritz College of Law, J.D.,  
cum laude, 2013

#### ASSOCIATE

## Whitney K. Siehl

Ms. Siehl works tirelessly and has achieved millions of dollars in settlements for her clients. Her passion and empathy are unmatched.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP
- Ms. Siehl's Plaintiffs' litigation practice focuses on complex class-action and individual cases in the areas of sexual abuse, sexual harassment, and sports law
- Represents an actress and entertainment industry class against The Weinstein Company, Harvey Weinstein and related companies for racketeering and sexual assault
- Represents students and alumnae of the University of Southern California in a class-action lawsuit against the university and Dr. George Tyndall for his alleged decades-long sexual abuse of patients

#### RECENT SUCCESS

- Played a significant role in a \$4 million settlement for a child who suffered severe and permanent brain damage due to the medical providers' delay in recognizing a placental abruption
- Assisted in a \$3.5 million settlement for a child with a hypoxic-ischemic brain injury that resulted from too much Pitocin and a physician's failure to recognize fetal distress

#### EXPERIENCE

- Prior to joining Hagens Berman, worked as an associate in the Chicago office of a well-respected Plaintiffs' firm representing families and children in birth injury and birth trauma litigation nationwide
- Worked previously at another Chicago firm where she gained experience in all aspects of civil litigation with a focus on medical malpractice and professional liability matters

#### PRO BONO

- In 2017, received an Award for Excellence in Pro Bono Service from the United States District Court for the Northern District of Illinois and the Chicago Chapter of the Federal Bar Association for her dedication to representing underserved individuals in employment discrimination matters

#### ACTIVITIES

- Board Member, PAWS Chicago — the Midwest's largest no-kill animal shelter, 2015-2020
  - TEAM PAWS Marathon Team 2015-present

## Northwestern University

Northwestern University, B.A.,  
2009

### AWARDS

**Super Lawyers**  
RISING STARS

### LEGAL ACTIVITIES

- Women's Bar Association of Illinois
  - Officer Positions:
    - President, 2023
    - First Vice President, 2022-2023
    - Financial Secretary, 2020-2021
    - Recording Secretary, 2019-2020
    - Board of Directors, 2017-2023
- Member, American Association for Justice
- Member, Chicago Bar Association
- Member, Illinois State Bar Association
- Member, Illinois Trial Lawyers Association
  - Member, ITLA Women's Caucus

### RECOGNITION

- 500 X — The Next Generation, Lawdragon, 2023
- Maurice Weigle Exceptional Young Lawyer Award, Chicago Bar Foundation, 2023
- Service Award, Women's Bar Association of Illinois, 2022-2023
- Rising Star, Super Lawyers, 2019-2023
- Excellence in Pro Bono Service, U.S. District Court for the Northern District of Illinois and the Federal Bar Association Chicago Chapter, 2017
- National Champion Team Member, Sutherland Cup National Constitutional Law Moot Court Competition, 2013
- CALI Award for Highest Grade in Legislation Clinic, Dispute Systems Design, and Comparative Legal Professions
- Public Service Fellow with Dean's Special Recognition, The Ohio State University Moritz College of Law, 2013

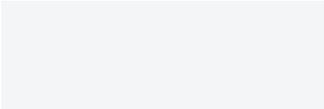
### PUBLICATIONS

- "#Us Too: Gender Inequality in the Legal Profession," American Association for Justice, Birth Trauma Litigation Group Newsletter, February 2018

### PERSONAL INSIGHT

Whitney is an avid golfer and chairs the annual golf outing for the Women's Bar Association of Illinois. At Northwestern, she was a member of the women's golf team. She was previously a member of the Miami University cross country and track teams, where the cross country team was selected as NCAA Academic All-Americans. As a four-sport athlete, Whitney was recently inducted into the Port Clinton High School Athletic Hall of Fame.

She enjoys epic feats of endurance, and was selected to the 2021 Chicago Athlete Magazine Ambassador Team to help inspire busy professionals to live healthier and balanced lives through endurance sports. She also serves as a pace group leader for



Chicago Marathon training. To date, she has completed 11 marathons, a half Iron distance triathlon, and numerous short course triathlons including the 2019 Escape from Alcatraz Triathlon in San Francisco.



**ASSOCIATE**

## Meredith S. Simons

Meredith uses her experience in antitrust law to advocate for consumers who have been overcharged by powerful corporations.

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### YEARS OF EXPERIENCE

6

### BAR ADMISSIONS

- California

### COURT ADMISSIONS

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

### CLERKSHIPS

- Honorable Richard C. Tallman, Ninth Circuit Court of Appeals, 2017-2018

### EDUCATION



Duke University School of Law,  
J.D., summa cum laude, 2017



*The* UNIVERSITY of OKLAHOMA

University of Oklahoma, B.A. in  
Philosophy and International  
Studies, summa cum laude, 2009

### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP

### EXPERIENCE

- Before joining Hagens Berman, Meredith was an associate at a law firm where she represented clients ranging from startups to Fortune 100 companies in nationwide class actions and high-stakes intellectual property matters. In the course of those litigations, Meredith argued in state and federal court, took depositions, conducted discovery and drafted complaints and motions.
- Meredith served as a law clerk to the Hon. Richard C. Tallman of the Ninth Circuit Court of Appeals.
- Prior to law school, Meredith taught fourth grade in New Orleans as part of Teach for America. She also worked as a journalist; her work has appeared in publications including Slate, the Atlantic and the Washington Post.

### PRO BONO

- At her previous firm, Meredith maintained an active and varied pro bono practice. She secured a permanent restraining order on behalf of a domestic violence victim, obtained a favorable result for an immigrant family in deportation proceedings, and advised a non-profit dance company on intellectual property issues.
- During law school, Meredith served as a court-appointed advocate for children in the Durham, North Carolina foster care system.

### PERSONAL INSIGHT

Meredith was raised in Texas, which gives her a real appreciation for Seattle's beautiful summers. When she's not working, Meredith is enjoying Seattle's parks and beaches with her family.



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#### YEARS OF EXPERIENCE

6

#### PRACTICE AREAS

Antitrust Litigation  
Class Action  
Consumer Rights  
Sports Litigation

#### BAR ADMISSIONS

- Washington

#### COURT ADMISSIONS

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

#### EDUCATION



#### ASSOCIATE

## Emilee Sisco

Ms. Sisco is an associate at Hagens Berman and practices in the areas of sports litigation, antitrust and consumer protection. As a former Division I athlete, she has worked on the firm's cases against the NCAA, furthering the rights of college-athletes across the nation.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP

#### RECENT SUCCESS

- Namoff v. Fleishman & Shapiro, P.C. et al.*
- In re National Prescription Opiate Litigation*
- In re NCAA Athletic Grant-In-Aid Cap Antitrust Litigation*
- In re General Motors LLC Ignition Switch Litigation*

#### EXPERIENCE

- Law Clerk for Washington State Office of the Attorney General – Antitrust Division

#### LEGAL ACTIVITIES

- During 2L and 3L years in law school, Ms. Sisco was a fulltime volunteer intern for the WSBA Moderate Means Program. She volunteered more than 250 hours of pro bono service during law school.

#### RECOGNITION

- Legal Lion of the Week as part of the litigation team that achieved class certification in *NCAA Student-Athlete Name, Image and Likeness*, Law360, 2023
- 2021, 2019 Honoree for Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute

#### LANGUAGES

- Latin

#### PERSONAL INSIGHT

Ms. Sisco was a Division I volleyball athlete for the University of Oregon and University of Colorado. She was a member of the U.S. Women's Volleyball A3 team and was also a three-sport varsity athlete throughout high school, earning top 10 state finishes in two events at the WIAA Track & Field Championship.



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#### PRACTICE AREAS

Sports Litigation

#### INDUSTRY EXPERIENCE

- Sports Governance
- Sports Policy and Protocols

#### EDUCATION

##### SCHOOL OF LAW

UNIVERSITY of WASHINGTON

University of Washington School  
of Law, J.D., 2021, Order of  
Barristers



Seattle University, B.A. Political  
Science and Legal Studies,  
summa cum laude, 2015

#### ASSOCIATE

## Stephanie A. Verdoia

Stephanie brings to the firm a deep knowledge of professional sports policies, protocols and governance to enrich Hagens Berman's robust sports law practice.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP
- Ms. Verdoia's practice at the firm's Seattle office focuses primarily on sports litigation, where she applies her deep knowledge of sports governance, policies and protocols to bolster the firm's expansive work in this area of law.

#### EXPERIENCE

- Prior to joining Hagens Berman, Ms. Verdoia interned at Seattle's Legal Voice, where she researched legal issues regarding gender equality by analyzing the interplay between constitutional principles, recently enacted state statutes and prevailing precedent.
- Ms. Verdoia also interned with the legal department at Seattle Sounders FC, where she provided legal research and solutions responding to the evolving developments of the COVID-19 pandemic.

#### RECOGNITION

- Legal Lion of the Week as part of the litigation team that achieved class certification in [NCAA Student-Athlete Name, Image and Likeness](#), Law360, 2023

#### ACTIVITIES

- Her additional experience in professional sports lends itself to the firm's sports litigation practice area. Ms. Verdoia has years of experience in the realm of professional soccer as a midfielder in Norway's Toppserien top division soccer and with the National Women's Soccer League (NWSL) both for the Boston Breakers and most recently the OL Reign (formerly known as Seattle Reign FC).
- During her time in these roles, she trained with the top NWSL team to enhance squad development with the Reign; led Norway's Vålerenga Fotbal Damer to the national championship game; and was one of only 36 women nationally drafted into the professional female league when she began her professional sports career in 2015 with the Boston Breakers.
- Ms. Verdoia has also served as a league representative, helping to take a leadership role in the sport by conducting conversation with key league figures to further players' interests and advance gender equity in sport. She also implemented working standards to create a safer environment and established a framework for a future players association.

#### PERSONAL INSIGHT

As a lifelong soccer player, Stephanie spends her free time coaching youth soccer teams at the OL Reign Academy. She also enjoys camping anywhere in the Pacific Northwest with her fiancé, Shane, and her dog, Stevie.



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#### PRACTICE AREAS

- Antitrust Litigation
- Class Action

#### EDUCATION



University of Michigan Law School, J.D. cum laude, 2023



University of Chicago, B.A. with honors, 2018

#### ASSOCIATE

## Sophia Weaver

Sophia brings her diverse experience to fight for access to medical care and access to the justice system.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP
- Counsel for the Center for American Progress and the NAACP on their amicus submission in the Inflation Reduction Act Medicare Drug Pricing Negotiation cases. This amicus brief demonstrates that affordable access to prescription medications is key health equity issue for community of color, the LGBTQ+ community, women and people living with disabilities. The IRA's Medicare drug price negotiation will help to alleviate that unfairness, bringing the United States closer to the goal of achieving health equity.

#### EXPERIENCE

- At Michigan Law, Ms. Weaver worked in criminal defense with the Michigan State Appellate Defenders Office, preparing filings for an appeal regarding the criminalization of speech. She also was a student attorney with the Michigan Innocence Clinic, where she worked with wrongfully convicted clients to reverse their convictions.
- Ms. Weaver worked on issues of LGBTQ+ rights as an intern for Lambda Legal and as the co-director of Michigan Law's OutReach name change clinic, which helped transgender clients change their names in Michigan.

#### PERSONAL INSIGHT

Sophia grew up in Chicago and recently moved to Boston. In her free time, she enjoys exploring Boston, ballroom dancing and painting.



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#### PRACTICE AREAS

Antitrust Litigation  
Class Action  
Consumer Rights

#### BAR ADMISSIONS

- California

#### COURT ADMISSIONS

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

#### CLERKSHIPS

- U.S. District Court for the Eastern District of California, Judge Dale A. Drozd (2020 – 2021)
- U.S. District Court for the Southern District of West Virginia, Judge Joseph R. Goodwin (2016 – 2017)

#### EDUCATION

**Berkeley**  
UNIVERSITY OF CALIFORNIA  
University of California, Berkeley,  
B.A., 2011

#### ASSOCIATE

## Abby Wolf

Abby cares deeply about justice and fairness. Through class actions, she is focused on exposing the truth, holding the powerful accountable and helping consumers fight back against corporate wrongdoing.

#### CURRENT ROLE

- Associate, Hagens Berman Sobol Shapiro LLP

#### EXPERIENCE

- Prior to joining Hagens Berman, Abby was an associate at Lief Cabraser Heimann & Bernstein LLP, where she worked on behalf of cities, counties and Native American tribes in the nationwide opioid litigation. She also represented survivors of the 2017 and 2018 wildfires in California sparked by the negligence of local utility companies.

#### RECOGNITION

- Rising Stars, Super Lawyers, 2023

#### PUBLICATIONS

- “The World Still Looks to California: The CalECPA as a Model Step for Privacy Reform in the Digital Age,”* The Journal of Law and Technology at Texas. (Aug. 1, 2017)

#### PRESENTATIONS

- Mass Torts Committee Breakout: “Public Nuisance Law and Its Impact on the Opioid Litigation and Future Mass Torts,” Panelist (Jan. 31, 2020)

#### PERSONAL INSIGHT

When not practicing law, Abby enjoys yoga, baking and spending time with her pet rabbit, Ralphie.



University of California, Davis  
School of Law, King Hall, J.D.,  
2016